

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, Charging Party, on behalf of:

SANDRA STEWART,

Complainant,

v.

SPRINGBROOK CONDOMINIUM ASSOCIATION and  
BESS MOSLEY, PRESIDENT, BOARD OF DIRECTORS OF THE  
SPRINGBROOK CONDOMINIUM ASSOCIATION,

Respondents.

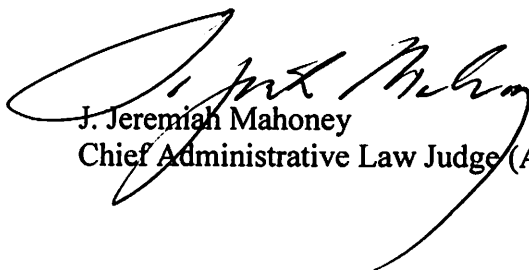
HUDALJ 12-M-014-FH-2

February 13, 2012

**APPROVAL OF INITIAL DECISION AND CONSENT ORDER**

On February 10, 2012, counsel for the Secretary filed with the Court an INITIAL DECISION AND CONSENT ORDER (attached), to be issued by the Court. The proposed Initial Decision and Consent Order bears the signatures of the parties and, by its terms, settles the issues in the above-captioned case. The proposed order, incorporating the parties' settlement agreement, appears to be in the public interest.

Accordingly, the INITIAL DECISION AND CONSENT ORDER is approved. It is issued this date by signature of the presiding Administrative Law Judge.<sup>1</sup>

  
J. Jeremiah Mahoney  
Chief Administrative Law Judge (Acting)

Attachment: a/s

<sup>1</sup> The judge's signature is on the third page "5." The entire document, including Appendices, consists of eleven pages.

**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 Sandra Stewart, )  
 )  
Charging Party, )  
 )  
v. )  
 )  
Springbrook Condominium Association )  
and Bess Mosley, President, Board of Directors )  
of the Springbrook Condominium Association )  
 )  
Respondents. )  
\_\_\_\_\_ )

HUDALJ No. 12-M-014-FH2  
FHEO No. 01-11-0294-8

**INITIAL DECISION AND CONSENT ORDER**

**I. BACKGROUND**

This matter arose from a complaint of discrimination filed by Complainant Sandra Stewart on May 3, 2011, with the United States Department of Housing and Urban Development (hereinafter "the Department" or "HUD"), pursuant to the Fair Housing Act as amended in 1988 (hereinafter the "Fair Housing Act" or "Act").

Complainant alleged that Respondents Springbrook Condominium Association ("Association") and Bess Mosley, President of the Board of Directors of the Springbrook Condominium Association<sup>1</sup> ("Respondents"), discriminated against her on the basis of her disability by refusing to grant a reasonable accommodation in the Condominium Association's rules that was necessary to provide her an equal opportunity to use and enjoy her condominium unit.

Respondents deny they violated the Act, but agree to enter into this Initial Decision and Consent Order ("Consent Order") in settlement of the claims made by Complainant 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.

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<sup>1</sup> Pursuant to FRCP 41(a)(1)(A), the Charging Party serves notice that it is dismissing the Charge against Respondent Mosley.

The Secretary, Complainant, and Respondent Springbrook Condominium Association have consented to the entry of this 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 parties and their counsel agree that if a 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.

E. 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.

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

G. Respondent Springbrook Condominium Association and its officers 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 in order to ensure compliance with this Consent Order.

H. Respondents understand and agree that 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.

### **III. GENERAL INJUNCTION**

Respondent Springbrook Condominium Association, its officers, agents, employees, successors, members and assigns, and all other persons in active concert or participation with Springbrook Condominium Association, are hereby enjoined from:

Refusing to make reasonable accommodations in rules, policies, practices, or services, when such accommodations may be necessary to afford persons with disabilities equal opportunity to use and enjoy a dwelling as proscribed in the Fair Housing Act, as amended, 42 U.S.C. §§ 3604(f)(2) and 3604(f)(3)(B); and

### **IV. SPECIFIC RELIEF**

Respondents shall allow the Complainant's continued use of her "Sure-Bilt" model storm door, or of any functionally similar model storm door Complainant may require in the future, and shall provide all services and amenities available to those other residents using model storm door prescribed under Respondent's policies and bylaws.

