

**CITY OF PITTSBURGH
COMMISSION ON HUMAN RELATIONS**

Michelle Cook

Complainant,

v.

City of Pittsburgh, Department of Public Works,

Respondent.

CHR Case No.: CR-2024-002A

**FINDINGS OF FACT, DECISION, AND
ORDER**

HISTORY

On August 7, 2024, a Complaint was filed with the City of Pittsburgh, Commission on Human Relations by Complainant, Michelle Cook (hereinafter "Cook" or "Complainant"), against Respondent, City of Pittsburgh, Department of Public Works (hereinafter "the City", "DPW" or "Respondent"), alleging unlawful civil rights discrimination based on sexual orientation. On September 13, 2024, Respondent filed an Answer to the original complaint, denying the allegations. Claimant's August 7, 2024 complaint was affirmed as probable cause for discrimination by the Compliance Review Section on November 3, 2024. This advanced a single claim of discrimination on the basis of Sexual Orientation in violation of City of Pittsburgh Code § 659.04.

Thereafter, on January 15, 2025, Claimant amended her complaint to raise the aforementioned discrimination claim under City of Pittsburgh Code § 659.07(a). On February 14, 2025 Respondent filed an answer to the amended complaint, denying the allegations. Claimant's January 15, 2025 complaint was affirmed as probable cause for discrimination by the Compliance Review Section on March 3, 2025. This advanced a single claim of

discrimination on the basis of Sexual Orientation in violation of City of Pittsburgh Code § 659.07.

On December 10, 2025, a public hearing was convened; Commissioner Teaira Collins presiding. Complainant and Respondent were represented by counsel. The hearing concluded on December 11, 2025.

FINDINGS OF FACT

1. Cook is a professional dog walker with Pet Pastries. *Transcript 101:9-10, 19-21.*
2. Cook was at the Flynn Parklet in the Highland Park neighborhood of the City on June 18, 2024. *Transcript 100-103.* Cook was walking twelve dogs for Pet Pastries, a company that provides dog walking services. *Id.*
3. Cook did not know Pinnix in any capacity before June 18, 2024. *Transcript 102.*
4. On June 18, 2024, Tara Pinnix (“Pinnix”) had been the Parks Maintenance Manager in Highland Park for approximately seven years. *Transcript 27.* In total, Pinnix has worked for the Department of Public Works for approximately twenty-four (24) years. *Transcript 42.*
5. Before becoming Park Maintenance Manager, Pinnix was a foreman. *Transcript 42:13.*
6. Pinnix’s job duties include: “Perform level of enforcement, for example, written citations, to ensure that parks rules, regulations and policies are enforced.” *Transcript 28:7-15, Exhibit J2.*
7. However, Pinnix has never issued a citation and has never been trained to issue citations. *Transcript 28:16-20.*
8. As of September 2025, Pinnix was not trained on discrimination against

members of the public. *Transcript 60:6-16. Exhibit C-9 at #7.*

9. As of September 2025, Pinnix was not trained on use of force against members of the public. *Transcript 60:17-20. Exhibit C-9 at #8.*
10. Before June 18, 2024, Pinnix did not know Cook in any capacity. *Transcript 34:252.*
11. When Pinnix was a foreman for the City, she called Animal Control on a man with multiple unleashed dogs. *Transcript 49:13-16.*
12. Pinnix did not stay with this man until Animal Control arrived, *Transcript 49:17-23*, nor did she wait to see if the man's dog left feces on the ground. *Transcript 49:24-50:5.*
13. Instead, Pinnix left the man after calling Animal Control because she presumed they would take care of it. *Transcript 50:6-9.*
14. Pinnix has never punched or "mushed" a member of the public prior to June 18, 2024. *Transcript 279:6-9.*
15. Pinnix has never called any member of the public a dyke or a slur prior to June 18, 2024. *Transcript 278:25-279:5.*
16. Flynn Parklet is adjacent to Highland Park and is maintained by the City of Pittsburgh. *Transcript 29:6-10.*
17. There are three courts at the Flynn Parklet: a tennis court, basketball court, and unmarked court. *Transcript 30:17-19. See Exhibits C-3, C-4.*
18. The fenced in area at Flynn Parklet includes the three fence-enclosed "courts," a tennis court, a basketball court, and the unmarked court that Cook was using. *C3.* Each court is fenced in and has gate access. However, in order to enter the unmarked court a person must first enter the adjacent basketball court and pass

through another gate to enter the fence-enclosed unmarked court; there is no direct access from the park into the unmarked court. *Transcript 30:20-31:2; 31:11-16; 31:3-5; 103:14-17. See Exhibits C-3, C-4.*

19. Cook used to take the dogs she walked for Pet Pastries to walk in Highland Park a few times a week. *Transcript 102:9-13.*
20. Cook has taken dogs, both her own and through her work, to the unmarked court at Flynn Parklet and never had an issue, was never approached, or asked to leave. *Transcript 103:6-20; 107:18-25.*
21. Cook often saw people with dogs at Flynn Parklet and in the unmarked court. *Transcript 103:10-14; 107:22-25.*
22. When Cook later told a police officer that she isn't the only one who uses that court with dogs, he responded with, "I'm sure" and "there's a million people walking dogs around here." *Exhibit J-7 at 7:40.*
23. On June 18, 2024, the only City-issued sign at Flynn Parklet was on the entrance to the tennis courts stating, "No dogs on tennis courts." *Transcript 38:16-18. Exhibit C-6.*
24. There was no sign at either the basketball court or unmarked court saying "no dogs." *Transcript 38:16-18; 107:9-11.*
25. Pinnix believed it would be reasonable for a person reading this sign to assume that dogs were prohibited only on the tennis courts. *Transcript 40:12-16.*
26. Pinnix believed it would be reasonable for a person reading this sign to assume that dogs could be on the unmarked court because it is not a tennis court. *Transcript 40:17-22.*
27. Inside the unmarked court was a dog waste bag dispenser. *Transcript 106:15-17;*

45:2146:13. Exhibits C-8, C-12, C-13.

28. There was a handwritten sign at the unmarked court requesting that people clean up after their dogs. *Transcript 40:23-41:2, 10-14; 105:22-24; 106:17-19. Exhibit C-8.*
29. The handwritten sign looked like it had been there a while or rained on, but Pinnix never removed it. *Transcript 42:18-23. Exhibit C-8.*
30. On June 18, 2024, Cook took twelve of her client's dogs to the enclosed, unmarked court at Flynn Parklet. *Transcript 103:21-25; 105:10-17; 34:12-13. See Exhibit C-4.*
31. Cook claims that prior to June 18, 2024, she had used the fence enclosed court at Flynn Parklet for her dog walking duties "often" and claims to have seen other people with dogs in the same location. *Joint 6-7.* However, she failed to identify at the hearing any specific date in which she used the fence-enclosed court with dogs, regardless of whether DPW crew members were near or not. *Transcript 103.*
32. Each dog was wearing a collar and leash. *Transcript 104:12-14.*
33. Pinnix was wearing a shirt with the City of Pittsburgh emblem on it. *Transcript 255:1522; see generally Exhibit J-6.*
34. Callawe Bey, a foreman from a different parks division, observed Cook taking a large number of dogs onto one of the fence-enclosed courts within Flynn Parklet. Aware of a City Ordinance prohibiting dogs on any court in a city park at any time, Mr. Bey directed Pinnix's attention to Cook and the numerous dogs in the prohibited area. Pinnix knew that dogs were not permitted on the fence-enclosed court Cook was using to contain her dogs. *Transcript 85-87; 90; 253-256; 198-*

199.

