

COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA HUMAN RELATIONS COMMISSION

ROBERT CLARK, Complainant

DOCKET NO. H-1216

VS

FRANK and MARY SEGRO,
Respondents

OPINION, INCLUDING FINDINGS
OF FACT, CONCLUSIONS OF LAW,
COMMISSION'S DECISION AND
FINAL ORDER

On January 30, 1969 a Complaint was filed with the Pennsylvania Human Relations Commission (hereinafter referred to as "Commission") by Robert Clark against Frank and Mary Segro alleging that on or about January 29, 1969, the Respondents refused to show Complainant because he was Negro, with the intent to rent, a 3-room apartment located at 416 N. Duke Street, Lancaster, Pa., and that said refusal was in violation of Section 5, Sub-Section (h)(1) of the Pennsylvania Human Relations Act of October 27, 1955, P.L. 744, as amended.

The Complaint further stated that the unlawful discriminatory practice referred to was of a continuing nature which has persisted up to and including the present time.

Investigation of the facts resulted in the finding of probable cause to credit the allegations in the Complaint, and the Commission ordered a Public Hearing to be held in the matter, assigning as Hearing Commissioners, Stanley A. Miller, Chairman, and Andrew Freeman and Wilma S. Heide.

On March 21, 1969, Respondents filed their Answer to the Complaint alleging that the apartment in issue was under lease;

that the tenant was trying to break her lease; that the rent was paid up to March 13, 1969; that she was still in possession up to February 28, 1969; that Respondents showed no one the apartment until February 28, 1969 and denied ever seeing or talking to Complainant or his wife; that Respondents sought to rent the apartment only after the furniture was removed therefrom on February 28, 1969 and that same was rented on March 1, 1969; that Complainant never returned to view the apartment after Respondents inserted a rental advertisement in the local newspaper, and, therefore, denied the act of discrimination complained of.

A Public Hearing was held on April 7, 1969 in the Grand Jury Room, 4th Floor, County Court House, Lancaster, Pa., beginning at 10:15 A.M., and Notes of Testimony in said hearing were taken by Mary M. Wrighton of Mohrbach & Marshal, Inc.

The case in support of the Complaint was presented by Stanton W. Kratzok, Esq., Assistant General Counsel for the Commission, and Respondents were represented by Marshall M. Cohen, Esq., of Lancaster, Pa.

The Complainant, the Respondent Mary Segro, and their witnesses were present in Court and testified.

At the close of testimony, the Hearing Commissioners heard argument from counsel and, after conferring among themselves, closed the case announcing that they had found that Respondents had committed the act of discrimination charged and that they would so recommend to the full Commission for a Final Order herein.

The Hearing Commissioners are unanimously of the opinion that the allegations in the Complaint have been substantiated by the testimony herein and that Respondents have been shown to have discriminated against Complainant because they refused to show the apartment in premises 416 N. Duke Street, Lancaster, Pa., for the purpose of renting same, to Complainant because of Complainant's race, which was Negro.

The evidence disclosed that at the time of the alleged act of discrimination, the apartment in issue was under written lease to Mrs. and Mrs. Wann. The lease was for six months' duration beginning November 13, 1968 and ending May 13, 1969. At the time of the alleged act of discrimination - January 29, 1969 - Mrs. Wann was not occupying the apartment but was living at her husband's parents' home to which she had gone after a period in the hospital. Her husband was away on military duty. She had paid rent for the month ending February 13, 1969 and had asked for and had obtained express permission from Respondents to sublet the apartment and to insert an advertisement in the newspaper for the purpose of obtaining a sublessee.

The evidence disclosed that Mrs. Wann inserted in that ad the telephone number of her inlaws' house (where she was then living) but that Respondent, Mary Segro, had subsequently inserted the Segro telephone number therein as well.

There was testimony by Complainant and his wife that in response to the ad, appearing on January 29, 1969, they called Respondent Mary Segro and were told to come to her residence at 43 W. James Street, Lancaster, Pa., with reference to the renting of the apartment at 416 N. Duke Street, Lancaster, Pa.,

owned by Respondents. Complainant and his wife testified that within a few minutes thereafter, as directed by Respondent Mary Segro, they appeared at the Segro residence; that they saw Mrs. Segro through a window; that they observed her looking at them and that she refused to come to the door to talk to them. Mrs. Segro, however, denied ever seeing Complainant or his wife. Complainant's wife described in some detail how Mrs. Segro was dressed that day and the position from behind the raised curtain from which she viewed them. Mrs. Segro, although denying seeing the Clarks, admitted after a telephone call on the day in question, someone came to the house very soon thereafter.

