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PENNSYLVANIA HUMAN RELATIONS COMMISSION

M I N U T E S

TIME: 3:04 P.M.

Held at
Heritage Rooms
333 Market Street
Harrisburg, PA 17101
as well as

VIA MICROSOFT TEAMS

December 19, 2022

Pennsylvania Human Relations Commission
December 19, 2022

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COMMISSIONERS:

Joel Bolstein, Esquire, Chair
Dr. Raquel O. Yiengst, Vice Chair
Mayur Patel, Esquire, Secretary
Dr. Rad Agrawal -Absent
Michael Hardiman, Esquire
Curtis Jones - Absent
Aleena Sorathia

EXECUTIVE DIRECTOR

Chad Dion Lassiter, MSW

INTERIM CHIEF COUNSEL

Martin Cunningham, Esquire

COMMISSION COUNSEL

Damian DeStefano, Esquire

STAFF

Grace Dunigan, Director of Policy, Intergovernmental
Affairs and Mediation
Adrian Garcia, Director of Fair Housing and Commercial
Property
Darlene Hemerka, Esquire, Hearing Examiner
Kurt Jung, Esquire, Director of Enforcement
Robert Lindsey, Regional Office Director, Philadelphia
Zulay Rojas, Special Assistant to Executive Director
Debbie Walters, Administrative Officer
Lyle Wood, Regional Office Director, Pittsburgh

GUEST ATTENDEES

Stacey Waters
Carrie Simmons

1 Amanda Martin
2 Robert Taylor
3 Morgan Williams

4
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7

8 Pennsylvania Human Relations Commission

9 December 19, 2022

10

11 MEETING CALL TO ORDER AND OPENING STATEMENT

12 [Joel Bolstein, Esquire, Chair, called the meeting to
13 order at 3:04 p.m. Pursuant to Section 711 (a) of
14 the Sunshine Act, this Commission meeting may be
15 recorded by attendees. Voluntary participation in
16 the meeting constitutes consent to be recorded.

17 This meeting had been advertised in accordance
18 with the provisions of the Sunshine Act. Prior to
19 the meeting, in keeping with the confidentiality
20 requirements of the Sunshine Act, there was a closed
21 session to discuss compliance matters, management
22 updates, and adjudicative case deliberations.

23 After concluding the business portion of the
24 meeting, guests will be invited to introduce
25 themselves, noting the organizations they represent.

1 Guests will have a brief opportunity to address the
2 Commission. The Commission welcomed comments about
3 equal opportunity, Civil Rights issues or problems of
4 discrimination. The Commission values the
5 partnership in promoting equal opportunity and wants
6 to hear about the work of organizations represented;
7 however, the Commission cannot hear the specifics of
8 any open investigations or cases the Commission may
9 have to rule on in the future.

10 The monthly meeting of the Pennsylvania Human
11 Relations Commission was hereby convened. The
12 presence of a quorum was noted, and the meeting was
13 called to order.]

14 ***

15 ADOPTION OF AGENDA

16 CHAIR BOLSTEIN:

17 Motion to adopt the agenda.

18 COMMISSIONER YIENGST:

19 So moved.

20 CHAIR BOLSTEIN:

21 Moved. Is there a second?

22 COMMISSIONER HARDIMAN:

1 Second.

2 CHAIR BOLSTEIN:

3 So moved and seconded. Those in
4 favor of the agenda for today's
5 meeting please say aye? Any
6 opposed?

7 [The motion passed unanimously.]

8 ***

9 APPROVAL OF MINUTES - None

10 ***

11 [Chair Bolstein stated the Commission is scheduled to
12 vote on the disposition of a complaint for which a
13 public hearing has been held. In such cases, the
14 Pennsylvania Human Relations Act requires the
15 Commission to review the recommended findings,
16 conclusions and order made by the Hearing Examiner or
17 Hearing Panel and to approve or reverse the findings
18 approved as an order for service of such order on the
19 parties to the complaint.

20 Each commissioner voting today signifies by his
21 or her vote that he or she has reviewed the entire
22 record in the matter to determine whether the

1 recommended findings is supported by substantial
2 evidence. It is for the Commission as the
3 adjudicative body to determine whether the Respondent
4 has engaged in unlawful discriminatory practice as
5 defined by the PHRA. Any findings, conclusions and
6 order approved are so approved only after the
7 Commission itself has determined that the evidence
8 upon which it is based has been resolved correctly
9 and that any credibility determinations have been
10 decided correctly.]

11

12 ADJUDICATIONS-RECOMMENDATIONS AND PROPOSED FINAL
13 ORDERS

14 CHAIR BOLSTEIN:

15

Our first case is Case No.

16

201701281, Desmond vs. Dawson.

17 COMMISSIONER YIENGST:

18

I move that we approve the

19

recommendation of the Hearing

20

Examiner.

21 CHAIR BOLSTEIN:

22

Is there a second?

