

COMMONWEALTH OF PENNSYLVANIA

GOVERNOR'S OFFICE

PENNSYLVANIA HUMAN RELATIONS COMMISSION

CAROL BERRIOS

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:

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vs.

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DOCKET NO. H-2135

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BERTRAM DOLOFF

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SELMA DOLOFF

:

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CONSENT ORDER AND DECREE

WHEREAS, a Complaint was filed against Bertram Doloff, individually, of 341 Jefferson Avenue, Scranton, Pennsylvania and Selma Doloff, individually, of 341 Jefferson Avenue, Scranton, Pennsylvania (hereinafter called the "Respondents") on September 17, 1973 by Carol Berrios of 515 Schultz Court, Scranton, Pennsylvania (hereinafter called the "Complainant") alleging that on or about September 11, 1973 the Respondents violated Section 5 (h) of the Pennsylvania Human Relations Act, Act of October 27, 1955, P.L. 744, as amended, (43 P.S. Sec. 951 et seq.) (hereinafter called the "Act") in connection with commercial housing accommodations located at 420 Monroe Avenue, Scranton, Pennsylvania;

and:

WHEREAS, for the purposes of avoiding further litigation before the Pennsylvania Human Relations Commission, (hereinafter called the "Commission") the Respondents do hereby agree to a waiver of their right to a public hearing under Section 9 of the Pennsylvania Human Relations Act, as amended, and to the entry of the following Consent Order and Decree which shall have the full force and effect of a Commission order following a Public Hearing:

NOW THEREFORE, this 28th day of March, 1976, the Respondents and the Pennsylvania Human Relations Commission agree to the following:

ORDER AND DECREE

1. The Respondents and their agents and employees will fully comply with the Pennsylvania Human Relations Act, as amended, and will henceforth cease and desist from:

a. Directly or indirectly refusing to sell, rent, lease or in any way discriminate because of race, color, religious creed, national origin, ancestry, sex, handicap or disability or the presence of a guide dog due to the blindness of the user, in the terms, conditions or privileges of the sale, rental or lease of any and all commercial housing accommodations which the Respondents own, operate or for which they act as agents managers or brokers or in the furnishing of advantages, privileges, facilities or services in connection therewith.

2. The Respondents and their agents and employees shall take the following affirmative actions which, in the judgment of the Commission, will effectuate the purposes of this chapter:

a. Offer full, equal and non-discriminatory assistance without regard to race, color, religious creed, national origin, ancestry, sex, handicap or disability or because of the presence of a guide dog due to the blindness of the user, to all responsible persons who come to the Respondents seeking assistance in obtaining housing accommodations.

b. The Respondents will immediately issue written instructions citing 2(a) of this Order to all employees and/or agents and direct them to abide by this Order.

c. The Respondents will furnish the Commission with a copy of said instructions within ten (10) days of the effective date of this Order and Decree.

d. Post the Fair Housing Practices Notice citing the provisions of the Pennsylvania Human Relations Act relating to housing in a conspicuous and well-lighted place in their normal place of business where both present and prospective customers and clients will normally see it and be able to read it.

e. The Respondents shall for a period of one (1) year from the effective date of the Order send to the Commission copies of notification within 48 hours after they receive notification of the availability for sale, rental or lease of any and all commercial housing accommodations or other real property which the Respondents own, operate or for which they act as agents, managers or brokers or in any manner furnish facilities or services in connection therewith. Such notification shall contain the exact location of the unit, the date of availability and the terms of sale, rental or lease including but not limited to cost and size of unit.

f. The Respondents shall for a period of one (1) year from the effective date of this Order maintain a registry of the names, addresses and phone numbers of all persons seeking to, applying for, inquiring about or requesting information concerning the availability of units at any and all commercial housing accommodations or other real property which the Respondents own, operate or for which they act as agents, managers or brokers, or in any manner furnish facilities or services in connection therewith.

g. The Respondents shall from the effective date of the Order prepare and post in a conspicuous place, a unified listing of all available units for sale, rental, or lease of any and all commercial housing accommodations or other real property which the Respondents own, operate or for

which they act as agents, managers or brokers or in any manner furnish facilities or services in connection therewith. All persons seeking information regarding units shall be referred to this unified list. Any information given by the Respondents, their agents or employees regarding units not on the list shall be construed as a violation of this Order and shall be cause for the Commission to seek a fine or imprisonment or both.

h. The Respondents shall from the effective date of this Order include in all advertising for commercial housing accommodations or other real property which the Respondents own, operate or for which they act as agents, managers or brokers or in any manner furnish facilities or services in connection therewith the words "Equal Opportunity Housing." The Respondents may also use the Equal Opportunity Logotype.

3. The Respondents shall within ten (10) days of the effective date of this Order, pay to the Complainant, in the form of a certified check or money order payable to the order of Carol Berrios and submitted to the Commission's Harrisburg Regional Office, Four Hundred Dollars (\$400.00), an amount representing the expenses and mental anguish incurred by the Complainant as a result of the alleged act of discrimination. The status of the relationship between the Complainant and the Respondent shall, from the effective date of this Order, be subject to and defined by Exhibit "A" which is attached hereto and incorporated as an integral part of this Order.

