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ATTORNEY GENERAL COAKLEY WINS LAWSUIT AGAINST FUNG WAH BUS COMPANY FOR REFUSING TO SELL TICKETS TO BLIND COUPLE

BOSTON – The Massachusetts Commission Against Discrimination (MCAD) has ruled in favor of the Commonwealth in Attorney General Martha Coakley’s lawsuit against a bus company accused of denying access to a blind couple traveling from Boston to New York with a service dog. Earlier this week, MCAD ordered Fung Wah to implement comprehensive anti-discrimination and service animal policies, to designate a new Disability Access Coordinator and Complaint Officer (whom the MCAD must approve), and train its workforce about the anti-discrimination laws within 60 days. It also awarded \$35,000 to Mr. Albert Sten-Clanton and \$25,000 to Ms. Mary Sten-Clanton in emotional distress damages and a \$10,000 civil penalty to the Commonwealth.

“Service animals provide invaluable assistance to many blind men and women and afford them the opportunity to function independently in society,” said Attorney General Martha Coakley. “Equal access for all individuals is not just good business, it is the law, and we will not tolerate discrimination based on disability.”

The lawsuit stems from a January 15, 2004, incident involving Mr. and Ms. Sten-Clanton. When the blind couple attempted to purchase two, \$10 one-way bus tickets to New York City from Fung Wah’s Boston ticket counter they were refused tickets because Mr. Sten-Clanton was accompanied by a guide dog. At the time, Fung Wah had a written policy barring pets from buses. Mr. and Ms. Sten-Clanton told the sales clerk that the dog was not a pet but a service animal and that the law requires businesses to accommodate service animals. The sales clerk consulted Fung Wah’s president, Pei Lin Liang, who instructed the clerk not to sell the couple tickets, stating that Fung Wah’s policy is that no pets are allowed on buses. The clerk then refused to sell Ms. Sten-Clanton a ticket to travel by herself and questioned how she would get around without the aid of the service animal.

After the Sten-Clantons summoned the police, Mr. Liang left the premises, and a Fung Wah employee told the couple to wait for the police outside, in 15-degree weather. Members of the Community Disorders Unit of the Boston Police Department responded, and one of the officers told the sales clerk that Mr. Sten-Clanton had the right to board the bus with his service animal. After Fung Wah continued to refuse tickets to the Sten-Clantons, the police officers

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transported the couple to the Amtrak ticket booth at South Station, where they were able to purchase \$92 tickets to New York City.

Massachusetts law prohibits discrimination against blind persons and requires businesses to allow service animals in their establishments even when there is an existing “no pet” policy, as long as the animal is controlled and does not otherwise pose an undue burden.

Fung Wah Bus Transportation, Inc. is based in New York City and currently operates at least 20 daily buses between Boston and New York City.

This matter was handled by Assistant Attorney General and Disability Rights Project Director Patricia Correa of Attorney General Coakley’s Civil Rights Division with assistance from the Boston Police Department’s Community Disorders Unit, who investigated the matter.

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