1 COMMISSIONER HARDIMAN

2 Second.

3 CHAIR BOLSTEIN:

4 It's been moved that we approve the
5 recommended Findings of Fact and
6 Conclusions of Law and Opinion of
7 the permanent Hearing Examiner in
8 the case of Desmond vs. Dawson. Is
9 there any discussion? Not hearing
10 any, all those in favor of that
11 motion, please say aye. Any
12 opposed?

13 [The motion passed unanimously.]

14 ***

15 CHAIR BOLSTEIN:

16 The second case is Case No.
17 201703203, Rudd vs. Wheeler. Is
18 there a motion?

19 COMMISSIONER YIENGST:

20 I move that we approve the
21 recommendation of the Hearing
22 Examiner.

1 COMMISSIONER SORATHIA:

2 Second.

3 CHAIR BOLSTEIN:

4 Second from Commissioner Sorathia.

5 Is there any discussion?

6 [There was further discussion regarding the motion.]

7 CHAIR BOLSTEIN:

8 Any other discussion by

9 Commissioners? The motion is to

10 adopt the Proposed Findings of Fact

11 and Conclusions of Law and Opinion

12 of the permanent Hearing Examiner in

13 the case of Rudd vs. Wheeler. All

14 those in favor approving the

15 recommendation of the permanent

16 Hearing Examiner please say aye.

17 [The motion passed unanimously.]

18 ***

19 CHAIR BOLSTEIN:

20 The third case is Case No.

21 201803678, Shelder vs. Jackson. Is

22 there a motion on that case?

1 COMMISSIONER YIENGST:

2 I make a motion that we approve the
3 recommendation of the Hearing
4 Examiner.

5 CHAIR BOLSTEIN:

6 Is there a seconded?

7 COMMISSIONER HARDIMAN:

8 Second.

9 CHAIR BOLSTEIN:

10 It's been moved and seconded. Is
11 there any discussion? It's been
12 moved and seconded that we accept
13 the Proposed Findings of Fact and
14 Conclusions of Law and Opinion of
15 the permanent Hearing Examiner in
16 the case of Shelder vs. Jackson.
17 All those in favor of that motion
18 please say aye.

19 [The motion passed unanimously.]

20 ***

21 CHAIR BOLSTEIN:

22 The fourth case is Case No.

1 201900271, Nash vs. Pandemonium. Is
2 there a motion in that case?

3 COMMISSIONER HARDIMAN:

4 So moved.

5 CHAIR BOLSTEIN:

6 And a second?

7 COMMISSIONER YIENGST:

8 Second.

9 CHAIR BOLSTEIN:

10 It's been moved and seconded that we
11 accept the Proposed Findings of
12 Fact, Conclusions of Law and Opinion
13 and recommendation of the permanent
14 Hearing Examiner in the case of Nash
15 vs. Pandemonium, d/b/a Pandemonium
16 Bar and Grill. Any discussion? Not
17 hearing any, all those in favor of
18 the motion please say aye. Any
19 opposed?

20 [The motion carried unanimously.]

21 ***

22 CHAIR BOLSTEIN:

1 We also have a motion on a Rule to
2 Show Cause in Case No. 202101944,
3 Bailess vs. Penn State Pizza. Is
4 there a motion?

5 COMMISSIONER HARDIMAN:

6 So moved.

7 COMMISSIONER YIENGST:

8 Second.

9 CHAIR BOLSTEIN:

10 It's been moved and seconded that we
11 approve the Proposed Order of the
12 permanent Hearing Examiner in the
13 case of Bailess vs. Penn State
14 Pizza. Is there any discussion?
15 Not hearing any, all those in favor
16 of the motion please signify by
17 saying aye. Any opposed?

18 [The motion passed unanimously.]

19 ***

20 CONCILIATION AGREEMENTS/CONSENT ORDERS

21 CHAIR BOLSTEIN:

22 There are four Conciliation

1 Agreements/Consent Orders, Items 8
2 through 11, Case Nos. 202001894,
3 202002772, 202100741, 202102036.

4 Is there a motion to approve
5 those Conciliation Agreements and
6 Consent Orders?

7 COMMISSIONER YIENGST:

8 So moved.

9 CHAIR BOLSTEIN:

10 Second?

11 COMMISSIONER HARDIMAN:

12 Second.

13 CHAIR BOLSTEIN:

14 It's been moved and seconded that we
15 accept the Conciliation
16 Agreements/Consent Orders that are
17 Items 8, 9, 10, 11 on the agenda. Is
18 there any discussion?

19 Not hearing any, all those in
20 favor of approving those
21 Conciliation Agreements/Consent
22 Orders please say aye. Any opposed?

1 [The motion passed unanimously.]

2 ***

3 REQUESTS FOR PRELIMINARY HEARINGS

4 CHAIR BOLSTEIN:

5 A total of 18 requests for
6 Preliminary Hearings, Item Nos. 12
7 through 29 on the agenda, Case Nos.
8 201603869, 201702350, 201703105,
9 201800730, 201802628, 201900930,
10 201901650, 202000033, 202002217,
11 202100185, 202100202, 202100559,
12 202100808, 202101238, 202101432,
13 202101992, 202102051, 202102534.

