

COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA HUMAN RELATIONS COMMISSION

JUNE D. BEY,)

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) DOCKET NO. P-676

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JOAN WOODRING, individually and)
doing business as JOAN WOODRING'S)
BEAUTY SALON)

vs.)

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

FINAL ORDER

The Complainant, a Negro, residing in McKeesport, Allegheny County, Pennsylvania, filed a verified complaint with the Pennsylvania Human Relations Commission (hereinafter referred to as "Commission") on July 2, 1970, charging that Respondent violated the Public Accommodations Provisions of the Pennsylvania Human Relations Act by refusing to serve her in the Beauty Shop owned and operated by Respondent at 924 Union Avenue, McKeesport, Allegheny County, Pennsylvania.

Daryl Ann Preffer, the Human Relations Representative to whom the complaint was assigned for investigation, determined there was probable cause to credit the allegations of the complaint.

Thereafter, attempts to effect an amicable adjustment of the complaint failed to materialize and the Commission therefore conducted a public hearing of the case in the Allegheny County Courthouse in Pittsburgh, Pennsylvania on November 2, 1970 at 11:00 A.M. The hearing was conducted by a Hearing Panel consisting

of Commissioner Wilma Scott Heide, presiding, Commissioner Robert W. Goode, and Commissioner Jess M. Vicini.

The case in support of the complaint was presented by Jay Harris Feldstein, Esquire, Regional Counsel for the Commission, who called the Complainant and one other witness to the stand in support of the charge.

The Respondent did not file an answer to the complaint and was not represented by counsel, but was present at the hearing. The Respondent, Joan Woodring, now known by marriage as Joan Sabo, acted as attorney for herself and cross-examined Complainant and her witness and then testified in her own right.

The hearing Commissioners observed carefully the manner in which all of the witnesses gave testimony and answered questions and are unanimously of the opinion that the Complainant and her witness are worthy of belief. The hearing Commissioners recommend on all the evidence at the public hearing, that the Commission find that the Respondent, Joan Woodring, now known as Joan Sabo, individually and doing business as Joan Woodring's Beauty Salon, has committed unlawful discriminatory practices in violation of the Public Accommodations Provisions of the Pennsylvania Human Relations Act.

The hearing Commissioners, Wilma Scott Heide, Robert W. Goode, and Jess M. Vicini, make the following findings of fact and conclusions of law:

FINDINGS OF FACT

1. The Complainant, June Denise Bey, is a Negro who at all times mentioned herein was a resident of McKeesport, Allegheny County, Pennsylvania.
2. The Respondent, Joan Woodring, now known as Joan Sabo, is the owner and operator of a beauty shop known as Joan Woodring's Beauty Salon and situated at 924 Union Avenue, McKeesport, Pennsylvania, and is the person to whom operator's certificate No. C099023 has been issued by the Pennsylvania Board of Cosmetology.
3. At all times herein mentioned, the Beauty Shop known as Joan Woodring's Beauty Salon, was and it still is an establishment which is open to, accepts or solicits the patronage of the general public.
4. On June 24, 1970, Complainant called Respondent for an appointment to have her hair cut and set and said appointment was made for Friday, June 26, 1970.
5. Complainant called Respondent later that same day and requested that she also receive a hair tint, and the date of the appointment was changed from June 26 to June 27.
6. On Saturday, June 27, 1970 at approximately 12:30 o'clock P.M. Complainant arrived at Respondent's place of business and advised Respondent that Complainant had an appointment.
7. Respondent answered that she was sorry, but she did not do colored people's hair because most beauty shops do not make it a practice to do colored people's hair and, further, that if her regular customers saw a negro in her establishment, they would quit patronizing the subject establishment.

8. On June 27, 1970, when Respondent refused to service Complainant, she could have serviced her if she desired to do so, as there was no process involved in dealing with Complainant's hair that would not have been applicable to the hair of a Caucasian patron.
9. On June 27, 1970 when Respondent refused to service Complainant, she did so because Complainant was a Negro.
10. At the time when Complainant was refused service at the beauty shop of the Respondent, the said Complainant did not in any way cause a disturbance.
11. By telling the Complainant that she could not be serviced because she did not do colored people's hair and that most beauty shops do not make it a practice to do colored people's hair and that her regular customers would quit their patronage of the subject beauty shop, the Respondent, directly or indirectly, refused, withheld from, or denied to a Negro, because of her race, the accommodations, advantages, facilities, or privileges of a place of public accommodations, resort or amusement, and at the same time, the Respondent announced and maintained a policy that the patronage of Negroes at Respondent's Beauty Shop in McKeesport, Pennsylvania, is unwelcome, objectionable, or not acceptable, desired or solicited.

