

COMMONWEALTH OF PENNSYLVANIA  
GOVERNOR'S OFFICE  
PENNSYLVANIA HUMAN RELATIONS COMMISSION

CARLA WATSON,

Complainant

v.

VENTURES UNLIMITED and  
THOMAS LASKOWSKI,

Respondents

DOCKET NO. H-2775

FINDINGS OF FACT

1. Complainant is an adult Black female named Carla Watson, residing at 630 North Euclid Avenue, Pittsburgh, Pennsylvania within Allegheny County. (N.T. I, p. 5)

2. Respondents are Ventures Unlimited, a real estate management firm, and Thomas Laskowski, the owner of the property located at 5723 Howe Street. (N.T. I, p. 4)

3. In April, 1977, Carla Watson learned of a future apartment vacancy at 5723 Howe Street, and sought to apply for it. (N.T. I, pp. 9, 10)

4. During the week of April 15, 1977, Ms. Watson filled out a rental application given to her by Laverne Lair, the rental manager for Ventures Unlimited. (N.T. I, p. 12)

5. On the application, Ms. Watson listed her present employer as the University of Pittsburgh and indicated that she was earning \$344 per month gross income. (N.T. I, p. 13)

6. The application also listed a previous employer as Carnegie-Mellon University (CMU). (N.T. I, p. 13)

7. When Ms. Watson submitted her application to Ms. Lair, she was told that it would be submitted to Crown Credit for a credit check. (N.T. I, p. 14)

8. Complainant's application was submitted to Crown Credit and a subsequent investigation determined that she did not have sufficient income to maintain the expense of the apartment. (N.T. II, p. 132)

9. On the basis of the report submitted to Ventures Unlimited by Crown Credit, Ms. Watson's application for the apartment was rejected. (N.T. III, p.45)

10. Ms. Watson was told by Ms. Lair that her income was insufficient to qualify for the apartment. (N.T. III, p.45)

11. When told by Ms. Lair that she did not have enough income for the apartment, Ms. Watson stated that she had another job that she was about to quit, but would retain it if it would qualify her to get the apartment. (N.T. III, p.48)

12. Crown Credit would not reconsider its prior determination because it considered the omission of the job at CMU as falsification of the application. (N.T. III, p.49)

13. Shortly after Ms. Watson's application was rejected, she filed a complaint alleging race discrimination with the Pennsylvania Human Relations Commission on April 22, 1977. (N.T. I, p. 51)

14. After the complaint was filed, Michael Simon, the investigator assigned to the case, contacted Nicholas Covatto, President of Ventures Unlimited, to discuss the case. (N.T. I, p.110)

15. As a result of that conversation, Mr. Covatto agreed to rent the apartment to Ms. Watson. (N.T. I, p. 114)

16. Subsequently, a lease for the apartment at 5723 Howe Street was offered to the Complainant and rejected by her (N.T. I, p. 60)

17. Ms. Lair told Ms. Watson that she needed the first month's rent and a month's security deposit before she could sign the lease. (N.T. III, p. 52)

18. At the time that Ms. Watson applied for the apartment at 5723 Howe Street, she was employed at the University of Pittsburgh and was earning a gross salary of \$344 per month. (N.T. I, p. 13)

19. Ms. Watson's application was rejected by Ventures Unlimited not because of her race, but because her income was insufficient. (N.T. III, p. 45)

20. Ms. Watson did not accept the apartment offered to her because she was unable to pay the security deposit and first month's rent. (N.T. III, p. 52)

## CONCLUSIONS OF LAW

1. The Pennsylvania Human Relations Commission ("Commission") has jurisdiction over the parties and the subject matter of this action, pursuant to Sections 4, 5 and 9 of the Pennsylvania Human Relations Act ("Act"), Act of October 27, 1955, P.L. 744 as amended, 43 P.S. §951 et seq. (43 P.S. §§954, 955, 959).
2. The parties and the Commission have fully complied with all the procedural prerequisites to a public hearing in this matter. (43 P.S. §959)
3. Complainant is a "person" within the meaning of Section 5 of the Act, (43 P.S. §955)
4. Respondents are "persons" within the meaning of Section 5 of the Act, (43 P.S. §955)
5. The Complainant filed a timely complaint with the Commission alleging that Respondents refused to lease commercial housing to her. (43 P.S. §955(h)(1))
6. Complainant has failed to establish by substantial evidence that she was denied commercial housing by Respondents because of her race, Black.
7. Respondents denied Complainant the apartment because her income was insufficient which was a legitimate, non-discriminatory reason for refusing to rent the apartment to her.

