

**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 Amanda Dodge, Giovanni Alves	)	
& Kiara Bruso	)	
	)	
Charging Party,	)	
	)	
v.	)	HUD ALJ 13-JM-053-FH-001
	)	FHEO No. 01-12-0338-8
Joseph MacRitchie, Robert Quinn &	)	
the Quincy Housing Authority,	)	
	)	
Respondents.	)	
	)	
	)	
	)	

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**INITIAL DECISION AND CONSENT ORDER**

**I. BACKGROUND**

This matter arose from a complaint of disability discrimination filed by Complainants Amanda Dodge, Giovanni Alves, and Kiara Bruso on July 19, 2012, with the United States Department of Housing and Urban Development (“Department” or “HUD”) pursuant to the Fair Housing Act, 42 U.S.C. §§ 3601-3619 (“Fair Housing Act”), and arising from the Respondents’ alleged failure to grant a reasonable accommodation by transferring Complainants to a larger unit.

On November 19, 2012, the Department issued a Charge of Discrimination (“Charge”) against Respondent alleging violations of 42 U.S.C. §§ 3604(f)(2), which prohibits discriminatory terms and conditions, including the failure to make reasonable accommodations.

The Complainants, Respondents, and the Department (“parties”) have agreed to resolve this matter without the need for a hearing before a HUD Administrative Law Judge (“ALJ”). The parties have consented to the entry of this Initial Decision and Consent Order (“Consent Order”) as indicated by their signatures below.

**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 as set forth below.

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, and agents. This Consent Order is a full settlement of all claims by Complainants 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 COMPLAINANTS**

A. Within thirty (30) days of the effective date of this Consent Order, Respondents shall pay to Complainants by certified or cashier's check the sum of four hundred and twenty-five dollars (\$425.00) to Complainants. Respondents shall make the check payable to "Amanda Dodge" and send the check to:

Amanda Dodge  
97 Doane Street  
Apartment 3  
Quincy, MA 02169

Respondents shall photocopy this check and send it to HUD's Regional Counsel for New England at the address given below:

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

B. Respondents shall also agree to waive all rental charges for Complainants for each month from February 2013 through July 2013. Respondent agrees to use non-federal funds to replenish the rent that was waived and would have gone to the fund for that project. Complainants' future rent shall not be negatively impacted due to the waiver of these rental charges. Beginning August 1, 2013, Complainants will owe all usual and appropriate rental charges, and will resume rental payments effective August 1, 2013. During the period when rent is being waived, Complainants will continue to be responsible for providing any and all documentation required by Respondent for income verification and rental recertification.

Respondents shall send records showing their replenishment of these project funds to:

U.S. Department of Housing and Urban Development  
c/o Susan Forward  
Office of Fair Housing and Equal Opportunity  
10 Causeway Street, Room 321  
Boston, MA 02222

#### **IV. RELIEF IN THE PUBLIC INTEREST**

- A. Respondents agree to refrain from any act or omission that would violate the Fair Housing Act.
- B. Respondents agree not to retaliate against Complainants or any other person who participated in the investigation of this complaint.
- C. Respondents agree to appoint a Section 504 Reasonable Accommodation Coordinator other than the Assistant Director for the term of this Consent Order. The Coordinator must keep a written record of all reasonable accommodation requests, the status of the final action of the request, and a record of all supporting documentation of the requests.
- D. Respondents agree that within 30 days of receipt of a reasonable accommodation request, they will either grant the request, communicate to the requestor in writing the need for the requestor to supply further information, or deny the request in writing with an explanation of the reason for denial.
- E. Respondents agree to have their staff attend training provided by HUD's Office of Fair Housing and Equal Opportunity on reasonable accommodations before February 1, 2013. Respondents acknowledge that they will fully communicate the training to all staff unable to be present at the training and that all Quincy Housing Authority staff will be made aware of the Quincy Housing Authority's reasonable accommodation policy.
- F. Respondents agree to provide quarterly reports to the Department of its compliance with terms of this agreement. Respondents' reports are due every three months for one year after the effective date of this Agreement.
- G. The Department shall determine compliance with the terms of this Agreement. During the term of this Agreement, HUD may review compliance with this Agreement. As part of such review, HUD may conduct inspections, examine witnesses, and copy pertinent records of Respondents. Respondents agree to provide its full cooperation in any monitoring review undertaken by HUD to ensure compliance with this Agreement.
- H. All submissions required under this Agreement shall be sent to the address given above in Section III.B