4. It is understood by both parties to this Order that any infraction of this Order by an employee of the Respondents constitutes an infraction by the Respondents of record.

5. It is understood by both parties to this Order that any wilful infraction of this Order may result in a fine or imprisonment or both as specified in Section 11, Penalties, of the Act.

6. It is understood by both parties to this Order that any subsequent violation of Section 5 of the Pennsylvania Human Relations Act, as amended or other comparable statutes within the State of Pennsylvania shall entitle the Pennsylvania Human Relations Commission to demand enforcement of item 4 above.

7. If any clause, sentence, paragraph or part of this Consent Order and Decree or the application thereof to any person or circumstance, shall for any reason be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this Order nor the application of such clause, sentence, paragraph or part to other persons or circumstances but shall be confined in its operation to the clause, sentence, paragraph or part thereof and to the person or circumstances directly involved in the controversy in which such judgment shall have been rendered. It is hereby declared to be the Commission's intent that this Order would have been adopted had such provisions not been included or such persons or circumstances been expressly excluded from their coverage.

8. It is further agreed and understood by both parties to this Order that its execution and content may be publicized at the discretion of the Commission as specified in Section 9 of the Act.

9. The Commission and the Respondents enter into this agreement with the intent to be legally bound thereby and acknowledge that this agreement shall not be final and binding until executed by the Respondents and approved by the Commission and executed by the Chairperson of the Commission, and thereafter shall be binding upon and inure to the benefit of the parties hereto, their and each of their respective heirs, legal representatives, successors and assigns.

BY THE RESPONDENTS:

March 28, 1976  
Effective Date of this Order

Bertram Doloff  
BERTRAM DOLOFF, Individually and President  
Selmad Equipment and Supply Company

Selma Doloff  
SELMA DOLOFF, Individually

ATTEST:

Selma Doloff, Secy.  
SELMA DOLOFF, Secretary  
Selmad Equipment and Supply Company

BY THE COMMISSION:

Homer C. Floyd  
HOMER C. FLOYD, Executive Director  
Pennsylvania Human Relations Commission

Joseph X. Yaffee  
JOSEPH X. YAFFEE, Chairperson  
Pennsylvania Human Relations Commission

ATTEST:

Elizabeth M. Scott  
ELIZABETH M. SCOTT, SECRETARY  
Pennsylvania Human Relations Commission

COMMONWEALTH OF PENNSYLVANIA

GOVERNOR'S OFFICE

PENNSYLVANIA HUMAN RELATIONS COMMISSION

CAROL BERRIOS

Complainant

vs.

DOCKET NO. H-2135

BERTRAM DOLOFF  
SELMA DOLOFF

Respondents

GENERAL RELEASE

KNOW ALL PERSONS BY THESE PRESENTS, that I Carol Berrios, for and in consideration of the sum of Four Hundred Dollars (\$400.00), and upon the condition that the Respondents fully comply with all of the terms and conditions set forth in the Consent Order and Decree herein (of which this is a part thereof), do hereby remise, release and forever discharge Bertram Doloff, Selma Doloff and Selmad Equipment and Supply Company their successors and assigns of and from all manner of actions and causes of actions, suits, claims and demands whatsoever in law or equity that I now have or ever had, or which my heirs, executors, administrators, successors or assigns now or shall have, arising from or relating to matters or circumstances for or by any reason of any cause, manner or thing whatsoever alleged in my complaint filed with the Pennsylvania Human Relations Commission captioned and docketed as above.

IN WITNESS WHEREOF, I have executed the foregoing this

11 day of March, 1976.

Carol Berrios  
CAROL BERRIOS

COMMONWEALTH OF PENNSYLVANIA ) SS  
COUNTY OF Dauphin )

On the 11 day of March, 1976, before me, the subscriber, a Notary Public in and for the Commonwealth of Pennsylvania, personally appeared the above named known to me to be the person whose name is subscribed to the foregoing release to be a free act and deed.

WITNESS my hand and notarial seal the day and year aforesaid.

Notary Public  
NOTARY PUBLIC

My Commission Expires October 2, 1978  
Harrisburg, Pa. Dauphin County

EXHIBIT "A"

COMMONWEALTH OF PENNSYLVANIA  
PENNSYLVANIA HUMAN RELATIONS COMMISSION  
GOVERNOR'S OFFICE

Carol Berrios : Docket No. H-2135  
Complainant :  
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 :  
vs. :  
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Bertram Doloff :  
Selma Doloff :  
Respondent :

FINAL ORDER AND DECREE

AND NOW, this 28th day of March, 1976,  
upon consideration of the Conciliation Agreement submitted in the  
above captioned case it is hereby ORDERED AND DECREED that said  
Conciliation Agreement be entered into the official record of the  
Pennsylvania Human Relations Commission as a Final Order, to  
be given the same force, and effect as if entered after a public  
hearing.

BY

Joseph X. Yaffe  
JOSEPH X. YAFFE, CHAIRPERSON  
PENNSYLVANIA HUMAN RELATIONS COMMISSION

BY

Elizabeth M. Scott  
Elizabeth M. Scott, Secretary  
PENNSYLVANIA HUMAN RELATIONS COMMISSION