

**UNITED STATES OF AMERICA
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
OFFICE OF ADMINISTRATIVE LAW JUDGES**

Secretary, United States Department of)
Housing and Urban Development, on behalf of)
Complainant [REDACTED] and her [REDACTED] minor)
children,)
)
Charging Party,)
)
v.)
)
[REDACTED])
[REDACTED])
[REDACTED])
Respondents)
_____)

ALJ No. _____

FHEO No. 04-12-0157-8

CHARGE OF DISCRIMINATION

I. JURISDICTION

[REDACTED], Complainant [REDACTED] (“Complainant [REDACTED]”) filed a complaint with the U.S. Department of Housing and Urban Development (“HUD”) alleging that Respondent [REDACTED] discriminated against her and her [REDACTED] minor children based on sex, in violation of the Fair Housing Act (“Act”), 42 U.S.C. §§ 42 U.S.C. 3601-19. [REDACTED] Complainant [REDACTED] amended the complaint [REDACTED] to correct Respondent [REDACTED] name, [REDACTED].

The Act authorizes the Secretary of HUD to issue a Charge of Discrimination on behalf of aggrieved persons following an investigation and a determination that reasonable cause exists to believe that a discriminatory housing practice has occurred. 42 U.S.C. §§ 3610(g)(1)-(2). The Secretary has delegated that authority to the General Counsel (24 C.F.R. §§ 103.400 and 103.405), who has re-delegated the authority to the Associate General Counsel for Fair Housing and the Assistant General Counsel for Fair Housing Enforcement. 76 Fed. Reg. 42463, 42465 (July 18, 2011).

[REDACTED]

The Regional Director for Region IV, on behalf of the Assistant Secretary for Fair Housing and Equal Opportunity, has determined that reasonable cause exists to believe that a discriminatory housing practice has occurred in this case and has authorized and directed the issuance of this Charge of Discrimination. 42 U.S.C. § 3610(g)(2).

II. SUMMARY OF FINDINGS IN SUPPORT OF THIS CHARGE

Based on HUD's investigation of the allegations contained in the aforementioned complaint and the Determination of Reasonable Cause, Respondent [REDACTED] is charged with violating the Act as follows:

A. Legal Authority

1. It is unlawful to refuse to rent, or otherwise make unavailable or deny, a dwelling to any person because of sex. 42 U.S.C. § 3604(a); 24 C.F.R. §§ 100.50(b)(3), 100.60(a) & (b)(5).
2. It is unlawful to discriminate against any person in the terms, conditions, or privileges of the rental of a dwelling, or in the provision of services or facilities in connection therewith, because of sex. 42 U.S.C. § 3604(b); 24 C.F.R. §§ 100.50(b)(2), 100.65(a) & (b)(5).
3. It is unlawful to make, print, or publish, or cause to be made, printed or published any notice, statement, or advertisement, with respect to the rental of a dwelling that indicates any preference, limitation, or discrimination based on sex, or the intention to make any such preference, limitation or discrimination. 42 U.S.C. § 3604(c); 24 C.F.R. §§ 100.50(b)(4), 100.75(a) & (b).
4. It is unlawful to coerce, intimidate, threaten, or interfere with any person in the exercise or enjoyment of, or on account of her having exercised or enjoyed any right granted or protected by section 804 of the Act. 42 U.S.C. § 3617; 24 C.F.R. §§ 100.400(b) & (c)(2).

B. Parties and Subject Property

5. [REDACTED] Complainant [REDACTED] lived with her [REDACTED] minor children at [REDACTED] ("subject property").
6. Complainant and her [REDACTED] minor children are aggrieved persons, as defined by subsection 802(i) of the Act. 42 U.S.C. § 3602(i); 24 C.F.R. § 100.20.
7. The subject property, [REDACTED] is a dwelling, as defined by subsection 802(b) of the Act. 42 U.S.C. § 3602(b); 24 C.F.R. § 100.20.

8. [REDACTED]

- [REDACTED]
- [REDACTED]
9. Respondent [REDACTED], managed the rental of the subject property, including placing advertisements for its rental, interviewing prospective tenants, and signing leases with tenants.
 10. Respondent [REDACTED] home at [REDACTED] TN, [REDACTED] was on a lot that is contiguous with the subject property.

