

**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 Shannon Goodrich, Braden Goodrich, and
Isaac Goodrich,

Charging Party

v.

Robert Gerow and Gladys Davis,

Respondents.

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) HUDALJ No. 11-F-033-FH-11
) FHEO No. 01-11-0029-8

10/17/11 AF

INITIAL DECISION AND CONSENT ORDER

I. BACKGROUND

This matter arose from a complaint of discrimination filed by Complainant Shannon Goodrich on October 22, 2010, with the United States Department of Housing and Urban Development (hereinafter known as the "Department" or "HUD"), pursuant to the Fair Housing Act as amended in 1988 (hereinafter known as the "Fair Housing Act" or the "Act").

The Complainant, Shannon Goodrich, is an aggrieved person within the meaning of the Fair Housing Act, 42 U.S.C. § 3602(i). When Complainant attempted to rent the property, Respondent Davis asked Complainant whether her family included children. Upon responding that she did have children, Respondent Davis stated that Respondent Gerow preferred not to rent to families with children as the unit was above his chiropractic office. When Complainant called back the same day to speak to Respondent Gerow, he informed her that he did not have to rent to families with children and was exempt from the Fair Housing Act based upon the location of his office.

As a result of Respondents' discriminatory conduct and statements, Complainant suffered emotional distress, loss of housing opportunity, and inconvenience damages.

Respondents agree to enter into this Consent Order in settlement of the claims made by Complainant in her complaint in order to avoid the expense and uncertainty of litigation. 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 by the Administrative Law Judge that Respondents have engaged in any discriminatory housing practices.

The Secretary, Complainant, and Respondents have consented to the entry of this Initial Decision and Consent Order (hereinafter "Consent Order") as indicated by the signature of the parties and counsel below.

II. GENERAL PROVISIONS

A. The parties acknowledge that this Consent Order is a voluntary and full settlement of the Charge. No party has been coerced, intimidated, threatened, or in any way forced to become a party to the Consent Order. The parties have read and fully understand the significance of all the terms set forth herein.

B. The parties acknowledge that the terms set forth herein are contractual and not merely a recital of the parties' intentions. The parties acknowledge that they have read and fully understand the significance of the provisions of this Consent Order and their obligations hereunder.

C. The parties and their counsel agree that, in the interest of 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 this Consent Order to constitute one document.

D. 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.

E. The parties acknowledge this Initial Decision and Consent Order will become the final agency decision thirty (30) calendar days from the date it is issued by the HUD Administrative Law Judge (HUD ALJ) or earlier, if affirmed by the Secretary within that time. The signatures of the parties to this Consent Order constitute a waiver of any right to withdraw their consent during the thirty (30) day Secretarial review period, and a waiver of any right to challenge the validity of this Consent Order at any time.

F. The parties and their counsel agree that if the situation arises where a party to this agreement needs an extension of time in order to satisfy a deadline provided herein, such extension must be obtained by mutual agreement of the parties and all signatories or their successors in writing.

G. This Consent Order is binding upon Complainant, as well as upon Respondents and their employees, heirs, successors, assigns, and all others working for or associated with Respondents who are involved in the operation of the subject property, including any subsequent owners of the property.

H. Pursuant to 24 C.F.R. § 180.680, the parties understand that this Consent Order shall be a public document.

I. Except as provided herein, the signatures of the parties to this Consent Order further constitute a waiver of any right to apply for additional attorney's fees or costs pursuant to 24 C.F.R. § 180.705.

J. This Consent Order does not in any way limit or restrict the Secretary's authority to investigate any subsequent complaints involving Respondents.

K. Respondents agree and understand that the Department, on request of Complainant, or on its own motion, may review compliance with this Consent Order. Respondents agree to provide full cooperation in any review undertaken by the Department to ensure compliance with this Consent Order.

L. Respondents agree that Respondents' failure to satisfy the terms of this Consent Order is a breach of the Consent Order, which may be enforced in the United States Court of Appeals pursuant to 24 C.F.R. § 180.715.