35. Upon observing the numerous dogs entering a court on which dogs are not permitted, Pinnix announced that she was going to tell the woman about the prohibition against dogs on courts. *Transcript 199-200; 88-90; 95; 253-256.*
36. Pinnix and Mr. Bey drove to the fence-enclosed court. Bey and Pinnix were in a City vehicle, with the City emblem displayed “all over it.” *Transcript 89:8-90:1; Exhibit C-8.*
37. When they arrived, Pinnix asked Cook to remove the dogs. *Transcript 30:6-10.*
38. Mr. Bey heard Pinnix say, “[e]xcuse me, you’re not allowed to have your dogs on the court.” *Transcript 90:10-24.*
39. Mr. Bey did not hear anyone use vulgar language during this exchange. *Transcript 91: 13-18.*
40. Cook refused to leave the Court and claimed that she “always do[es] this.” *Transcript 90: 20-25.*
41. When Cook asked Pinnix why she needed to leave the court, Pinnix responded, “Because I said so.” *Transcript 109:8-16.*
42. Pinnix never explained why Cook could not be on the unmarked court with dogs. *Transcript 35:11-24; 109:5-19; 110:15-19.*
43. Pinnix never told Cook about a City Code section barring dogs on courts and never showed Cook the Code, despite being able to do so from her personal and work phones. *Transcript 35:11-24; 109:5-19; 110:15-19; 275:18-19.*
44. Cook believed she and the dogs were permitted on the courts because there were no signs on the unmarked court prohibiting dogs and she had previously been there with no issue. *Transcript 107:12-108:3.*

45. When Cook explained she had been there many times before and asked to see a sign that says she couldn't be there, Pinnix said she would call the dog warden. *Transcript 109:8-19.*
46. Cook responded with, "That's totally fine. I'll wait for him to come." *Transcript 109:17*
47. When they first interacted, Pinnix and Cook were initially on separate courts, Pinnix was on the basketball court and Cook, with the dogs, was on the adjacent unmarked court. The gate in the fence between the basketball and unmarked court was closed. *Transcript 255; 257-259.*
48. Pinnix's voice kept getting louder and louder. *Transcript 110:13-19.*
49. Bey drove Pinnix back to her truck. *Transcript 36:10-12.*
50. Pinnix then immediately got into her truck and drove back down to the courts. *Transcript 47:3-7; 49:7-11.*
51. Pinnix did not seek advice from her supervisor, Joe Rush, before returning to the unmarked court. *Transcript: 47:8-10.*
52. Joe Rush did not instruct Pinnix to call Animal Control. The person who "instructed" Pinnix to call Animal Control, was Pinnix herself. *Transcript 231: 3-6; 49: 10-12.*
53. Pinnix never made another request to Cook to leave the area. *Transcript 50:22-24.*
54. Pinnix called the City's Animal Control Officer twice to report Cook's refusal to leave the courts with her dogs. *Transcript 47; 255; 257-258.*
55. Internal protocol of the Department of Public Works is to contact Animal Control in a situation such as this. *Transcript 49: 9.*

56. Pinnix called Animal Control from her work cell as she was getting out of her truck, at 11:52am for two minutes, and 11:57am for one minute. *Transcript 48:21-24; Joint Stipulations ¶4b, 4c. 58. 59. 49:10-12.*
57. Cook claims, and Pinnix denies, that during Pinnix' phone calls to Animal Control that Pinnix called Cook a "dyke" and said that she wanted "the bitch fined." *Transcript 111-113, 257.*
58. Pinnix called Joe Rush from her personal cell at 11:58am for five minutes. *Joint Stipulations ¶4d.*
59. During the phone calls and/or immediately after those calls, Pinnix claims, and Cook denies, that Cook called Pinnix a series of names including "ignorant" and "bitch," and made comments about Pinnix's teeth, weight and mother. *Transcript 172, 258-259.*
60. Mr. Ragland was nearby and testified that he heard Cook "calling [Pinnix] a black bitch, [t]alking about [Pinnix's] mom. Talking about [Pinnix's] features." *Transcript 205: 16-22.* Cook also spoke disrespectfully toward Mr. Ragland, asking whether "he [understood] English on the signs." He responded that he did because he is "from America." *Transcript 205:16-22.*
61. Cook did not leave the court. *Transcript 111: 10-17.*
62. Cook still owed the twelve dogs' owners an additional thirty minutes of dog walking services when she entered the fence enclosed court. *Joint 6 at 2:00-2:31.*
63. Pinnix never called 911. *Transcript 47:24-48:6.*
64. Pinnix treated Cook differently because after she called Animal Control, she did not leave and let them handle it, as she had done in the past. *Transcript 50:10-*

11.

65. Cook was throwing a tennis ball to some of the dogs on the unmarked court when Pinnix came back to the courts. *Transcript 111:7-112:6.*
66. Pinnix was talking loudly saying, "I want this dyke off this court. I want this dyke fined." *Transcript 111:22-112:2.*
67. Pinnix called Cook a dyke multiple times. *Transcript 133:24-25.*
68. Pinnix called Joe Rush from her personal cell at 12:13pm for one minute. *Joint Stipulations ¶4f.*
69. While on the phone with Supervisor Rush, Pinnix walked through the basketball court and proceeded to the gate of the fence-enclosed unmarked court that Cook refused to leave. *Transcript 52-53.*
70. Pinnix opened the gate of the fence enclosed unmarked court that Cook was refusing to leave. *Transcript 53; 259-261, 263.*
71. Upon opening the gate, some dogs escaped into the basketball court. *Transcript 263: 17-19.*
72. Cook called 911 at 11:59:47. *Joint ¶2.*
73. Cook was on the phone with 911 while Pinnix was on the phone with Rush. *Joint ¶2, 3(d).*
74. Cook and Pinnix engaged in a physical altercation at the opening of the gate from the unmarked court to the basketball court. *Transcript 53-55.*
75. Cook and Pinnix grabbed each other by the other's shirt. Cook's shirt was ripped at the end of the scuffle. *Transcript 56; 18-19.*
76. Both Cook and Pinnix had broken necklaces at the end of the scuffle. *Transcript 56; 24. Transcript 292:2-18.*

