



U.S. Department
of Transportation
**Federal Aviation
Administration**

Western-Pacific Region
Office of Civil Rights

777 S. Aviation Blvd, Suite #150
El Segundo, CA 90245

September 10, 2020

The Honorable Ken Paxton
Attorney General, State of Texas
Office of the Attorney General
P.O. Box 12548
Austin, TX 78711-2548

Re: Complainant v. San Antonio International Airport
DOT #: 2019-0182

Dear Attorney General Paxton:

This letter is in response to the above complaint against the City of San Antonio (City), the airport sponsor for San Antonio International Airport (SAT).

Your complaint alleged that the City discriminated against Chick-fil-A (CFA) by excluding the company from an airport concession opportunity at SAT because of the expression of religious beliefs by the owner of the company. The Federal Aviation Administration (FAA) opened an investigation for the complaint on May 24, 2019, concerning the City's compliance with the Airport and Airway Improvement Act of 1982 (49 U.S.C. § 47123) and FAA Airport Improvement Program Grant Assurance 30 (79 Fed. Reg. 18755 (April 3, 2014)). Those authorities prohibit FAA grant recipients from excluding individuals on the basis of creed, including religious creed, from participation in activities carried out with Federal grant funding, including airport programs. The City is a recipient of Federal financial assistance from the FAA for airport programs, including \$8,245,147 in Federal Fiscal Year 2019 for SAT.

The FAA is pleased to report that we have reached an informal resolution for the complaint investigation. This investigation was conducted in accordance with Department of Transportation (DOT) Order 1000.18, *External Civil Rights Complaint Processing Manual*. The DOT Order encourages early informal resolution of complaints as an alternative to full formal investigations. Informal resolution can be initiated at any stage of the complaint investigation process. Accordingly, we invited the City to enter discussions for informal resolution, and the City accepted.

As of July 24, 2020, the City has agreed to take the following steps to address the allegations in your complaint:

1. Within 45 days of this letter, CFA will be offered a lease opportunity for space in SAT Terminal A.
2. The terms of the new offer will be reasonable and consistent with customary business practices.

In addition, the FAA will continue to monitor the City's implementation of the above steps to ensure that they are completed in a timely, reasonable, and fair manner. In the event that they are not, FAA will reopen its complaint investigation, which may result in the finding of a violation of relevant nondiscrimination authorities.

Please be advised that no one may intimidate, threaten, coerce, or engage in other discriminatory conduct against anyone because he or she has taken action or participated in an action to secure rights protected by the Federal Regulation 49 CFR § 21.11(e). Any individual alleging such harassment or intimidation may file a complaint with the FAA. We will investigate such a complaint if the situation warrants.

We would also like to inform you that under the Freedom of Information Act (5 U.S.C. § 552) and the Privacy Act (5 U.S.C. § 552a), it may be necessary to release this information, related correspondence, and records upon request. In the event that we receive such a request, we will seek to protect to the extent provided by law, personal information which, if released, could constitute an unwarranted invasion of privacy.

If you have any questions, please contact me. I can be reached by electronic mail at Jonathan.Klein@FAA.gov. Please direct any written correspondence regarding this matter that cannot be sent by electronic mail to 777 S. Aviation Blvd, Suite #150, El Segundo, CA, 90245. Please reference the DOT tracking number cited above in all future correspondence or contact with this office.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jonathan Klein', with a large, stylized initial 'J'.

Jonathan Klein
Acting Director, National External Operations Program
FAA Office of Civil Rights