M. This Consent Order shall remain in effect for a period of five (5) years following the date upon which the Consent Order becomes final.

N. Respondents hereinafter promise and agree to comply with all provisions of the Fair Housing Act relevant to the subject property and to any other properties owned and/or managed by them.

III. SPECIFIC RELIEF

A. In exchange for the Charging Party's agreement to dismiss this Charge, Respondents Gerow and Davis agree to jointly pay the total sum of TWO THOUSAND DOLLARS (\$2,000.00) to Complainant for compensatory damages within ninety (90) days. Respondents shall send the payment to the address given below, with the check made out to Shannon Goodrich:

Miniard Culpepper, Regional Counsel, Region I
U.S. Department of Housing and Urban Development
Office of the Regional Counsel
Thomas P. O'Neill Federal Building
10 Causeway Street, Room 310
Boston, MA 02222-1092

B. In exchange for the Charging Party's agreement to dismiss this Charge, Respondents Gerow and Davis agree to jointly pay the total sum of THREE THOUSAND DOLLARS (\$3,000.00) to the Department of Housing and Urban Development as a civil money penalty within ninety (90) days. Payment shall be made by certified or cashier's check made payable to "U.S. Department of Housing & Urban Development " and should be sent with a cover letter stating that this is a civil money penalty and should referencing HUDALJ No. 11-F-033-FH-11 and FHEO No. 01-11-0029-8 to the address given below:

Miniard Culpepper, Regional Counsel, Region I
U.S. Department of Housing and Urban Development
Office of the Regional Counsel
Thomas P. O'Neill Federal Building
10 Causeway Street, Room 310
Boston, MA 02222-1092

C. E. Within six (6) months of the entry of this Consent Order, Respondents Gerow and Davis must attend a two hour fair housing training to be conducted by a qualified fair housing enforcement agency. The training must cover their responsibility under federal, state and local fair housing laws, regulations and ordinances. Respondents may contact Attorney Christopher Ligatti at (617) 994-8252 for assistance in locating a qualified fair housing enforcement agency to conduct the required training. Respondents shall provide a certificate of completion to the Department, in the same form as that attached hereto as "Attachment A" and "Attachment B" evidencing that they have successfully completed the course. Respondents as well as the instructor conducting the training should sign and date the certificate of completion (Attachments A and B), and send it to HUD within thirty (30) days of completion of such course. The certificate of completion shall be mailed to the Department by regular mail to the following address:

Miniard Culpepper, Regional Counsel, Region I
U.S. Department of Housing and Urban Development
Office of the Regional Counsel

Tip O'Neill Federal Building
10 Causeway Street, Room 310
Boston, MA 02222

C. As additional consideration for Respondents' payment to Complainant, compliance with the conditions and terms of this Consent Order and with all orders of this tribunal described herein, and for other good and valuable consideration, Complainant agrees to DISMISS her complaint against Respondents Gerow and Davis upon receipt of the payments described in Paragraphs "A", "B", and "C" above.

IV. MUTUAL RELEASE


In consideration for Respondents' payments to Complainant, compliance with the conditions and terms of this Consent Order and with all orders of this tribunal described herein, and for other good and valuable consideration, Complainant, her successors, and assigns hereby forever waive, release, and covenant not to sue Respondents, their successors, heirs, executors, assigns, agents, employees, attorneys, or any subsequent owner of the subject property, with regard to any and all claims, damages, and injuries of whatever nature arising out of the subject matter of HUDALJ No. 11-F-033-FH-11 and FHEO No. 01-11-0029-8, or which could have been filed in any action or suit arising from said subject matter. This Consent Order does not in any way limit or restrict the Secretary's authority to investigate any subsequent complaints involving Respondents.

