

COMMONWEALTH OF PENNSYLVANIA  
GOVERNOR'S OFFICE  
PENNSYLVANIA HUMAN RELATIONS COMMISSION

MARIA THOMPSON-WHITE,  
Complainant

v.

LYCOMING HOUSE, a subsidiary of  
FIRETREE, LTD,  
Respondent

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PHRC CASE NO. 200604839  
EEOC CHARGE NO. 17F200761419

FINDINGS OF FACT

CONCLUSIONS OF LAW

OPINION

RECOMMENDATION OF PERMANENT HEARING EXAMINER

FINAL ORDER

## FINDINGS OF FACT \*

1. The Complainant herein is Maria Thompson-White, an African American female (hereinafter "Complainant"). (N.T. II, 129)
2. The Respondent herein is Lycoming House, a subsidiary of Firetree Ltd (hereinafter "Firetree").
3. Firetree is a nonprofit 501(c)(3) charitable company that provides rehabilitation services for persons who had a brush with the criminal justice system. (N.T. II, 4)
4. Firetree's clients are people who are at the end of their prison terms. Firetree trains them, and assists them to find jobs. (N.T. II, 4-5)
5. Firetree began providing drug and alcohol rehabilitation services after learning that 80 percent of people in the criminal justice system had some sort of substance abuse problem. (N.T. II, 6)
6. On or about March 8, 1999, Firetree hired the Complainant as an Administrative Assistant. (N.T. I, 18)
7. The Complainant initially reported to facility Executive Director Le Sabre Scott for service, and then began reporting to the new facility Executive Director Linda Solano in 2001. (N.T. I, 19-20)
8. Complainant was then temporarily promoted to Acting Director of Lycoming House on July 23, 2000 for approximately four or five months. (C.E. 7; N.T. I, 19)
9. The Complainant was promoted to the position of Executive Director of Lycoming House in September 2005. (N.T. I, 21)
10. Allen Ertel is the current president of Firetree which he founded in 1992. (N.T. I, 77)
11. At all times relevant to this complaint, Mr. Ertel was chairman of Firetree's Executive Committee and William Brown was the President. (N.T. I, 151; NT II, 54)
12. The President reported to the Executive Committee which gave Mr. Ertel all of the Authority to run Firetree. (N.T. II, 55)

\* 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 Fact. The following abbreviations will be utilized through these Findings of Fact for reference purposes:

- N.T. I Notes of Testimony for June 29, 2009 Hearing
- N.T. II Notes of Testimony for July 21, 2009 Hearing
- C.E. Complainant's Exhibit

13. Mr. Ertel made the decision to hire Complainant, raised her salary and promoted her to the position of Executive Director. (N.T. II, 53,55)

14. On one occasion, Mr. Ertel approved a 6% pay raise for Complainant which was the largest percentage increase given to any Firetree employee at that time. (N.T. II, 55)

15. In September of 2006, Mr. Ertel made the decision to discharge the Complainant with the concurrence of Mr. Brown. (N.T. II, 55; C.E. 7)

16. In 2006, the Pennsylvania Department of Corrections (hereinafter "DOC"), the agency that Firetree contracted with to provide drug and alcohol rehabilitation services, began demanding that Firetree reduce its prices. (N.T. II, 15, 22)

17. As a result of the demands of DOC, Firetree began looking for alternative uses for the property. (N.T. II, 23)

18. At one point, it appears that Firetree would have to either close the facility and layoff the staff or try to get someone to take over the facility and staff. (N.T. II, 26)

19. Mr. Ertel, in trying to find an alternative use of the facility, began negotiations with Vision Quest and its President, Peter Ranalli. (N.T. II, 29)

20. On August 9, 2006, Mr. Brown sent an email to all employees stating that "Vision Quest will be moving into Lycoming House and utilizing the facility. All staff from Lycoming has been offered the opportunity to transfer to another Firetree facility or they can remain at their current facility and be employed by Vision Quest." (N.T. I, 152, C.E. 4)

21. On August 10, 2006, Complainant received a phone call from Mr. Ertel and Mr. Brown instructing the Complainant to not let any employees go, that Vision Quest had backed out of the deal. (N.T. I, 44)

22. On September 11, 2006, Firetree held a quarterly directors' meeting at its Williamsport headquarters. (N.T. I, 33)

23. The purpose of the meeting, which was titled "Missions, Values, and Goals," was to develop both a mission statement and the values needed to carry out that mission statement. (N.T. II, 183)

24. The meeting was presided over by an outside trainer, Kim Oliver. (N.T. II, 183-184)

25. Before the meeting, an agenda was handed to all participants. (N.T. I, 80-81; N.T. II, 45, 177)

26. The agenda had a statement on the bottom reminding the participants that everyone should be pleasant and not pick fights with each other. (N.T. I, 80-81; N.T. II, 177)

27. Toward the end of the meeting, Ms. Oliver opened up the floor for comments to Mr. Ertel and Mr. Brown. (N.T. II, 184)

28. At this point, only two employees made comments: Linda Solano, a Caucasian female and the Complainant, an African American female. (N.T. I, 47, 50)

29. Ms. Solano was the first to speak and she commented that the organization should recognize employees for good work and get away from the tendency to focus on things that are not working. (N.T. I, 122, 127, 129-130)

30. Ms. Solano's comments focused on better communication between the corporate office and employees (N.T. I, 127)

31. The Complainant spoke next and her comments were specifically related to Lycoming House and specifically directed at Mr. Ertel and Mr. Brown. (N.T. I, 122; N.T. II, 188)

32. The Complainant demanded that Mr. Ertel and Mr. Brown apologize to the employees for the manner in which they attempted to effectuate the transfer to Vision Quest. (N.T. I, 160)

33. The Complainant's comments clearly were personalized toward Mr. Ertel and Mr. Brown. (N.T. I, 160)

34. Larry Early, Executive Director at Firetree's Capital Pavilion facility in Harrisburg, testified that the nature of the Complainant's comments were clearly different than Ms. Solano's comments. (N.T. I, 150)

35. Mr. Ertel testified that the Complainant said that he and Mr. Brown had done a terrible job with Firetree and should apologize for the Vision Quest matter. (N.T. II, 48-49)

36. Harold Imber, Director of Special Projects, credibly testified that the Complainant's attitude was angry and defiant. (N.T. II, 167)

37. Scott Snyder, Director of Administration for Firetree, credibly testified that the Complainant's comments were an aggressive attack directed specifically at Mr. Ertel. (N.T. II, 187)

38. Mr. Ertel credibly testified that the Complainant, at the meeting, kept saying "we did not run the organization right and that she would run it differently." (N.T. I, 99)