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PENNSYLVANIA HUMAN RELATIONS COMMISSION

M I N U T E S

TIME: 3:20 P.M.

Held at
Heritage Rooms
333 Market Street
Harrisburg, PA 17101

June 26, 2023

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Pennsylvania Human Relations Commission
June 26, 2023

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COMMISSIONERS:

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

EXECUTIVE DIRECTOR

Chad Dion Lassiter, MSW

INTERIM CHIEF COUNSEL

Martin Cunningham, Esquire

COMMISSION COUNSEL

Damian DeStefano, Esquire

STAFF

- Desiree Chang, Director of Education - Excused
- Amanda Brothman, Director of Communications
- Lauren Daman, Human Resources Director
- Tamara Shehadeh-Cope, Esquire, Hearing Examiner
- Kurt Jung, Esquire, Director of Enforcement
- Debbie Walters, Administrative Officer Enforcement
- Heather Roth, Regional Office Director, Harrisburg
- Adrian Garcia, Director of Fair Housing and Commercial Property - Excused
- Darlene Hemerka, Esquire, Hearing Examiner
- Lyle Wood, Regional Office Director, Pittsburgh
- Zulay Rojas, Special Assistant to Executive Director
- Ashley Walkowiak, Director, Policy and Intergovernmental Affairs
- Robert Lindsey, Regional Office Director, Philadelphia

1 ALSO PRESENT
2 Elizabeth Ellington

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8 Pennsylvania Human Relations Commission

9 June 26, 2023

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11 MEETING CALL TO ORDER AND OPENING STATEMENT

12 [Joel Bolstein, Esquire, Chair, called the meeting to
13 order at 3:20 p.m.

14 Pursuant to Section 711 (a) of the Sunshine Act,
15 this Commission meeting may be recorded by attendees.
16 Voluntary participation in the meeting constitutes
17 consent to be recorded. The meeting has been
18 advertised in accordance with the provisions of the
19 Sunshine Act. Prior to the meeting and in keeping
20 with the confidentiality requirements of the Sunshine
21 Act, we had a closed session to discuss compliance
22 matters, management updates and adjudicative case
23 deliberations.

24 After concluding the business portion of the
25 meeting, if we have any guests, I'll invite them to

1 introduce themselves and any organizations that they
2 represent. Guests will have an opportunity to
3 briefly address the Commission. We welcome any
4 comments about equal opportunity and Civil Rights
5 issues and problems with discrimination. We value
6 everyone's partnership in promoting equal
7 opportunity. We love to hear about the work of any
8 organizations that are represented but we cannot hear
9 any specific about open investigations or cases that
10 we may have to rule on in the future.

11 I note that we have the presence of a quorum and
12 I call the meeting to order.]

13 ***

14 ADOPTION OF AGENDA

15 CHAIR BOLSTEIN:

16 First item of business is to adopt
17 the agenda. Is there a motion?

18 COMMISSIONER HARDIMAN:

19 So moved.

20 CHAIR BOLSTEIN:

21 Is there a second?

22 COMMISSIONER PATEL:

1 Second.

2 CHAIR BOLSTEIN:

3 It's been moved and seconded. Any
4 comments? All those in favor of the
5 motion please say aye? Any opposed?

6 [The motion passed unanimously.]