## **V. 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).

## **VI. ADMINISTRATION**

A. This Consent Order shall remain in effect for a period of one (1) year 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 any party to this agreement needs an extension of time in order to satisfy a deadline, such an extension must be obtained in writing from HUD's Regional Counsel.

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

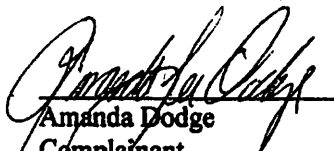
F. The parties and counsel agree that in the interest of a prompt conclusion of this matter, the execution of this Consent Order may be accomplished by the parties' signatures on separate pages of this Consent Order, with the individual signature pages to be attached to the body of the Consent Order 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.

**X. AGREEMENT OF THE PARTIES**

The parties below have read this Consent Order in HUD ALJ 12-AF-060-FH-20 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:**


  
Amanda Dodge  
Complainant  
Parent of Minor Complainants  
Giovanni Alves and Kiara Bruso

Date: 01/04/13

**FOR RESPONDENTS:**

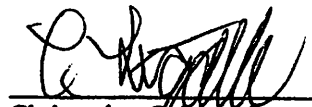
  
Joseph MacRitchie  
Executive Director  
Quincy Housing Authority

Date: 1/2/13

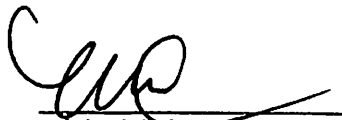
  
Robert Quinn  
Assistant Director  
Quincy Housing Authority

Date: 1/3/13

**FOR THE DEPARTMENT:**

  
Christopher G. Ligatti  
Attorney

Date: 1/4/13

  
Miniard Culpepper  
Regional Counsel for New England

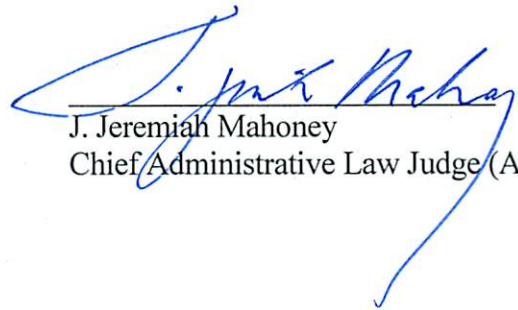
Date: 1/4/13

## XI. ORDER OF THE COURT

This Consent Order is entered pursuant to the Fair Housing Act, 42 U.S.C. § 3612(e), and shall become final upon the expiration of thirty (30) days or by confirmation of the Secretary within that time. See 42 U.S.C. § 3612(h). The signatures of the parties to this Consent Order constitute a waiver of any right to withdraw their consent during the 30 day Secretarial review period, and a waiver of any right to challenge the validity of this Consent Order at any time.

The hearing in this matter was scheduled for March 5, 2013. On January 4, 2013, the parties forwarded to the Court the foregoing Order, incorporating the terms of their agreement. Having reviewed the Consent order, the Court, finds that it appears to be in the public interest. All parties have given their consent as reflected by their signatures to the agreement incorporated in the foregoing Initial Decision and Consent Order, which is hereby accepted and issued.

So **ORDERED**, this 23rd day of January 2013.



J. Jeremiah Mahoney  
Chief Administrative Law Judge (Acting)