



**STATE OF WEST VIRGINIA HUMAN RIGHTS COMMISSION**

215 PROFESSIONAL BUILDING  
1036 QUARRIER STREET  
CHARLESTON, WEST VIRGINIA 25301

TELEPHONE: 304-348-2616

ARCH A. MOORE, JR.  
Governor

January 8, 1986

Bruce R. Walker, Esquire  
Assistant Attorney General  
1204 Kanawha Boulevard, E.  
Charleston, WV 25301

Fred F. Holroyd, Esq.  
209 W. Washington Street  
Charleston, WV 25302

Lee O. Rockwell  
1551 Quarrier Street  
Charleston, WV 25301

Karen S. Hamrick  
Attorney  
405 Capitol Street  
Suite 912  
Charleston, WV 25301

RE: William Tate V Lee O. Rockwell/Docket No.: HR-307-79

Dear Mr. Tate, Mr. Walker, Mr. Rockwell and Ms. Hamrick:

Herewith please find the Order of the WV Human Rights Commission in the above-styled and numbered case of William Tate V Lee O. Rockwell Docket No.: HR-307-79 made with regard to the Motion for Reconsideration.

Pursuant to Article 5, Section 4 of the WV Administrative Procedures Act [WV Code, Chapter 29A, Article 5, Section 4] any party adversely affected by this final Order may file a petition for judicial review in either the Circuit Court of Kanawha County, WV, or the Circuit Court of the County wherein the petitioner resides or does business, or with the judge of either in vacation, within thirty (30) days of receipt of this Order. If no appeal is filed by any party within (30) days, the Order is deemed final.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "Howard D. Kenney".

Howard D. Kenney  
Executive Director

HDK/kpv

CERTIFIED MAIL/REGISTERED RECEIPT REQUESTED.

BEFORE THE WEST VIRGINIA HUMAN RIGHTS COMMISSION

WILLIAM TATE  
COMPLAINANT,

V.

DOCKET NO.: HR-307-79

LEE O. ROCKWELL  
RESPONDENT.

ORDER

On the 14th day of November, 1985, the West Virginia Human Rights Commission considered the Motions for Reconsideration filed by Karen S. Hamrick, Counsel for the Respondent Lee O. Rockwell.

After consideration of the same and in light of the Commission's Order and the record previously made, it is hereby ordered that the Motion for Reconsideration be denied.

Entered this 19<sup>th</sup> day of December, 1985.

  
\_\_\_\_\_  
CHAIR/VICE CHAIR



STATE OF WEST VIRGINIA HUMAN RIGHTS COMMISSION

215 PROFESSIONAL BUILDING  
1036 QUARRIER STREET  
CHARLESTON, WEST VIRGINIA 25301

ARCH A. MOORE, JR.  
Governor

TELEPHONE: 304-348-2616

October 15, 1985

Bruce Walker  
Assistant Attorney General  
1204 Kanawha Boulevard, E.  
Charleston, WV 25301

Fred F. Holroyd, Esq.  
209 W. Washington Street  
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1551 Quarrier Street  
Charleston, WV 25301

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405 Capitol Street  
Suite 912  
Charleston, WV 25301

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Sincerely yours,

A handwritten signature in cursive script, appearing to read "Howard D. Kenney".  
Howard D. Kenney  
Executive Director

HDK/kpv  
Enclosure

CERTIFIED MAIL/REGISTERED RECEIPT REQUESTED.

BEFORE THE WEST VIRGINIA HUMAN RIGHTS COMMISSION

WILLIAM TATE

COMPLAINANT,

V

DOCKET NO: HR-307-79

LEE O. ROCKWELL

RESPONDENT.

ORDER

On the 19th day of September 1985, the Commission reviewed Hearing Examiner David G. Hanlon's Findings of Fact and Conclusions of Law. After consideration of the aforementioned, the Commission does hereby adopt the Findings of Fact and Conclusions of Law as its own with the exceptions outlined below.

The Commission hereby deletes the Hearing Examiner's section "ACTION."

It is ORDERED that the Respondent cease and desist from engaging in any act of discrimination regarding the rental of any property owned by him in the state of West Virginia.

It is ORDERED that the Respondent report to the West Virginia Human Rights Commission every six (6) months the following:

1. List of renters and/or lessees by race, date of occupancy.
2. List of those who sought to rent or lease from the Respondent and talked to Respondent in person.

It is hereby ORDERED that the Respondent pay unto the Complainant the sum of two thousand five hundred dollars (\$2,500.00) for embarrassment and humiliation.

It is hereby ORDERED that the Hearing Examiner's Findings of Fact and Conclusions of Law be attached hereto and made a part of this Order except insofar as they are not changed or amended by this Order.

By this Order, a copy of which to be sent by certified mail, the parties are hereby notified that THEY HAVE TEN DAYS TO REQUEST A CONSIDERATION OF THIS ORDER AND THAT THEY HAVE THE RIGHT TO JUDICIAL REVIEW.

Entered this 10<sup>th</sup> day of October 1985

RESPECTFULLY SUBMITTED,

  
\_\_\_\_\_  
CHAIR/VICE-CHAIR  
WV HUMAN RIGHTS COMMISSION

*Approved  
Aug 2, 1985  
SKL*

BEFORE THE WEST VIRGINIA SUPREME COURT OF APPEALS  
and THE WEST VIRGINIA HUMAN RIGHTS COMMISSION

WILLIAM TATE,  
Complainant,

v.