7 ***

8 APPROVAL OF MINUTES

9 CHAIR BOLSTEIN:

10 We have Minutes of three Public
11 Meetings, the March 27, 2023, April 22,
12 2023 and May 22, 2023.

13 Is there a motion to approve those
14 Minutes?

15 DR. AGRAWAL:

16 So moved.

17 COMMISSIONER PATEL:

18 So moved.

19 CHAIR BOLSTEIN:

20 It's been moved and seconded. Any
21 comments?

22 Commissioner Hardiman abstained from voting on the

1 [The Hearing Examiner summarized her Proposed
2 Findings of Fact and Conclusions of Law and Order for
3 consideration. She reported that Complainant filed a
4 Verified Amended Complaint in this case on or about
5 March 22, 2021 against Respondent alleging that from
6 September of 2020 through February 4, 2021,
7 Respondent failed to provide Complainant a workplace
8 free from sexual harassment. Hearing Examiner
9 further reported that Complainant further alleged
10 that Respondent terminated the Complainant because of
11 his sex and in retaliation for the Complainant
12 proposing sexual harassment in the workplace. A
13 Finding of Probable Cause and Liability Order was
14 issued on August 23, 2021, following Respondent's
15 failure to file a verified Answer to the Complaint.
16 Conciliation failed on February 23, 2022 and this
17 case was placed on the public hearing docket on
18 November 2, 2022.

19 A public hearing in this matter regarding what if
20 any damages are appropriate was held on April 6, 2023
21 in Hazelton, Pennsylvania. Hearing Examiner stated,
22 upon consideration of the entire record in this

1 matter, she found the Complainant, Kyle Rodin,
2 suffered damages in the approximate amount of
3 \$48,839.58, which represents mitigated back pay owed
4 plus an additional interest of six percent per annum
5 following Complainant's termination.

6 Hearing examiner recommended to the Commission
7 that Respondent, Wilkes-Barre Chicken, be responsible
8 for payment of the lump sum of \$48,839.58. She
9 stated it is also recommended that Respondent cease
10 and desist from terminating employees because of
11 their sex and sexual orientation.]

12 CHAIR BOLSTEIN:

13 The Commission is now scheduled to vote
14 on the disposition of the Complaint, for
15 which a public hearing has been held.
16 In said cases the PHRA requires the
17 Commission to review the recommended
18 Findings, Conclusions and Order made by
19 the permanent Hearing Examiner or
20 hearing panel to to approve or reverse
21 the Findings, Conclusions and Order
22 before service of such order on the

1 parties to the Complaint.

2 Each Commissioner voting today
3 signifies by his or her vote that he or
4 she has reviewed the entire record in
5 this matter to determine whether the
6 recommended Findings are supported by
7 substantial evidence.

8 Furthermore because it is for the
9 Commission as the adjudicative body to
10 determine whether the Respondent has
11 engaged in or is engaging in unlawful
12 discriminatory practice as defined by
13 the PHRA, any Findings, Conclusions and
14 Order approved today are so approved
15 only after the Commission itself has
16 determined that the evidence upon which
17 it is based has been resolved correctly.
18 And that any credibility determinations
19 have been decided correctly.

20 So is there a motion to adopt the
21 Proposed Findings of Fact, Conclusions
22 of Law and Order of the Hearing Examiner

1 in the case of Kyle Rodin v. Wilkes-
2 Barre Chicken, LLC?

3 COMMISSIONER HARDIMAN:

4 So moved.

5 CHAIR BOLSTEIN:

6 Is there a second?

7 DR. AGRAWAL:

8 Second.

9 CHAIR BOLSTEIN:

10 Any discussion? Not hearing any, all
11 those in favor of the motion to approve
12 the Proposed Findings of Fact,
13 Conclusions of Law and Proposed Final
14 Order please say aye? Any opposed?

15 [The motion passed unanimously.]

16 ***

17 CONCILIATION AGREEMENTS/CONSENT ORDERS

18 CHAIR BOLSTEIN:

19 We have eight Conciliation Agreements
20 and Consent Orders, Items 4 through 11
21 on the agenda, File Nos. 201901617,
22 201901831, 202001116,

1 202002740, 202100117, 202100803,
2 202101196, and 202200004. Is there a
3 motion to approve those?

4 DR. HARDIMAN:

5 So moved.

6 CHAIR BOLSTEIN:

7 Is there a second?

8 COMMISSIONER PATEL:

9 So moved.

10 CHAIR BOLSTEIN:

11 It's been moved and seconded that we
12 approve the Conciliation Agreements and
13 Consent Orders that are Items 4 through
14 11 on our agenda. Any discussion?