Later that day, after the alleged refusal by Mrs. Segro, Complainant told the story to a representative of the Lancaster Human Relations Commission and the Complainant, his wife, and the representative went to the Segro residence but were unable to get a response to their door-ringing or knocking.

The representative later that day talked to Mrs. Segro's daughter, reporting the alleged refusal by her mother to show the apartment to Complainant and his wife. The daughter, after a phone conversation with her mother in the representative's presence, confirmed her mother's refusal.

Mrs. Wann, the tenant of the subject apartment, testified that she had obtained permission to sublet from Mary Segro; that although her furniture was still in the otherwise unoccupied apartment, it was made clear that it would be cleared out upon the obtaining of a subtenant; that Respondent Mary Segro knew this and knew that she was to show the apartment for the purpose of subletting her apartment (Apt. 8 on the 3rd floor of premises 416 N. Duke Street, Lancaster, Pa.) and to arrange for subletting

if prospects called. This witness also testified that Mary Segro had previously refused to allow subletting of the apartment to a prospect who was Negro. The refusal was admitted by Respondent Mary Segro but on the ground of either her youth and/or her divorced status and not because of her race. Mrs. Wann also identified her lease and the written cancellation of it, which indicated lessors as being both Respondents, and her check in payment for the February rent on the back of which appeared endorsements of both Respondents.

Eugene Reid, Field Representative of the Commission, testified that on January 30, 1969, the day after the alleged act of discrimination, he talked to Respondent Mary Segro who told him she remembered a couple who came to her porch the previous day and, when the witness asked her whether she would show the apartment and let them rent it

"She said, no, she didn't want to rent the apartment to Negroes" (N.T. 86)

On cross-examination, this witness testified

"...She would not show it to colored persons. She said it would be better to have the apartment vacant than to have colored there..." (N. T. 91)

In defense, Respondents, through the testimony of Mary Segro, denied seeing Complainant and his wife on their porch on January 29, 1969; denied that she had been given the power to sublet for Mrs. Wann or that she had permission to show the apartment for that purpose and admitted she had had her telephone number inserted in Mrs. Wann's advertisement (but with Mrs. Wann's ratification) and denied that she had ever told the Commission's Field Representative that she refused to show the apartment to Complainant

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Mary Segro, one of the Respondents, as co-owner of the premises because she was co-tenant by the entirety, acted for herself and as agent for her husband, Frank Segro, the other co-owner, because he was co-tenant by the entirety, the other Respondent herein.

The Hearing Commissioners therefore make the following

FINDINGS OF FACT

1. The Complainant herein is Robert Clark, a Negro.
2. The Respondents herein are Frank and Mary Segro, husband and wife, and Caucasian.
3. At all times herein, Respondents Frank and Mary Segro were the owners of premises 416 N. Duke Street, Lancaster, Pa.
4. Mr. and Mrs. Wann were tenants of the subject apartment on January 29, 1969, the date of the alleged act of discrimination, under a written lease for six months from November 13, 1968 to May 13, 1969, although they were not occupying said apartment since the husband was in military service and she was living with his parents.
5. That Mrs. Wann obtained permission of Respondents to sublet the apartment, as a result of which an advertisement was inserted in the local Lancaster newspaper, with Respondents knowledge and consent, Respondents themselves having inserted therein their own telephone number in order to expedite the subletting process.
6. That rent for the apartment was paid to February 13, 1969, at which time a prospective subtenant would be able to take possession and the furniture of the tenant would be then removed therefrom.

7. Complainant and his wife, in response to the advertisement and at Respondent's direction by telephone, came to Respondent's house, presented themselves, were observed by Respondent Mary Segro who refused to grant their request to be considered as sublessees.

CONCLUSIONS OF LAW

1. At all times herein mentioned, Respondents were the owners of the premises in issue and are Caucasian.
2. At all times herein mentioned, the Commission had and still has jurisdiction over the subject matter of this proceeding and over the Complainant and the Respondents.
3. Respondent Mary Segro, at all times herein mentioned, acted for herself and as agent for her husband, the other Respondent herein, in the process of renting the apartment in issue herein and of the seven other apartments in said premises located at 416 N. Duke Street, Lancaster, Pa.
4. The apartment in issue herein was available for subletting on January 29, 1969 and for occupancy thereof by February 13, 1969, the day to which the rent had been paid by the tenant at the time of the act of discrimination.
5. Respondents discriminated against the Complainant by Respondent Mary Segro's refusing to show Complainant and his wife the apartment available for subletting when she observed them to be Negroes.
6. The Complaint herein was properly made, executed and filed in accordance with Section 9 of the Pennsylvania Human Relations Act.
7. The Respondents have refused to show a 3-room apartment located in 416 N. Duke Street, Lancaster, Pa., owned by them,

for the purpose of renting same, to Complainant because of Complainant's race which is Negro.

