

No. 25950 - Tom's Convenient Food Mart, Inc., dba Whitewater Information v. The West Virginia Human Rights Commission and Charles Akins

**FILED**

January 6, 2000

DEBORAH L. McHENRY, CLERK  
SUPREME COURT OF APPEALS  
OF WEST VIRGINIA

**RELEASED**

January 7, 2000

DEBORAH L. McHENRY, CLERK  
SUPREME COURT OF APPEALS  
OF WEST VIRGINIA

Starcher, C. J., concurring:

The majority opinion is legally correct. I write separately to emphasize the fact that the liability of the defendant company, Tom's Convenient Food Mart, Inc., does not flow from any misconduct by its officers, William Tom Louisos and William Tom Louisos, II. These two exemplary businesspeople entrusted their company's personnel actions to a person who was found to have discharged that responsibility in an illegal fashion. As a result, the Louisos corporation is legally liable for his conduct, because it was within the scope of their agent's employment -- even though neither Louisos personally did anything wrong.