

COMMONWEALTH OF PENNSYLVANIA

GOVERNOR'S OFFICE

PENNSYLVANIA HUMAN RELATIONS COMMISSION

PENNSYLVANIA HUMAN RELATIONS
COMMISSION

VS.

CASE DOCKET NO. H-2504

BOROUGH COUNCIL OF EDWARDSVILLE;
STANLEY S. BLOCKUS, JR., CHAIRMAN;
FRANK M. HULLIHEN;
THOMAS J. BENESKY;
FRANK P. SLYMOCK;
EDWARD W. YARMEL;
EDWARD M. KONEFAL;
EDWARD ARMUSIK, MEMBERS

CONSENT ORDER AND DECREE

WHEREAS, a complaint was filed against the Borough Council of Edwardsville ("Council") located at the Municipal Building, Main Street, Edwardsville, Pennsylvania; Stanley S. Blockus, Jr., Chairman, of 598 Main Street, Edwardsville, Pennsylvania; Frank M. Hullihen of 45 Summit Street, Edwardsville, Pennsylvania; Thomas J. Benesky of 183 Meyers Street, Edwardsville, Pennsylvania; Frank P. Slymock of 596 Main Street, Edwardsville, Pennsylvania; Edward W. Yarmel of 9 Roosevelt Street, Edwardsville, Pennsylvania; Edward M. Konefal of 181 Tobin Lane, Edwardsville, Pennsylvania and Edward Armusik of 94 Meyers Street, Edwardsville, Pennsylvania, ("Respondents") on May 30, 1975, and amended on August 20, 1975, by the Pennsylvania Human Relations Commission located at 100 North Cameron Street, Harrisburg, Pennsylvania ("Commission") alleging that on or about/to wit April 5, 1975, 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.)("Act"); and

WHEREAS, the Respondents agreed to make a voluntary adjustment satisfactory to the Commission before a finding of fact was made; and

WHEREAS, the Respondents denied that any of their actions were violative of the Act and specifically denied the Commission's allegations; and

WHEREAS, for the purposes of avoiding further litigation before the Commission the Respondents do hereby agree to a waiver of their rights to a public hearing under Section 9 of the 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 27th day of June, 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 henceforth shall not:
 - a. Print, publish and/or circulate any statement or advertisement relating to the sale, lease, rental or acquisition of any commercial housing or the loan of money, whether or not secured by mortgage, or otherwise for the acquisition, construction, rehabilitation, repair or maintenance of commercial housing which indicates any preference, limitation, specification, or discrimination based upon race, color, religious creed, ancestry, sex, national origin, or handicap or disability, or to print, publish and/or circulate any statement or advertisement relating to the sale, lease or rental of any commercial dwelling which indicates any preference, limitation, specification or discrimination based upon the use of a guide dog because of the blindness of the user.
 - b. Publish, circulate, issue, display, post or mail, either directly or indirectly, any written or printed communication, notice or advertisement relating to the sale, lease, rental of any commercial housing or the loan of money, whether or not secured by mortgage, or otherwise for the acquisition, construction, rehabilitation, repair or maintenance of commercial housing which has the effect of discouraging inhabitants of the Commonwealth from buying, leasing or renting any commercial housing or securing the loan of money because of race, color, religious creed, ancestry, sex, national origin, or handicap or disability, or to any person due to the use of a guide dog because of the blindness of the user.

2. The Respondent Council 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. The Respondent Council shall, within thirty (30) days of the effective date of this Order, prepare and approve an equal opportunity resolution setting forth the policy of the Borough Council of Edwardsville in effectuating the purposes of the Act so as to eliminate and prevent discrimination in employment, housing and places of public accommodation because of one's race, color, religious creed, ancestry, sex, national origin, or handicap or disability or to any person due to the use of a guide dog because of the blindness of the user.

b. The Respondent Council will immediately issue the equal opportunity resolution and/or policy to all employees of the Borough of Edwardsville and direct them to abide by the equal opportunity resolution and/or policy and this Order.

c. The Respondent Council shall furnish the Commission with a copy of said equal opportunity resolution and/or policy within ten (10) days of its approval by the Borough Council of Edwardsville.

d. The Respondent Council shall, within six (6) months of the effective date of this Order, prepare and have printed on all stationery used by the Borough and the Borough Council of Edwardsville the words, "An Equal Opportunity Community."

e. The Respondent Council shall immediately upon its receipt use the said stationery for all written communications and every day mailings from and for the Borough and Borough Council of Edwardsville normally conducted by letter.

f. The Respondent Council shall furnish the Commission with a sheet of the said stationery within ten (10) days of its receipt by the Borough Council of Edwardsville.

g. The Respondent Council shall, within thirty (30) days from the effective date of this Order, effectuate the following:

1' Have the equal opportunity resolution and/or policy printed as a political advertisement in the Sunday Independent of Wilkes-Barre, Pennsylvania and in the two (2) daily editions of the Wilkes-Barre Times Leader, Evening News of Wilkes-Barre, Pennsylvania.