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HISTORY OF THE CASE

On or about April 22, 1977, Complainant Carla Watson filed a complaint with the Pennsylvania Human Relations Commission ("Commission"). The complaint alleged that Respondents Ventures Unlimited and Thomas Laskowski violated Section 5(h)(1) of the Pennsylvania Human Relations Act, ("Act"), Act of October 27, 1955, P.L. 744 as amended, P.S. 43 §951 et seq.

An investigation into the allegations of the complaint was conducted and resulted in a finding of probable cause to credit the allegations of the complaint. Conciliation, as mandated by §9 of the Act, was attempted and failed. Thereafter, a request for a public hearing was made and subsequently approved by the Commission.

A public hearing was held on October 31, 1979, November 29, 1979 and January 16, 1980. The hearing panel consisted of Doris A. Smith, Esquire as Chairperson and John P. Wisniewski and Elizabeth M. Scott. For the first two days of hearing, Robert Jones, Esquire served as Legal Advisor to the Hearing Panel. Claudette R. Spencer, Esquire served as Legal Advisor

during the last day of hearing and at all times subsequent thereto. Caroline Mitchell, Esquire presented the case on behalf of the Complainant. Morton B. DeBroff, Esquire appeared on behalf of Respondents.

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O P I N I O N

I. FACTUAL BACKGROUND

This case involves a complaint of housing discrimination in violation of §5(h)(1) of the Pennsylvania Human Relations Act ("Act"), Act of October 27, 1955, P.L. 744 as amended, P.S. 43 §§951, 955. The parties are in substantial disagreement about the facts which precipitated the filing of this complaint.

On or about April 15, 1977, Carla Watson learned that an apartment would soon be available at 5723 Howe Street in Pittsburgh, Pennsylvania. She went to the rental office of Ventures Unlimited and was given a rental application to complete by the rental agent, Laverne Lair. On the rental application, Ms. Watson listed her present employer as the University of Pittsburgh and indicated she was earning a gross salary of \$344 per month. She also listed her previous employer as Carnegie-Mellon University. After Complainant submitted her application to Ms. Lair, she was told that the application would be submitted to Crown Credit for a credit check.

Crown Credit made a recommendation to Ventures Unlimited that Ms. Watson not be given the apartment. They determined that Ms. Watson's income of \$344 per month was insufficient to maintain an apartment which rented for \$145 per month. When Ms. Watson was told that she was ineligible for the apartment because of insufficient income, she stated that she had two jobs. When asked why she did not list the other job on her application, she stated that she was planning to quit the job at the end of the term because she could not handle both jobs and attend school full time. Respondents refused to reconsider the application because it was believed that Ms. Watson had falsified the application.

After this complaint was filed, an agreement was reached between Ventures Unlimited and the Commission whereby Complainant would be offered the apartment. Subsequently, a lease for the apartment was offered to the Complainant and she was told that she would have to pay the first month's rent and a month's security deposit which amounted to \$290. Complainant refused the offer and decided not to sign a lease for the apartment.

## II. LIABILITY

After carefully reviewing the record in this case and in consideration of the briefs submitted by the attorneys for Complainant and Respondents, we find that Complainant has failed to establish a violation of the Act.

Section 5(h)(1) of the Act provides:

"It shall be an unlawful discriminatory practice . . . for any person to refuse to sell, lease, finance or otherwise to deny or withhold commercial housing from



any person because of the race, color, religious creed, ancestry, sex, national origin or handicap or disability of any prospective owner, occupant or user of such commercial housing, or to refuse to lease commercial housing to any person due to the use of a guide dog because of the blindness of the user."

The burden is upon the Complainant to prove through substantial evidence a violation of the Act. J. Howard Brandt, Inc. v. Commonwealth of Pennsylvania, Pennsylvania Human Relations Commission, 15 Pa. Cmwlth. 123, 324 A.2d 840 (1974). Complainant has failed to meet that burden.

The testimony presented at trial shows that Complainant was denied the opportunity to rent the apartment located at 5723 Howe Street because her income as listed on the application was insufficient to enable her to maintain it. Complainant listed her present employer as the University of Pittsburgh and indicated that she was earning a gross salary of \$344 per month. The apartment in question rented for \$145 per month. After being told that her credit application had been rejected by Crown, Ms. Watson stated she had another job. Crown Credit would not reconsider the application because it considered the omission as falsification of the application.

