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COMMONWEALTH OF PENNSYLVANIA

M I N U T E S

MONTHLY PUBLIC MEETING OF:

PENNSYLVANIA HUMAN RELATIONS COMMISSION

TIME: 1:48 P.M.

Heritage Room

333 Market Street

Harrisburg, Pennsylvania 17101

August 22, 2022

PENNSYLVANIA HUMAN RELATIONS COMMISSION
AUGUST 22, 2022

COMMISSIONERS:

Joel Bolstein, Esquire, Chair
Dr. Raquel O. Yiengst, Vice Chair
Mayur Patel, Esquire
Dr. Rad Agrawal (via telephone)
Michael Hardiman, Esquire
Curtis Jones (via telephone)
Alenna Sorathia, Esquire

EXECUTIVE DIRECTOR

Chad Dion Lassiter, MSW

CHIEF COUNSEL

Samuel Rivera, Esquire (via telephone)

COMMISSION COUNSEL

Lisa Knight, Esquire
Damian DeStefano, Esquire

STAFF

Adrian Garcia, Director of Fair Housing and Commercial
Property
Kurt Jung, Esquire, Director of Enforcement
Lyle Wood, Regional Office Director, Pittsburgh
Robert Lindsey, Regional Office Director, Philadelphia
Darlene Hermerka, Esquire, Hearing Examiner
Shanon Levin, Esquire, Hearing Examiner
Debbie Walters, Administrative Officer
Anja Mijocevic, Special Assistant to Executive
Director

ALSO PRESENT:

James Welsh, Esquire (via telephone)

1 ***

2 Pennsylvania Human Relations Commission

3 August 22, 2022

4 ***

5 MEETING CALL TO ORDER AND OPENING STATEMENT

6 [Joel Bolstein, Esquire, Chair, called the meeting to
7 order at 1:48 p.m. Pursuant to Section 711 (a) of
8 the Sunshine Act, this Commission meeting may be
9 recorded by attendees. Voluntary participation in
10 the meeting constituted consent to be recorded.

11 This meeting had been advertised in accordance
12 with the provisions of the Sunshine Act. Prior to
13 the meeting, in keeping with the confidentiality
14 requirements of the Sunshine Act, there was a closed
15 session to discuss compliance matters, management
16 updates, and adjudicative case deliberations.

17 After concluding the business portion of the
18 meeting, guests will be invited introduce themselves,
19 noting the organizations they represent. Guests will
20 have a brief opportunity to address the Commission.
21 The Commission welcomed comments about equal
22 opportunity, Civil Rights issues or problems of
23 discrimination. The Commission values partnership in
24 promoting equal opportunity and wanted to hear about
25 the work of organizations represented; however, the

1 APPROVAL OF PUBLIC MEETING MINUTES

2 [Chair Bolstein noted minutes from the last meeting
3 had not been received, so approval would be tabled
4 until the next meeting.]

5 ***

6 ADJUDICATIONS - RECOMMENDATIONS AND PROPOSED FINAL
7 ORDERS

8 [Chair Bolstein noted that voting on adjudications
9 would be held at the Commission's next meeting.]

10 ***

11 CONCILIATION AGREEMENTS/CONSENT ORDERS

12 [Chair Bolstein requested approval of Items Four
13 through Eight, 201803256, 201903767, 202001201,
14 202002125 and 202002417 on the agenda.]

15 CHAIR BOLSTEIN:

16 Is there a motion?

17 VICE CHAIR YIENGST:

18 So moved.

19 COMMISSIONER AGRAWAL:

20 Second.

21 It's been moved and seconded. Is there
22 any discussion on any of those
23 conciliation agreements or consent
24 orders, Items Four through Eight? Not
25 hearing any, all in favor of approving

1 [The motion carried unanimously.]

2 ***

3 MOTION AND OTHER ACTIONS

4 [Items 17 and 18 were withdrawn for consideration and
5 tabled.]

6 ***

7 APPROVED FOR PUBLIC HEARING DOCKET

8 [None.]

