

THE MICHIGAN CIVIL RIGHTS COMMISSION
Cadillac Place
3054 W. Grand Blvd., Suite 3-600
Detroit, MI 48202

MICHIGAN DEPARTMENT OF CIVIL RIGHTS,
[REDACTED],
Claimant,

MDCR No: [REDACTED]
MOAHR No: _____

v.

Michigan Department of Corrections,
Respondent.

_____ /

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CHARGE OF DISCRIMINATION

The certified complaint of Claimant, [REDACTED], filed with the Michigan Department of Civil Rights (MDCR), alleges that Respondent, The Michigan Department of Corrections (MDOC), unlawfully discriminated against Claimant by subjecting Claimant to unequal service, on the basis of retaliation and religion, thereby depriving Claimant of the full and equal enjoyment of civil rights guaranteed by the constitution and laws of the State of Michigan.

MDCR, in accordance with its own rules and regulations, informed Respondent of these allegations, investigated, and found sufficient grounds for the issuance of a charge. The Department endeavored unsuccessfully to conciliate the matter and now issues this charge.

JURISDICTION

1. At all times pertinent, [REDACTED] was an individual serving a sentence of imprisonment at one of Respondent's facilities.
2. At all times pertinent, [REDACTED] was an individual protected from unlawful discrimination under the Elliott-Larsen Civil Rights Act ("ELCRA"), Public Act 453 of 1976, as amended.
3. The Respondent, Michigan Department of Corrections (MDOC) is a place of public service subject to ELCRA, Public Act 453 of 1976, as amended, by virtue of its status as a department operated by and on behalf of the state of Michigan.
4. On May 29, 2024, [REDACTED] filed a timely MDCR certified complaint # [REDACTED] within the 180-day statute of limitations required by the Michigan Civil Rights Commission Rule 37.4(6). See Exhibit 1, Certified Complaint # [REDACTED].
5. The MDCR has jurisdiction to investigate, issue charges, and hold hearings on complaints alleging a violation of the ELCRA, Public Act 453 of 1976, as amended.

STATEMENT OF FACTS

6. MDCR realleges and incorporates by reference all of the allegations in the preceding paragraphs as if fully set forth herein.

7. [REDACTED] is an individual who practices the principles of Islam and identifies as a Muslim.
8. At all times pertinent, Respondent was aware [REDACTED] was an individual who practices the principles of Islam and identifies as a Muslim.
9. In 2019, [REDACTED] filed a complaint with MDCR, hereinafter referred to as “2019 MDCR Complaint”, alleging discriminatory harassment due to religion, race, and [REDACTED] by Respondent’s representatives.
10. In February of 2024 [REDACTED] was transferred to Oaks Correctional Facility.
11. In March of 2024, while at Oaks Correctional Facility, [REDACTED] was participating in the Muslim religious fasting practice known as Ramadan, which began on or around March 10, 2024.
12. Ramadan requires participants to fast from all food and drinks from dawn until sunset.
13. Respondent’s representatives at Oaks Correctional Facility had been providing [REDACTED] [REDACTED] with Ramadan drinks and meals after sunset.
14. On March 22, 2024, [REDACTED] received a directive to go to the control room of Oaks Correctional Facility where both Respondent officers and staff were working.
15. In the full view of those present in the control room, [REDACTED] signed a three-way settlement agreement for his 2019 MDCR Complaint.
16. The three-way settlement was between Respondent, the MDCR, and [REDACTED]
17. After [REDACTED] signed the settlement agreement the document was scanned by Oaks Correctional Facility staff and sent to MDOC Legal Affairs. See Exhibit 2, Responses from Litigation Analyst at Oaks Correctional Facility.

