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**PENNSYLVANIA HUMAN RELATIONS COMMISSION**

**M I N U T E S**

TIME: 3:06 P.M.

Held at  
Honors Suite  
333 Market Street  
Harrisburg, PA 17101

January 27, 2025

1                    Pennsylvania Human Relations Commission  
2    January 27, 2025

3  
4 COMMISSIONERS:

5  
6 Joel Bolstein, Esquire, Chair  
7 Dr. Raquel O. Yiengst, Vice Chair  
8 Mayur Patel, Esquire, Secretary  
9 Dr. Rad Agrawal - absent  
10 Michael Hardiman, Esquire  
11 Curtis Jones  
12 Aleena Sorathia, Esquire - absent

13  
14 EXECUTIVE DIRECTOR

15  
16 Chad Dion Lassiter, MSW

17  
18 DEPUTY CHIEF COUNSEL

19  
20 Sandra Crawford, Esquire

21  
22 COMMISSION COUNSEL

23  
24 Vacant

25  
26 STAFF PRESENT:

27  
28 Amanda Brothman, Director of Communications  
29 Alana Burman, Director of Policy,  
30                    Intergovernmental Affairs and Mediation  
31 Desiree Chang, Director of Education  
32 Caroline Eister, Director of Fair Housing and  
33                    Commercial Property  
34 Adrian Garcia, Director of Enforcement  
35 Darlene Martin, Esquire, Hearing Examiner  
36 Waydee Rivera, Interim Regional Office Director,  
37                    Philadelphia  
38 LaDawn Robinson, Regional Office Director, Pittsburgh  
39 Heather Roth, Regional Office Director, Harrisburg  
40 Tamara Shehadeh-Cope, Esquire, Hearing Examiner  
41 Debbie Walters, Administrative Officer

42  
43 ALSO PRESENT:

44 Montgomery (Monty) Wilson, Esquire, Community Legal  
45                    Services, Inc.  
46 Arthur (Art) Lyons, Center for Economic Policy  
47                    Analysis  
48 Ira Goldstein, Reinvestment Fund  
49 Colin Weidig, Reinvestment Fund  
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51

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2 Pennsylvania Human Relations Commission

3 January 27, 2025

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5 MEETING CALL TO ORDER AND OPENING STATEMENT

6 The time is now 3:06 p.m.

7 [Joel Bolstein, Chairperson of the Pennsylvania Human  
8 Relations Commission, welcomed to the public meeting  
9 of the Pennsylvania Human Relations Commission.

10 Pursuant to Section 711 (a) of the Sunshine Act,  
11 65 P.S. § 711(a), this Commission meeting may be  
12 recorded by attendees. Voluntary participation in  
13 the meeting constituted consent to be recorded.

14 The meeting was advertised in accordance with the  
15 provisions of the Sunshine Act. Prior to the meeting  
16 and in keeping with the confidentiality requirements  
17 of the Sunshine Act, an Executive Session and a  
18 Compliance Session were held to conduct business,  
19 including compliance matter, management updates, and  
20 adjudicative case deliberations.

21 After concluding with the business portion of the  
22 meeting, guests will be invited to introduce  
23 themselves and their organizations. Guests will have  
24 an opportunity to briefly address the Commission.  
25 The Commission welcomed comments about equal

1 opportunity and Civil Rights issues or problems of  
2 discrimination. Any statements expressed during the  
3 public session by members of the public represent the  
4 opinions and beliefs of the speaker and not the  
5 opinions and beliefs of the Commission.

6 The Commission cannot hear specifics of open  
7 investigations or cases it may have to rule on in the  
8 future.

9 Joel Bolstein, Esquire, Chair, convened the  
10 monthly meeting of the Pennsylvania Human Relations  
11 Commission. The presence of a quorum was noted.]

12 \*\*\*

13 ADOPTION OF AGENDA

14 CHAIR BOLSTEIN:

15 First order of business is for a motion  
16 to adopt the agenda.

17 COMMISSIONER YIENGST:

18 So moved.

19 COMMISSIONER HARDIMAN:

20 Second.

21 CHAIR BOLSTEIN:

22 It's been moved and seconded. Is  
23 there any discussion about the agenda?  
24 Not hearing any, all those in favor of  
25 adopting the agenda please say aye? Any



1 to vote on the disposition of a complaint for which a  
2 public hearing has been held. In such cases, the  
3 Pennsylvania Human Relations Act requires the  
4 Commission to review the recommended findings,  
5 conclusions and order made by the permanent hearing  
6 examiner or hearing panel and to approve or reverse  
7 the findings, conclusions, and order before service  
8 of such order on the parties to the complaint.

