

News Release

JAN 19 1976

M E M O R A N D U M

SUBJ: Recission of Final Order and Adoption of Amended Final Order in Robert Ford v. Range End Country Club, Inc. (Docket No. P-663) 5/70 and Phillip C. Evanson and Samuel M. Briggery v. Range End Country Club, Inc. (Docket No. P-778) 8/70

TO : Pennsylvania Human Relations Commissioners
c/o Howard L. Tucker, Jr., Director of Compliance

FROM: Roy Yaffe
Assistant General Counsel

DATE: January 15, 1976

JAN 19 1976



As you may recall, the Commission issued its Final Order in the above cases on August 26, 1974, concluding many years of protracted and procedurally complex litigation before the Commission. An appeal from that Final Order was taken to the Commonwealth Court of Pennsylvania (No. 1302 C.D. 1974) by the children of the corporation's president and the minority stockholders of the Respondent who were, at the time, challenging the operation of the corporation in a stockholders action in the Court of Common Pleas of York County.

The efforts of those minority stockholders eventually were successful, and the Court granted them control of the corporation along with a bank in York County which was appointed as trustee. Upon taking control of the Range End Country Club, these individuals, who are represented by Laverre Senft, Esquire, eliminated the Club's racially exclusionary policies and opened its facilities to all individuals.

The new Club directors were anxious to settle this matter, and the money awarded to the Complainants for both out-of-pocket expenses and compensatory damages for embarrassment, humiliation and mental anguish was the only area of contention, the new Respondents being willing to implement all other terms of the Final Order. Their position on the money was simply that they were not responsible for the actions of the former president, who had been declared incompetent by the Court, and that the financially troubled corporation should not have to bear the responsibilities for his unlawful actions.

Following discussions with Mr. Senft, all of the Complainants and Commissioner E.E. Smith, Chairperson of the Public Hearing Panel, the Complainants and Commissioner Smith approved a monetary settlement which was less than the award contained in the Commission's Final Order but which we all felt was adequate in light of the contingencies and delays that would be caused by the appeal, and the uncertain authority of the Commission to award damages for embarrassment, humiliation and mental anguish. Under the terms of the agreement, Complainant Robert Ford is to receive \$600.00 and Complainant Samuel M. Briggery the sum of \$500.00.

Complainant Phillip C. Evanson, the white minister who was Mr. Briggery's host on the day of the discriminatory action, stated that the change in Club policy was satisfactory to him and that he desired no additional compensation.

Based on the agreement of the Complainants, the Respondent and the Chairperson of the Public Hearing Panel, I am submitting herewith an Amended Final Order for your approval, which alters the original Final Order only as to the monetary award. This Order was drafted pursuant to the attached Stipulation between counsel, in which it was agreed that the Amended Final Order would be entered by the Commission and the Respondent would withdraw its appeal from the Commonwealth Court of Pennsylvania. Based upon the Stipulation, Respondent has taken the latter action in light of the February 2, 1976, argument date set by the Court. I am enclosing for your information copies of the correspondence between counsel, the Stipulation entered into between counsel, and the proposed Amended Final Order. Acceptance and adoption of the Amended Final Order will finally close this matter.

RY/paty

Enclosure

cc: Sanford Kahn
Samuel Edwards
Donald Mackowski ✓

LAW OFFICES OF
LIVERANT, SENFT AND COHEN

SPENCER R. LIVERANT
LAVERE C. SENFT
DONN I. COHEN
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January 7, 1976

Commonwealth of Pennsylvania
Governor's Office
Human Relations Commission
101 State Office Building
Broad & Spring Garden Streets
Philadelphia, Pennsylvania 19130

Attention: Roy Yaffe, Esq.
Assistant General Counsel

Re: Range End Country Club, Inc.
vs. Pennsylvania Human Relations Commission
No. 1302 C.D. 1974

Dear Roy:

This will acknowledge receipt of your letter of January 2, 1976 with enclosures. I have signed the Stipulation and return same herewith.

I call to your attention an error in the date on the fourth line of the first page of the Amended Final Order where the date in question should be August 26, 1974 instead of August 16, 1974, and I trust you will see that is corrected.

Inasmuch as the Commission will not meet until January 25, 1976, and argument is scheduled before Commonwealth Court on February 2, 1976, I thought it advisable to discontinue the appeal based on the fact that the Stipulation is now executed. The date scheduled for argument in Commonwealth Court doesn't allow us to wait until the Amended Final Order is entered. I thought I should do this out of courtesy to the Commonwealth Court as they may want to schedule something else to take our place on the list.

Commonwealth of Pennsylvania

-2-

January 7, 1976

I would appreciate your advising me of the present addresses of Mr. Robert Ford, Mr. Phillip C. Evanson and Mr. Samuel M. Briggery so that we will be in a position to comply with Paragraphs 1 and 4 of the Amended Final Order.