In consideration of the execution of this Consent Order, and for other good and valuable consideration, Respondents, their successors, assigns, agents, employees, or any subsequent owner of the subject property, hereby forever waive, release, and covenant not to sue the Department or Complainant or their officers, successors, assigns, agents, employees and attorneys with regard to any and all claims, damages and injuries of whatever nature arising out of the subject matter of HUDALJ No. 11-F-033-FH-11 and FHEO No. 01-11-0029-8, or which could have been filed in any action or suit arising from said subject matter.

VI. ADMINISTRATION

For purposes of this Consent Order, the effective date of this Initial Decision and Consent Order is the date upon which this Initial Decision and Consent Order is signed by the HUD ALJ. This Initial Decision and Consent Order is entered pursuant to 42 U.S.C. § 3612(e) and (g) and the regulations issued thereunder at 24 C.F.R. § 180.450. This Initial Decision and Consent Order shall become final upon the expiration of thirty (30) calendar days from the date of its issuance or affirmation by the Secretary within that time. 24 C.F.R. § 180.670(b)(2).

SIGNED this 17th day of October 2011.


United States Administrative Law Judge

CONSENT AND SIGNATURE PAGES

The undersigned party has read the foregoing Consent Order, HUDALJ No. 11-F-033-FH-11 and FHEO No. 01-11-0029-8, and willingly consents to it with a full understanding of the rights it confers and the responsibilities it imposes on her, as signified by her signature below:

FOR COMPLAINANT:

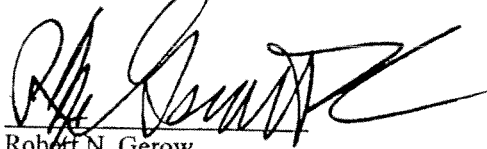

Shannon Goodrich

Date: 09/26/2011

CONSENT AND SIGNATURE PAGES

The undersigned parties have read the foregoing Consent Order, HUDALJ No. 11-F-033-FH-11 and FHEO No. 01-11-0029-8, and willingly consent to it with a full understanding of the rights it confers and the responsibilities it imposes on them, as signified by their signatures below:

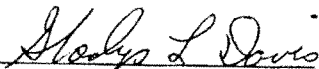
FOR RESPONDENTS:



Robert N. Gerow

Date:

9-29-11



Gladys L. Davis

Date:

9-29-2011

CONSENT AND SIGNATURE PAGES

The undersigned party has read the foregoing Consent Order, HUDALJ No. 11-F-033-FH-11 and FHEO No. 01-11-0029-8, and willingly consents to it with a full understanding of the rights it confers and the responsibilities it imposes on it, as signified by their signatures and that of their counsel, below:

FOR THE DEPARTMENT:



Miniard Culpepper
Regional Counsel for New England
Department of Housing and Urban Development
10 Causeway Street
Boston, MA 02222

Date: 9/28/11

ATTACHMENT A

I, ROBERT N. GEROW, hereby certify that I attended the training session on fair housing law given by a qualified fair housing enforcement agency on _____, 20____, pursuant to the Consent Order in HUDALJ No. 11-F-033-FH-11 and FHEO No. 01-11-0029-8.

Signature

Date: _____

I, _____, hereby certify that Robert N. Gerow attended a training session on fair housing law given by my organization, _____, on _____, 20____, pursuant to the Consent Order in HUDALJ No. 11-F-033-FH-11 and FHEO No. 01-11-0029-8

Signature

Date: _____

ATTACHMENT B

I, GLADYS L. DAVIS, hereby certify that I attended the training session on fair housing law given by a qualified fair housing enforcement agency on _____, 20____, pursuant to the Consent Order in HUDALJ No. 11-F-033-FH-11 and FHEO No. 01-11-0029-8.

Signature

Date: _____

I, _____, hereby certify that Gladys L. Davis attended a training session on fair housing law given by my organization, _____, on _____, 20____, pursuant to the Consent Order in HUDALJ No. 11-F-033-FH-11 and FHEO No. 01-11-0029-8.

Signature

Date: _____