77. Supervisor Rush could overhear some of the conversation while he was on the phone with Pinnix. Supervisor Rush recognized Pinnix's voice saying, "don't put your hands on me." *Transcript 259-262; 266; 221-225; Exhibit R-E.*
78. Supervisor Rush also overheard another woman's voice saying things like "fucking bitch." *Transcript 221-225.*
79. Mr. Ragland observed the two women "in a face-off while the dogs were . . . [r]unning everywhere." *Transcript 205: 2-8.*
80. Subsequently, Mr. Ragland observed "[Pinnix] get snatched by the collar" and then saw Pinnix hit Cook. *Transcript 205:8-16*
81. Cook called Pinnix a bitch. *Transcript 116:15-16.*
82. Cook did not use any racially charged terms with Pinnix, nor did she call her a black bitch. *Transcript 116:8-14.*
83. Pinnix perceived Cook to be a lesbian because she perceived her as aggressive. *Transcript 75:24-76:1; 76:21-23.*
84. Pinnix admitted to punching Cook. *Transcript 58:1-3; 59:3-4; 60:1-2; 69:15-17; 75:10-12; 76:10-11; 268:12-17; 274:13-14; 275:7-8; 277:2-4.*
85. Pinnix later told Rush that she punched Cook. *Transcript 231:7-9.*
86. The moment Pinnix punched Cook, she had already labeled Cook as an aggressive lesbian. *Transcript 76:12-15.*
87. Pinnix punched Cook because she felt threatened. *Transcript 75:10-12.*
88. Pinnix felt threatened by Cook because she was a lesbian. *Transcript 75:13-15.*
89. Mr. Ragland observed the physical altercation and subsequently heard Pinnix call Cook a "dyke." *Transcript 206:11-25- 207:1-4.*
90. Pinnix admitted to calling Cook a dyke. *Transcript 77:4-5; Exhibit J-6 at 7:45.*

91. To Pinnix, a dyke is someone who is aggressive and a lesbian. *Transcript 77:6-9.*
92. Pinnix understands that “dyke” is an offensive term to refer to a gay woman. *Transcript 78; 6-8*
93. Cook never punched Pinnix. *Transcript 60:4-5.*
94. Cook is 5’1-5’2 and weighs 110-115 pounds. *Transcript 117:4-8.* Pinnix is 5’6” and 201 pounds. *Exhibit J-10 (entry dated 10/11/24).*
95. After the altercation with Pinnix, Cook and a passerby gathered her clients’ dogs from the street and put them back in her car. *Transcript 118:3-19.*
96. After the women separated, as Cook started gathering her dogs, both women continued to use profane and derogatory language towards each other. *Transcript 270-271.*
97. When Cook was gathering the dogs, Pinnix said, “I got what I wanted, you white bitch.” *Transcript 116:22-117:3.*
98. Cook collected all the dogs and put all twelve dogs into her car before police arrived. *Transcript 118.* No dogs were injured. *Joint 6 at 3:30-3:35.*
99. Cook called 911 and reported that her dogs had been let out of the fenced area and that she had been hit. *Joint 12.*
100. Mr. Ragland called 911 on behalf of Pinnix. *Transcript 217-219.*
101. The police arrived at the Flynn Parklet and both parties explained what they experienced to the officers. *Joint 12; Jt. 6 at 3:40-3:50; and Joint 7 (Body Worn Camera).*
102. Both women were criminally charged with “Disorderly Conduct, Engaged in Fighting” 18 Pa. C.S. 5503(a)(1), which is a summary offense. Both women

- were acquitted of all charges. *Transcript 171.*
103. Cook spoke to police with a ripped shirt and a swollen eye. *Exhibit J-6 at 1:486:44; see generally Exhibit J-7.*
 104. Pinnix's punch to Cook's face gave her a black eye, which appeared a few days after the incident. *Transcript 132:18-20; 133:6-8; 185:15-16; Exhibit C-1.*
 105. Pinnix's punch to Cook's face caused her pain for a few days, then she experienced residual pain for a few days after that. *Transcript 132:11-17.*
 106. Cook's friend, Lauren Ferragonio, received from Cook via text the picture marked Exhibit C-1. *Transcript 187:4-21.*
 107. When Cook asked whether dogs were permitted on the courts, the police did not know. *Exhibit J-7 at 7:14; Transcript 123:11-17.*
 108. Pinnix admitted to the police, "Yes I did" call her a dyke. *Exhibit J-6 at 7:45.*
 109. Pinnix did not report any use of racial slurs by Cook to the police. *Exhibit J-6 00:291:15; 6:55-12:01; Transcript 277:20-21.*
 110. The police did not issue Cook a citation related to having dogs on the open court. *Transcript 108:12-13; see generally Exhibits J-6, J-7.*
 111. Pinnix used enough force with Cook that she claimed she injured her hand to the point it needed surgery. *Transcript 67:19-68; 71:7-11; 277:8-11.*
 112. Pinnix claims that she injured a tendon on her left hand when she grabbed Cook's shirt. *Transcript 73:19-24.*
 113. The City's workers' compensation adjuster made a compensability determination based on the fact that Pinnix claimed she hurt her hand punching Cook. *Transcript 67:19-68:18; see Exhibit J-5, page 19.*
 114. Cook made a complaint to the City of Pittsburgh Department of Law regarding

- Pinnix's treatment of her. *Transcript 125:22-127:7; Exhibit J-10.*
115. The Law Department rejected Cook's complaint, saying the City is not responsible or liable for criminal or quasi-criminal acts of an employee. *Transcript 127:9-19; Exhibit J-10.*
116. A representative of the City's Department of Law wrote to Cook, "I strongly recommend that you cooperate fully with the OMI investigator assigned to this investigation." *Transcript 127:20-25; Exhibit J-10.*
117. However, no Office of Municipal Investigations ("OMI") investigator ever reached out to Cook about her complaint. *Transcript 127:20-128:3.*
118. The City's OMI investigated whether Pinnix engaged in fighting and abusive/offensive language. *Transcript 233:12-235:4.*
119. Pinnix was interviewed by OMI. *Transcript 38:22-25.*
120. Pinnix used the term "dyke" casually with OMI when she said, "I couldn't tell whether she was a dyke or not." *Transcript 280:11-281:3.*
121. Pinnix used the term casually during the hearing when she again said, "I couldn't tell that she was a dyke." *Transcript 281:2-3.*
122. OMI found that Pinnix violated the Disciplinary Policy on fighting and abusive/offensive language. *See Exhibit J-9.*
123. The Disciplinary Manual requires discipline for individuals engaging in fighting and abusive/offensive language. *Transcript 233:12-234:11; Exhibit J-8.*
124. Nonetheless, Pinnix was not disciplined. *Transcript 78:21-23; 242:18.*
125. Pinnix was not disciplined due to her claim of alleged "self-defense." *Transcript 238:11-13.*
126. Rush cannot explain how Pinnix was provoked into calling Cook a dyke.

Transcript 236:22-238:13.