18. [REDACTED] signing the MDCR settlement was a protected activity.
19. Two days after signing the settlement, on March 24, 2024, [REDACTED] was ordered by Respondent's officers at Oaks Correctional Facility to go to segregation and provide a urine sample for drug testing.
20. Respondent's representatives Sergeant [REDACTED], Corrections Officer [REDACTED], and Sergeant [REDACTED] all played a role in the decisions and actions affecting [REDACTED] on March 24, 2024.
21. On March 24, 2024, Respondent's representative, Sergeant [REDACTED], ordered [REDACTED] to segregation and to provide a urine sample. See page five of Exhibit 3, Respondent Logs for Oaks Correctional Facility on March 24, 2024.
22. Respondent's representative, Sergeant [REDACTED], made the order sending [REDACTED] to segregation to be drug tested even though Respondent Policy 03.03.115 T stipulates "testing of offenders shall be for cause" and [REDACTED] had no misconducts or behavior indicating he was involved in drug usage. See Exhibit 4, Respondent policy 03.03.115. See Exhibit 5, Respondent response to request for production dated July 16, 2025. Also see Exhibit 3 page 9, Respondent logs.
23. At approximately 13:42, [REDACTED] was stripped searched, placed in a shower, and ordered to produce a urine sample. See Exhibit 6, Correction Officers [REDACTED]'s statement to Hearings Investigator on March 24, 2024. Also see Exhibit 5, Respondent response to request for production dated July 16, 2025.
24. Upon being ordered to provide a urine sample, [REDACTED] informed officers that he had been fasting for Ramadan, was currently dehydrated, and requested additional

time for providing a urine sample. See Exhibit 7, Claimant grievance dated March 24, 2024.

25. Respondents' representatives denied [REDACTED]' request for additional time to produce a urine sample.
26. Respondent's representative, Corrections Officer [REDACTED], was the officer monitoring [REDACTED] in the segregation shower.
27. Corrections Officer [REDACTED], after providing [REDACTED] with a single cup of water, ordered Claimant to continue hydrating using hot water from the shower to produce a urine sample.
28. [REDACTED] used the hot shower water to try to hydrate himself enough to produce a urine sample.
29. Officer [REDACTED] wrote [REDACTED] a Class 1 Misconduct when [REDACTED] did not produce a urine sample after an hour and approximately eight minutes. See Exhibit 6, Correction Officers [REDACTED]'s statement to Hearings Investigator on March 24, 2024.
30. Shortly after being issued a Class 1 Misconduct, [REDACTED] produced a urine sample. See Exhibit 6, Correction Officers [REDACTED]'s statement to Hearings Investigator on March 24, 2024.
31. [REDACTED] urine sample was tested and came back "clean" or negative for drug use. See Exhibit 8, March 24, 2024, Misconduct Report for Claimant.
32. Respondent's representative, Sergeant [REDACTED], reviewed the misconduct issued to [REDACTED] and although the misconduct noted a urine sample was provided and tested negative, Sergeant [REDACTED] revoked the bond for [REDACTED]

because he allegedly “refused to submit to a urine analysis.” See Exhibit 8, March 24, 2024, Misconduct Report for Claimant.

33. [REDACTED] filed a grievance the same day on March 24, 2024, stating, in part “The inmate informed staff that he was Muslim, currently dehydrated as a result of participating in Ramadan and begged for just a few more minutes. However, C/O [REDACTED] gave the Muslim inmate a direct order to break his religious fast and drink hot shower water. The inmate complied and submitted the drug test, which was clean at 15:10. However, Sgt. [REDACTED] informed the inmate that the negative drug test didn’t matter, Muslims don’t receive accommodations, and advocates belong in the hole!” See Exhibit 7, Grievance.
34. After having his bond revoked, [REDACTED] was held in segregation for approximately ten days.
35. For the first three days of segregation [REDACTED] was denied Ramadan meals.
36. [REDACTED] Ramadan meals only resumed after he asserted he was on a hunger strike.
37. While in segregation [REDACTED] was under increased stress and subjected to being housed with people with severe mental illness who yelled at each other and threw bodily fluids on each other.
38. While in segregation [REDACTED] wrote multiple grievances and attempted to send messages to the Warden, Chaplin, and several other officials within Oaks Correctional Facility, for the purpose of notifying them of what happened and to request their help.

