



# National Coalition For Men (NCFM)

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March 29, 2011

Ms. Lisa D'Angelo, Executive Director  
Mr. Lazlo Kelemen, Skate Park Manager  
Mission Valley YMCA  
5505 Friars Road  
San Diego, CA 92110

Re: Krause Family Skate/Bike Park's Thursdays Ladies Day  
California's Anti-Sex Discrimination Laws

Dear Ms. D'Angelo and Mr. Kelemen:

I am the president of The National Coalition For Men ("NCFM"). NCFM is a nonprofit educational organization that raises awareness about how sex discrimination adversely affects men and boys. It is the oldest and largest men's rights organization in the United States, with members throughout every state and in several countries. You can learn more about NCFM by visiting our website at [www.ncfm.org](http://www.ncfm.org).

I am writing because of the recurring "Thursdays Ladies Day" promotion employed by the Krause Family Skate/Bike Park, for which the YMCA's website brazenly promises to charge patrons, many under 18 years of age, different prices to use the Park based solely on the patrons' sex. Specifically, on every Thursday, the YMCA charges male patrons, many under 18 years of age, \$4.00 for a Daily Session Pass, while the YMCA charges female patrons, no matter their age, only \$2.00 to use the same "accommodations, advantages, facilities, privileges, or services." See the Unruh Civil Rights Act, codified as California Civil Code section 51.

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I am puzzled and disappointed your organization, whose mission is to educate children (*Young Men* and *Young Women*) and proudly focuses on “nurturing the potential of kids, helping people live healthier, and supporting our neighbors are fundamental to strengthening communities,” would violate several California anti-discrimination laws and employ a recurring sex-based promotion such as a Ladies’ Day that excludes males solely because of their sex, just as any women’s equal rights organization, the general public, or any equal rights organization would be appalled if the YMCA employed a “Men’s Day,” “Caucasians’ Day,” or “Heterosexuals’ Day” promotion that charges certain groups to use the Park solely based on a personal characteristic protected by California’s Unruh Civil Rights Act and/or Gender Tax Repeal Act of 1995 (codified as Civil Code section 51.6).

I cannot imagine the YMCA having the temerity to host a weekly “Men’s Day” wherein female patrons, including young girls, were required to pay twice as much as their male counterparts to use the Park. Yet, the Y thinks nothing of charging young boys and young men twice as much as females on Thursday Ladies Day to use the Park. At the same time, the Y’s sex-based pricing effectively teaches young impressionable minds it is okay to treat boys and girls unequally because of their sex, even perpetuating the harmful stereotypes associated with Ladies’ Day and Ladies’ Night discounts for females such as (1) all females are genetically incapable of earning as much money as males; (2) all females enjoy society treating them as little more than sexual bait; (3) all females agree males should subsidize females’ discounts by paying more for the same goods or services; and (4) all females always want to be treated like little girls and pay less than males for everything.

Sex-based promotions such as Ladies’ Day, Ladies’ Night, or Men’s Day promotions violate many California anti-discrimination laws, including Civil Code sections 51, 51.5, and 51.6. Civil Code section 52 provides the remedies for violations of Civil Code sections 51, 51.5, and 51.6 as follows:

Whoever denies, aids or incites a denial, or makes any discrimination or distinction contrary to Section 51, 51.5, or 51.6, is liable for each and every offense for the actual damages, and any amount that may be determined by a jury, or a court sitting without a jury, up to a maximum of three times the amount of actual damage but in no case less than four thousand dollars (\$4,000), and any attorneys’ fees that may be determined by the court in addition thereto....

The California Supreme Court, in two unanimous opinions, ruled Ladies’ Day and Ladies’ Night promotions violate California law. *Angelucci v. Century Supper Club, LP* (2007) 41 Cal.4<sup>th</sup> 160 (men do not have to assert their right to equal treatment at a Ladies’ Night to have standing for an Unruh Act or Gender Tax Repeal Act claim); *Koire v. Metro Car Wash* (1985) 40 Cal.3d 24 (Ladies’ Day and Ladies’ Night promotions violate the Unruh Act). The Unruh Act and Gender Tax Repeal Act apply to business establishments operating in the State of California, and pay-to-play skate park likely qualifies as a business establishment under California law. See, e.g., *Doe v. California Lutheran High School Assoc.* (2009) 179 Cal.App.4<sup>th</sup> 828.

In March of 2008, the California Attorney General issued the attached Gambling Establishment Advisory to California card rooms in response to the proliferation of ladies-only poker tournaments across the state. This advisory can also be found at <http://ag.ca.gov/gambling/pdfs/NUM8LOT.pdf>. Note that then-Attorney General/now-Governor Jerry Brown opined that merely advertising a ladies-only poker tournament, even if men were allowed to play, violated the Unruh Act.

Furthermore, the California Department of Fair Employment & Housing, charged with stopping discrimination in places of public accommodation, has recently published the attached Unruh Act brochure specifically targeting Ladies' Day and Ladies' Night promotions. This brochure can also be found at <http://www.dfeh.ca.gov/dfeh/publications/PublicationDocs/UnruhActBrochure.pdf>.

Accordingly, NCFM asks the YMCA to please comply with California's anti-discrimination laws and immediately end its Thursday Ladies Day promotion at the Krause Family Skate/Bike Park. That is, please ensure that from now on boys and girls are charged the same price to use the Park.

I look forward to your earliest response. I hope you find this information informative and useful.

Respectfully,

Harry A. Crouch  
President, NCFM