127. Cook claims to have suffered embarrassment from having to tell people about the “black eye.” *Transcript 133.*
128. In 2024, Cook was contracted to work for a company called Pet Pastries. Her income fluctuated from week to week depending on the number of dogs Pet Pastries asked her to walk on an as-needed basis. *Transcript 128; 131; 140-143.*
129. Cook could not give an exact amount she was paid per dog per walk, but testified that she made “right around 18 [dollars] per dog.” *Transcript 130: 16-18.*
130. After the incident, Cook continued to contract with Pet Pastries to walk dogs in other areas of the City and worked as a dog trainer for another company.
Transcript 101.
131. In January 2025, Cook opened her own dog walking business, Sky is the Limit, that operates in the Sewickley area, where she lives. *Transcript 100-101; 143, 147, 179. Exhibit R-M.* This does not interfere with her ability to work for Pet Pastries. *Transcript 175:19-24.*
132. Cook felt intimidated and feared Pinnix after Pinnix said that she would be at the park waiting for her if she came back. *Transcript 128:25-129:5.*
133. As a result of being threatened by Pinnix, Cook no longer picks up dogs from Highland Park. *Transcript 128:6-129:5.*
134. Any dog Cook does not pick up or walk is income she doesn’t make. *Transcript 129:8-9.*
135. Cook felt embarrassed to have a black eye, but it was worse to have to explain to people how it happened. *Transcript 133:14-20.*

136. Being called a dyke by Pinnix, loudly and in public, was embarrassing for Cook.
Transcript 132:1-10; 134:13-15.
137. Cook was embarrassed by the whole situation. *Transcript 132:1-10, 186:1-8.*
138. Cook was embarrassed having to talk to the police with her bra exposed.
Transcript 121:811; see Exhibit J-6 at 1:58-6:45.
139. She was embarrassed again having the hearing attendees watch video of her with her bra exposed. *Transcript 121:12-14; see Exhibit J-6 at 1:58-6:45.*
140. “Dyke” is a very hurtful word to Cook that comes with so much hatred.
Transcript 134:13.
141. The incident left a mark on Cook and affects how she carries herself and her business. *Transcript 188:6-8.*
142. Ferragonio noticed after the incident that Cook is more alert when she is walking dogs and worried that a similar incident would happen again, or that someone related to the incident was following her. *Transcript 185:23-186:17.*
143. At the close of the hearing, Complainant moved for judgment as a matter of law based upon her contention that she had “undisputedly” established all elements of a discrimination claim. *Transcript 303:14-20.*
144. The Commission took Complainant’s Motion for Judgment as a Matter of Law under advisement. *Transcript 314:1-14.*
145. Following deliberation, the Commissioners deferred making a decision on Claimant’s motion, “especially because of some technical legal arguments being raised by the City.” The Commission’s Solicitor further stated that a decision would be included as part of the Commissioner’s ultimate decision of the case as a whole. *Transcript 314:1-14.*

146. The “technical legal arguments being raised by the City” referred to the City’s argument that the Commission lacked legal authority either to hold a hearing or to include perceived sexual orientation as a protected class. See *Transcript* 308:14-310:12. The City contended it would brief this issue. *Transcript* 310:11-12.

CREDIBILITY ASSESSMENT

Tara Pinnix

1. Upon review of the provided evidence and testimony, Pinnix was not fully credible in her presentation of the facts.
 - a. Pinnix admitted many times to punching Cook in the face, yet on the second day of the hearing during her direct examination, the City’s counsel elicited testimony that Pinnix did not punch Cook, but “mushed” her.¹ *Transcript* 268:1-3; *contra* 274:4-9. *Exhibit J-5*.
 - b. Pinnix testified that she told the police that Cook called her “multiple black bitches,” and contended that the police body camera footage would support this, but it does not. *Contrast Transcript* 77:19-23, 80:21-81:7 with *J-6* and *J-7*.
 - c. Pinnix refused to admit that a dog waste bag holder was present at Flynn Parklet, despite photographic evidence that confirmed that it existed. See *Exhibits J-10, C-12, C-13; HT 41:18-46:13. P*

Michelle Cook

2. Upon review of the provided evidence and testimony, Cook was not credible in her testimony of her use of derogatory language.
 - a. When asked if she called Pinnix a Black bitch, Cook testified, “Never in my life.” *Transcript* 116; 13-14. However, Pinnix testified that Cook used derogatory language such as “ignorant bitch”, “fat bitch”, “[she] should get

her teeth fixed”, and “[her] mother should have never had [her].” *Transcript 259; 6-11*. Cook also admitted to calling Pinnix a bitch. *Transcript 172-173 and 116*.

Callawe Bey

3. Upon review of the provided evidence and testimony, Bey was found to be reliable in his presentation of the facts.
 - a. Bey was consistent in his report of what Pinnix said to Cook throughout his testimony, specifically: “Excuse me, you’re not allowed to have your dogs on the court.” *Transcript 90-91*.

Joe Rush

4. Upon review of the provided evidence and testimony, Rush was found not to be fully reliable in his presentation of the facts.
 - a. Rush’s testimony focused on showing a bias toward his employee rather than seeking the truth. Rush as a supervisor did not feel a need to investigate the matter beyond collecting statements from the staff on the day the incident occurred. He did not follow up on the matter to ensure similar issues would not arise in the future. *Transcript 230-232; 242*. Despite a sustained disciplinary finding from an OMI investigation and a worker’s compensation claim based on Pinnix’s having punched a member of the public, no discipline was issued. *Transcript 226-227*.

Charlie Ragland

5. Upon review of the provided evidence and testimony, Ragland was found to not be credible in his presentation of the facts.
 - a. He claimed he called the police when the evidence is clear that Cook called the police, not him. *See Exhibit J-12 (Police records) and Joint Stipulation ¶2* that Cook called 911; *Transcript 217:19-24 contra Transcript 217:4-11*. There is no record of a second police call or a second police response. Respondent City of Pittsburgh would be in possession of any such records if they existed.

Ragland claimed he was 10-15 feet away from Cook during the incident, but Pinnix refuted this. *Transcript 119:15-16; contra 285:1-3.*

b. Ragland claimed he didn't recall hearing Pinnix tell the police she called Cook a dyke, but Pinnix spoke clearly on the police bodycam footage just a few feet from Ragland. *Transcript 206:9-12; contra Exhibit J-6 at 7:45.*

c. Ragland claimed Pinnix punched Cook only once until impeached with his prior written statement that Pinnix gave Cook two super stiff punches straight to the face. *Transcript 213:14-214:13.*

Lauren Ferragonio

6. Upon review of the provided evidence and testimony, Ms. Ferragonio was found to be a credible witness.

a. Her testimony regarding Cook's black eye aligns with Cook's testimony and the photographic evidence submitted. *Transcript 185: 15-16; 187: 17-21. Exhibit C-1.*

