

BEFORE
THE
PENNSYLVANIA HUMAN RELATIONS COMMISSION

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PUBLIC MEETING OF 7/25/22

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BEFORE: JOEL BOLSTEIN, ESQUIRE, Chair
DR. RAQUEL O. YIENGST, Vice Chair
CHAD DION LASSITER, MSW, Executive Director
MICHAEL HARDIMAN, ESQUIRE, Member
ALEENA SORATHIA, ESQUIRE, Member (via phone)
DR. RAD AGRAWAL, Member (via phone)

HEARING: Monday, July 25, 2022
2:26 p.m.

LOCATION: 333 Market Street
Harrisburg, PA 17101

WITNESSES: None

Reporter: Hannah Bartkowski

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A P P E A R A N C E S

1
2
3 LISA KNIGHT, ESQUIRE

4 DAMIAN DESTEFANO, ESQUIRE

5 PA Human Relations Commission

6 110 North Eighth Street

7 Suite 501

8 Philadelphia, PA 19107

9 COUNSEL FOR THE HUMAN RELATIONS COMMISSION

10
11 SAMUEL RIVERA, ESQUIRE

12 PA Human Relations Commission

13 333 Market Street

14 Eighth Floor

15 Harrisburg, PA 17101-2210

16 CHIEF COUNSEL FOR THE HUMAN RELATIONS COMMISSION

17
18 STAFF PRESENT:

19 KURT JUNG, ESQUIRE, Director of Enforcement

20 HEATHER ROTH, Regional Office Director-Harrisburg

21 DEBBIE WALTERS, Administrative Officer

22 DARLENE HEMERKA, ESQUIRE, Hearing Examiner

23 SHARON LEVIN, ESQUIRE, Hearing Examiner

I N D E X

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OPENING REMARKS

By Chair

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DISCUSSION AMONG PARTIES

5 - 12

EXHIBIT PAGE

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	NONE OFFERED		

P R O C E E D I N G S

CHAIR: Pursuant to Section 711(a) of the Sunshine Act, this Commission meeting may be recorded by attendees. Your voluntary participation in the meeting constitutes consent to be recorded. The meeting has been advertised in accordance with the provisions of the Sunshine Act. Prior to the meeting, in keeping with the confidentiality requirements of the Sunshine Act, there had been some closed sessions to discuss compliance matters, management updates and adjudicative case deliberations.

I don't think we have any guests today. So the monthly meeting of the PHRC is hereby convened. I note the presence of a quorum and call the meeting to order. The first item of business says motion to adopt agenda. But I'm not sure that we need to do that.

DR. YIENGST: Yes.

CHAIR: Motion to approve the minutes, so we need to approve the minutes from the public meeting from June.

Is there a motion to approve the minutes?

1 DR. YIENGST: I'm - we don't need to
2 do item number one first, like we did last time to
3 approve the agenda? Okay.

4 CHAIR: We have to approve the agenda.
5 Okay, I don't know if I even have it - but okay.

6 Anybody want to make a motion to
7 approve the agenda?

8 DR. YIENGST: So move.

9 ATTORNEY HARDIMAN: I'll second it.

10 CHAIR: Okay.

11 All those in favor of approving the
12 agenda, please say aye. Aye.

13 AYES RESPOND

14 CHAIR: Okay.

15 Now, we need to approve the minutes
16 from the public meeting from June.

17 Is there a motion to approve them?

18 MS. WALTERS: We did not receive them.

19 CHAIR: Oh.

20 We didn't receive them?

21 MS. WALTERS: We did not receive them
22 from the transcription service.

23 CHAIR: Then we will have to -

24 MS. WALTERS: So we don't -.

25 CHAIR: - push that off until next

1 month.

2 MS. WALTERS: Yes.

3 CHAIR: Okay. All right. We are also
4 going to push off the consideration of the Blood
5 versus Wheeler case, which will be tabled yet again,
6 which moves us to the next item, which is the Rule
7 to Show Cause.

8 So okay, the Commission is scheduled
9 to vote on the issue of liability in complaints to
10 which no answer was filed and no response was made
11 to a Rule to Show Cause. Each Commissioner voting
12 today signifies by his or her vote that he or she
13 has reviewed the recommendation of the motions
14 examiner.

15 Furthermore, because it is for the
16 Commission, as the adjudicative body, to determine
17 whether the respondent has engaged in or is engaging
18 in unlawful discriminatory practices as defined by
19 the Pennsylvania Human Relations Act, any findings
20 of probable cause, judgment of liability, and order
21 approved today are so approved only after the
22 Commission itself has determined that all necessary
23 actions have been taken and all determinations have
24 been decided correctly.

25 So the matter before us is as the

1 motion to approve the Hearing Examiner's
2 Recommendation of Liability in Case
3 Number 202101974.

