



Diversity Office

Final Investigative Report
Briana T. Sandy v. Tempe Tavern
DIV # 15-06

Complainant: Briana T. Sandy

Respondent: Tempe Tavern

Type of Complaint: Gender Identity, Public Accommodation

Issues: Refusal of Service

Location: Tempe Tavern
1810 E. Apache Blvd
Tempe, AZ 85281

I. Jurisdiction:

On June 6, 2015, Ms. Briana T. Sandy (“Ms. Sandy”) filed a complaint with the City of Tempe Diversity Office. She alleged that she was refused service at Tempe Tavern because she is a transgender woman in violation of the City of Tempe Code Chapter 2, Article VIII. The Diversity Office investigated the allegation in accordance with City of Tempe Code Chapter 2, Article VIII.

II. Allegation:

On Saturday, June 6, 2015 at about 3:45pm, Tempe Tavern discriminated against Ms. Sandy when it refused to serve her because she is a transgender woman.

The following is a summary of the alleged discriminatory treatment as reported by Ms. Sandy:

On Saturday, June 6, 2015 at about 3:45pm, Ms. Sandy entered Tempe Tavern to view the Triple Crown Belmont Stakes race. According to Ms. Sandy, she was “pleasantly greeted” upon entering and headed towards the bar. Ms. Sandy noticed that at that time the bouncer whispered something in the bartender’s ear. Ms. Sandy went to the bar to order a cola but the bartender told her she could not serve her. The bartender allegedly told Ms. Sandy, “We don’t serve your kind,” and then forcibly told her to leave.

Ms. Sandy further asserts that a male employee, who appeared to be the bouncer, came out from the behind the bar area and told her, “You will have to leave.” This employee also waited by the front door to assure that Ms. Sandy left the bar. Ms. Sandy asked this employee if she was being “thrown out” for

being transgender and he responded, “No comment.” Ms. Sandy called Tempe Tavern soon after leaving. Ms. Sandy believes the same bartender who refused her service answered the phone. Ms. Sandy told the bartender, “I am not a hooker and I know people.” Ms. Sandy then asked to speak with a manager but the bartender hung up the phone.

III. Information Sources:

Briana T. Sandy	Complainant
Rob Tasso	Tempe Tavern Owner
Name redacted	Tempe Tavern Bartender
Name redacted	Tempe Tavern Cook
Name redacted	Tempe Tavern customer and witness
Name redacted	Previously employed at the Modern World Adult Bookstore
Name redacted	Previously employed at the Modern World Adult Bookstore
Name redacted	Auto Planet
Name redacted	Valley Metro
www.SBNation.com	Belmont Stakes Race 2015 date, time, location information

IV. Findings:

The following is a summary of the investigation findings:

- Tempe Tavern security video snap shot and witness statements confirm Ms. Sandy entered Tempe Tavern at approximately 3:45 PM on June 6, 2015.
- Internet research of Belmont Stakes Race 2015 confirms the race date and time as stated by Ms. Sandy.
- While Ms. Sandy states she was pleasantly greeted from afar by personnel and customers at the bar, Tempe Tavern security video shows no one acknowledged or greeted Ms. Sandy as she walked in. Additionally, the witnesses present at the bar stated that she was not acknowledged until she approached the bar.
- Ms. Sandy claims the “bouncer” whispered something in the bartender’s ear. Tempe Tavern did not have a “bouncer” in fact or in kind, rather the person identified by Ms. Sandy as the “bouncer” was the cook. Both the cook and the bartender state that it was the bartender who recognized Ms. Sandy and stated to the cook, “I think that is one of the people that hooks at the bookstore.” The cook states he then went around the bar and told Ms. Sandy she needed to leave.
- The cook walked towards the door to escort Ms. Sandy out but Ms. Sandy did not follow.
- The bartender states that Ms. Sandy leaned over the bar and repeatedly asked why she could not be served, to which the bartender repeatedly stated, “I am so sorry we just can’t serve you.”
- Ms. Sandy alleges she was told, “We don’t serve your kind.” The witnesses consistently deny hearing that statement. The bartender also denies having made that statement.
- The cook returned to the bar from the front door and once again asked Ms. Sandy to leave. This time, Ms. Sandy followed the cook to the front door and left the building.
- Ms. Sandy alleges that the “bouncer” folded his arms and leaned into to her while saying you will have to leave. She then states he flung the door open and held the door open then followed her out to the parking lot. According to the witnesses and the Tempe Tavern video surveillance, the cook did not cross his arms, lean in, or follow her out to the parking lot. According to video

surveillance, the cook escorted Ms. Sandy to the door and immediately went back inside the bar and returned to work with no further discussion.

- Ms. Sandy states that after leaving the bar she called Tempe Tavern. The bartender answered the phone and Ms. Sandy asked, “Are you the person who said you couldn’t serve me? I’m not a hooker.” The bartender confirms this phone call and conversation took place as Ms. Sandy stated.
- Tempe Tavern’s response to the complaint included statements from two former employees of Modern World Adult Bookstore (“Modern World”). Modern World is adjacent to, and shares a parking lot with, Tempe Tavern. Both former employees identified Ms. Sandy as a customer of Modern World. Additionally, both former employees recall evicting Ms. Sandy on a couple of occasions for violating Modern World’s store policy.
- Ms. Sandy confirmed that she had previously been a patron at Modern World. She could not recall specifically when or how many times she was there but believes it was during the Fall of 2014. Ms. Sandy denies ever being evicted from any establishment prior to Tempe Tavern.
- One of the former employees of Modern World went further to state that Rob Tasso, owner of Tempe Tavern, “kicks out [of Tempe Tavern] anyone from the Modern World.” He went on to state that he himself was asked to leave Tempe Tavern because he was a Modern World employee.

V. Conclusion:

After a comprehensive investigation, we find no violation of City of Tempe City Code, Chapter 2, Article VIII by Tempe Tavern against Ms. Sandy on June 6, 2015.

There is no evidence to support the claim filed by Ms. Sandy. The investigation revealed that Ms. Sandy was asked to leave Tempe Tavern based on her assumed connection to Modern World and not because she is a transgender woman. All witnesses consistently reported that Ms. Sandy was told, “I am sorry, we cannot serve you” as opposed to “We don’t serve your kind.” Ms. Sandy’s phone call to Tempe Tavern after her eviction stating, “I am not a hooker,” further validates that Ms. Sandy also initially thought she was being asked to leave because they thought she was a “hooker” and not because she is transgender.

The witnesses from Tempe Tavern and the former employees from Modern World Adult Bookstore consistently confirmed that the owner of Tempe Tavern, Mr. Rob Tasso, has an established practice of not serving customers from the adjacent adult bookstore. Ms. Sandy confirmed that she had patronized Modern World Adult Bookstore in the last year. A refusal of service for this reason does not constitute a violation of City of Tempe Code, Chapter 2, Article VIII.