9       Each commissioner voting signifies by his or her  
10 vote that he or she has reviewed the entire record in  
11 these matters to determine whether the recommended  
12 findings are supported by substantial evidence.  
13 Furthermore, because it is for the Commission, as the  
14 adjudicative body to determine whether the respondent  
15 has engaged in or is engaging in an unlawful  
16 discriminatory practice as defined by the  
17 Pennsylvania Human Relations Act, any findings,  
18 conclusions and order approved are so approved only  
19 after the Commission itself has determined that the  
20 evidence upon which it is based has been resolved  
21 correctly; and that any credibility determinations  
22 have been decided correctly.]

23 PRESENTATION

24 CHAIR BOLSTEIN:

25                   The first case we have a summary from

1 the hearing center on and then vote on  
2 is Kathleen Giberson Vs. Arnolds Office  
3 Furniture Co, Inc., Case No. 201702696.

4 I would ask the Hearing Examiner to  
5 give us a brief summary.

6 [Darlene Martin, Esquire, Hearing Examiner Director,  
7 explained the complainant Kathleen Giberson dual  
8 filed the complaint against her former employer  
9 Arnold's Office Furniture Co, Inc. The complainant  
10 alleged that the respondent discriminated against her  
11 on the basis of her disability by terminating on her  
12 second day of employment. The respondent filed a  
13 timely answer denying the allegations of the  
14 complaint.

15 Following a finding of Probable Cause and Failure  
16 to Conciliate, all parties waived their right to an  
17 in-person hearing. A virtual public hearing was held  
18 on August 20, 2024.

19 The hearing examiner found that the complainant  
20 met her burden to establish that the respondent  
21 discriminated against her in violation of Section 5A  
22 of the PHRA and that the respondent failed to  
23 establish a legitimate non-discriminatory reason for  
24 its action.

25 Therefore, the hearing examiner recommended that

1 the Commission order the following with regard to  
2 damages: The respondent, Arnold's Office Furniture  
3 Co, Inc., shall cease and desist from discriminating  
4 against its employees with disabilities. Respondent  
5 shall pay complainant, Kathleen Giberson, a lump sum  
6 of \$28,298.16, which amount represents mitigated back  
7 pay and interest of 6%. Following complainant's  
8 termination and now within 30 days of the effective  
9 date of this Order, respondent shall report to the  
10 PHRC on the matter of compliance with terms of this  
11 Order addressed to Director Adrian Garcia, Director  
12 of Enforcement of the Pennsylvania Human Relations  
13 Commission.]

14 CHAIR BOLSTEIN:

15                   Is there a motion to approve the  
16                   Findings of Fact, Conclusions of Law and  
17                   Opinion of the Permanent Hearing  
18                   Examiner?

19 COMMISSIONER YIENGST:

20                   So moved.

21 CHAIR BOLSTEIN:

22                   Is there a second?

23 COMMISSIONER HARDIMAN:

24                   Second.

25 CHAIR BOLSTEIN:

1           It's been moved and seconded that we  
2           approve the Findings of Fact,  
3           Conclusions of Law, Opinion of Permanent  
4           Hearing Examiner, and Proposed Final  
5           Order.

6                   Is there any discussion? Not  
7           hearing any, all those in favor of the  
8           motion please say aye? Any opposed?

9 COMMISSIONER PATEL:

10                   Nay.

11 [The motion passed by a vote of three to one.]

12   \*\*\*

13 CHAIR BOLSTEIN:

14                   The second case is Case No. 201703946  
15                   Pamela McDuffie Vs. Tunic Group, LLC, et  
16                   al.

17                                   I would ask the Hearing Examiner  
18                   give us a brief summary.

19 [Tamara Shehadeh-Cope, Hearing Examiner Director,  
20 explained complainant Pamela McDuffie filed a  
21 complaint in PHRAC case number 201703946 on June 7,  
22 2021, against Tunic Group, LLC, et al. The  
23 complainant alleged the respondent discriminated  
24 against the complainant on the basis of disability  
25 when it failed to be compliant with the following

1 requested accommodations:

- 2 1) Transfer to an A level apartment.
- 3 2) A reserved handicap accessible parking space.
- 4 3) Enforcement of respondents anti-dumping  
5 policies or implementation of remedial measures that  
6 would have permitted complainant full functional use  
7 of a reserved accessible parking space.
- 8 4) A functional intercom system.

9 The respondent filed a timely answer denying the  
10 allegations set forth in the complaint.

11 Following a finding of Probable Cause and Failure  
12 to Conciliate, all parties waived their right to an  
13 in-person hearing. A virtual public hearing was held  
14 on April 17 and 18, 2024.

15 The hearing examiner found that the complainant  
16 met her burden in establishing that the respondent  
17 denied her the above mentioned necessary and  
18 reasonable accommodations in violation of PHRA  
19 section 5H3.2.

20 The hearing examiner also found that respondent  
21 failed to meet its burden in showing that  
22 complainant's numerous requests for accommodation  
23 were unreasonable.