39. As a result of being sent to segregation [REDACTED] loss much of the little property he had which included in part, a tv, headphones, beard trimmers, and Nike shoes.
40. [REDACTED] was released from segregation, after approximately ten days, when a MDOC hearing officer found [REDACTED] was not guilty of misconduct. See Exhibit 9, Class I Misconduct Hearing Report for [REDACTED]
41. One of the reasons the MDOC hearing officer found [REDACTED] was not guilty of misconduct is because MDOC healthcare personnel, [REDACTED], indicated it was probable for an individual, like Claimant who was fasting for Ramadan, to take longer to produce a urine sample because of dehydration. See Exhibit 9 page two, Class I Misconduct Hearing Report for [REDACTED]
42. Respondent failed to produce a reason or provide information or documentation to support why [REDACTED] was initially ordered by corrections officers to go to segregation and submit to a drug test. See Exhibit 5, Respondent response to request for production dated July 16, 2025. Also see Exhibit 3, Respondent logs.
43. Documents from Respondent indicate that [REDACTED] cell was searched on March 24, 2024, after [REDACTED] was ordered to segregation, but nothing in the documents indicate anything was found in [REDACTED] cell. See Exhibit 5, Respondent response to request for production dated July 16, 2025. Also see Exhibit 10, Respondent room search records March 24, 2024.
44. Only two other incarcerated people in Claimant's housing unit were drug tested on March 24, 2024. See Exhibit 5, Respondent response to request for production dated July 16, 2025. Also see Exhibit 3, Respondent logs.

45. One of the incarcerated people tested for drugs was the cellmate of [REDACTED] [REDACTED]. See Exhibit 5, Respondent response to request for production dated July 16, 2025. Also see Exhibit 3, Respondent logs.
46. Like [REDACTED] [REDACTED] provided a urine sample that came back “clean” or negative for drug use.
47. Unlike [REDACTED] after [REDACTED] provided a “clean” urine sample [REDACTED] was permitted to return to his housing unit. See Exhibit 5, Respondent response to request for production dated July 16, 2025. Also see Exhibit 3, Respondent logs.
48. Respondents’ representatives did not provide any documentation that indicated Claimant’s roommate had misconducts or exhibited behavior that would require [REDACTED] to be ordered to segregation and tested for drugs. See Exhibit 3, Respondent logs.
49. The third incarcerated individual drug tested on March 24, 2024, is identified in Respondent’s logs as [REDACTED] and is noted in Respondent’s logs as being ordered to segregation for drug testing after actions of “staff assault,” “verbal abuse,” resistance to Respondent staff, and “attempting to swallow” something suspected as drugs. See Exhibit 3 page 2 and 5, Respondent logs.
50. [REDACTED]’s drug test came back positive for drugs and [REDACTED] was held in segregation. See Exhibit 3 page 8, Respondent logs. Also see Exhibit 5, Respondent response to request for production dated July 16, 2025.

51. Of the three people who were ordered to segregation and tested for drugs on March 24, 2024, [REDACTED], is the only one who was held in segregation after submitting a negative or “clean” urine sample.
52. [REDACTED] is also the only one of the three who identified as a Muslim and participated in a known protected activity. See Exhibit 5, Respondent response to request for production dated July 16, 2025.
53. On May 29, 2024, Claimant filed MDCR certified complaint # [REDACTED]. See Exhibit 1, Certified Complaint.

COUNT 1
UNEQUAL SERVICE - RETALIATION

54. MDCR realleges and incorporates by reference all of the allegations in the preceding paragraphs as if fully set forth herein.
55. Respondent’s representatives retaliated against [REDACTED] when officers ordered [REDACTED] to segregation, required him to submit to a drug test, and held him in segregation for approximately ten days after he produced a negative urine sample. All this occurred two days following [REDACTED]’ participation in the investigation of his 2019 MDCR Complaint.
56. Respondent also retaliated against [REDACTED] by Respondent’s officers ordering [REDACTED] to be drug tested and holding him in segregation for approximately ten days following his request for additional time to produce a urine sample.
57. ELCRA provides in section 37.2701 Prohibited Conduct:

Two or more persons shall not conspire to, or a person shall not:

(a) Retaliate or discriminate against a person because the person has opposed a violation of this act, or because the person has made a charge, filed a complaint, testified, assisted, or participated in an investigation, proceeding, or hearing under this act.

58. The elements of retaliation are as follows:

A. Claimant engaged in protected activities by filing a claim with MDCR, participating in the investigation of an MDCR claim, and by opposing a violation of the civil rights act.

On March 22, 2024, [REDACTED] engaged in a protected activity when he participated as a party to a settlement of a 2019 MDCR Complaint. The complaint was against Respondent and dealt with allegations of harassment based on race, [REDACTED], and religion. Reviewing and signing the settlement for a MDCR complaint was participation in a civil rights investigation and is a protected activity.