2' Have the equal opportunity resolution and/or policy printed as a political advertisement for four (4) consecutive editions of the Sunday Independent and for two (2) editions of the Wilkes-Barre Times Leader, Evening News which shall first appear in a Tuesday edition and then in the following Friday edition.

3' Have the aforementioned advertisements printed no less than two (2) columns wide and five (5) inches deep.

4' Furnish the Commission with the entire page on which the aforementioned advertisements appear in each printing of each edition of the aforementioned newspapers.

3. 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.

4. 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.

5. 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.

6. 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 be included or such persons or circumstances been expressly excluded from their coverage.

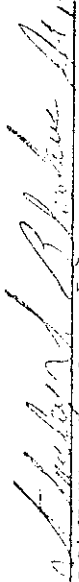
7. It is further agreed and understood by both parties to this Order that its execution and content may be publicized at the discretion of the Commission.

8. 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 (its duly authorized officer) 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.

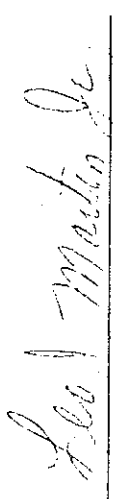
June 27th, 1976
EFFECTIVE DATE OF THIS ORDER


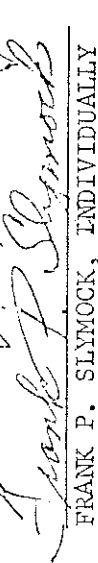
BY THE RESPONDENTS:

Borough Council of Edwardsville


STANLEY S. BLOCKUS, JR., CHAIRMAN
BOROUGH COUNCIL OF EDWARDSVILLE

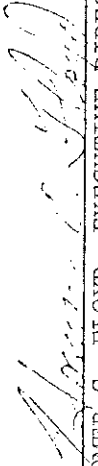
ATTEST:


LEO MARTIN, SECRETARY
BOROUGH COUNCIL OF EDWARDSVILLE


THOMAS J. BENESKY, INDIVIDUALLY

FRANK P. SZYMOCK, INDIVIDUALLY


EDWARD W. YARMEI, INDIVIDUALLY

BY THE COMMISSION:

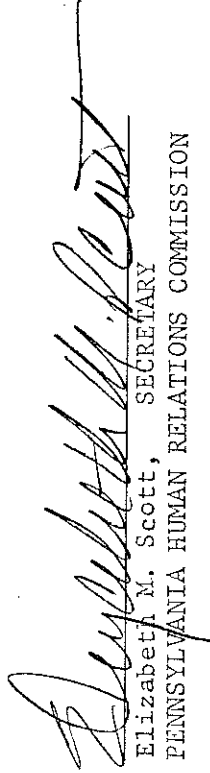


HOMER C. FLOYD, EXECUTIVE DIRECTOR
PENNSYLVANIA HUMAN RELATIONS COMMISSION

April 1992

JOSEPH X. YAFFE, CHAIRPERSON
PENNSYLVANIA HUMAN RELATIONS COMMISSION

ATTEST:



Elizabeth M. Scott, SECRETARY
PENNSYLVANIA HUMAN RELATIONS COMMISSION

COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA HUMAN RELATIONS COMMISSION
GOVERNOR'S OFFICE

Pennsylvania Human Relations Commission : Docket No. H-2504
: :
: :

VS.

Borough Council of Edwardsville;
Stanley S. Blockus, Jr., Chairman;
Frank M. Hulihan;
Thomas J. Benesky;
Frank P. Slymcock;
Edward W. Yarnel;
Edward M. Konefal;
Edward Armusik, Members

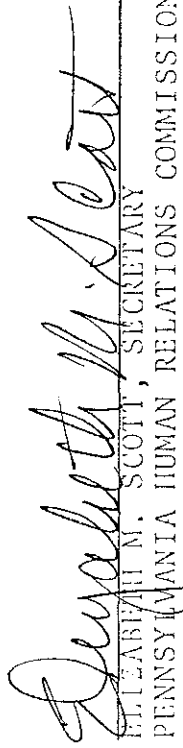
FINAL ORDER AND DECREE

AND NOW, this 27th day of June, 1976,
upon consideration of the Consent Order and Decree submitted in
the above captioned case it is hereby ORDERED AND DECREED that
said Consent Order and Decree 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. YAFVE, CHAIRPERSON
PENNSYLVANIA HUMAN RELATIONS COMMISSION

BY


ELIZABETH M. SCOTT, SECRETARY
PENNSYLVANIA HUMAN RELATIONS COMMISSION