14 Is there a motion?

15 COMMISSIONER YIENGST:

16 I move that we deny that
17 recommendation.

18 CHAIR BOLSTEIN:

19 Is there a second?

20 COMMISSIONER HARDIMAN:

21 Second.

22 CHAIR BOLSTEIN:

1 It's been moved and seconded that we
2 deny the request for a Preliminary
3 Hearing for Item Nos. 12 through 29
4 on the agenda. Is there any
5 discussion?

6 COMMISSIONER SORATHIA:

7 I just have to recuse myself from
8 No. 19.

9 CHAIR BOLSTEIN:

10 We'll vote on all of the items
11 except for No. 19 to start with. So
12 all those in favor of the motion to
13 deny the request for a Preliminary
14 Hearing for Item Nos. 12 through 18
15 and 20 through 29 please say aye.
16 Any opposed?

17 [The motion passed unanimously.]

18 ***

19 CHAIR BOLSTEIN:

20 And not a motion for Item No. 19 for
21 which Commissioner Sorathia has
22 recused herself on that case. All

1 those in favor of approve the motion
2 to deny the request for a
3 Preliminary Hearing for Item 19
4 please say aye. Any opposed?

5 [The motion passed unanimously.]

6 ***

7 MOTIONS AND OTHER ACTIONS - None

8 ***

9 PENNSYLVANIA LEGISLATIVE UPDATE - None

10 ***

11 REGULATION UPDATE - None

12 ***

13 MANAGEMENT REPORTS

14 Executive Director

15 [Chad Dion Lassiter, MSW, Executive Director, noted
16 that the Penn State University's Executive Director's
17 Award was handed to Brittany Mellinger but that due
18 to the other recipient being "out in the space and
19 the place doing social justice", that person was not
20 afforded an opportunity to receive an award.

21 There are three Executive Director Awards. One
22 of the November Awards was presented to Stacy Waters.

1 Executive Director Lassiter noted that Ms. Waters has
2 revamped the Advisory Commissions under her purview,
3 and she is also an ambassador of justice who left the
4 PHRC and ended up coming back to the PHRC. She has
5 accepted a position as director of Diversity, Equity
6 and Inclusions with PennDOT

7 He noted the second person to receive the
8 November Award is Carrie Simmons, a mathematical
9 genius trying to work at the PHRC for about four
10 years after finally landing a position. Carrie does
11 things that "show up" and "doesn't show up", not
12 doing things to receive accolades. Director Lassiter
13 commented it was hard to announce the award for her
14 as she is the one that orders the awards. He noted
15 that Ms. Simmons is receiving the award as she
16 stepped in "admirably" over the past year during the
17 pandemic to help Director Garcia and himself, never
18 complained.

19 The third person, the December Award recipient,
20 Amanda Martin, always steps in and helps out and has
21 a professional disposition that should be modeled
22 throughout the Commission.

1 Ms. Waters thanked the Commission and Director
2 Jung for the award and for giving her the license to
3 do her job well. She provided a brief history of her
4 professional career and talked about how well
5 regarded PHRC investigators are and that their
6 training is second to none.

7 Mr. Jung provided comments about Ms. Waters' work
8 at the PHRC noting that she is articulate in
9 everything she does and has a great disposition and
10 an example of the type of employee that would be an
11 asset to the PHRC.

12 Ms. Simmons thanked the Commission for
13 acknowledging the work that she does for the
14 Commission.

15 Ms. Martin was surprised to receive the award and
16 stated she enjoys working for the PHRC. She thanked
17 Commission members for recognizing her.

18 Ms. Walters noted that Amanda recently graduated
19 from the Lean Transformational Leadership Program and
20 that her final project was one for improving the
21 investigation process.

22 ***

1 ADJOURNMENT

2 [The meeting adjourned at 3:32 p.m.]

3 ***

4 PHOTOGRAPHS WERE TAKEN

5 ***

6 [Next meeting date: January 23, 2023

7 ***

8

9 CERTIFICATE

10

11 I hereby certify that the foregoing summary
12 minutes of the Pennsylvania Human Relations
13 Commission, was reduced to writing by me or under my
14 supervision, and that the minutes accurately
15 summarize the substance of the Pennsylvania Human
16 Relations Commission meeting.

17

18



19

Erica Correia,

20

Minute Clerk

21

Sargent's Court Reporting

22

Service, Inc.

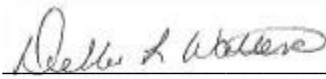
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APPROVAL OF MINUTES

MOTION: At the May 23, 2023, Public Meeting, Commissioner Yiengst made a motion, seconded by Commissioner Agrawal to approve the minutes of the December 19, 2022, Public Meeting. With all in favor, motion carried.



M. Joel Bolstein, Chairman

 o/b/o Commissioner Mayur Patel

Mayur Patel, Secretary