CASE NO. HR-307-79

LEE O. ROCKWELL,  
Respondent.

**RECEIVED**

AUG 8 1985

W.V. HUMAN RIGHTS COMM.

*[Signature]*

\_\_\_\_\_  
DECISION OF HEARING EXAMINER  
\_\_\_\_\_

Pursuant to notice duly-issued to the respondent, this matter came on for hearing on the 29th day of May, 1985, beginning at 2:00 p.m., in the Conference Room Lounge, Building 7 of the State Capitol Complex, in Charleston, West Virginia. David G. Hanlon, Hearing Examiner, presiding, both parties having waived the presence of a member of the Human Rights Commission.

The complainant, WILLIAM TATE, not appearing in person but by counsel, Bruce G. Walker, Assistant Attorney General, and the respondent appearing in person pro se.

### CONCLUSIONS OF LAW

The complainant is an individual within the meaning of Chapter 5, Article 11, Section 3(a) of the West Virginia Code.

The respondent is an owner within the meaning of Chapter 5, Article 11, Section 3(p) of the West Virginia Code.

On the 18th day of January, 1979, the complainant filed a verified Complaint against the respondent, alleging that the respondent had engaged in unlawful, discriminatory practices, prohibited under Chapter 5, Article 11, Section 9(g)(1) of the West Virginia Code. The Complaint was filed within ninety (90) days of the alleged act of discrimination.

The apartment building of the respondent is situate at 1548 and 1548 1/2 North Quarrier Street, in City of Charleston, West Virginia, and is a housing accommodation within the meaning of Chapter 5, Article 11, Section 3(k) of the West Virginia Code.

The respondent refused to rent an apartment to the complainant because of his race, and such refusal was an unlawful discriminatory practice within the meaning of Chapter 5, Article 11, Section 9(g)(1) of the West Virginia Code.

### FINDINGS OF FACT

(1) Complainant is a black male, who at the time of this cause of action was a resident of Kanawha County, West Virginia, currently residing in California.

(2) The respondent is the owner of a five-unit apartment building, consisting of two and three rooms each, with an adjoining garage apartment situate at 1548 and 1548 1/2 North Quarrier Street, in Charleston, West Virginia.

(3) The respondent herein caused a newspaper advertisement to be placed in the Charleston Gazette and the Charleston Daily Mail on January 12, 1979, January 13, 1979, January 14, 1979 and January 15, 1979, advertising an apartment for rent.

(4) Complainant telephoned the respondent on the 12th day of January, 1979, to rent the apartment and was told by the respondent that "We're not mixing blacks and whites".



It appearing that notice as required by law, setting forth the time and place of the hearing and the matters to be heard, had been duly-served upon the respondent and respondent appearing, the hearing was convened at the aforesaid time and place, the same being completed on the 29th day of May, 1985.

Pursuant to notice duly served, Bruce R. Walker, attorney for the complainant, moved, under Rule 7.06 of the Rules Pertaining to Practice & Procedure before the West Virginia Human Rights Commission, the Hearing Examiner to excuse the complainant from being present at the hearing. The Hearing Examiner, having considered said Motion and the grounds set forth in the Affidavit of said Motion, sustained the same.

Upon due consideration of the evidence, neither party hereto having submitted briefs, the Hearing Examiner hereby makes the following Findings of Fact and Conclusions of Law:

#### ISSUE

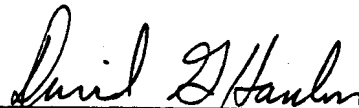
The issue presented in this cause was whether or not the respondent discriminated against the complainant in refusing to rent him an apartment because of his race.

ACTION

It is recommended that the Human Rights Commission cause to be served upon the respondent, LEE O. ROCKWELL, an Order to Cease and Desist from engaging in any act of discrimination regarding the rental of any property owned by him in the State of West Virginia, and that he be required to periodically report to the Commission to show that his rental practices are non-discriminatory.

Further, under the authority of Chapter 5, Article 11, Section 8(h) and the holding of State Human Rights Commission v. Pearlman Realty Agency, 161 W.Va. 239, S.E.2d 145 (1977), the respondent shall pay unto the complainant the sum of Five Hundred Dollars (\$500.00), as compensatory damages to the complainant for humiliation and embarrassment he endured as a result of the discriminatory conduct of the respondent.

GIVEN under my hand this 27th day of July, 1985.



\_\_\_\_\_  
DAVID G. HANLON  
HEARING EXAMINER

CERTIFICATE OF SERVICE

I, Harry C. Taylor, II, hereby certify that I have this 8<sup>th</sup> day of August, 1985, mailed a true copy of the documents named in the attached letter by depositing said documents in the United States mail in properly addressed envelopes to the following persons:

William Tate  
605 Gail Avenue, No. 5  
Sunnyvale, California 94086

Bruce Walker, Esquire  
Assistant Attorney General  
1204 Kanawha Boulevard, E.  
Charleston, WV 25301

Lee O. Rockwell  
1551 Quarrier Street  
Charleston, WV 25301

Harry C. Taylor, II  
Harry C. Taylor, II