DAMAGES

1. Aside from Cook's testimony there was little documentary evidence to show monetary damage in the form of lost wages.
2. Cook sustained embarrassment as a result of this incident. *FOF 127, 135, 137-139.*
3. In 2024, Cook was contracted to work for a company called Pet Pastries. Her income fluctuated from week to week depending on the number of dogs Pet Pastries asked her to walk on an as-needed basis. *FOF 128.*
4. Cook could not give an exact amount she was paid per dog per walk, but testified that she made "right around 18 [dollars] per dog." *FOF 129.*
5. During this time and after the incident, Cook continued to contract with Pet Pastries to walk dogs in other areas of the City and worked as a dog trainer for another company. *FOF 128.*

6. In January 2025, Cook opened her own dog walking business, Sky is the Limit, that operates in the Sewickley area, where she lives. *FOF 131; Exhibit R-M.*
7. Cook felt intimidated and feared Pinnix after Pinnix said that she would be at the park waiting for her if she came back. *FOF 132.*
8. As a result of being threatened by Pinnix, Cook no longer picks up dogs from Highland Park. *FOF 133.*
9. Any dog Cook does not pick up or walk is income she doesn't make. *FOF 134.*
10. Cook started a business in January 2025, which does not interfere with her ability to work for Pet Pastries. *FOF 131.*
11. Pinnix's punch to Cook's face caused her pain for a few days and residual pain for a few days after that. *FOF 105.*
12. Pinnix's punch to Cook's face gave her a black eye, which appeared a few days after the incident. *FOF 104; Exhibit C-1.*
13. Cook felt embarrassed to have a black eye, but it was worse to have to explain to people how it happened. *FOF 135.*
14. Being called a dyke by Pinnix, loudly and in public, was embarrassing for Cook. *FOF 136.*
15. Cook was embarrassed by the whole situation. *FOF 137.*
16. Cook was embarrassed having to talk to the police with her bra exposed. *FOF 138; Exhibit J-6 at 1:58-6:45.*
17. Cook was embarrassed again having the hearing attendees watch video of her with her bra exposed. *FOF 139; Exhibit J-6 at 1:58-6:45.*
18. "Dyke" is a very hurtful word to Cook that comes with so much hatred. *FOF 140.*
19. The incident left a mark on Cook and affects how she carries herself and her business. *FOF 141.*
20. Ferragonio noticed after the incident that Cook is more alert when she is walking dogs and worried that a similar incident would happen again, or that someone

related to the incident was following her. *FOF 142*.

CONCLUSIONS OF LAW

1. The City of Pittsburgh Commission on Human Relations (hereinafter “Commission”) is the civil rights agency charged with enforcing antidiscrimination provisions of the Pittsburgh City Code.
2. The Commission has the power and duty to, *inter alia*, “[i]nitiate or receive and investigate other complaints of discrimination against any person because of race, color, religion, ancestry, national origin, place of birth, sex, sexual orientation, familial status, age, handicap or disability or use of support animals because of the handicap or disability of the user, and seek the satisfactory adjustment of such complaints.” City of Pittsburgh Code § 653.05(b).
3. In exercising the powers conferred to it, the Commission may “[h]old public hearings, subpoena witnesses and compel their attendance, administer oaths, take the testimony of any person under oath, and in connection therewith require the productions of evidence relating to any matter under investigation or any question before the Commission, make findings of fact, issue orders and publish such findings of fact and orders and do all other things necessary and proper for the enforcement of this Article.” City of Pittsburgh Code § 653.05(c).
4. The public policy articulated in Article V is that nothing in the chapter should be construed as supporting any particular position and that all persons be treated fairly and equally. City Code § 651.02(e).
5. Specifically, the Commission derives its authority from the Pennsylvania Human Relations Act Section 12.1. See 43 P.S. § 962.1 Local Human Relations Commissions.

6. The City of Pittsburgh’s Home Rule Charter allows the City to do everything not expressly forbidden by state law or the Constitution. At Section 216, it requires the mayor to appoint a human relations commission. “The commission shall: . . . b. secure the rights of citizens to services from city government without discrimination.” Section 216.b.
7. “The task of weighing the evidence, both direct and circumstantial, to credit and discredit testimony, to draw inferences and make ultimate findings of fact as to whether a violation of the Act occurred is for the Commission.” City of Pittsburgh Comm’n on Hum. Rels. v. U.S. Steel Corp., 562 A.2d 940, 942 (1989) (internal citations omitted).
8. In its determination, the Panel should permit its common sense and everyday experiences to act as the “primary guides in determining the credibility of the witnesses.” Id
9. City of Pittsburgh Code § 659.07(a) provides, in pertinent part, as follows

§ 659.07 Unlawful Civil Rights Practices.

It shall be an unlawful civil rights practice for any City employee, including City of Pittsburgh Police, while acting as an employee, to discriminate in the treatment of any person. In the case of the police, such unlawful discriminatory treatment includes, but is not limited to interviews, confrontations, investigations, interrogations, patdowns, searches, seizures, or arrests conducted because of the person's race, color, religion, ancestry, national origin, place of birth, sex, sexual orientation, age, handicap or disability or use of support animals.
10. Included amongst the protected classes under City of Pittsburgh Code § 659.07 is Sexual Orientation. *See* City of Pittsburgh Code § 659.07(b).
11. It is uncontroverted that Claimant is a member of the lesbian community. *Transcript 112:7-9; 135:21-22.*
12. “Discrimination,” for purposes of Article V of the City of Pittsburgh Code, is defined

as:

Any difference in treatment based on race, color, religion, ancestry, national origin, place of birth, sex, sexual orientation, gender identity, gender expression, familial status, age, handicap or disability, or use of support animals, as specified.

City of Pittsburgh Code § 651.04(b).

13. In cases before the Commission, the complainant has the burden of proof in establishing their claim of discrimination by a preponderance of the evidence. *See City of Pittsburgh, Comm'n on Hum. Rels. v. U.S. Steel Corp.*, 562 A.2d 940, 943 (Pa. Commw. Ct. 1989), citing *Allegheny Housing Rehabilitation Corp. v. Pennsylvania Hum. Rels. Comm'n*, 532 A.2d 315, 319 (Pa. 1987).
14. In assessing a claim of discrimination, the Commission sits as the finder of fact and accordingly, is tasked with “weighing the evidence, both direct and circumstantial, to credit and discredit testimony, to draw inferences and make ultimate findings of fact as to whether a violation of the Act occurred[.]” *City of Pittsburgh, Comm'n on Hum. Rels.*, 562 A.2d at 942.
15. The finder of fact, while passing upon the credibility of witnesses and the weight of the evidence, is free to believe all, part, or none of the evidence. *Commonwealth v. Palo*, 24 A.3d 1050, 1055 (Pa. Super. 2011) (citations omitted). “[T]he trier of fact while passing upon the credibility of witnesses and the weight of the evidence produced, is free to believe all, part or none of the evidence.” *Commonwealth v. Hicks*, 151 A.3d 216, 222 (Pa. Super. 2016) (citation omitted).
16. When analyzing a claim of disparate treatment, adjudicative bodies apply the analytical model developed by the United States Supreme Court in *McDonnell Douglas Corp. v. Green*, 411 U.S. 792 (1973). *See Borough of Economy v. Pennsylvania Human Relations Comm'n*, 660 A.2d 143, 147 (Pa. Commw. Ct. 1995).