On March 24, 2024, [REDACTED] engaged in a second protected activity when he requested that he be given additional time to produce a urine sample because of dehydration caused by his participation in the religious fasting practice known as Ramadan. Requesting additional time due to fasting for Ramadan, even if it is not required, is a protected activity.

B. Respondent's decision maker(s) knew or reasonably should have known of the protected activity.

On March 22, 2024, Respondent knew or reasonably should have known of the first protected activity, which involved [REDACTED] signing the settlement, because [REDACTED] was required to go to the control room of Oaks Correctional Facility and sign the settlement in full view of all Respondent's officers and staff members in the control room. Respondent's decision makers knew or should have known of the protected activity because they witnessed Claimant signing the settlement. One of Respondent representatives at Oaks Correctional Facility also scanned and sent the signed settlement document to MDOC Legal Affairs. See Exhibit 2, Responses from Litigation Analyst at Oaks Correctional Facility.

On March 24, 2024, Respondent representatives knew or reasonably should have known of the second protected activity, which involved [REDACTED] requesting additional time to produce a urine sample due to dehydration caused by Ramadan fasting, because [REDACTED] made the request directly to Respondent's officers Sergeant [REDACTED], Sergeant [REDACTED], and Corrections Officer [REDACTED]. See Exhibit 7, Claimant Grievance. Claimant also described his request for additional time due to dehydration in a grievance he gave to Respondent's representatives on March 24, 2024. See Exhibit 7, Claimant Grievance. Respondent's decision makers knew or should have known of the protected activity because they were told verbally and received a written account of the request for additional time in writing.

C. That Respondent took an adverse action against Claimant's ability to enjoy goods, services, facilities, privileges, advantages, or accommodations of the public service provided by Respondent.

After signing a MDCR settlement and requesting additional time to produce a urine sample because of dehydration caused by Ramadan fasting, [REDACTED] was sent to segregation, drug tested, issued a misconduct, had his bond revoked, and held in segregation for approximately ten days even though his drug test was negative. See Exhibit 7 Grievance, Exhibit 8 Misconduct, and Exhibit 3 Respondent Logs.

D. There is sufficient evidence to conclude there is a causal connection between Claimant's protected activity and the adverse action taken against Claimant by Respondent.

On March 22, 2024, [REDACTED] signed a settlement agreement resolving his 2019 MDCR Complaint in full view of several of Respondent's representatives. Just two days later, [REDACTED] was ordered by Respondent's representatives to segregation to complete a drug test even though Claimant had been fasting and had no misconducts or behavior indicating he was involved in drugs. See Exhibit 5, Respondent response to request for production dated July 16, 2025. See Exhibit 3, Respondent logs.

On March 24, 2024, and after being taken to segregation, [REDACTED] engaged in a second protected activity when he notified Respondent's representatives of his engagement in Ramadan and noted he was dehydrated because of fasting and requested more time to produce a urine sample. After [REDACTED] failed to produce a urine sample in approximately one hour, Respondent's representatives issued him a Class 1 Misconduct. See Exhibit 7 Grievance and Exhibit 8 Misconduct. Respondent's representative did this even though Policy 03.03.115 S requires consideration to be given for physical conditions, such as dehydration, that may interfere with urination. See Policy PD 03.03.115 attached as Exhibit 4.

Shortly thereafter, when [REDACTED] produced a urine sample, the drug test showed a negative result for any illicit substances. Despite having knowledge of the negative drug test result, Respondent's representative revoked Claimant's bond and held [REDACTED] in segregation for approximately ten days. See Exhibit 8, Misconduct.

Respondent representatives' actions of writing [REDACTED] a misconduct and revoking his bond for not producing a urine sample within one hour and eight minutes is not aligned with Respondent Policy PD 03.03.115 which requires the individual being drug tested to have continuous access to water and for consideration to be given for physical conditions, such as dehydration, that may interfere with urination. See Policy PD 03.03.115 attached as Exhibit 4.

