

Order

COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA HUMAN RELATIONS COMMISSION

IVA JEAN KELLY,
Complainant,

vs.

COMPLAINT
DOCKET NO. H-1249

CORBETT REALTY COMPANY,
JAMES W. CORBETT, WILLIAM
KEELING,
Respondent

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

On March 20, 1969, complainant, Iva Jean Kelly, visited the offices of Corbett Realty Company in response to an ad previously placed in the Pittsburgh Post-Gazette concerning a certain home which Corbett Realty Company had for sale. The complainants, Negroes, had great difficulty in making contact with anyone in authority who could show them the house they wished to see. They subsequently were informed that the house had been sold.

After they had been so informed, a Mr. Meyers, a member of South Hills Association for Racial Equality (SHARE) called Corbett Realty Company and asked to see the house. At that time, he was told that the house was available for viewing and an appointment was made immediately for that purpose. A complaint was thereafter filed with the Pennsylvania Human Relations Commission (hereinafter referred to as "Commission"), charging that the complainant was denied an opportunity to view the property in question because of her race, in violation of the provisions of the Pennsylvania Human Relations Act.

The Commission investigated ~~and~~ the facts, found probable cause to credit the allegations of the complainant and, as a result of the efforts of the Commission, the house in question was shown to the complainant. Complainant thereafter determined that the house was unsatisfactory for her purposes and received oral assurances from Corbett Realty Company that any other house that they had listed in her price range would be brought to her attention immediately for viewing. Subsequently, at least one home in that price range did become available for sale and was listed by Corbett Realty Company, but was not brought to the attention of the complainant. The investigatory staff of the Commission attempted to inquire of Corbett Realty Company as regards their listings, but were refused access to any records, informations or books and were not able to conduct an investigation in a satisfactory manner.

A prehearing conference was scheduled at the office of the Commission in Pittsburgh and respondent failed to appear.

The Commission then scheduled and conducted a public hearing on Friday, October 3, 1969, at 10:00 A.M. in the Commissioners' Gold Room, Allegheny County Courthouse, Grant Street, Pittsburgh, Pennsylvania.

The hearing was conducted by a hearing panel of three Commissioners, consisting of John P. Leemhuis, ^{252.} presiding, Mrs. Wilma S. Heide and Mr. Robert W. Goode.

The case in support of the Complaint was presented by Jay Harris Feldstein, Esquire, Regional Counsel for the Commission. Respondents, Corbett Realty Company and James W. Corbett were represented by Donald E. Rogers, Esquire, and respondent William Keeling, was represented by Robert S. Daniels, Esquire, Having observed all of the witnesses and considered all of the evidence given at the hearing, the hearing Commissioners are of the opinion that the complainant was refused the sale of a home because of her race and was further refused access to other homes listed by respondents and that such unlawful, discriminatory practice was of a continuing nature which has persisted up to and including the present time.

The hearing Commissioners, therefore, recommend that the Commission enter a Final Order requiring the respondents to cease and desist from said unlawful discriminatory practices.

The hearing Commissioners make the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. At all times hereinmentioned, the complainant, Iva Jean Kelly, a Negro, lived in Allegheny County, Pennsylvania.
2. At all times herein mentioned, the respondents were doing business as Corbett Realty Company in Allegheny County, Pennsylvania.

3. On March 19, 1969, respondents advertised for sale a certain home ~~at~~ at 86 Adams Drive, Upper St. Clair Township, Pittsburgh, Pennsylvania, owned by Mr. William McGee.

4. In response to said ad, complainant^s visited respondent^s' place of business and requested that they be showed the house in question.

5. Respondents used certain ^{deliberate} delatory tactics to avoid showing the subject property to complainant.

6. Respondents informed complainant that the house had been sold when in fact it had not been sold.

7. Complainant filed a Complaint with the Commission and as a result of the investigatory process which ensued, the house in question was shown to complainant.

