

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

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The Secretary, United States	:	
Department of Housing and Urban	:	
Development, on behalf of Fair Housing	:	ALJ # 15-JM-0097-FH-012
Council of Suburban Philadelphia,	:	FHEO No. 03-14-0314-8
	:	
	:	
Charging Party,	:	
	:	
	:	
v.	:	
	:	
William Schopf and SHK, LLC,	:	
	:	
	:	
Respondents	:	

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INITIAL DECISION AND CONSENT ORDER

**I. BACKGROUND**

This matter arose from a complaint of familial status discrimination filed by Complainant Fair Housing Council of Suburban Philadelphia (“Complainant”) with the United States Department of Housing and Urban Development (the “Department”) pursuant to the Fair Housing Act as amended in 1988, 42 U.S.C. § 3601, *et seq.* (the “Act”). Complainant alleges that Respondents William Schopf and SHK, LLC (“Respondents”) were responsible for refusing to rent to families with young children; imposing discriminatory rental terms and conditions on families with children; and publishing advertisements and making statements that discriminated on the basis of familial status.

On July 21, 2015, the Charging Party issued a Charge of Discrimination (“Charge”) against Respondents for violations of 42 U.S.C. § 3604(a) and (c), which prohibit discriminating in the rental of housing on the basis of familial status, and publishing discriminatory advertisements and statements on the basis of familial status.

None of the parties involved in this matter elected to have their claims decided in a civil action. An administrative hearing has been scheduled for November 17, 2015. However, to avoid uncertain and costly litigation, the parties have agreed to resolve the above-captioned case without the need for a hearing. Respondents admit no fault or liability. The Department, 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 their counsel below.

## **II. GENERAL INJUNCTION**

It is hereby ORDERED that Respondents, their heirs, executors, assigns, agents, employees, and successors, and all other persons in active concert or participation with them in the ownership, operation or management of the subject property and any other properties owned or managed by them are permanently enjoined from discriminating against any person on the basis of familial status, in any aspect of rental or sale of a dwelling, pursuant to §§ 3604(a), (b), and (c) of the Act.

Respondents acknowledge that the Act makes it unlawful to:

1. Discriminate in the rental of a dwelling, or to otherwise make unavailable or deny a dwelling to any renter on the basis of familial status.<sup>1</sup>
2. Discriminate in the sale or rental, or to otherwise make unavailable or deny, a dwelling to any buyer or renter on the basis of the familial status of that buyer or renter.
3. Discriminate against any person in the terms, conditions, or privileges of rental of a dwelling, or in the provision of services or facilities in connection with a dwelling, on the basis of familial status.

## **III. SPECIFIC RELIEF**

In exchange for the Department's agreement to dismiss this Charge, and Complainant's agreement to release its claims against Respondents (as described in Sections IV and VII of this Agreement):

- A. Respondent shall pay the total sum of \$4,000 to Complainants in the form of a certified check made payable to Fair Housing Council of Suburban Philadelphia within twenty (20) days of the effective date of this Consent Order, to be sent by Federal Express or Certified Mail to the following address:

James Berry, Executive Director  
Fair Housing Council of Suburban Philadelphia  
455 Maryland Drive, Suite 190  
Fort Washington, PA 19034

- B. Within five days of the date of the issuance of the certified check made payable to Fair Housing Council of Suburban Philadelphia referenced in Section III.A of this Consent Order, Respondent shall send a copy of the check to HUD's Regional Counsel, via First Class Mail, at the following address:

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<sup>1</sup> "Familial status" means one or more individuals under the age of eighteen (18) being domiciled with a parent or legal guardian. 42 U.S.C. § 3602(k); 24 C.F.R. § 100.20 (2015).

Sheryl L. Johnson, Regional Counsel, Region III  
U.S. Department of Housing and Urban Development  
Office of the Regional Counsel  
The Wanamaker Building, 100 Penn Square East  
Philadelphia, Pennsylvania 19107

- C. Within ninety (90) days of the effective date of this Consent Order, Respondent William Schopf and employees of SHK, LLC shall attend a training about the Fair Housing Act, to be conducted by Complainant at no additional cost to Respondents.
- D. Respondents shall provide a signed and dated certificate of completion to the Department listing the names of persons who completed the fair housing training provided by Complainant within thirty (30) days of completion of such course. The certificate of completion shall be sent to the Department, via First Class Mail, at the following address:

Sheryl L. Johnson, Regional Counsel, Region III  
U.S. Department of Housing and Urban Development  
Office of the Regional Counsel  
The Wanamaker Building, 100 Penn Square East  
Philadelphia, Pennsylvania 19107

- E. Within three (3) months of the effective date of this Consent Order, Respondents shall insert in all rental documents, advertisements and application forms used by Respondents the fair housing logo described in HUD regulations at 24 C.F.R. § 110.25 (2012), and the following language:

EQUAL HOUSING OPPORTUNITY:  
We Do Business in Accordance with the Fair Housing Act  
(The Civil Rights Act of 1968, as amended by the Fair Housing  
Amendments Act of 1988).