9 ***

10 PENNSYLVANIA LEGISLATIVE UPDATE

11 Report of Director of Mediation, Policy and
12 Intergovernmental Affairs

13 [Chad Dion Lassiter, MSW, Executive Director,
14 reported Hearing Examiners Levin and Ms. Williams and
15 Damian DeStefano returned from Chicago, Illinois,
16 after attending an adjudicatory hearing training
17 conference . He reported PHRC Social Justice Global
18 Initiative traveled to the Ohio Civil Rights
19 Commission. Twelve on staff had just returned from
20 the IAOHRA (International Association of Official
21 Human Rights Agencies) conference.

22 Mr. Lassiter noted the position of Director of
23 Mediation, Policy and Intergovernmental Affairs would
24 soon be posted. Eight candidates and two
25 recommendations from the Governor's Office were being

1 considered.]

2

3 REGULATION UPDATE

4 Update on Proposed Regulation 52-13.

5 [Lisa Knight, Esquire, Commission Counsel, reported
6 the Commission was preparing for a session. The
7 sessions were scheduled for August 24, 2022, in
8 Pittsburgh; August 30, 2022, in Harrisburg; and
9 August 31, 2022, in Philadelphia.

10 Mr. Lassiter commented on ways to continue
11 promoting equity and equality in the workplace and
12 all other places as it relates to these LGBTQ
13 regulations.]

14

15 MANAGEMENT REPORTS

16 Chief Counsel

17 [Lisa Knight, Esquire, Commission Counsel, reported
18 the legal division was diligently working on the
19 proposed regulations in terms of scheduling the
20 listening sessions and will review comments
21 received. Responses would be prepared to those
22 comments in a package that will be submitted to
23 IRRC. Prosecutors were preparing cases for public
24 hearing.

25

Mr. Lassiter added that the special

1 assistant to the Executive Director scheduled a
2 meeting with Chief Counsel, himself, and the
3 Governor's Office as noted in the minutes from the
4 last meeting. An analysis would be conducted on
5 enhancements to the legal division.]

6 ***

7 Regional Director - Harrisburg Regional Office
8 [Mr. Lassiter referred Commission members to the
9 productivity metrics for the Harrisburg Regional
10 Director, who was currently on annual leave. He
11 reported she had two resignations, one who will be
12 joining another Commonwealth agency and a supervisor
13 who will be going to PLCB, and tentatively a third
14 who would be leaving the Harrisburg office as well.
15 There was further discussion.]

16 ***

17 Regional Director - Philadelphia Regional Office
18 [Robert Lindsey, Philadelphia Regional Director,
19 also reported on a vacancy as that employee, who was
20 relatively new, elected to leave for other career
21 aspirations. A second vacancy would be forthcoming.
22 He noted that upon a resignation, the case file is
23 given to the supervisor and there would be no delay
24 in processing cases. Mr. Lindsey commented that
25 quality was a very important factor.]

1 ***

2 [WHEREUPON A PAUSE IN THE RECORD WAS HELD.]

3 ***

4 [Mr. Lindsey noted doing very well with housing and
5 case investigations as the employees are very
6 dedicated and are very receptive to feedback and
7 direction. He stated the Philadelphia office was
8 making strong connections with the community and
9 making progress.

10 Mr. Lassiter added that, approximately two
11 years ago if someone decided to leave, there would
12 be a team with senior management that would meet
13 with that employee. As an example, he referred to a
14 woman in the Philadelphia office who stayed on after
15 speaking with himself and Chief Counsel Rivera and
16 received a promotion within six months. Further
17 discussion was held on the matter.]

18 ***

19 Regional Director - Pittsburgh Regional Office
20 [Lyle Wood, Pittsburgh Regional Director, reported a
21 total of 20 staff in the office, including 3 team
22 leaders, 2 intake investigators, 2 housing
23 investigators, 8 compliance investigators, himself,
24 and 2 legal. Three AARP volunteers were also
25 included.

1 really innovative things" were going to be created
2 on the communications side. An update would be
3 provided.]

4 ***

5 Director of Enforcement

6 [Kurt Jung, Esquire, Director of Enforcement, was
7 excited to report the high productivity rate. He
8 noted that, as of August 29, 2022, a new set of
9 procedures were implemented. Investigations were
10 wonderfully completed, and there was a rise in the
11 quality as well as quantity. On the job training
12 had greatly improved. Mr. Jung noted that new
13 investigator and EEOC training would begin in the
14 fall. Application forms for the Ambassadorship
15 Program had been completed and would be ready for
16 distribution.