C. Factual Allegations

11. [REDACTED] Complainant [REDACTED] saw a newspaper advertisement stating that the subject property was available for rent. She contacted Respondent [REDACTED] in reference to the advertisement.
12. Respondent [REDACTED] subsequently showed Complainant [REDACTED] the subject property and she agreed to rent it [REDACTED]. [REDACTED], Complainant [REDACTED] paid Respondent [REDACTED] a [REDACTED] security deposit.
13. At the time she met with Respondent [REDACTED] about renting the subject property, Complainant [REDACTED] was in a custody dispute with the father of her children. She knew that Respondent [REDACTED] [REDACTED] Respondent [REDACTED] agreed to do so.
14. About one week later, Respondent [REDACTED] falsely told Complainant [REDACTED] that her children's [REDACTED] Respondent [REDACTED] asked Complainant [REDACTED] if she would [REDACTED] emailing pictures [REDACTED]. Complainant [REDACTED] agreed to do so.
15. [REDACTED] Respondent [REDACTED] sent Complainant an email with details about [REDACTED] including instructions to provide a head shot to be used [REDACTED] and threats that if she told anyone [REDACTED] [REDACTED]
16. [REDACTED] Complainant [REDACTED] and Respondent [REDACTED] signed a month-to-month lease agreement for the subject property.
17. [REDACTED] Complainant [REDACTED] and her children moved into the subject property.
18. [REDACTED] Respondent [REDACTED] sent Complainant [REDACTED] an email directing her to [REDACTED] He wrote:

[REDACTED]

19. Around this time, Complainant [REDACTED] sent Respondent [REDACTED] approximately three head shots [REDACTED].
20. [REDACTED], Respondent [REDACTED] began sending Complainant [REDACTED] sexually suggestive text messages, stating, for example, that Complainant was a beautiful woman and asking her if she “ever had a fantasy doing a father and son at the same time?” As the volume of texts and sexual nature of the texts increased, Complainant [REDACTED] felt fearful because [REDACTED] [REDACTED] [REDACTED] she did not know what he might do to her.
21. [REDACTED] Complainant [REDACTED] paid Respondent [REDACTED] \$400 for February’s rent and \$300 towards her March rent. Respondent [REDACTED] forgave the remaining [REDACTED] balance of February’s rent because he had not cleaned the subject property before Complainant moved in.
22. During February [REDACTED], Respondent [REDACTED] stopped by the subject property unannounced on several occasions to ask Complainant [REDACTED] for sexually suggestive photographs [REDACTED] [REDACTED] Complainant [REDACTED] thought his demands were weird and they made her very uncomfortable. Complainant [REDACTED] ignored Respondent [REDACTED] requests or made excuses to him that she had to leave the subject property so as to avoid him. [REDACTED]
[REDACTED]
23. In late February [REDACTED], Complainant [REDACTED] was temporarily laid off from work. She also missed a week of work because [REDACTED] [REDACTED] [REDACTED]. Respondent [REDACTED] told Complainant [REDACTED] that she did not have to pay the [REDACTED] balance due on March’s rent.
24. During Complainant’s tenancy, Respondent [REDACTED] entered the subject property on one or more occasions when Complainant was not home and later informed her that he had done so.
25. On or about March [REDACTED], Respondent [REDACTED] went to the subject property angry and banged on the door, telling Complainant [REDACTED] that if she did not allow him to take sexually suggestive photographs of her [REDACTED] [REDACTED] As a result of this threat, Complainant allowed Respondent [REDACTED] to take partially undressed photographs of her. Complainant felt extremely uncomfortable while he took many photographs during a 20-25 minute period.

Complainant felt exploited and unsafe in her own home and worried for the safety of her children.

26. Later that night, Respondent [REDACTED] sent several text messages to Complainant [REDACTED] insisting that she allow him to take nude photographs of her [REDACTED] and propositioning her for sex, including the following texts sent [REDACTED] between 12:43 a.m. and 1:15 a.m.: "I am serious: You are killer. Don't know when I have wanted to see someone nude as bad as I do you;" "If you ever have the urge to do a dirty old man, please let me know;" and "I love the way you look really let's try it once and see [sic] Tonight was much better than you thought [sic] Nothing sexual I just want to see all of you." Complainant refused his requests.
27. [REDACTED]
28. Around the end of March, [REDACTED], Respondent [REDACTED] offered to pay \$150 to Complainant [REDACTED] to take pictures of him masturbating. Complainant refused to do so.
29. On or about April [REDACTED] at 11:07 p.m., Respondent [REDACTED] sent Complainant [REDACTED] a text message demanding that she provide him with partially nude photographs: "Then please send me a pic. You know, leave your bra on, stand in front of the mirror, complete front nude, except for bra." The next morning at 8:09 a.m., when Complainant had not complied, he threatened to [REDACTED]
30. Feeling threatened [REDACTED], Complainant [REDACTED] sent Respondent [REDACTED] partially nude photographs.
31. Later that same morning, Respondent [REDACTED] sent Complainant [REDACTED] text messages stating that he would forgive April's rent if she allowed him to take nude photographs of her: "Those are great make you a deal for the rent. Let me take as many as I want within the period of one-hour today or tomorrow, and the rent is gone for this month." Complainant [REDACTED] refused. Shortly thereafter, Respondent [REDACTED] informed Complainant [REDACTED] that she would receive a 30-day notice to vacate and texted her to "get the hell out."
32. On or about April [REDACTED] Complainant [REDACTED] reported Respondent [REDACTED] conduct to an attorney and the Sheriff's office.
33. During Complainant's tenancy, Respondent [REDACTED] accessed her computer without her knowledge or permission and obtained sexual photographs of Complainant that she had stored on her computer. These photographs were intended for her boyfriend at the time. [REDACTED]

