

STATE OF WEST VIRGINIA HUMAN RIGHTS COMMISSION 215 PROFESSIONAL BUILDING 1036 QUARRIER STREET CHARLESTON, WEST VIRGINIA 25301

> TELEPHONE: 304-348-2616 January 9, 1986

Emily Spieler, Esquire Assistant Attorney General 1204 Kanawha Boulevard, East Charleston, WV 25301

James O. Watkins, Jr., Esquire P.O. Box 1108 Fairmont, WV 26554

RE: HR-691-83 Johnson v Irene Waltz

Dear Ms. Spieler and Mr. Watkins:

Herewith please find the Order of the WV Human Rights Commission in the above-styled and numbered case of Crystal Johnson v Irene Waltz, HR-691-83.

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, award No

Howard D. Kenney Executive Director

HDK/kpv Enclosure CERTIFIED MAIL/REGISTERED RECEIPT REQUESTED.

ARCH A, MOORE, JR. Governor

BEFORE THE WEST VIRGINIA HUMAN RIGHTS COMMISSION

CRYSTAL JOHNSON COMPLAINANT,

ν.

DOCKET NO .: HR-691-83

IRENE WALTZ RESPONDENT.

ORDER

On the 14th day of November 1985, the Commission reviewed Hearing Examiner Gary A. Sacco'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.

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.

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 RECONSIDERATION OF THIS ORDER AND THAT THEY HAVE THE RIGHT TO JUDICIAL REVIEW.

Entered this $\underline{8}$ day of Janaury, 1986.

RESPECTFULLY SUBMITTED,

CHAIR/VICE CHAIR WEST VIRGINIA HUMAN RIGHTS COMMISSION

WEST VIRGINIA SUPREME COURT OF APPEALS July 26, 1985 FOR THE WEST VIRGINIA HUMAN RIGHTS COMMISSION

CRYSTAL JOHNSON,	
Complainant,	
VS.	
IRENE WALTZ,	

CASE NO. HR-691-83

Respondent.

ORDER

On the 20th day of May, 1985, came the Respondent, IRENE WALTZ, by her Counsel, James O. Watkins, Jr., and Moved that this matter be dismissed for reason that the Human Rights Commission does not have jurisdiction over this case because the "Apartment" referred to in the Complaint is not a "Housing Accomodation" as defined by Chapter 5, Article 11, Section 3(K), of the West Virginia Code as Amended, but is rather a room in the Respondent's residence.

Pursuant to the arguments made in support of said Motion, said arguments not being contested or denied by the Complainant, and without objection of the Complainant,

The Hearing Examiner, perceiving no reason not to allow the Motion, recommends that the Commission dismiss this case from its docket as jurisdiction is lacking thereupon.

ENTERED this Zand day of ______



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Gary A. Sacco, Hearing Examiner

Jeffrey O. McGeary, Esquire Special Assistant Attorney General

<u>James O. Watkins</u>, Jr Esquire