15 [There was discussion regarding File No. 202100117.

16 Chair Bolstein suggested that this matter be held
17 over to the next meeting pending a copy of the
18 settlement letter.]

19 CHAIR BOLSTEIN:

20 Is there a motion to approve
21 Conciliation Agreements and Consent
22 Orders, Item Nos. 4 through 7 and 9

1 through 11 on the agenda, File Nos.
2 201901617, 201901831, 202001116,
3 202002740, 202100803, 202101196, and
4 202200004 pending receipt of the
5 settlement letter?

6 COMMISSIONER HARDIMAN:

7 So moved.

8 CHAIR BOLSTEIN:

9 And a second?

10 COMMISSIONER SORATHIA:

11 Second.

12 CHAIR BOLSTEIN:

13 It's been moved and seconded. Anny
14 discussion on any of those Conciliation
15 Agreements and Consent Orders? Not
16 hearing any, all those in favor of
17 approving those please say aye? Any
18 opposed?

19 [The motion passed unanimously.]

20 ***

21 REQUESTS FOR PRELIMINARY HEARINGS

22 CHAIR BOLSTEIN:

1 We have 35 requests for Preliminary
2 Hearings, Item Nos. 12 through 46
3 on the agenda.

4 I need a motion to deny the
5 Requests for Preliminary Hearings
6 for File Nos. 201700283, 201701316,
7 201701418, 201701429, 201800013,
8 201901330, 201902112, 201902116,
9 202001205, 202001554, 202002247,
10 202002590, 202100693, 202101587,
11 202101590, 202101592, 202101593,
12 202101600, 202101601, 202101603,
13 202101604, 202101605, 202101606,
14 202101607, 202101672, 202101738,
15 202101766, 202101803, 202102089,
16 202102363, 202102528, 202200100,
17 202200572, 202201082, and 202201206.

18 COMMISSIONER HARDIMAN:

19 So moved.

20 COMMISSIONER PATEL:

21 Second.

22 CHAIR BOLSTEIN:

1 It's been moved and seconded that we
2 deny the Requests for Preliminary
3 Hearings, Items 12 through 46. Any
4 discussion on any of those?

5 [Commissioner Sorathia noted she would be recusing
6 herself from voting on Item Nos. 16, 37 and 46.]

7 CHAIR BOLSTEIN:

8 The record should show that
9 Commissioner Sorathia is recusing
10 herself from the Requests for
11 Preliminary Hearings for Items 16,
12 37 and 46 on the agenda.

13 I'd like a motion to approve
14 the 32 Requests for Preliminary
15 Hearings, to deny those requests,
16 excluding the three that
17 Commissioner Sorathia is recusing
18 herself on.

19 COMMISSIONER HARDIMAN:

20 So moved.

21 CHAIR BOLSTEIN:

22 Is there a second?

1 [Commissioner Sorathia recused from voting on the
2 motion.]

3 ***

4 MOTIONS AND OTHER ACTIONS - NONE

5 ***

6 APPROVED FOR PUBLIC HEARING DOCKET

7 CHAIR BOLSTEIN:

8 For our notification Items 47
9 through 50 are approved for the
10 public hearing docket, Item No.
11 201702696, Kathleen Gibson vs.
12 Arnolds Office Furniture Co., Inc;
13 Item No. 201703347, Allison Dennis
14 vs. Aventura at Prospect, LLC, f/k/a
15 Reliant Prospect Park, LLC; CPP
16 Senior Holdings, LLC; Item No.
17 201902590, Tia Hixson vs. Joseph W.
18 Elhajj d/b/a Appex Valuation
19 Services; Item No. 202101691,
20 Karanveer Singh vs. Tommy Gun, Inc.,
21 d/b/a Targetmaster.