24 Therefore, the hearing examiner recommended the  
25 following:

1           1) The respondent, Tunic Group, LLC, cease and  
2 desist from denying a reasonable accommodation to  
3 tenants who require them due to their disability.

4           2) Within 60 days of the effective date of the  
5 signed order, respondent take Fair Housing Training.

6           3) Respondent create and implement a written  
7 policy regarding discrimination and requiring regular  
8 Fair Housing Compliance training for staff.

9           4) Respondents shall pay complainant the lump sum  
10 of \$120,802, which amount represents \$60,000 in  
11 compensatory damages of embarrassment and humiliation  
12 that complainant suffered and \$60,802 in attorney's  
13 fees and costs.

14           5) Within 60 days of the effective date of this  
15 order, respondents shall deliver to PHRC counsel a  
16 check payable to the Commonwealth of Pennsylvania in  
17 the amount of \$5,000, which represents an assessment  
18 of a civil penalty pursuant to section 9F2I of the  
19 PHRA; and that within 60 days of the effective date  
20 of this Order, respondent shall report to the PHRC on  
21 the matter of its compliance with the terms of this  
22 Order by letter addressed to Director Adrian Garcia,  
23 Director of Enforcement of the Pennsylvania Human  
24 Relations Commission.

25 CHAIR BOLSTEIN:



1 [Tamara Shehadeh-Cope, Hearing Examiner, complainant  
2 B.R. filed a complaint in this matter on May 8, 2023,  
3 against Hettinger Tattoo, LLC and Kyle Hettinger.  
4 The complainant alleged that respondents  
5 discriminated against complainant on the basis of  
6 disability when they denied complainant tattoo  
7 service and access to their commercial property  
8 because he was HIV positive. Respondents filed a  
9 timely answer denying the allegations set forth in  
10 the complaint. Following a finding of probable cause  
11 and failure to conciliate, a public hearing was held  
12 in this matter on July 11, 2024, in Berks County,  
13 Pennsylvania.

14 The hearing examiner found that the complainant  
15 met his burden in establishing that respondents  
16 discriminated against him by denying him service and  
17 access to commercial property in violation of section  
18 5 of the PHRA. The hearing examiner also found that  
19 respondent failed to establish a viable defense to  
20 the complainants claim.

21 The hearing examiner therefore recommended the  
22 following:

23 Respondents, Hettinger Tattoo, LLC & Kyle  
24 Hettinger, cease and desist from discriminating  
25 against individuals due to their disability.

1           That within 60 days of the effective date of this  
2 order, respondents shall pay complainant the lump sum  
3 of \$5,000, which amount represents compensatory  
4 damages of embarrassment and humiliation that  
5 complainant suffered. That within 60 days of the  
6 effective date of this Order, respondents shall  
7 deliver to PHREC Council a check payable to the  
8 Commonwealth of Pennsylvania in the amount of \$1,000,  
9 which represents an assessment of a civil penalty  
10 pursuant to section 9F2I of the PHRA; and that within  
11 60 days of the effective date of this Order,  
12 respondents shall report to the PHRC on the manner of  
13 his compliance with the terms of this order by letter  
14 addressed to Director Adrian Garcia, Director of  
15 Enforcement of the Pennsylvania Human Relations  
16 Commission.]

17 CHAIR BOLSTEIN:

18                       Is there a motion to approve the  
19                       findings of fact, conclusions of law,  
20                       opinion, and final order of the hearing  
21                       examiner?

22 COMMISSIONER YIENGST:

23                       So moved.

24 CHAIR BOLSTEIN:

25                       Is there a second?





1 COMMISSIONER HARDIMAN:

2                   Second.

3 CHAIR BOLSTEIN:

4                   It's been moved and seconded that we  
5                   deny the request for preliminary  
6                   hearing, that those requests are shown  
7                   as items 9 through 19 on the agenda.

8                   Is there any discussion? Not  
9                   hearing any, all those in favor of the  
10                  motion, please say aye? Any opposed?

11 [The motion passed unanimously.]

12   \*\*\*

13 ADJOURNMENT

14 CHAIR BOLSTEIN:

15                   I think that is all the official  
16                   business that we had.

17                   Is there anybody present from the  
18                   public who wants to briefly address the  
19                   Commission?

20                   Okay. Not hearing any, then I would  
21                   call for a motion to adjourn. One  
22                   second. Well, he was on the phone.

23 COMMISSIONER YIENGST:

24                   So moved.

25 CHAIR BOLSTEIN:



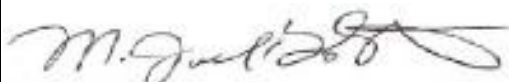
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CERTIFICATE

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.




Derek Richmond,  
Court Reporter  
Sargent's Court Reporting  
Service, Inc.



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M. Joel Bolstein, Chairman

 o/b/o Commissioner Mayur Patel

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Mayur Patel Mayur Patel, Secretary