34. On or about April [REDACTED], Respondent [REDACTED] entered the subject property when Complainant was not home and left a 30-day notice to vacate on her kitchen counter. On or about that same day, he took pictures of her bedroom while she was not home.
35. After providing Complainant with the notice to vacate, Respondent [REDACTED] continued to send text messages to Complainant demanding that she pay the rent or make him an offer for services in lieu of rent. For example, on April [REDACTED] Respondent texted “You need to make an offer on this if we are going to do this?” and “This is what bargaining is: You make an offer, than I make one, see what you’re offering first; if you don’t want to, forget it.”
36. During Complainant’s tenancy at the subject property, she and her children would often stay [REDACTED] to avoid Respondent or have her boyfriend stay with them so that she would feel safe.
37. On or about May [REDACTED], Complainant [REDACTED] and her children vacated the subject property.

D. Legal Allegations

38. As described above, Respondents discriminated against Complainant and her children by making housing unavailable to the family because of sex in violation of subsection 804(a) of the Act by issuing a notice to vacate the subject property after Complainant refused Respondent [REDACTED] demands for sexually suggestive or nude photographs. 42 U.S.C. § 3604(a); 24 C.F.R. §§ 100.50(b)(3), 100.60(a) & (b)(5).
39. As described above, Respondents discriminated against Complainant and her children in the terms, conditions or privileges of the rental of a dwelling because of sex in violation of subsection 804(b) of the Act when Respondent [REDACTED] harassed her and served her with a 30-day notice to vacate. 42 U.S.C. § 3604(b); 24 C.F.R. §§ 100.50(b)(2), 100.65(a) & (b)(5).
40. As described above, Respondents discriminated against Complainant and her children by making numerous statements, with respect to the rental of the subject property, that indicated a preference, limitation or discrimination because of sex or an intention to make any such preference, limitation or discrimination, in violation of subsection 804(c) of the Act, including text messages requesting nude photographs and sex and statements threatening Complainant with jail if she did not comply with his requests. 42 U.S.C. § 3604(c); 24 C.F.R. §§ 100.50(b)(4), 100.75(a) & (b).
41. As described above, Respondents coerced, intimidated, threatened or interfered with Complainant and her children on account of their having exercised or enjoyed their rights granted or protected by section 804 of the Act in violation of section 818 of the Act. 42 U.S.C. § 3617; 24 C.F.R. § 100.400(b) & (c)(2).

42. As a result of Respondents' discriminatory conduct, Complainant and her children suffered actual damages, including inconvenience, humiliation and other emotional distress.

III. CONCLUSION

43. WHEREFORE, the Secretary of the United States Department of Housing and Urban Development, through the Office of General Counsel, and pursuant to 42 U.S.C. § 3610(g)(2)(A) of the Act, hereby charges Respondents with engaging in discriminatory housing practices in violation of 42 U.S.C. §§ 3604(a), 3604(b), 3604(c), and 3617, and requests an Order that:

1. Declares that the discriminatory housing practices of Respondents, as set forth above, violate subsections 804(a), 804(b), and 804(c) and section 818 of the Act, 42 U.S.C. §§ 3604(a), 3604(b), 3604(c), and 3617;
2. Enjoins Respondents, their agents, employees, and successors, and all other persons in active concert or participation with them, from discriminating because of sex against any person in any aspect of the sale or rental of a dwelling;
3. Awards such monetary damages as will fully compensate Complainant and her children;
4. Assesses a civil penalty of \$16,000 against Respondents pursuant to 42 U.S.C. § 3612(g)(3) and 24 C.F.R. § 100.671(a)(1); and
5. Awards any additional relief as may be appropriate, pursuant to 42 U.S.C. § 3612(g)(3).

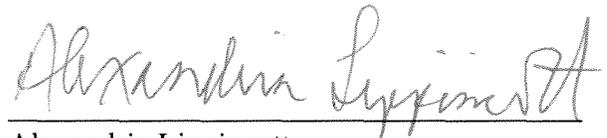
Respectfully submitted on this 29th day of September 2014.



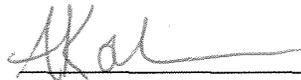
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