17. Under the aforementioned framework, the complainant bears the initial burden of establishing a *prima facie* case of discrimination; if the complainant satisfies this initial step, the burden shifts to the respondent to rebut the inference of discrimination by establishing some legitimate common, nondiscriminatory reason for its conduct or action; if the respondent does so, the burden then shifts back to the complainant to establish, by a preponderance of the evidence, that the proffered reason is pretextual and that the complainant was the victim of intentional discrimination. *Borough of Economy*, 660 A.2d at 147.
18. The Pennsylvania Commonwealth Court has aptly stated that, “[t]his *prima facie* test is adaptable to accommodate differences in the nature of the discrimination alleged.” *See Pittsburgh Comm’n on Hum. Rels.*, 562 A.2d at 943.
19. The City asserts that the *McDonnell Douglas* burden-shifting analysis is inapplicable in the instant matter since Complainant’s discrimination claim did not arise in the context of an employee-employer or a contractual business relationship. This argument is without merit. *Respondent’s Proposed Findings of Fact and Conclusions of Law at ¶ 19.*
20. While the *McDonnell Douglas* burden-shifting analysis derives itself from the employment discrimination context, it has been routinely applied in a litany of non-employment discrimination matters. *See Anderson v. Wachovia Mortg. Corp.*, 621 F.3d 261 (3d Cir. 2010) (applying the *McDonnell Douglas* analysis to a claim of discriminatory lending); *Maroof Haque v. Swarthmore Coll.*, 2016 U.S. Dist. LEXIS 206030 (E.D. Pa. Jan. 28, 2016); *Manning v. Temple University*, No. 05-1215, 2005 U.S. App. LEXIS 26438, 157 Fed. Appx. 509, 513 (3d Cir. 2005); *Bell v. Ohio State*

- University*, 351 F.3d 240 (6th Cir. 2003) (applying the *McDonnell Douglas* analysis in the context of education discrimination claims); *Cnty. Servs. v. Wind Gap Mun. Auth.*, 421 F.3d 170 (3d Cir. 2005); *Canal Side Care Manor, LLC v. Pa. Human Rels. Comm'n*, 30 A.3d 568 (Pa. Commw. Ct. 2011) (applying the *McDonnell Douglas* analysis to housing discrimination claims brought pursuant to the Fair Housing Act and the Pennsylvania Human Relations Act); *Surjeet Bassi v. Mount Airy, No. 1. LLC*, 2024 U.S. Dist. LEXIS 135008 (M.D. Pa. Jul. 31, 2024) (applying the *McDonnell Douglas* analysis to a discrimination claim brought against a casino by patrons of the casino).
21. Accordingly, for the aforementioned reasons, the Commission shall apply the *McDonnell Douglas* burden-shifting analysis in assessing Complainant's instant claim of discrimination under City of Pittsburgh Code § 659.07(a).
 22. Prior to reaching the substantive merits of Complainant's discrimination claim, the Commission must first dispose of Complainant's Motion for Judgment as a Matter of Law.
 23. At the close of the hearing, Complainant moved for judgment as a matter of law based upon her contention that she had "undisputedly" established all elements of a discrimination claim. *FOF 147*.
 24. At the close of all the evidence, a directed verdict may be entered upon the oral or written motion of any party. *Pa.R.C.P. 226(b)*.
 25. The Commission took Complainant's Motion for Judgment as a Matter of Law under advisement. *FOF 148*.
 26. Following deliberation, the Commissioners deferred making a decision on Claimant's motion, "especially because of some technical legal arguments being raised by the

- City.” The Commission’s Solicitor further stated that a decision would be included as part of the Commissioner’s ultimate decision of the case as a whole. *FOF 149*.
27. The “technical legal arguments being raised by the City” referred to the City’s argument that the Commission lacked legal authority either to hold a hearing or to include perceived sexual orientation as a protected class. *FOF 150*. The City contended it would brief this issue. *FOF 150*.
28. Given the City’s stipulation on February 3, 2026 that it would not be filing a brief, the City is no longer disputing the authority of the Commission.
29. In deciding whether to grant a motion for directed verdict, the Commission must consider the facts in the light most favorable to the nonmoving party and must accept as true all evidence which supports that party’s contention and reject all adverse testimony. *51 Park Props. v. Messina*, 720 A.2d 773, 775 (Pa. Super. 1998).
30. “[A] directed verdict may be granted only where the facts are clear and there is no room for doubt.” *51 Park Props.*, 720 A.2d at 775.
31. Viewing the facts in the light most favorable to the City and accepting as true all evidence which supports the City's defense, the Commission is constrained to deny Complainant's Motion for Judgment as a Matter of Law/ Directed Verdict.
32. As the record reflects, the City presented evidence that Pinnix initiated the interaction with Cook to enforce the City Code which prohibits dogs on courts. *FOF 38–39*.
33. Such evidence, when accepted as true and viewed in a light most favorable to the City, rebuts an inference of discrimination by providing a nondiscriminatory explanation for Pinnix’s interaction with Complainant.
34. Accordingly, Complainant's Motion for Judgment as a Matter of Law/Directed Verdict is DENIED.

35. Turning to the merits of Complainant's claim, the Commission, for the foregoing reasons, concludes that Complainant has sufficiently established a claim of discrimination against the City.
36. The evidence presented at the hearing in the instant matter was sufficient in establishing a *prima facie* showing of discrimination against Complainant on the part of the City's employee, Pinnix.
37. As already discussed, Complainant is a member of a protected class for purposes of City of Pittsburgh Code § 659.07.
38. While walking numerous dogs at an unmarked court in the Flynn Parklet (*FOF 30*), Complainant was approached by Pinnix, an employee of the City, who informed Complainant that she was not permitted to have any dogs on the Court (*FOF 37*). Complainant proceeded to inquire into why she was being directed to leave the court, to which Pinnix, rather than referencing a specific Section of the City of Pittsburgh Code that Complainant was allegedly violating, merely responded, "[b]ecause I said so" (*FOF 41*). At no juncture did Pinnix explain to Complainant that dogs were not permitted on the unmarked court (*FOF 42*). Complainant refused to leave the court, prompting Pinnix to state that she would contact the dog warden (*FOF 45*). Complainant indicated that she would wait for the dog warden to arrive (*FOF 46*). Pinnix proceeded to leave the vicinity of the courts and contacted animal control twice in order to report Complainant's refusal to exit the court with the dogs (*FOF 54*). Per internal DPW protocol and the past practice of Pinnix, DPW was to cede any further investigation into the matter to Animal Control (*FOF 55 & 64*). However, Pinnix entirely disregarded the internal DPW protocol and returned to the courts to confront

Complainant for a second time (FOF 50). Upon returning to the court where Complainant was located, Pinnix loudly proclaimed that, “I want this dyke off this court. I want this dyke fined.” (FOF 57) Pinnix continued to call Complainant a “dyke” multiple times throughout the second interaction (FOF 67). Pinnix then proceeded to open the gate to the court (FOF 70), at which point, Pinnix and Complainant became engaged in a physical altercation (FOF 74). During the altercation, Pinnix punched Complainant (FOF 84).

