



COPY

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

June 26, 1985

Glen Keene
300 Heber Street, Apt. 2
Beckley, WV 25801

William Sanders, Esquire
President
Holiday Inn
3175 E. Cumberland Road
Bluefield, WV 24701

William Flanigan, Esquire
Sanders, Austin and Smope
Hunter Park
320 Courthouse Road
Princeton, West Virginia 24740

Re: Glen Keene
v.
Holiday Inn
ER-77-76

Gentlemen:

Herewith please find the Findings of Fact, Conclusions of Law and the Order of the WV Human Rights Commission in the case of Glen Keene v. Holiday Inn.

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 thirty (30) days, the Order is deemed final.

Sincerely yours,

A handwritten signature in cursive script that reads "Howard D. Kenney".

Howard D. Kenney
Executive Director

HDK/kpv
Enclosure

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

BEFORE THE WEST VIRGINIA HUMAN RIGHTS COMMISSION

GLEN KEENE,
Complainant,

v.

Docket No.: ER-77-76

HOLIDAY INN
Respondent.

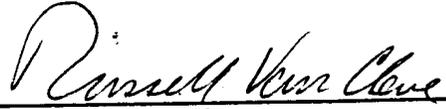
ORDER

On June 12, 1985, the Commission reviewed the Hearing Examiner's proposed Order. After consideration of the aforementioned Order the Commission does hereby adopt it as its own.

It is therefore ORDERED that the Hearing Examiner's Order be attached hereto and made a part of this Order. It is further ORDERED that Complainant be awarded no relief and that this case be closed.

By this Order, a copy of which is to be sent by certified mail, the parties are hereby NOTIFIED that they have ten days to request reconsideration of this Order and that they have the right to judicial review.

Entered this 17 day of June, 1985.



Russell Van Cleve
Chairman
West Virginia Human Rights
Commission

RECEIVED

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W.V. HUMAN RIGHTS COMM.

BEFORE THE WEST VIRGINIA HUMAN RIGHTS COMMISSION

GLEN KEENE,

Complainant,

vs.

DOCKET NO. ER-77-76

HOLIDAY INN,

Respondent.

ORDER

Roxanne Rogers, counsel for the Complainant, Glen Keene, having filed a written Motion to Dismiss the charge pursuant to Rule 3.10 of the Rules and Regulations of the West Virginia Human Rights Commission having matured for decision the Examiner finds as follows:

1. The Complainant on or about January 25, 1985, represented to his counsel of record that he intended to withdraw or agreed to the dismissal of the complaint in this matter.

2. On April 18, 1985, the Complainant was sent a copy of a dismissal Order in this case and was requested by correspondence attached thereto to contact the Commission should he have any questions pertaining to the two documents.

3. The Complainant as to this date failed to contact the Commission in regard to the above-referenced documents.

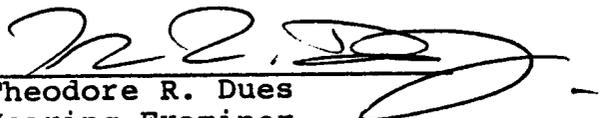
4. On or about May 16, 1985, the Complainant was sent a certified letter by his counsel requiring him to appear at the office of the West Virginia Human Rights Commission on May 30, 1985, at 2:00 p.m. or counsel would perfect the motion subject of this Order.

5. The Complainant neither appeared nor contacted the Commission.

6. Accordingly, the Examiner does conclude that the provisions of Rule 3.10 have been met and further recommends to the Commission that this matter be stricken from the docket with prejudice.

DATED June 10, 1985

ENTER:


Theodore R. Dues
Hearing Examiner