8. During the viewing of the subject property respondents did not treat complainant in a courteous manner in that complainant was not introduced to the owner of the premises who was present at the time of the viewing, as is the usual case, and respondent did not give complainant answers to questions concerning room dimensions, etc. as requested by complainant.

9. When Mr. Meyers of SHARE called respondents, he was told that the same house had not been sold prior to the showing of that house to the complainant and when he viewed said house he was ~~introduced~~ introduced to the owner and all his questions concerning the property were answered by the respondent^s.

10. Respondents orally promised complainant that they would call her immediately if any home in her price range became available through either their exclusive or Multi-List listings.

11. In the Pittsburgh Press of Sunday, April 13, 1969, at Page 16 of Section 7, in the Fifth Column appeared an advertisement over the name of Corbett Realty which described a home in Mt. Lebanon well within the price range of complainant.

12. Complainant was not advised by Corbett Realty that this house was available nor was complainant advised of any other homes available through the listings of Corbett Realty.

13. This listing was made within approximately two weeks of the time respondents promised complainant that they would call ~~her~~ her as soon as they had any listings in her price range.

14. Respondents ^{were} ~~was~~ under an obligation to notify complainant of that fact according to their oral promises to do so.

15. Respondents failed to so notify complainant.

16. Respondents ~~also~~ treated the white SHARE escort differently than they did the complainant.

17. The course of conduct of respondents and their failure to cooperate with the Commission indicates a course of conduct which gives substance to the Complaint.

The complainant and her husband are steadily employed, earn sufficient funds to purchase a home in their price range,

are excellent credit risks and would be exceptionally good and desirable home owners.

CONCLUSIONS OF LAW

1. At all times hereinmentioned, the complainants were and they are still inhabitants of the Commonwealth of Pennsylvania.

2. At all times hereinmentioned, the respondents, Corbett Realty Company, James W. Corbett and William Keeling, individually and doing business as Corbett Realty Company, were the agents for certain properties in the section of Allegheny County known as the South Hills.

3. At all times hereinmentioned the Commission had and still has jurisdiction over the respondents.

4. At all times hereinmentioned the Commission had and still has jurisdiction over the subject matter of this proceeding and over the Complaint.

5. The respondents have committed unlawful discriminatory practices in violation of Section 5 (h) (1) of the Pennsylvania Human Relations Act in that they have refused and still refuse to show commercial housing to the complainant and notify her of the availability of said housing.

6. The Complaint and Amended Complaint were properly made, signed and filed in accordance with Section 9 of the Pennsylvania Human Relations Act.

The hearing Commissioners are unanimously of the opinion and, therefore, recommend that the Commission enter a cease and desist Order against the respondents, Corbett Realty Company, James W. Corbett and William Keeling in this case.

OPINION

Testifying at the public hearing was complainant, Iva Jean Kelly; Mr. Meyers, the SHARE escort; and Mr. Joseph Gadd, the Regional Investigator for the Pennsylvania Human Relations Commission. Respondents did not avail themselves of the opportunity of presenting any testimony whatsoever at the public hearing.

This case must be investigated in the light of the continuing course of conduct of the respondents from the first contact complainant made with them through the public hearing. IN that light, it appears quite clear that respondents did not wish to sell property to a Negro. Their course of conduct concerning complainant's initial appearance at their office indicates that they attempted to delay showing the subject property to complainant and it was only after a Complaint was filed with the Commission that they agreed to do so. The viewing itself was not conducted in a friendly and courteous ~~in~~ manner and it appeared to the Commission that the viewing was only made to satisfy and hold off any action by the Commission as a result of the Complaint which was filed.

Although there is no legal requirement that respondents are under a continuing duty to show or notify ^{to} perspective buyers of any future listing that arise, we take it as settled fact that it is a common practice in the real estate industry to do so. In addition, respondents placed themselves under an affirmative duty to do so by their oral representation that they would notify complainants if and when any property in their price ^{set} range became available for sale. Obviously, at least one property in that range became available for sale because of the

advertisement in the newspaper. The hearing Commissioners have no direct evidence that other properties were available for sale as respondents continually refused to make their records and books available to the investigatory staff of the Commission for review and analysis. An inference may logically be drawn that they did not wish to do so because of the data therein contained.