Moreover, of the three individuals who were drug tested on March 24, 2024, only one, [REDACTED], had reasons such as “staff assault,” “verbal abuse,” resistance to Respondent staff, and “attempting to swallow” something suspected as drugs described in Respondent’s logs. See Exhibit 3 page 2 and 5, Respondent logs. No reasons were provided in Respondent’s logs for why Respondent’s representatives drug tested [REDACTED] or his roommate [REDACTED].

Ultimately, [REDACTED]’s drug test was positive for illicit substances and he remained in segregation. [REDACTED]’s drug test was negative for substances, and he was returned to his housing unit. [REDACTED] also had a negative drug test, but he remained in segregation. [REDACTED] was also the only one of the three individuals drug tested on March 24, 2026, who is known to have participated in protected activities. See Exhibit 5 Respondent response to request for production dated July 16, 2025, and Exhibit 7 Grievance.

COUNT 2
UNEQUAL SERVICE - RELIGION

59. Paragraphs 1-58 are incorporated in this count.
60. ELCRA provides in section MCL 37.2302 **Public accommodations or services; prohibited practices.**

Except where permitted by law, a person shall not do any of the following:
(a) Deny an individual the full and equal enjoyment of the goods, services, facilities, privileges, advantages, or accommodations of a place of public

accommodation or public service because of religion, race, color, national origin, age, sex, sexual orientation, gender identity or expression, or marital status.

61. The elements for a violation under MCL 37.2302 based on religion are as follows:

A. Claimant experienced discrimination based on religion.

After approximately two weeks of participating in religious fasting during Ramadan, [REDACTED] was sent to segregation by Respondent's representatives on March 24, 2024, and ordered to be drug tested even though Claimant had no misconducts or behavior indicating he was involved in drugs. See Exhibit 5, Respondent response to request for production dated July 16, 2025. Also see Exhibit 3, Respondent logs.

After being taken to segregation, [REDACTED] requested that he be given additional time to produce a urine sample because of dehydration caused by his participation in the religious fasting practice known as Ramadan. [REDACTED] request was denied, and approximately an hour after the request Respondent's representatives issued [REDACTED] a Class 1 Misconduct, had his bond revoked, and held him in segregation even though he produced a urine sample that tested negative for illicit substances. See Exhibit 8, Misconduct.

Respondent's representatives took these actions even though Respondent Policy 03.03.115 T stipulates "testing of offenders shall be for cause" and Claimant had no misconducts or behavior indicating he was involved in drugs.

See Exhibit 4, respondent policy 03.03.115. See Exhibit 5, Respondent response to request for production dated July 16, 2025. Also see Exhibit 3 page 9, Respondent logs.

B. The discrimination Claimant experienced was by Respondent.

Respondent's representatives were the individuals who took the actions of ordering [REDACTED] to be drug tested without a reason and while he was on a religious fast, denied his request for an extension of time to produce a urine sample because of dehydration, issued [REDACTED] a Class 1 Misconduct, had his bond revoked, and held him in segregation even though he produced a urine sample that tested negative for illicit substances.

Respondent's representative, Sergeant [REDACTED], ordered [REDACTED] to go to segregation and be drug tested even though Claimant had no misconducts or behavior indicating he was involved in drugs. See Exhibit 5, Respondent response to request for production dated July 16, 2025. Also see Exhibit 3 page 9, Respondent logs.

Respondent's representative, Corrections Officer [REDACTED], wrote [REDACTED] a Class 1 Misconduct when [REDACTED] did not produce a urine sample after

an hour and approximately eight minutes. See Exhibit 6, Correction Officers [REDACTED]'s statement to Hearings Investigator on March 24, 2024.

Respondent's representative, Seargent [REDACTED], received a urine sample from [REDACTED] shortly after the misconduct had been written by Corrections Officer [REDACTED]. See Exhibit 6, Correction Officers [REDACTED]'s statement to Hearings Investigator on March 24, 2024.

Respondent's representative, Sergeant [REDACTED], reviewed the misconduct issued to [REDACTED], and although the misconduct noted a urine sample was provided and tested negative, Sergeant [REDACTED] revoked the bond because [REDACTED] allegedly "refused to submit to a urine analysis." See Exhibit 8, March 24, 2024, Misconduct Report for Claimant.

As a result of Respondent's representatives' actions, [REDACTED], was subjected to the above and held in segregation for approximately ten days.

