

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

The Secretary, United States Department
of Housing and Urban Development,
on behalf of:

the Estate of Fred Jefferson

Charging Party,

v.

Talmadge Willard Fair a/k/a
Talmadge W. Fair, a/k/a
T. Willard Fair, The Urban
League Housing Corporation of
Greater Miami, Inc., and ULGM,
Inc., a/k/a ULGM Inc. Housing
Management Corp.,

Respondents.

HUDALJ 10-E-094-FH-9

~~May 9, 2011~~ Af 6/2/11

INITIAL DECISION AND CONSENT ORDER

I. BACKGROUND

On or about February 22, 2008, Fred Jefferson (Complainant) filed a verified complaint with the U.S. Department of Housing and Urban Development (HUD or the Department), alleging that Talmadge W. Fair, The Urban League Housing Corporation of Greater Miami, Inc. and ULGM, Inc. a/k/a ULGM Inc. Housing Management Corp. (Respondents) violated the Fair Housing Act, 42 U.S.C. §§ 3601-3618 (the Act or Fair Housing Act) by applying discriminatory rental terms and conditions and engaging in harassment, interference, coercion and/or intimidation in connection with the rental of a dwelling because of disability in violation of 42 U.S.C. § 3604(f)(2)(A) and 42 U.S.C. § 3617.

Complainant, a disabled veteran, resided at Covenant Palms Apartments (Subject Property) from December 2002 until August 2010 when he passed away. Respondent Urban League Housing Corporation of Greater Miami, Inc. was the owner of Covenant Palms Apartments at the time of the alleged discriminatory acts. Respondent ULGM, Inc. a/k/a ULGM Inc. Housing Management Corp. was a corporation engaged in managing the day-to-day operations of the subject property at the time of the alleged discriminatory acts. Respondent Talmadge Fair was the President of the Urban League of Greater Miami, Inc and the CEO and President of ULGM, Inc. a/k/a ULGM Inc. Housing Management Corp at the time of the alleged

discriminatory acts. Respondent Talmadge Fair controlled and supervised the management of Subject Property and its staff at the time of the alleged discriminatory acts.

The Charge of Discrimination, dated April 7, 2010, alleged Respondents violated Sections 3604(f)(2)(A) and 3617 of the Act by disallowing Complainant to have a stove, ignoring and/or failing to respond to Complainant's numerous repair, alteration and/or transfer requests and threatening to evict Complainant.

Respondents deny they violated the Act as alleged in the Charge, but agree to settle the claims in the underlying action in order to avoid additional cost and expense by entering into this Consent Order. The entry of this Consent Order shall not be deemed as an admission of fault or liability by Respondents nor constitute a decision or finding that Respondents have engaged in any discriminatory housing practices.

II. GENERAL PROVISIONS

1. By signing this Consent Order, the parties agree that the Charging Party shall file a motion, on behalf of all the parties to this Consent Order, with HUD's Office of Administrative Law Judges requesting its approval and issuance pursuant to 24 C.F.R. § 180.450.
2. By signing this Consent Order, the parties agree that the document entitled "Voluntary Compliance Agreement between the U.S. Department of Housing and Urban Development and The Urban League Housing Corporation of Greater Miami, Inc., et al." (VCA) is attached to this Consent Order as Exhibit 1.¹
3. The term of this Consent Order shall remain in effect until Respondents have satisfactorily completed the provisions set forth in the VCA.
4. The parties agree that in the interest of a prompt conclusion of this matter, the execution of this Consent Order may be accomplished by the parties' signatures on separate pages, with the original executed Signature Pages to be attached to the body of the Consent Order to constitute one document.
5. The signatures of the parties to this Consent Order may be executed by way of facsimile transmission and shall be deemed to be an executed and admissible Consent Order for all purposes as may be necessary under the terms of this Consent Order provided that the original signature pages are forwarded to the Regional Counsel for the U.S. Department of Housing and Urban Development, Office of Counsel, Region IV, 40 Marietta Street, 3rd Floor, Atlanta, GA 30303, immediately upon its signing. Both the original and faxed signatures will be retained in the official case file.