17 Mr. Jung was exchanging ideas and comparing
18 issues with the New Jersey Division of Civil Rights.
19 He reported the leadership program continued to
20 perform very well and had received approximately
21 \$196,000 in relief in July 2022.

22 Mr. Jung reported on a meeting with one of
23 the AAPI communities. He noted a collaboration
24 between the offices with regard to moving resources
25 around and working as one team within the PHRC.]

1 ***

2 Director of Fair Housing and Commercial Property
3 [Adrian Garcia, Director of Fair Housing and
4 Commercial Property, reported the transition away
5 from HUD continued with 280 open cases to mutually
6 open and the need to close as many cases as possible
7 within the transition period. He reported 21 cases
8 had been submitted as of the end of July 2022, and
9 by August 26, 2022, approximately 40 cases will have
10 been submitted. He noted double-digit closures out
11 of Harrisburg, Philadelphia and Pittsburgh. All the
12 offices were requested to get closures in by the
13 August 23rd, 2022, to give time to get them through
14 the approval system by the end of the month.

15 Mr. Garcia reiterated the quality standard
16 that had been set thanks to training by Director
17 Jung and explained the protocol involved during an
18 investigation. He noted very few closures were
19 questioned by Housing and Urban Development.

20 With regard to outreach, Mr. Garcia
21 continues to speak to different municipalities. He
22 spoke with Lancaster regarding its lead ordinance to
23 only inspect houses with children under the age of
24 six. Mr. Garcia had a discussion with Councilmember
25 Arroyo regarding the possibility of considering a

1 source of income ordinance.

2 Mr. Garcia met with Megan Johnson, Fair
3 Housing Officer, and Bradford County for one-on-one
4 training. He noted a meeting with Jeff Rohaly, PA
5 Insurance Commission, to discuss education regarding
6 redlining in insurance and will be meeting with the
7 Department of State concerning appraisal compliance.

8 He noted that the EEOC leadership cohort
9 will be reconvening. Also coming up in the fall is
10 an onsite ADA training which actual measurements of
11 pitches on ramps, pressure gauges on push/pull
12 doors, measuring ADA toilets and entrance of egress.

13 A meeting with Pennsylvania Disability Pride and
14 Mr. Charles Horton, who has been performing this
15 work for over 30 years. The invite was extended to
16 the commissioners and senior management.

17 There was discussion regarding the adoption
18 of the HUD guidance policy or one that mirrors that
19 information. There was further discussion regarding
20 the DOJ Trident settlement and whether part of that
21 remedy should be training with PHRC.]

22 ***

23 Office of Hearing Examiners

24 [Shanon Levin, Esquire, Hearing Examiner, reported
25 that the Office of the Hearing Examiner was 100

1 percent caught up. Seven public hearings were
2 scheduled.

3 A number of motions had been addressed
4 including Rules to Show Cause. Hearing Examiner
5 Levin indicated much time was being spent on
6 processes and procedures to move cases through the
7 system in a more efficient manner. She talked about
8 a procedure for cases in which the parties want to
9 continue to work on settlement and a procedure
10 regarding vacation.

11 Hearing Examiner Levin referred to an Office
12 of the Hearing Examiner website with a searchable
13 database for past and current adjudications. It was
14 noted that both Hearing Examiners just returned from
15 the National Association of Hearing Officials (NAHO)
16 in Chicago. She was in the midst of an evidence
17 seminar reinforcing evidence concepts to help in
18 handling those objections.

19 Hearing Examiner Levin extended kudos to
20 Hearing Examiner Hemerka who was finalizing her
21 first adjudication. Dr. Yiengst expressed an
22 interest in sitting on a hearing in Reading with the
23 Housing Authority. A waiver would be sought
24 regarding the matter.]

25

1 [Darlene Hemerka, Esquire, Hearing Examiner, in
2 addition to her first adjudication, she will be
3 receiving post hearing briefs, so the Commission
4 will have several adjudications in front of it
5 shortly. She noted several meet and greets with
6 Commissioners and she looked forward to their
7 communications with the Hearing Examiner's Office as
8 much as possible.

9 Hearing Examiner Hemerka noted the NAHO
10 conference offered courses on writing opinions which
11 she found helpful.

12 There was further discussion whether the
13 Hearing Examiner's office would be entertaining the
14 idea of a legal intern to help write decisions.
15 Hearing Examiner Levin noted she would be glad to
16 have the help if available.]