39. The aforementioned factual circumstances plainly evince an inference of discrimination and consequently, establish a *prima facie* showing of discrimination against Complainant on the basis of her sexual orientation. Specifically, as the record demonstrates, Pinnix entirely disregarded internal DPW protocol regarding how City of Pittsburgh Code violations involving animals are to be investigated and handled (FOF 55). Rather than ceding the investigation to Animal Control, as Pinnix testified that she had in the past (FOF 64), Pinnix returned to the court to confront Complainant for seemingly no other reason than to harass her. The record further demonstrates that Pinnix confronted Complainant on the basis of Complainant’s sexual orientation, as evidenced by Pinnix’s immediate and repeated usage of the word “dyke” during the second interaction (FOF 67). Moreover, Pinnix indicated that she had perceived Complainant to be a member of the lesbian community based upon her assumption that Complainant was “aggressive” (FOF 83, 86-88). Accordingly, Complainant established a rebuttable presumption of discrimination on the part of DPW.
40. Having established a *prima facie* showing of discrimination, the burden shifts to DPW to proffer a legitimate, nondiscriminatory reason for Pinnix’s actions.

41. To that end, DPW contends that the sole reason Pinnix sought out Complainant was in an attempt to enforce City of Pittsburgh Code § 473.05(b). *See* Respondent’s Proposed Findings of Fact and Conclusions of Law at ¶¶ 10, 15.

42. City of Pittsburgh Code § 473.05(b) provides as follows:

§ 473.05 **Behavior**

(b) Dogs and Domestic Animals. *Dogs or any domestic animals are not permitted on playgrounds and courts at any time.* Dogs are not permitted in parks and ballfields, except when held on leash and under the control of the owner or other person having the dog in charge. The Director may prohibit dogs entirely in designated areas of parks and ballfields. No dog or other domestic animal shall be permitted to be at large, except in areas specifically designated by the Director as off-leash exercise areas (See City Code at Section 633.22), and any owner or person in charge of the animal shall be responsible for the control thereof. The Director may ban dogs and other pets, or a specific dog or other pet, from areas of any park, ballfield, or greenway where the Director determines the same may be a nuisance.

43. DPW’s proffered nondiscriminatory explanation for Pinnix’s actions is not persuasive.

While DPW avers that Pinnix believed Complainant to be in violation of the City of Pittsburgh Code, Pinnix was wholly unable to identify for Complainant the section of the City of Pittsburgh Code that she was allegedly violating (*FOF 43*). In fact, Pinnix did not even attempt to ascertain the precise provision of the City of Pittsburgh Code that Complainant was allegedly violating, opting instead to direct Complainant to exit the court “[b]ecause I said so” (*FOF 41*). Assuming *arguendo* that Pinnix was making an honest effort to enforce the City of Pittsburgh Code during her initial interaction with Complainant, Pinnix’s subsequent actions plainly demonstrate a discriminatory intent on the part of Pinnix and thus, are fatal to DPW’s defense. Specifically, as the Commission has discussed above, Pinnix wholly disregarded internal DPW protocol *and* her own past practices regarding the handling of violations of the City of Pittsburgh Code involving animals (*FOF 55 & 64*). Although Pinnix properly contacted animal

control, she failed to cede the matter to animal control (*FOF 64*). Rather, Pinnix made the conscious decision to reengage with Complainant, contrary to DPW protocol and her own past practices. During her second interaction with Cook, Pinnix had the perception that Complainant was a member of the lesbian community. Pinnix *immediately* began referring to Complainant as a “dyke,” stating, “I want this dyke off this court. I want this dyke fined[,]” (*FOF 57*) before ultimately engaging in a physical altercation with Complainant (*FOF 74*). Such evidence is conclusive of a discriminatory animus on the part of Pinnix. Accordingly, DPW has failed to advance a legitimate, nondiscriminatory explanation for Pinnix’s conduct.

44. In their Proposed Findings of Fact and Conclusions of Law, DPW identifies the supposed lack of comparators as a fatal defect to Complainant’s claim. *See* Respondent’s Proposed Findings of Fact and Conclusions of Law at 16.
45. However, comparative evidence, while highly probative of discrimination, *is not an essential element of a discrimination claim. Anderson*, 621 F.3d at 268.
46. Rather, the permissible evidence under the *McDonnell Douglas* framework “may take a variety of forms.” *Id.*
47. Thus, the alleged lack of comparative evidence presented by Complainant is not dispositive.
48. Assuming arguendo that the City satisfied the second element of the *McDonnell Douglas* framework, there would be substantially enough evidence for the Complainant to satisfy the third element. Specifically, contrary to DPW’s contention, the record does in fact demonstrate the existence of an adequate comparator. During the hearing in this matter, Ms. Pinnix testified to a prior instance involving a man with multiple unleashed dogs. Similar to the incident involving Complainant, Ms. Pinnix contacted animal control. However, unlike the incident

- involving Complainant, Ms. Pinnix did not return to harass the man, nor did she hurl derogatory names or insults at the man. Such disparate treatment is evident of Ms. Pinnix's intent to discriminate against Complainant based upon her sexual orientation.
49. For the aforementioned reasons, Complainant has satisfied her burden of establishing a claim of discrimination.
50. Based upon the Commission's finding that the City discriminated against Claimant because of her sexual orientation, the Commission may provide the following relief to Claimant: (1) Monetary relief in the form of actual damages; (2) Damages caused by humiliation or embarrassment; (3) Reasonable attorney's fees; (4) back pay; and (5) other such affirmative or equitable actions. *See* City of Pittsburgh Code § 655.06(d) and (f)(1).
51. Generally, damages need not be proved with mathematical certainty, but only with reasonable certainty. *J.W.S. Delavau v. E. Am. Transp. & Warehousing*, 810 A.2d 672, 685 (Pa. Super. 2002) (citation omitted).
52. However, sufficient facts must be introduced so that the Commission can arrive at an intelligent estimate of the damages without conjecture. *J.W.S. Delavau*, 810 A.2d at 685.
53. The proof provided must afford a reasonable basis from which the factfinder can calculate the claimant's loss. *J.W.S. Delavau*, 810 A.2d at 685.
54. Notably, evidence of damages may not be speculative. *Printed Image of York v. Mifflin Press, Ltd.*, 133 A.3d 55, 57 (Pa. Super. 2016).
55. An award for humiliation and embarrassment is "extremely fact-specific" and "evidence regarding both the nature of the discriminatory conduct and the victim's reaction thereto is key." *Girard Fin. Co. v. Pa. Human Rels. Comm'n*, 52 A.3d 523,