CONCLUSIONS OF LAW

1. At the time of the events complained of, Complainant was, and she still is an inhabitant of the Commonwealth of Pennsylvania, who properly filed and verified a complaint with the Pennsylvania Human Relations Commission.

2. At the time of the events complained of, the beauty shop at 924 Union Avenue, McKeesport, Pennsylvania, was and it still is a place of public accommodations, resort or amusement, within the meaning of Section 4 (1) of the Pennsylvania Human Relations Act.

3. At the time of the events complained of, and at the present time, the Respondent, Joan Woodring, now known as Joan Sabo, was the holder of an operator's certificate No. C099023, issued by the Pennsylvania Board of Cosmetology, authorizing her to operate the beauty shop at 924 Union Avenue, McKeesport, Pennsylvania; and the said beauty shop is in fact operated and controlled by Respondent.

4. At all times since the filing of the complaint herein, the Commission had and it still has jurisdiction over the person of the Respondent.

5. At all times since the filing of the Complaint herein, the Commission had and it still has jurisdiction over the subject matter of this proceeding and over the complaint.

6. The Respondent has refused, withheld from or denied to a Negro, because of her race, the accommodations, advantages, facilities or privileges of a place of public accommodation, resort or amusement, in violation of Section 5, subsection (i) of the Act of October 27, 1955, P.L. 744, as amended by the Act of September 28, 1961, P.L. 47, known as the Pennsylvania Human Relations Act.

7. The Respondent committed unlawful discriminatory practices in violation of Section 5 (i) of the Pennsylvania Human Relations Act by maintaining a policy whereunder the patronage of Negroes at Respondent's Beauty Shop is unwelcome, objectionable, or not acceptable, desired or solicited.

OPINION

Respondent has alleged that she refused Complainant service in her beauty shop because she did not know how to do Negroe's hair. She further alleges that this is because the hair of a Negro has a cellular distinction and difference from the hair of a Caucasian. Respondent further indicated at the hearing that she wanted to learn how to do Negro hair and would take an appropriate course if that were necessary.

The hearing Commissioners do not believe the story related by the Respondent in her own defense to the effect that she actually wants to learn how to do Negro hair. Respondent related to the Commission investigator, that, rather than serve Negroes, she would close her beauty shop and work in her home or, in the alternative, she would wait until she got a stack of complaints before posting the public accommodation poster of the Human Relations Commission, or, in the alternative she stated she would book up solidly with Caucasian customers so she would have no room for any Negro customers. These statements by Respondent clearly indicate a desire not to learn how to do Negro hair and not to service Negroes in her establishment.

Furthermore, the hearing Commissioners do not believe Respondent has a desire to learn how to do Negro hair as she has been engaged in the beauty shop business for approximately six (6) years and has not availed herself of any opportunity during that time to acquaint herself with any processes which may, for purposes of argumentation, be indigenous to the treatment of Negro hair.

Furthermore, hearing Commissioners find that Respondent has an admitted lack of knowledge of the treatment of Caucasian and Negro hair with particular reference to the application of a chemical straightening process which might be requested for tightly curled hair. It is inconceivable that a licensed beauty shop operators in the Commonwealth of Pennsylvania do not have the ability to treat all patrons, using all processes.

Respondent's basic, and unfounded, reaction in the instant case was that servicing a Negro would impair her relationship with her Caucasian customers. It goes without saying that a beauty shop business is a very personal operation and that the patrons who attend a certain beauty shop do so because of the expertise and ability of the beauty shop operator. We consequently find it difficult to believe that Respondent's business would have suffered had she served a Negro patron and, in any event, the law of this Commonwealth does not provide for such a spurious argument.

Furthermore, Respondent was not being truthful with the hearing examiners when she alleged that a preliminary patch test must be given to all customers who wanted a hair tint. Respondent admitted in her own testimony and on cross examination that this patch test was not a requirement in all cases and that she did not mention the need for a patch test when Complainant made her original appointment over the telephone.