17 ***

18 Executive Director

19 [Chad Dion Lassiter, Executive Director, noted that
20 under the Executive Director monthly report for
21 Professional Development, Civil Rights and Human
22 Rights Engagement it indicates the social justice
23 training has been in Ohio and New Jersey. He noted
24 that one of the commission counsel also attended the
25 hearing examiner adjudication conference as well.

1 He indicated the West Virginia Human
2 Relations Commission Social Justice Outreach will be
3 postponed but that sometime in the latter part of
4 September or October when it is rescheduled, the
5 Director of Enforcement, Director of Fair Housing
6 and Commercial Property and the regional director in
7 Pittsburgh will be in attendance.

8 A number of Commission staff will be
9 attending the EEOC conference in Baltimore,
10 Maryland, in September.

11 Chief Counsel Rivera and Commission Counsel
12 Knight brought to the ED's attention that
13 Commonwealth lawyer offices should not be cubicles
14 but should be offices. Cubicles in the Philadelphia
15 Regional Office will be replaced as well and
16 suggested that office be ADA accessible.

17 Mr. Lassiter reported that Facebook and
18 Twitter were increasing. The Executive Director and
19 PHRC are excited to receive a proclamation from the
20 Governor of Ohio.

21 He reported that First Lady Frances Wolf is
22 excited to be joining Lunch and Learn.

23 Mr. Lassiter noted he would be assembling a
24 small subcommittee of women in leadership at PHRC to
25 be present at a reception attended by Anita Hill on

1 October 3, 2022. PHRC secured the first Latino
2 woman to be hired by NASA.

3 Mr. Lassiter noted he is in communication
4 now for a fee for training with one of the housing
5 providers that was brought to his attention by
6 Director Garcia.

7 With regard to Social Justice Outreach, Mr.
8 Lassiter pointed out the National Night Out with the
9 Philadelphia Police Department. He noted it as an
10 opportunity for the PHRC and the Philadelphia
11 Regional Office to show the Philadelphia Police
12 solidarity. A booklet will be shared with
13 commissioners regarding a blueprint of how the Los
14 Angeles Civil Rights Commission worked on police and
15 community relations.

16 ***

17 OLD BUSINESS

18 [None.]

19 ***

20 NEW BUSINESS

21 Pittsburgh MOU

22 [Lisa Knight, Esquire, Chief Counsel, noted the
23 Commission would be taking a vote regarding the
24 Pittsburgh MOU.

25 Chair Bolstein stated the Proposed

1 Memorandum of Understanding is before Commission
2 members and was discussed during Executive Session.

3 CHAIR BOLSTEIN:

4 Is there a motion to approve the
5 Memorandum of Understanding between
6 PHRC, the School District of Pittsburgh
7 and the Equity Advisory Panel?

8 COMMISSIONER HARDIMAN:

9 So moved.

10 CHAIR BOLSTEIN:

11 Is there a second?

12 COMMISSIONER SORATHIA:

13 Second.

14 CHAIR BOLSTEIN:

15 Any comments on the Memorandum of
16 Understanding?

17 VICE CHAIR YIENGST:

18 Given that we had some concerns about it
19 but hopefully meeting with Chief
20 Counsel, as soon as he gives me a call.
21 And as soon as I understand better some
22 of the issues in here, I would then be
23 able to vote. But right now, I can't
24 vote.

25 CHAIR BOLSTEIN:

1 Is there a motion to adjourn?

2 COMMISSIONER HARDIMAN:

3 So moved.

4 VICE CHAIR YIENGST:

5 Second.

6 CHAIR BOLSTEIN:

7 All in favor?

8 [The motion carried unanimously.]

9 ***

10 [The meeting adjourned at 3:27 p.m.]

11 ***

12

13 CERTIFICATE

14

15 I hereby certify that the foregoing summary
16 minutes of the State Board of Examiners of Nursing
17 Home Administrators, was reduced to writing by me or
18 under my supervision, and that the minutes accurately
19 summarize the substance of the State Board of
20 Examiners of Nursing Home Administrators meeting.

21

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23



24

Hannah Bartkowski,

25

Minute Clerk

Sargent's Court Reporting
Service, Inc.

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M. Joel Bolstein, Chairman



o/b/o Commissioner Mayur Patel

Mayur Patel, Secretary