¹ Only those portions of the VCA specifically identified by section and/or paragraph are incorporated into this Consent Order.

6. This Consent Order is binding upon Respondents, their employees, heirs, successors, agents, assigns and all others in active concert with them in the ownership and operation of the Subject Property.
7. This Consent Order does not in any way limit or restrict HUD's authority to investigate any other complaints involving Respondents, made pursuant to the Act, or any other statute within HUD's jurisdiction.

III. MUTUAL RELEASE

8. In consideration of the execution of this Consent Order, and other good and valuable consideration, Margaret Jefferson, Personal Representative of the Estate of Fred Jefferson, deceased, hereby forever waive, release, and covenant not to sue Respondents, their successors, assigns, agents, employees and attorneys with regard to any and all claims, including attorneys fees, causes of action, demands, damages, and injuries of whatever nature whether presently known or unknown, arising out of the subject matter of HUD Complaint 04-08-0484-8.
9. In consideration of the execution of this Consent Order, Respondents hereby forever waive, release, and covenant not to sue HUD, its successors, assigns, agents, employees and attorneys, and Respondents, their successors, assigns, agents, employees and attorneys, with regard to any and all claims, including attorneys fees, causes of action, demands, damages and injuries of whatever nature whether presently known or unknown, arising out of the subject matter of HUD Complaint 04-08-0484-8 or which could have been filed in any action or suit arising from said subject matter.

IV. DAMAGES FOR COMPLAINANT

10. As stated in the VCA at Section IV, paragraph F(B)(a), Respondents have agreed to take the following action:
 - i. Respondents shall pay the amount of \$15,000 (FIFTEEN THOUSAND DOLLARS AND 00/100) to the Estate of Fred Jefferson in the form of a certified check payable to "Margaret Jefferson, personal representative of the Estate of Fred Jefferson, deceased". The payment shall be mailed directly to Attorney Ilene F. Tuckfield of Alvin Goodman, P.A. at the following address within thirty (30) days of the effective date of this VCA:

999 Ponce De Leon Blvd. Ste. 500
Coral Gables, FL 33134

11. In addition to the terms stated in the VCA at Section IV, paragraph F(B)(a), Respondents agree to forward a copy the check referenced in Paragraph 10 of this Consent Order within thirty (30) days of the effective date of this Consent Order, to the Regional Counsel, U.S. Department of Housing and Urban Development, Office of Counsel, Region IV, 40 Marietta Street, 3rd Floor, Atlanta, GA 30303

V. **RELIEF IN THE PUBLIC INTEREST**

12. In addition to the terms stated in the VCA regarding Employee Education at Section IV, paragraph G, Respondents agree to the following:

- i. Fair Housing Posters: Within thirty (30) days of the effective date of this Consent Order, Respondents shall display a HUD Fair Housing poster, to be supplied by FHEO, in a conspicuous location in the management office at the Subject Property. The poster shall be displayed throughout the term of this Consent Order.

VI. **CIVIL PENALTY**

13. In consideration of the provisions made in the public interest, HUD shall waive and release all civil penalties arising out of the subject matter of HUD Case Number 04-08-0484-8 (HUDALJ 10-E-094-FH-9) against Respondents subject to their compliance with said provisions.

VII. **REPORTING AND RECORDKEEPING**

14. In addition to the terms stated in the VCA regarding Reporting and Recordingkeeping at Sections V and VI, Respondents agree to the following:

- i. Within thirty (30) days of the effective date to this Consent Order, Respondents shall submit a signed affidavit under penalty of perjury. The affidavit shall be submitted to the Candace Tapscott, Office of Fair Housing and Equal Opportunity Director, at 909 S.E. 1st Ave., Room 500, Miami, FL 33131. The affidavit shall state that Respondents have complied with Paragraph 12 of this Consent Order by displaying a Fair Housing poster in the management office at Subject Property.

