

HUDALJ 12-F-015-FH-3
FHEO No. 01-11-0291-8

II. GENERAL PROVISIONS

- A. The parties acknowledge that this Consent Order is a voluntary and full resolution of the disputed complaint. No party has been coerced or in any way forced to become a party to it. The parties acknowledge that they have read and fully understand the significance of the provisions of this Consent Order and their obligations hereinunder.
- B. The parties agree that HUD shall file with the Office of Administrative Law Judges a Motion for Entry of an Initial Decision and Consent Order, along with this Initial Decision and Consent Order, after this document is executed by all parties.
- C. This Consent Order is binding upon Respondents, their members, principals, owners, employees, successors, agents, assigns and all others in active concert with them in the operation of N.A.G. Realty, LLC. This Consent Order is a full settlement of all claims by Complainant that are in any way related to the allegations set forth in the Charge of Discrimination.
- D. Pursuant to 24 C.F.R. § 180.680, this Consent Order is a public document.

III. RELIEF FOR COMPLAINANT

- A. Within sixty (60) days of the effective date of this Consent Order, Respondents shall pay to Complainant by certified check the sum of two thousand five hundred dollars (\$2,500) in full settlement of its claims for damages arising out of the allegations presented in the Charge. Respondents shall make the check payable to "Housing Discrimination Project, Inc." and send the check to HUD's Regional Counsel at the address specified below.

Miniard Culpepper, Regional Counsel
c/o Eric Batcho
U.S. Department of Housing and Urban Development
Office of Regional Counsel
10 Causeway Street, Room 310
Boston, MA 02222

IV. ACTIONS IN THE PUBLIC INTEREST

- A. Respondents, their agents, employees, successors, members and assigns, and all other persons in active concert or participation with any of them, are hereby enjoined from violating the Fair Housing Act, including:
1. Discriminating in the sale or rental, or otherwise making unavailable or denying, a dwelling to any buyer or renter because of familial status, as prohibited by the Fair Housing Act, 42 U.S.C. § 3604(a).
 2. Making, printing, or publishing or causing to be made, printed or published any notice, statement or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on familial status, or any intention to

make any such preference, limitation, or discrimination, as prohibited by the Fair Housing Act, 42 U.S.C. § 3604(c).

B. Respondents acknowledge that HUD has issued guidance concerning lead-based hazard control activities and the requirements of the Fair Housing Act, which provides that if a unit which has not undergone lead hazard control treatments is available and a family chooses to live in the unit, a housing provider must advise the family of the condition of the unit, but may not decline to allow the family to occupy the unit because the family has children. HUD Memorandum, *Requirements Concerning Lead-Based Paint and the Fair Housing Act* (August 1, 1997).

C. During the term of this Consent Order, if Respondents, their agents, employees, successors, members and assigns, and all other persons in active concert or participation with any of them acquire any interest in real property for the purpose of rental to residential tenants, Respondents shall meet the following requirements:

1. Within sixty (60) days of the acquisition of any such rental property, Respondent Fichera, at her cost, shall attend a minimum of two hours of training pertaining to her obligations under the Fair Housing Act and applicable state and local non-discrimination laws. The training shall be provided by a qualified fair housing enforcement agency or other organization with suitable experience and knowledge. Respondent Fichera may contact HUD's Office of Regional Counsel at 617-994-8250 for assistance in locating a qualified training organization. Within ten (10) days of the completion of the training, Respondent Fichera shall provide a certification to HUD signed by the course instructor demonstrating her successful completion of the training.

2. If Respondents engage in any advertising or marketing of any such rental property, Respondents shall include an explicit statement in any advertisement or marketing materials distributed to potential tenants that Respondents do not discriminate on the basis of familial status and that families with children are encouraged to apply for rental.

V. REPORTING AND RECORD KEEPING

A. During the term of this Consent Order, Respondents shall notify HUD of any formal complaint filed against them with a local, state, or federal agency regarding equal opportunity or discrimination in housing within ten (10) days of receipt of any such complaint. Respondents shall provide a copy of the complaint with the notification to HUD. Respondents shall also promptly provide HUD with all information it may request concerning any such complaint and its actual or attempted resolution.

B. All required notification and documents of compliance must be submitted to HUD as follows, unless otherwise indicated:

Susan Forward, Acting Regional Director
U.S. Department of Housing and Urban Development
Office of the Fair Housing and Equal Opportunity

10 Causeway Street, Room 308
Boston, MA 02222

VI. COMPLAINT

A. During the term of this Consent Order, HUD may review compliance with this Consent Order, subject to and in accordance with HUD regulations. As part of such review, HUD may, upon providing advance notice of said inspection, inspect Respondents' property, examine witnesses, and copy pertinent records of Respondents. Respondents agree to provide their full cooperation in any compliance review undertaken by HUD to ensure compliance with this Consent Order.

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

VII. ADMINISTRATION

A. This Consent Order shall remain in effect for a period of three (3) years from its effective date.

B. This Consent Order is entered pursuant to 42 U.S.C. § 3612(g)(3) and 24 C.F.R. § 180.450. The effective date of the Consent Order is the date it becomes final, i.e., upon the expiration of thirty (30) days from the date of its issuance, or earlier affirmance by the Secretary. 42 U.S.C. § 3612(h); 24 C.F.R. § 180.680(b)(2).

C. 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, by any other complainants within HUD's jurisdiction.

D. The parties agree that if a party to this agreement needs an extension of time in order to satisfy a deadline provided herein, such extension must be obtained in writing from HUD's Regional Counsel, as appropriate.

E. The signature of the parties to this Consent Order constitute a waiver of any right to apply for attorney's fees or costs pursuant to 24 C.F.R. § 180.705. Each party is responsible for its own attorney's fees and costs.


F. The parties and counsel 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 of this Consent Order, with the individual signature pages to be attached to the body of the Consent Order to constitute one document to be filed with the Office of the Administrative Law Judges. Signatures of the parties to this Consent Order may be executed by way of facsimile or electronic transmission.

G. The signatures of the parties to this Consent Order constitute a waiver of any rights to withdraw their consent during the thirty (30) day Secretarial review period, and a waiver of any right to challenge the validity of the Consent Order at any time.

VIII. AGREEMENT OF THE PARTIES

The parties below have read this Consent Order in HUDALJ 12-F-015-FH-3 and have willingly signed it with a full understanding of the rights it confers and the responsibilities it imposes on them, as signified by their signature, or that of their counsel, below:

FOR COMPLAINANTS:



Meris Bergquist, Esq.
Housing Discrimination Project, Inc.

Date: 3/29/12

FOR RESPONDENTS:



Nilma Y. Fichera

Date: 3/24/12


Nilma Y. Fichera, Manager
N.A.G. Realty, LLC

Date: 3/24/12

FOR THE DEPARTMENT:

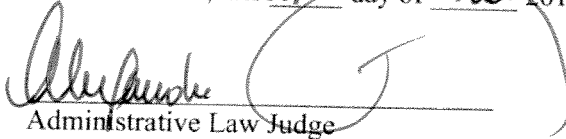

Miniard Culpepper
Regional Counsel for New England

Date: 3/26/12

IX. ORDER OF THE COURT

The hearing in this matter was scheduled for June 5, 2012. The parties forwarded to the Court the foregoing Order, incorporating the terms of their agreement. Having reviewed the Consent Order, the Court find that it appears to be in the public interest. All parties have given their consent and signed the agreement incorporated in the foregoing Initial Decision and Consent Order, which is hereby accepted and issued.

So ORDERED, this 29th day of March 2012.


Administrative Law Judge