C. Claimant's discrimination resulted in the denial of the full and equal enjoyment of goods, services, facilities, privileges, advantages, or accommodations of the public service provided by Respondent.

██████████ was outwardly a practicing Muslim and engaged in religious fasting for the Ramadan holiday, which meant he was unable to consume food or beverages from dawn until sunset. ██████████ even received special religious meals after sunset from Respondent.

On March 24, 2024, ██████████ was ordered by Respondent's representatives to produce a urine sample to be drug tested. When ██████████ advised Respondent's representatives of his religious fasting, which had been going on for approximately two weeks, and noted he would be dehydrated and need time to produce a sample, Respondent's representatives placed him in a segregation shower cell and provided him a single cup of water to consume, during fasting hours.

After ██████████ failed to produce a urine sample in approximately one hour, Respondent's representatives issued him a Class 1 Misconduct. See Exhibit 7 Grievance and Exhibit 8 Misconduct.

Shortly thereafter, when ██████████ produced a urine sample, the drug test showed a negative result for any illicit substances. Despite having knowledge of the negative drug test result, Respondent's representative revoked Claimant's bond and held ██████████ in segregation for approximately ten days. See Exhibit 8, Misconduct.

Respondent representatives' actions of writing [REDACTED] a misconduct and revoking his bond for not producing a urine sample within one hour and eight minutes is not aligned with Respondent Policy PD 03.03.115 which requires the individual being drug tested to have continuous access to water and for consideration to be given for physical conditions, such as dehydration, that may interfere with urination. See Policy PD 03.03.115 attached as Exhibit 4.

Moreover, of the three individuals who were drug tested on March 24, 2024, only one, [REDACTED], had noted reasons such as "staff assault," "verbal abuse," resistance to Respondent staff, and "attempting to swallow" something suspected as drugs described in Respondent's logs. See Exhibit 3 page 2 and 5, Respondent logs. No reasons were provided in Respondent's logs for why Respondent's representatives drug tested [REDACTED] or his roommate [REDACTED].

Ultimately, [REDACTED]'s drug test was positive for illicit substances and he remained in segregation. [REDACTED]'s drug test was negative for substances, and he was returned to his housing unit. [REDACTED] also had a negative drug test, but he remained in segregation. [REDACTED] was also the only one of the three individuals drug tested on March 24, 2026, who identified as a Muslim. See

Exhibit 5 Respondent response to request for production dated July 16, 2025, and Exhibit 7 Grievance.

D. Respondent is a place of public service.

Elliott Larsen Civil Rights Act (ELCRA) defines “public service” to mean a public facility, department, agency, board, or commission, owned, operated, or managed by or on behalf of this state, a political subdivision, or an agency of this state or of a political subdivision or a tax exempt private agency established to provide service to the public, except that public service does not include a state or county correctional facility with respect to actions and decisions regarding an individual serving a sentence of imprisonment.” See MCL 37.2301(b).

The above definition for “public service” is interpreted in light of the Michigan Supreme Court’s decision that “the application for leave to appeal the March 27, 2018 judgment in Doe v Dep’t of Corrections, 323 Mich App 479, that held that section 301(b) as amended by Act 202 of 1999 to effectively bar correctional-facility prisoners from bringing ELCRA suits is in direct violation of article I, section 2 of the state constitution of 1963.” See MCL 37.2301 “Constitutionality” note.

Respondent, MDOC, is the department of corrections within the state of Michigan and is responsible for and houses individuals incarcerated within

Michigan under state law. Respondent fits the ELCRA definition of public service by being a department operated by and on behalf of the state of Michigan.

THEREFORE, IT IS REQUESTED THAT AN ORDER BE ISSUED COMPELLING:

- A. Respondent leadership, staff, and employees that interact with individuals held by Respondent shall attend non-discrimination and non-retaliation training and Respondent shall bear the cost for the training.
- B. Respondent shall pay monetary compensation to the Claimant together with interest for loss property, emotional distress, and financial hardship which was sustained because of Respondent's unlawful actions, as well as any other compensatory damages seen fit.
- C. Such further relief as the Commission seems just and proper, including remedial, affirmative, or injunctive, along with reasonable attorney fees.

Date: August 17, 2026 /s/ Jocelyn Flemons

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Date: August 17, 2026 _____

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Date: August 17, 2026

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