Respondents have a legitimate business interest in assuring that the persons to whom they rent apartments will be able to pay the rent. In furtherance of that interest, rental applications are submitted to Crown Credit for a credit check. After being told by Crown that complainant's income was insufficient to enable her to maintain the apartment, Respondent refused to rent an apartment to Complainant.

Complainant testified on direct examination that her failure to list the job at Carnegie-Mellon University as a present employer was a failure on her part to cross out "previous employment" on the application. (N.T. I, p.13) On cross examination, she stated that Ms. Lair, the rental agent, told her to list the job at Carnegie-Mellon under "previous employer." (N.T. I, p. 38) Ms. Lair testified that Ms. Watson told her that she was planning to quit the job at Carnegie-Mellon because she could not handle both jobs and attend school on a full-time basis. (N.T. III, p. 46) In view of the fact that Ms. Watson stated that she did quit the job at Carnegie-Mellon at the end of the semester, we find the testimony of Ms. Lair persuasive. (N.T. I, p. 33)

Although we are convinced that Respondents rejected Complainant's rental application for a legitimate, non-discriminatory reason, we also believe that Respondents' later offer of the apartment to Complainant was a satisfactory adjustment of the case. Complainant testified that she did not sign the lease because she believed that she would be harassed by the owner after the air conditioner was removed. (N.T. I, p. 64) She stated that payment of the rent and the security deposit was no problem because she had "plenty of money in the bank" at the time. (N.T. I, p. 62) The bank records of Mellon Bank showed that Ms. Watson did not have "plenty of money" in the bank, but had \$5.21 in her savings account and a negative balance in her checking account from April 21, 1977 to May 27, 1977. (N.T. II pp. 150, 171) Such evidence convinces the panel that Complainant refused the apartment because of inability to pay the rent and

security deposit.

III. CONCLUSION

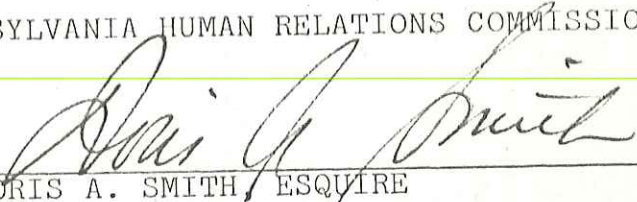
The finding of the Commission is based on the belief that Complainant failed to present substantial proof to support the allegations of the complaint. There was a factual dispute concerning the sequence of events which took place during April of 1977, which the panel resolves in favor of Respondents. Therefore, we believe that Respondents denied Ms. Watson the opportunity to rent an apartment at 5723 Howe Street because of insufficient income, which is a legitimate, non-discriminatory reason.

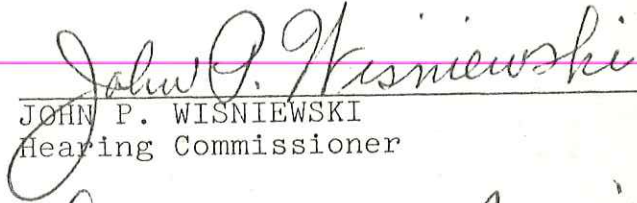
RECOMMENDATION OF HEARING PANEL

AND NOW, this 29th day of September, 1980, in consideration of the entire record in this matter, including the Complaint, Stipulations, Exhibits, Record of the Hearing, and Briefs filed on behalf of Complainant and Respondents, the Hearing Panel recommends to the entire Commission that an Order be entered dismissing the Complaint.

PENNSYLVANIA HUMAN RELATIONS COMMISSION

BY:

  
DORIS A. SMITH, ESQUIRE  
Chairperson

  
JOHN P. WISNIEWSKI  
Hearing Commissioner

  
ELIZABETH M. SCOTT  
Hearing Commissioner

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COMMISSION'S DECISION AND FINAL ORDER

AND NOW, this 8th day of October, 1980, the Pennsylvania Human Relations Commission hereby adopts the foregoing Findings of Fact, Conclusions of Law, and Opinion in accordance with the Recommendation of the Hearing Panel and

ORDERS:

that the case, Carla Watson v. Ventures Unlimited and Thomas Laskowski, Docket Number H-2775 be dismissed.

PENNSYLVANIA HUMAN RELATIONS COMMISSION

BY: Joseph X. Yaffe  
JOSEPH X. YAFFE  
Chairperson

ATTEST:

BY: John P. Wisniewski  
John P. Wisniewski  
Assistant Secretary