Sincerely yours,

LIVERANT, SENFT AND COHEN


Lavere C. Senft

LCS:bc
Enclosure

COMMONWEALTH OF PENNSYLVANIA

GOVERNOR'S OFFICE

PENNSYLVANIA HUMAN RELATIONS COMMISSION

ROBERT FORD, :
Complainant :
v. : DOCKET NO. P-663
RANGE END COUNTRY CLUB, INC., :
Respondent :
PHILLIP C. EVANSON and :
SAMUEL M. BRIGGERY, :
Complainants :
v. : DOCKET NO. P-778
RANGE END COUNTRY CLUB, INC., :
Respondent :

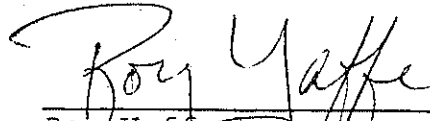
STIPULATION

AND NOW, this 7th day of January, 1976,
it is stipulated and agreed by and between Roy Yaffe, Assistant
General Counsel for the Pennsylvania Human Relations Commission,
and Lavere C. Senft, Esquire, counsel for Range End Country
Club, Inc., that the proceedings captioned above and the
Appeal pending before the Commonwealth Court of Pennsylvania
at No. 1302 C.D. 1974 shall be concluded and disposed as
follows:

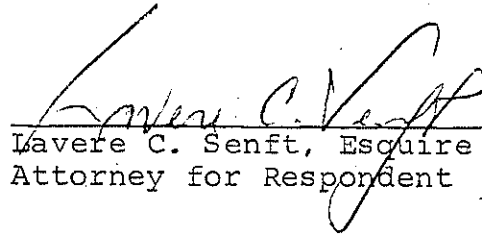
1. The Pennsylvania Human Relations Commission, with
the agreement of the Respondent, shall vacate the Final Order
of August 26, 1974, entered in these proceedings, and shall
issue the attached Amended Final Order.

2. Respondent will cause the Appeal pending before
the Commonwealth Court of Pennsylvania at No. 1302 C.D. 1974

to be discontinued, pursuant to Rule 28, within ten (10) days of the entry of the attached Amended Final Order of the Commission.



Roy Yaffe
Assistant General Counsel
Pennsylvania Human Relations
Commission



Laverie C. Senft, Esquire
Attorney for Respondent

COMMONWEALTH OF PENNSYLVANIA

GOVERNOR'S OFFICE

PENNSYLVANIA HUMAN RELATIONS COMMISSION

ROBERT FORD, :
Complainant :
v. : DOCKET NO. P-663
RANGE END COUNTRY CLUB, INC., :
Respondent :
PHILLIP C. EVANSON and :
SAMUEL M. BRIGGERY, :
Complainants :
v. : DOCKET NO. P-778
RANGE END COUNTRY CLUB, INC., :
Respondent :

AMENDED FINAL ORDER

AND NOW, this 25th day of January, 1976,
upon consideration of the Findings of Fact, Conclusions of
Law, Recommendation of Hearing Commissioners, Commission's
Decision, and Final Order of August 26, 1974; pursuant to
Section 9 of the Pennsylvania Human Relations Act, 43 P.S.
Section 959; and pursuant to the Stipulation entered into by
and between counsel for the Commission and the Respondent, it
is hereby

ORDERED:

1. Within ten (10) days of the date of this Amended
Final Order Respondent, Range End Country Club, Inc., shall
extend a written invitation to Complainants, Robert Ford,
Phillip C. Evanson and Samuel M. Briggery, to join as members
of Range End Country Club, Inc. Membership shall be granted

to each Complainant upon payment by each Complainant of a Ten (\$10.00) Dollar membership fee and shall be renewed each year upon payment of said Ten (\$10.00) Dollar fee for four (4) years from the date of this Amended Final Order. Thereafter, Complainants shall pay the membership fee charged to all other members for all subsequent membership renewals. The Complainants shall be fully entitled to exercise all rights and privileges resulting from membership regarding the use of the golf course and all related facilities on an equal basis with all other members. The invitation shall be in the form hereto annexed as Exhibit "A". Should Respondent, its servants, agents, employees, officers, successors in interest and assigns, seek to rescind or withdraw such membership from the Complainants herein, for any reason whatsoever, within four (4) years of the date of this Amended Final Order, Respondent shall request leave to do so in advance and in writing from the Pennsylvania Human Relations Commission, setting forth the reasons for and dates of such rescission. Only upon receipt of written approval from the Commission may such rescission be implemented.