- 536 (Pa. Commw. Ct. 2012).
56. Significantly, a complainant's own testimony of embarrassment and humiliation can be sufficient to support an award for compensatory damages. *Girard Fin. Co.*, 52 A.3d at 536.
57. On June 18, 2024, Pinnix was acting in the scope of her employment. *FOF 4, 6, 35, 36, 37; see Exhibit J-5.*
58. DPW treated Cook in a discriminatory fashion by treating her differently. As an agent of the City, Pinnix called Cook a dyke (*FOF 67, Exhibit J-6 at 7:45*), and punched her in the face (*FOF 84, 85, 87*). Pinnix has not treated other members of the public this way. *FOF 14.*
59. DPW discriminated against Cook because of her sexual orientation. As an agent of the City, Pinnix called Cook a derogatory term used exclusively for gay people. Pinnix admitted she assumed Cook was a lesbian because she believed Cook was being aggressive (*FOF 83*). She further admitted to feeling threatened by Cook because she is a lesbian, and punching Cook because she felt threatened (*FOF 87 & 88*). Therefore, Pinnix punched Cook because she is a lesbian.
60. This Panel can also consider fairness, bias, and whether the witness has a vested monetary interest in the case along with any "certainty or doubt with which he or she testified." *Id.*
61. The Commission's authority to interpret the damage provisions in City Code Article V is guided by the presumption that the City intends to favor the public interest as against any private interest. *Glendon Energy Co. v. Borough of Glendon*, 656 A.2d 150 (Pa.Cmwlth.), petition for allowance of appeal denied, 543 Pa. 705 (1995); 1 Pa.C.S. § 1922 (5).

62. Actual damages, including for emotional suffering, may only be awarded to effectuate the purposes of City Code Article V. See, § 655.06(d).
63. The Commission may award Cook damages caused by humiliation and/or embarrassment, pursuant to City of Pittsburgh Ordinance Title 6 Article V § 655.06(f)(1).
64. Cook was embarrassed after Pinnix repeatedly yelled at her, calling her a homophobic slur, and ripping her shirt down to her bra (*FOF 136*). She was embarrassed to speak to the police with her bra exposed and to have everyone at the hearing see her in that state (*FOF 138 & 139. Exhibit J-6 at 1:58-6:45*). She was embarrassed to have a black eye and have to explain the situation to everyone who asked. *FOF 135*.
65. Significantly, a complainant's own testimony of embarrassment and humiliation can be sufficient to support an award for compensatory damages. *Girard Fin. Co.*, 52 A.3d at 536.
66. The amount to award Cook for humiliation and/or embarrassment is left to the discretion of the Commission. Pennsylvania law does not allow a party to ask for a specific amount of non-economic damages. See, e.g., *Nelson v. Airco Welders Supply*, 107 A.3d 146, 162 (Pa. Super. Ct. 2014).
67. Complainant advances an unsubstantiated claim that she suffered lost wages in the amount of \$38,250 as of the date of filing her Proposed Findings of Fact and Conclusions of Law. See *Complainant's Proposed Findings of Fact and Conclusions of Law* at p. 18-20.
68. Complainant calculated this figure by assuming that she would have continued to walk five dogs per day in Highland Park, at a rate of \$18 per dog. *FOF 129*.

69. Complainant's request for lost wages is purely speculative. The record is entirely devoid of any evidence to substantiate Complainant's request for lost wages and the calculations of the figure proposed by Complainant. While Complainant need not prove her request for damages to a mathematical certainty, there needs to be at least sufficient facts of record that permits the Commission to arrive at an intelligent estimate of the damages without engaging in conjecture. Having not provided any supporting evidence in support of her request for lost wages, the Commission is without a reasonable basis from which it can calculate Complainant's loss in this regard.
70. Sufficient evidence was presented by Complainant to permit the Commission to conclude that Complainant is entitled to monetary relief in the form of actual damages, as well as relief for damages caused by the embarrassment and humiliation suffered by Complainant.
71. Specifically, as the record reflects, Complainant has suffered and continues to suffer various traumatic responses in relation to the incident involving Pinnix, including embarrassment, fear, and humiliation.
72. As such, the Commission finds it appropriate to award Complainant nominal damages in the amount of \$10,000.
73. Moreover, as the prevailing party, Complainant is entitled to reasonable attorney's fees. The Commission shall award attorneys' fees and costs to Cook following a petition to the Commission by Cook's attorneys.

DECISION

Having reviewed the record, inclusive of all pleadings, motions, responses to the motions, admitted exhibits, hearing testimony and arguments presented, the Commission determines that:

1. The Complainant does meet the requisite burden of proof to demonstrate that she was discriminated against based on her presumed sexual orientation by Respondent, Pinnix, and experienced discrimination in the form of discriminatory statements and aggression.
2. DPW discriminated against Cook on the basis of sexual orientation.
3. The Commission awards \$10,000.00 to Cook for embarrassment and humiliation.
4. Within its authority to order public interest relief, the Commission directs that City employee orientation will include notice that employees are liable under section 659.07 of the City's antidiscrimination code. Human Resources will provide contact information for the Commission to facilitate dialogue should the employees have questions.
5. Within its authority to order public interest relief, the Commission directs that within one (1) year of the date of this Order, all DPW staff will complete training by the Commission, or an agreed-upon trainer, on engaging with the public, discrimination liability, conflict de-escalation techniques, and trauma-informed communication. Training by the Commission comes at no cost to DPW. Training may be completed in multiple sessions. Sign-in sheets for the training attendees will be provided to the Commission upon completion of the training.

6. Within its authority to order public interest relief, the Commission directs that within one (1) year of the date of this Order, the City must install signage regarding City Code section 473.05(b) on all City property where the provision applies, at each entrance to the space. Written certification of compliance will be provided to the Commission once this requirement is complete.
7. Within its authority to order public interest relief, the Commission directs that within six (6) months of the date of this Order, DPW must provide refresher training to its managers and supervisors on the disciplinary manual and process, including proper investigation of incidents and documentation of those incidents. A list of managers and supervisors will be provided to the Commission to identify the employees who need to be trained, and sign-in sheets for training attendees will be sent to the Commission upon completion of the training(s). Training may be completed in multiple sessions.
8. Complainant's attorneys are directed to file a Petition for attorney fees within fifteen (15) days of the date of this Order. Upon consideration of the Petition and any response thereto, the Commission shall enter an appropriate Order for attorney fees.
9. The Commission will enter an Order consistent with the above-stated findings and decision.

ORDER OF COMMISSION

AND NOW, this 25th day of March 2026, the Commission finds in favor of the Complainant, Michelle Cook.

The Commission further ORDERS DPW to pay Cook \$10,000.00

The Commission further ORDERS the payment of Cook’s attorney’s fees upon filing of an appropriate Petition.

The Commission further ORDERS DPW to comply with all other requirements set forth in the Commission’s above Decision.


Teaira Collins (Mar 25, 2026 16:53:40 EDT)

Teaira Collins, Chairperson
Pittsburgh Commission on Human Relations






CR-2024-002A FINAL PUBLIC HEARING ORDER 20260325

Final Audit Report

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