22 ***

1 PENNSYLVANIA LEGISLATIVE UPDATE - NONE

2 ***

3 REGULATION UPDATE - NONE

4 ***

5 MANAGEMENT REPORTS - NONE

6 ***

7 OLD BUSINESS - NONE

8 ***

9 NEW BUSINESS

10 [The salary adjustment for the Executive Director was
11 discussed in Executive Session.

12 CHAIR BOLSTEIN:

13 The salary adjustment would be a move
14 from step 13 level 14 to step 13 level
15 15. I need a motion to approve that.

16 COMMISSIONER PATEL:

17 So moved.

18 COMMISSIONER HARDIMAN:

19 Second.

20 CHAIR BOLSTEIN:

21 It's been moved and seconded. Any
22 discussion? Hearing none, all those in

1 favor of the motion please say aye? Any
2 opposed?

3 [The motion passed unanimously.]

4 ***

5 NEW BUSINESS (CONTINUED)

6 [Chad Dion Lassiter, Executive Director, indicated
7 that he and Commission Counsel DeStefano had been
8 discussing the current climate as it relates to the
9 regulations.]

10 Damian DeStefano, Esquire, Commission Counsel,
11 discussed his concepts on how the Commission could be
12 prepared and be on the forefront with regard to
13 policies as an agency and where Pennsylvania stands
14 with particular issues.

15 Chair Bolstein questioned what happens to the
16 current guidance that predated the more specific regs
17 and to make sure to reach out and receive responses
18 from all stakeholders, possible Respondents,
19 Complainants so they know these regs are going to
20 become law. He suggested a PowerPoint presentation
21 via a webinar in-house so that "everybody is speaking
22 and saying the same thing."

1 Executive Director indicated that Director
2 Brothman sent out a "well-formulated, well-written"
3 concise script to all Commissioners regarding the
4 matter.

5 Chair Bolstein talked about fact patterns
6 including school bathrooms, locker rooms. He talked
7 about several ways matters can be handled, including
8 investigating specific facts and then ruling and
9 applying the law to those facts or using a fact
10 sheet, which provides information regarding those
11 areas. Chair Bolstein suggested the matter be
12 discussed further in an Executive Session or in a
13 Compliance Session. He suggested that all who are
14 part of this to be careful about how this should be
15 done. There was further discussion regarding the old
16 and new definitions for the new regs and new rules
17 for the appeal process.

18 Executive Director suggested that a committee be
19 organized to follow up on this and other matters.

20 Chair Bolstein summarized that the Commission
21 would have until August 16 to get ready for the
22 rollout and what the Commission should be prepared

1 for in terms of outreach and educating people about
2 the new regs. The regs would be published in the
3 Pennsylvania Bulletin noting when they become
4 effective along with a link to the Bulletin.]

5 ***

6 PUBLIC COMMENT - NONE

7 ***

8 ADJOURNMENT

9 CHAIR BOLSTEIN:

10 I'll call for a motion to adjourn.

11 COMMISSIONER HARDIMAN:

12 So moved.

13 COMMISSIONER PATEL:

14 Second.

15 CHAIR BOLSTEIN:

16 All in favor?

17 [The motion passed unanimously.]

18 ***

19 [The meeting adjourned at 3:55 p.m.]

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CERTIFICATE

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



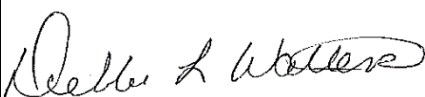
Devin Nunemaker,
Minute Clerk
Sargent's Court Reporting
Service, Inc.

1 **APPROVAL OF MINUTES**

2
3 **MOTION:** At the August 28, 2023, Public Meeting, Commissioner Yiengst
4 made a motion, seconded by Commissioner Hardiman to approve
5 the minutes of the May 22, 2023, Public Meeting. With all in favor,
6 motion carried.

7
8
9 

10 _____
11 M. Joel Bolstein, Chairman

12
13 
14 _____ on behalf of Commissioner Mayur Patel
15
16 Mayur Patel, Secretary