Respondent has also been less than candid in alleging that she had not previously refused service to Negroes. Respondent herself admitted under oath that her policy was to identify the voice of a new customer over the telephone and, if that voice were identifiably Negro, she would refuse service. This policy indicates that the question of service to a Negro patron had arisen prior to the present complaint, contrary to the allegation of the Respondent.

In substance, the instant Respondent has not shown a desire to comply with the Human Relations Act of the Commonwealth of Pennsylvania nor does she evidence any intention of complying with this Act in the future. Respondent's good faith is seriously in question and her lack of candor with the hearing Commissioners buttresses this conclusion.

The testimony given at the public hearing shows a clear intention by Respondent to treat Negroes who enter her beauty shop in a discriminatory manner because of their race, and in a manner entirely different from the way Respondent treats her caucasian customers.

The hearing Commissioners therefore recommend to the Commission that a cease and desist Order be entered against the Respondent requiring her to operate her beauty shop in McKeesport, Allegheny County, Pennsylvania without practicing racial discrimination against Negroes seeking to be served therein.

Wilma Scott Heide
Wilma Scott Heide
Presiding Hearing Commissioner

Robert W. Goode
Robert W. Goode
Hearing Commissioner

Jess M. Vicini
Jess M. Vicini
Hearing Commissioner

COMMISSION'S DECISION

AND NOW, the 30th day of January, 1971, upon recommendation of the Hearing Commissioners, upon all of the evidence at the public hearing of this case, and in consideration of the findings of fact and conclusions of law by the Hearing Commissioners, the Pennsylvania Human Relations Commission unanimously finds and determines:

1. The Commission has jurisdiction over the person of the Respondent, over the subject matter of this proceeding, and over the instant complaint.
2. The Respondent has committed unlawful discriminatory practices in violation of Section 5 (i) of the Pennsylvania Human Relations Act, in that she has refused, withheld from and denied to the complainant because of her race, the accommodations, advantages, facilities and privileges of her business establishment, the beauty shop known and operated as Joan Woodring's Beauty Salon and situated in McKeesport, Allegheny County, Pennsylvania, a place of public accommodation, resort or amusement.

FINAL ORDER

AND NOW, this 22nd day of February, 1971, 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 the Respondent, Joan Woodring, also known as Joan Sabo, individually and doing business as Joan Woodring's Beauty Salon, her agents and employees, shall cease and desist from,

directly or indirectly, refusing, withholding from or denying to the Complainant, to other Negroes, and to other persons because of their race, color, religious creed, ancestry or national origin, the accommodations, advantages, facilities or privileges of the beauty shop situated at 924 Union Avenue, McKeesport, Allegheny County, Pennsylvania or any other beauty shop operated now or in the future by Respondent within the Commonwealth of Pennsylvania.

2. That the Respondent shall send a letter of apology to Mrs. June Denise Bey, 1815 Beech Street, McKeesport, Pennsylvania 15132 inviting her to return to Respondent's Beauty Shop for service. A copy of this letter shall be submitted to the office of the Pennsylvania Human Relations Commission at 100 North Cameron Street, Harrisburg, Pennsylvania.


3. That Respondent shall submit a written statement of policy to the office of the Human Relations Commission in Harrisburg, Pennsylvania, which confirms that the Respondent will operate the subject Beauty Salon in accordance with the applicable provisions of the Pennsylvania Human Relations Act, said written statement of policy to be forwarded to the Commission within fifteen (15) days of the date of this Order.

4. That Respondent shall maintain in a conspicuous place at the beauty shop at 924 Union Avenue, McKeesport, Pennsylvania, where patrons entering the beauty shop may easily see it, a copy of the Commission's Public Accommodations Poster, furnished by the Commission, and notice that same has been posted shall be sent to the Commission offices in Harrisburg, Pennsylvania within fifteen (15) days of the date of this Order.

5. That Respondent shall instruct all of her employees, in writing, to service Negro patrons entering the subject beauty shop in the same manner as Caucasian customers. Copies of such written instructions, signed by all of Respondent's employees and acknowledging receipt and understanding thereof, shall be transmitted to the Commission at its Harrisburg office by the Respondent within fifteen (15) days of the date of this Order.

PENNSYLVANIA HUMAN RELATIONS COMMISSION

Attest:



BY:



Secretary

Everett E. Smith, Chairman