4

5 ATTORNEY HARDIMAN: 202101974

6 CHAIR: Okay.

7

8

9 CHAIR: Okay, then, that's not
10 correct. Okay? Give us a minute. Yep - yep, you
11 know I hear you. Okay. That's the wrong case.

12 Rule to Show Cause that we have in
13 front of us is Tim - okay, PHRC Case Number
14 202101974.

15 So is there a motion to approve the
16 Hearing Examiner's Recommendation of Liability?

17 ATTORNEY HARDIMAN: So moved.

18 DR. YIENGST: Second.

19 CHAIR: Okay. So moved and seconded.

20 Is there any discussion?

21 Not hearing any, all those in favor of
22 approving the motion, please say aye.

23 AYES RESPOND

24 CHAIR: Aye. Any opposed?

25 Okay. We also have a Conciliation

1 Agreement or Consent Order for us to approve.
2 It's case number 201900234. So we have it in front
3 of us. It's a Conciliation Agreement.

4 Is there a motion to approve the
5 Conciliation Agreement?

6

7 DR. YIENGST: So moved.

8 CHAIR: And second?

9 ATTORNEY HARDIMAN: Second.

10 CHAIR: Okay. It's been moved and
11 seconded.

12 Is there any discussion? So all those
13 in favor of approving the Conciliation Agreement,
14 please say, aye

15 AYES RESPOND

16 CHAIR: Aye. Any opposed?

17 Okay, we also have two, three, four,
18 five, six, seven, eight, nine -.

19 DR. YIENGST: Sixteen (16).

20 CHAIR: Are you sure it's 16? Sixteen
21 (16) - okay, 16. I thought it was 15. Add it up.

22 ATTORNEY HARDIMAN: Fifteen (15).

23 CHAIR: Vice Chair stands corrected.

24 We have 15 cases before us for requests to review
25 the preliminary - request for a preliminary hearing.

1 So I need a motion to deny the request
2 for preliminary hearing. These are set out on the
3 list. They're items number 6 through 20.

4 Is there a motion?

5 ATTORNEY HARDIMAN: So moved.

6 CHAIR: And a second?

7 DR. YIENGST: Second.

8 CHAIR: Okay. It's been moved and
9 seconded that we deny the request for the
10 preliminary hearing.

11 Is there any comments on any of the
12 cases? Not hearing any, all those in favor of the
13 motion, please say, aye. Aye.

14 AYES RESPOND

15 CHAIR: Aleena, are you there?

16 ATTORNEY SORATHIA: Aye. Sorry,
17 didn't -

18 CHAIR: Thank you.

19 ATTORNEY SORATHIA: - unmute myself.

20 DR. YIENGST: No problem.

21 CHAIR: No problem. What are you
22 going to do?

23 Okay. There's no other motions.
24 Twenty-one (21) says, approved for public hearing
25 docket. I'm not sure what that is. That's on this

1 other sheet.

2 It's not on any of the case sheets for
3 approval of public hearing. So we'll move past
4 that.

5 We've got a quick update on our
6 Proposed Regulation. So we understand that this is
7 going to be something that will be arranged
8 hopefully in August. And then after that there will
9 be some preparation of response to public comments
10 and then a decision on whether or not we need to
11 revise the proposed rulemaking or not. Then we will
12 hopefully get back to the IRC with - with a package
13 from - from us responding to all of their comments
14 and any other public comments that we got.

15 And I will turn things over to the
16 Executive Director. No, I don't think so.

17 MR. LASSITER: Yeah, I think this
18 concludes our public session for today.

19 CHAIR: Anybody else today for - for
20 the good of the order - good of the Commission,
21 anything? Okay.

22 Motion to adjourn?

23 ATTORNEY HARDIMAN: So moved.

24 DR. YIENGST: Second.

25 CHAIR: All those in favor?

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ATTORNEY HARDIMAN: Aye.

CHAIR: Aye, all right.

AYES RESPOND

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MEETING CONCLUDED AT 2:35 P.M.

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CERTIFICATE

I hereby certify that the foregoing proceedings, hearing held before Chair Hardiman, was reported by me on July 25, 2022 and that I, Hannah Bartkowski, read this transcript, and that I attest that this transcript is a true and accurate record of the proceeding.

Date the 19 day of August, 2022



Hannah Bartkowski,

Court Reporter

APPROVAL OF MINUTES

MOTION:

At the March 27, 2023, Public Meeting, Commissioner Yiengst made a motion, seconded by Commissioner Patel to approve the minutes of the August 19, 2022, Public Meeting. With all in favor, motion carried.



M. Joel Bolstein, Chairman



o/b/o Commissioner Mayur Patel

Mayur Patel, Secretary