8. The Respondents herein have engaged in an unlawful discriminatory practice.

It is therefore recommended that the Commission enter an Order against Respondents requiring them to cease and desist from refusing to show apartments in premises 416 N. Duke Street, Lancaster; Pa., to Complainant and to offer to rent the next available apartment to him.

STANLEY A. MILLER,
Presiding Commissioner

ANDREW FREEMAN,
Commissioner

WILMA S. HEIDE,
Commissioner

COMMISSION'S DECISION

AND NOW, June , 1969, upon the recommendation of the Hearing Commissioners and upon all the evidence at the Public Hearing of this case and in consideration of the Findings of Fact and Conclusions of Law, the Pennsylvania Human Relations Commission by a unanimous decision finds and determines that Respondents Frank Segro and Mary Segro, individually and jointly, committed discriminatory practices in violation of Section 5, Sub-Section (h)(1) of the Pennsylvania Human Relations Act of October 27, 1955, P.L. 744, as amended, in that the Respondents, individually and jointly, refused to show, with intent to rent, an apartment at their premises, 416 N. Duke Street, Lancaster, Pa., to Complainant Robert Clark, because of Complainant's race.

COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA HUMAN RELATIONS COMMISSION

ROBERT CLARK,

Complainant

VS

FRANK and MARY SEGRO,
Respondents

DOCKET NO. H-1216

FINAL ORDER

AND NOW, this . day of June, 1969, upon consideration of the foregoing Findings of Fact, Conclusions of Law and Commission's Decision, and pursuant to Section 9 of the Pennsylvania Human Relations Act, it is hereby

ORDERED by the Pennsylvania Human Relations Commission

1. That Respondents Frank Segro and Mary Segro, individually and jointly, their respective agents, representatives and employees, shall cease and desist from refusing to show (with intent to rent) apartments located in premises 416 N. Duke Street, Lancaster, Pa., to Complainant Robert Clark, because of his race, which is Negro.
2. That Respondents, Frank Segro and Mary Segro, individually and jointly, their respective agents, representatives and employees, shall cease and desist from refusing to show for the purpose of renting, apartments in any other commercial building owned, operated or controlled by them or any one of them, to Negroes generally or to any individuals because of their race, color, religious creed, ancestry or national origin.
3. That Respondents, Frank Segro and Mary Segro,

shall take the following affirmative action, which in the judgment of the Commission, will effectuate the purposes of the Pennsylvania Human Relations

Act:

In writing,

(a) /offer forthwith to show in premises

416 N. Duke Street, Lancaster, Pa.,

the apartment in issue, (if same is not now rented) to Complainant Robert Clark and offer to rent same to him; and, if said apartment is now rented, to offer forthwith to show similar accommodations at premises 416 N. Duke Street, Lancaster, Pa., or in any other commercial premises owned by Respondents to Robert Clark for the purpose of renting same and to rent same to him. A copy of said written communication shall be transmitted to the Commission by Respondents.

(b) Instruct all of Respondents' agents, representatives and employees to apply the same standards, terms, conditions and privileges in the rental or sale of any commercial housing owned, operated or controlled by them or either of them, to all applicants for such housing accommodations regardless of their race, color, religious creed, ancestry or national origin.

- (c) For a period of one (1) year from the date of this Final Order immediately notify the Commission at its headquarters, 4th Floor, 100 Cameron Street, Harrisburg, Pa., in writing, when any apartment in any of the commercial housing owned, operated or controlled by Respondents in Lancaster, Pa. becomes available for rent.
- (d) Notify the Pennsylvania Human Relations Commission, at its above address, in writing, within fifteen (15) days of the date of this Final Order, as to the steps Respondents have taken or intend to take to comply with each ordered provision hereof.

PENNSYLVANIA HUMAN RELATIONS
COMMISSION

S E A L

By: _____

MAX ROSENN, Chairman

Attest:

STANLEY A. MILLER, Secretary