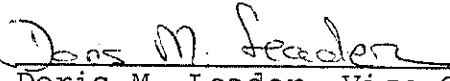
2. Respondent, its servants, agents, employees, officers, successors in interest and assigns, shall immediately cease and desist from committing any unlawful discriminatory practices as defined in Section 5(i)(1) of the Pennsylvania Human Relations Act, 43 P.S. Section 955(i)(1), regarding the golf course and all related facilities at Range End Country Club, Inc. Said policy of non-discrimination shall be reduced to writing, shall be in the form hereto annexed as Exhibit "B" and shall be distributed within ten (10) days of the date hereof to all persons employed by the Respondent, its agents, officers,

successors in interest, assigns or any other individuals who assist in the operation of Respondent's country club and golf course. A certification by an officer of the Respondent that said written policy has been so distributed shall be forwarded to the Harrisburg Regional Office of the Pennsylvania Human Relations Commission within thirty (30) days of the date of this Amended Final Order.

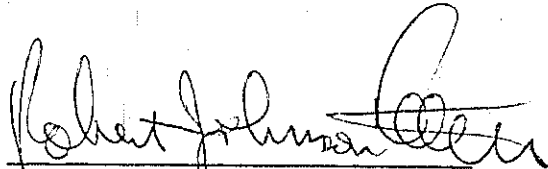
3. Respondent shall cause to be published the advertisement hereto annexed as Exhibit "C" in the Carlisle "Sentinal" once each week for two (2) consecutive weeks, the first publication to be within forty-five (45) days of the date of this Amended Final Order. The advertisement shall be a two column advertisement, five inches high, or approximately five inches by five inches in size.

4. Respondent shall pay to Complainant Robert Ford the sum of Six Hundred (\$600.00) Dollars and to Complainant Samuel M. Briggery the sum of Five Hundred (\$500.00) Dollars in full satisfaction of all claims for compensation and expenses of all Complainants. The aforesaid payments shall be made within thirty (30) days of the date of this Amended Final Order.

PENNSYLVANIA HUMAN RELATIONS
COMMISSION


Doris M. Leader, Vice-Chairperson

ATTEST:


Dr. Robert Johnson Smith
Secretary

RANGE END COUNTRY CLUB, INC.

Box A

Dillsburg, Pennsylvania 17019

Date:

Name
and
Address

Dear Sir:

There has been a change in management of Range End Country Club, Inc. The policy of present management is one of nondiscrimination and membership is open to all individuals regardless of race, sex, religion or national origin.

On behalf of Range End Country Club, Inc. we wish to extend you an invitation to join the club as a member. Membership will be granted to you upon payment of a \$10.00 membership fee and will be renewed annually thereafter for four years upon payment of a similar \$10.00 membership fee each year. After the four-year period renewal of your membership would be subject to payment of the membership fee then in effect and charged to all other members.

Every member is fully entitled to exercise all rights and privileges resulting from membership regarding the use of the golf course and all related facilities on an equal basis with all other members. Members must, of course, pay greens fees as prescribed and must be willing to adhere to Club rules as set forth in the Handbook.

Very truly yours,

RANGE END COUNTRY CLUB, INC.

By: _____
President

Exhibit "A"

RANGE END COUNTRY CLUB, INC.

Box A

Dillsburg, Pennsylvania 17019

NOTICE

It is the policy of Range End Country Club, Inc. not to discriminate against any person by reason of race, sex, religion or national origin regarding the use of the golf course and all related facilities of the club. All employees and persons engaged in assisting in the operation of Range End Country Club and golf course and related facilities are expected to adhere to this policy and not to commit any unlawful discriminatory practices as defined in Section 5(i)(1) of the Pennsylvania Human Relations Act, 43 P.S. § 955(i)(1).

RANGE END COUNTRY CLUB, INC.

By: _____
President

Exhibit "B"

RANGE END COUNTRY CLUB, INC.
BOX A
DILLSBURG, PENNSYLVANIA 17019

INVITATION: To New Members - Join Up Now

NOTICE: To 1975 Members - Renew Before March 1, 1976

MEMBERSHIP DUES: Due March 1, 1976

1975 Members

Single \$17.50 (Before March 1, 1976)
Single 20.00 (After March 1, 1976)
Family 22.50 (Before March 1, 1976)
Family 25.00 (After March 1, 1976)

New Members

Single \$20.00
Family 25.00

1976 Greens Fees

Weekdays \$3.50 Weekends \$5.50
After 5:00 p.m. on weekdays 2.50

In addition, blocks of greens fee tickets may be purchased at discount.

MEMBERSHIP QUALIFICATIONS:

Membership in Range End Country Club, Inc. is open to all individuals regardless of race, sex, religion or national origin.

1975 Members - Automatic renewal upon payment of membership fee.

New Members - Must file an application and be willing to adhere to Club rules as set forth in the Handbook. Write to Club for application form.