At all times the Commission and its personnel attempted to conciliate this matter and effectuate an amicable adjustment of same. Respondents did not seem to be in any mood to accomplish this objective as shown by their refusal to make records and data available to the Commission and their refusal to appear at a pre-hearing conference scheduled by the Commission.

Consequently, the hearing Commissioners ~~we~~ have found that there were delatory tactics used in showing the Adams Drive property to complainant and no effort was made to comply with complainants' request that other properties be shown her.

Considering the problems which now beset our center cities, suburban living is much in demand. In the Allegheny County area, one of the most desirable areas for said suburban living is in the South Hills, comprising basically Upper St. Clair Township, Scott Township, Mt. Lebanon Township, Bethel Borough and their environs. For many years there has been a suggestion that it is difficult for minority groups, both because of race and religion, to find proper accommodations in this suburban area. The conduct of respondents in the instant case indicates an attempt to perpetuate ^{that} this policy.

This Commission has learned from a long list of cases that the true purpose and intent of a respondent must be deduced from inferences after reviewing all pertinent facts. All of the facts in this case lead to the conclusion that the respondents' course of conduct indicates that they do not wish to satisfy requests of Negro buyers.

It is, therefore, recommended that the Commission enter a cease and desist Order against the respondents in this case.

Presiding Hearing Commissioner

Hearing Commissioner

Hearing Commissioner

COMMISSION DECISION

AND NOW, this _____ day of _____,
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 the
respondent, Corbett Realty Company, James W. Corbett and
William Keeling, individually and jointly, committed
unlawful discriminatory practices in violation of Section 5
(h) of the Pennsylvania Human Relations Act in that the
respondents refused to show and cooperate with complainant
in attempting to find housing in the respondent's listing
area because of the race of said complainant, she being a
Negro.

FINAL ORDER

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

ORDERED, by the Pennsylvania Human Relations
Commission:

1. That the respondents, Corbett Realty company,
James W. Corbett and William Keeling, individually and
doing business as Corbett Realty Company, their agents,

servants and employees, shall cease and desist from, directly or indirectly, refusing, withholding ~~for~~ from or denying to the complainants, to other Negroes and to other persons, because of their race, color, religious creed, ancestry or national origin, housing accommodations which are subject to the provisions of the Pennsylvania Human Relations Act.

2. That the respondents, their agents, servants and employees shall take the following affirmative action, which, in the judgment of the Commission, will effectuate the purposes of the Pennsylvania Human Relations Act:

(a) Apply the same standards, terms, conditions and privileges in the sale or rental of housing accommodations, subject to the Pennsylvania Human Relations Act, located in the Commonwealth of Pennsylvania, now or hereafter owned, built, managed, controlled or offered for sale by them or any of them to all applicants for such housing regardless of their race, color, religious creed, ancestry or national origin;

(b) Transmit to the Commission forthwith a signed statement that they will not, at any future time, either directly or indirectly, violate the Fair Housing Provisions of the Pennsylvania Human Relations Act;

(c) Instruct all of the respondents' employees, in writing, to deal with Negroes seeking housing accommodations in the same manner as they deal with whites seeking such housing accommodations, copies of such written instructions, signed by all of the respondents' employees and acknowledging receipt and understanding thereof shall be transmitted to the Commission by the respondent;

(d) Notify the Pennsylvania Human Relations Commission, at its office at 100 North Cameron Street, Harrisburg, Pennsylvania, 17120, in writing, within fifteen days of the date of service of this Final Order, as to the steps the respondents have taken to comply with each of the provisions of this Final Order.

PENNSYLVANIA HUMAN RELATIONS
COMMISSION:

By Max Rosen, Chairman

ATTEST:

Secretary