

COMMONWEALTH OF PENNSYLVANIA
GOVERNOR'S OFFICE
PENNSYLVANIA HUMAN RELATIONS COMMISSION

LINDA SHAUB,
Complainant

v.

PLUNKETT'S PLACE,
Respondent

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PHRC Case No. 200302130

FINDINGS OF FACT
CONCLUSIONS OF LAW
OPINION
RECOMMENDATION OF PERMANENT HEARING EXAMINER
FINAL ORDER

FINDINGS OF FACT *

1. The Complainant, Linda Shaub, (hereinafter "Shaub") is a female over the age of fifty. (N.T. Vol. 3. p.65, 130; R.E. 8)
2. The Respondent, Plunkett's Place, is a local tavern located at 4254 Richmond Street Philadelphia, Pa. (N.T. Vol. 1. p 290; R.E. 8)
3. Plunkett's Place was owned by Christopher Plunkett, (hereinafter "Plunkett"). (N.T. Vol. 3, p.17)
4. In 1999, Plunkett purchased the building at 4254 Richmond Street and began renovations until in February 2001, Plunkett's Place opened. (N.T. Vol. 3, p.17)
5. Prior to opening Plunkett's Place Plunkett met Shaub. (N.T. Vol. 1; p. 49; Vol. 3, p. 17)
6. Plunkett had known Shaub's husband for 15 years. (N.T. Vol. 3, p.18)
7. At the time, Shaub had between 15 to 20 years experience working in bars. (N.T. Vol. 1, p.52)
8. Shaub expressed an interest in helping Plunkett get his bar open. (N.T. Vol. 3, p 18-19)

* To the extent that the Opinion which follows recites facts in addition to those here listed, such facts shall be considered to be additional Findings of Facts. The following abbreviations will be utilized throughout these Findings of Fact for reference purposes:

N.T. Vol. 1	Notes of Testimony, October 24, 2006
N.T. Vol. 2	Notes of Testimony, October 25, 2006
N.T. Vol. 3	Notes of Testimony, October 26, 2006
C.E.	Complainant's Exhibit
R.E.	Respondent's Exhibit

9. At the time, Plunkett was in his mid-twenties and had never owned a bar before. (N.T. Vol. 3, p.18)
10. When Plunkett's Place opened, Shaub left another job and came to work as a bartender/manager at Plunkett's Place. (N.T. Vol. 1, p.49-50, 54, 72, 106 and Vol. 3, p. 22)
11. Between the opening in February 2001 and the summer, Plunkett hired other employees who often did not show up for work or left because they made little money. (N.T. Vol. 3, p.23)
12. Plunkett's Place generally ran three shifts per day with one employee per shift: 7am – 10am; 10am – 6pm, and 6pm – 2am or closing. (N.T. Vol. 1, p.53, 106)
13. Because employees either did not show up or quit, Shaub was left to run Plunkett's Place alone a lot of times. (N.T. Vol. 3, p.23)
14. Before the summer of 2001, the bar was not making money and Shaub quit recommending that Plunkett get his Mother to fill in. (N.T. Vol. 3, p.24-25)
15. Approximately a week before she quit, Shaub lent Plunkett money to keep the bar operating. (N.T. Vol. 3, p.24)
16. By summer's end of 2002, Plunkett's Place was doing better. (N.T. Vol 3, p.30)
17. At about that time, Shaub was in Plunkett's Place as a patron and spoke with Plunkett telling him if a shift opened, she was available but she was not looking to be a manger again. (N.T. Vol. 3, p.31)
18. Subsequently, Plunkett called Shaub asking her to cover a Monday night shift for the year's first Monday night professional football game. (N.T. Vol. 3, p. 33)
19. Shaub indicated she would think about it. (N.T. Vol. 3, p.33)