### **V. ACTIONS IN THE PUBLIC INTEREST**

Reasonable Accommodation Policy: Within 30 days of the entry of this Consent Order, Respondent Springbrook Condominium Association shall adopt and implement the specific guidelines provided in Appendix A through E for receiving and handling requests for reasonable accommodations made by individuals with disabilities, collectively entitled "Reasonable Accommodation Policy."

### **VI. CIVIL MONEY PENALTIES**

A. Respondent Springbrook Condominium Association agrees to pay to the Department a civil money penalty in the total sum of SEVEN HUNDRED AND FIFTY DOLLARS (\$750.00).

B. Within NINETY (90) days of the entry of this Consent Order by the Administrative Law Judge, Respondent Springbrook Condominium Association shall make the payment described in paragraph "A," immediately above, by certified or cashier's check made payable to "U.S. DEPARTMENT OF HOUSING & URBAN DEVELOPMENT." Accompanying the check should be a cover letter stating that the check is for the civil penalty. Both the cover letter and the check should reference both case numbers, HUD ALJ No. 12-M-014-FH2 and FHEO Case No. 01-11-0294-8. The aforementioned payment should be mailed by Federal Express or certified mail to the following address:

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

### **VII. MUTUAL RELEASE**

In consideration for Respondent Springbrook Condominium Association's compliance with all of 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. 12-M-014-FH2 and FHEO Case No. 01-11-0294-8, 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, the Respondent Springbrook Condominium Association, its officers, 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. 12-M-014-FH2 and FHEO Case No. 01-11-0294-8, or which could have been filed in any action or suit arising from said subject matter.

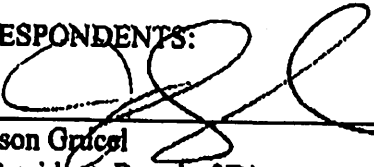
### **VIII. AGREEMENT OF THE PARTIES**

All parties have read the foregoing Consent Order, HUDALJ No. 12-M-014-FH2 and FHEO Case No. 01-11-0294-8, and willingly sign it below with a full understanding of the rights it confers and the responsibilities it imposes on them.

**COMPLAINANT:**

\_\_\_\_\_ Date: \_\_\_\_\_  
Sandra Stewart

**RESPONDENTS:**

  
\_\_\_\_\_ Date: 1.30.12  
Jason Grice  
President, Board of Directors, and on behalf of  
The Springbrook Condominium Association

**FOR THE DEPARTMENT:**

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

**IX. 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).

So ORDERED, this \_\_\_\_\_ day of \_\_\_\_\_ 2012.

\_\_\_\_\_  
Administrative Law Judge

COMPLAINANT:

Sandra Stewart Date: 26 Jan 2012  
Sandra Stewart

RESPONDENTS:

\_\_\_\_\_  
Date: \_\_\_\_\_  
Jason Grucel  
President, Board of Directors, and on behalf of  
The Springbrook Condominium Association

FOR THE DEPARTMENT:

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

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So ORDERED, this \_\_\_\_ day of \_\_\_\_\_ 2012.

\_\_\_\_\_  
Administrative Law Judge


COMPLAINANT:

\_\_\_\_\_ Date: \_\_\_\_\_  
Sandra Stewart

RESPONDENTS:

\_\_\_\_\_ Date: \_\_\_\_\_  
Jason Grucel  
President, Board of Directors, and on behalf of  
The Springbrook Condominium Association

FOR THE DEPARTMENT:

 \_\_\_\_\_ Date: 2/9/11  
Miniard Culpepper  
Regional Counsel for New England  
Department of Housing and Urban Development  
10 Causeway Street  
Boston, MA 02222

**IX. ADMINISTRATION**

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So ORDERED, this 13<sup>th</sup> day of FEBRUARY 2012.

  
\_\_\_\_\_  
Administrative Law Judge