VIII. **MONITORING AND COMPLIANCE**

15. Respondents shall provide their full cooperation in any monitoring review undertaken by the Department to ensure compliance with this Consent Order.

16. Upon a breach of any provision of this Consent Order, HUD may refer the matter to the United States Department of Justice, which may petition the appropriate United States Court of Appeals for the enforcement of this Consent Order and for appropriate relief in accordance with 42 U.S.C. § 3612(j).

IX. **ADMINISTRATION**

17. This Consent Order is entered pursuant to 42 U.S.C. § 3612 and 24 C.F.R. § 180.450. This Consent Order shall become final upon the earlier of the expiration of thirty (30) calendar days from the date of its issuance or affirmance by the Secretary. 42 U.S.C. § 3612(h); 24 C.F.R. § 180.680(b)(2).

18. The signatures of the parties to the Order constitute a waiver of any right to withdraw their consent during the thirty day Secretarial review period and a waiver of any right to challenge the validity of this Order at any time.

X. **AGREEMENT OF THE PARTIES**

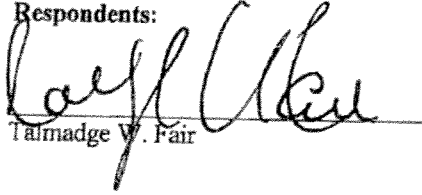
19. All parties have read this Consent Order and willingly sign it with a full understanding of the rights it confers and responsibilities it imposes on them.

Complainant:

Margaret Jefferson
Margaret Jefferson, Personal Representative
of the Estate of Fred Jefferson, deceased

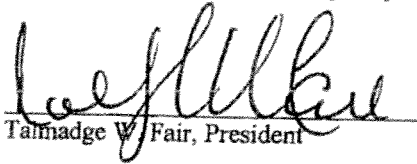
5/9/11
Date

Respondents:


Talmadge W. Fair

05/09/11
Date

For the Urban League Housing Corporation of Greater Miami, Inc.


Talmadge W. Fair, President

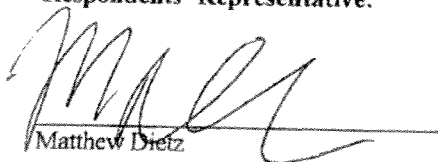
05/09/11
Date

For ULGM, Inc. a/k/a ULGM Inc. Housing Management Corp.


Talmadge W. Fair, CEO and President

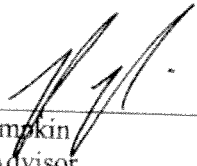
05/09/11
Date

Respondents' Representative:


Matthew Dietz

5/9/11
Date

For the Secretary, United States Department of Housing and Urban Development:



Sylloris Lampkin
Attorney-Advisor

Date 5/9/11



Donnie Murray
Regional Counsel, Region IV

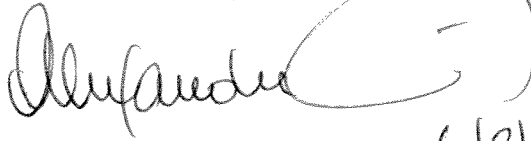
Date 5/9/11

VI. ORDER OF THE COURT

On or around May 9, 2011, the Charging Party and Respondents forwarded to the Court this Consent Order and attached Voluntary Compliance Agreement, incorporating the terms of their settlement agreement. The foregoing agreement appears to be in the public interest. The agreement, as incorporated in this Consent Order, is **ACCEPTED** and all outstanding motions are **DISMISSED** as moot. Any outstanding hearing is cancelled.

This Consent Order begins on page number "2."

SO ORDERED,

A handwritten signature in black ink, appearing to read "Alexander Fernández", followed by a large, loopy flourish that extends to the right.

Alexander Fernández
Administrative Law Judge

6/9/11