IT IS ILLEGAL TO DISCRIMINATE AGAINST ANY  
PERSON BECAUSE OF RACE, COLOR, RELIGION, SEX,  
HANDICAP, FAMILAL STATUS (HAVING ONE OR MORE  
CHILDREN), OR NATIONAL ORIGIN IN THE SALE OR  
RENTAL OF HOUSING OR RESIDENTIAL LOTS.

- F. For a period of three (3) years from the effective date of the Consent Order, Respondents will provide to HUD on an annual basis (in September) the following information in writing: (a) Family composition (number of children under 18 years of age) residing at the subject property; (b) Copies of all advertisements used to solicit new renters; and (c) Copies of all new rental policies and procedures. The information shall be mailed to the Department, via First Class Mail, at the following address:

Melody Taylor-Blancher  
Office of Fair Housing, Region III  
U.S. Department of Housing and Urban Development  
The Wanamaker Building, 100 Penn Square East  
Philadelphia, Pennsylvania 19107

**IV. MUTUAL RELEASE**

In consideration for Respondents' payment to Complainants, 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, the Department and Complainant Fair Housing Council of Suburban Philadelphia, their successors, assigns, agents, employees, and attorneys hereby forever waive, release, and covenant not to sue Respondents, their successors, heirs, executors, assigns, agents, employees, and attorneys, including any subsequent owner of the subject property with regard to any and all claims, damages, and injuries of whatever nature whether presently known or unknown, arising out of the subject matter of HUD ALJ # 15-JM-0097-FH-012, or which could have been filed in any action or suit arising from said subject matter; however, any claims or causes of action that accrue after the execution of this Consent Order are not subject to the releases as set forth in this paragraph.

In consideration for the execution of this Consent Order, and other good and valuable consideration, Respondents, their successors, assigns, agents, employees, and attorneys, including any subsequent owner of the subject property, hereby forever waive, release, and covenant not to sue the Department or Complainant Fair Housing Council of Suburban Philadelphia or their officers, successors, assigns, agents, employees and attorneys with regard to any and all claims, damages and injuries of whatever nature whether presently known or unknown, arising out of the subject matter of HUD ALJ # 15-JM-0097-FH-012, or which could have been filed in any action or suit arising from said subject matter; however, any claims or causes of action that accrue after the execution of this Consent Order are not subject to the releases as set forth in this paragraph.

**V. 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 and their counsel agree that, in the interest of prompt conclusion of this matter, the execution of this Consent Order by the parties may be accomplished by separate execution of consents (the

original executed Consent and Signature Pages) to be attached to the body of this Consent Order to constitute one document.

- C. The signatures of the parties to this Consent Order may be executed by way of facsimile transmission or electronic transmission in PDF form 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.
- D. 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.
- F. This Consent Order shall govern the conduct of the parties to it for a period of three (3) years following the date this Consent Order becomes final pursuant to 42 U.S.C. §3612(h).
- F. This Consent Order is binding upon Complainant, Respondents and their employees, heirs, successors, assigns, and all others working for or associated with Respondent who are involved in the operation of any residential rental property owned or operated by Respondent.
- G. It is understood that this Consent Order shall be a public document.
- H. 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 42 U.S.C. § 3612 (p) and 24 C.F.R. § 180.705 (2015).
- I. This Consent Order does not in any way limit or restrict the Department's authority to investigate any other complaint involving Respondents made pursuant to the Fair Housing Act, or any other complaint within the Department's jurisdiction.

## **VI. MONITORING BY HUD**

Respondents agree and understand that the Department, on request of the Complainant or on its own motion, may review compliance with this Consent Order. As a part of such review, the Department may require written reports concerning compliance, may inspect, with reasonable notice, any and all residential rental properties owned or operated by Respondent, examine witnesses, and examine and copy pertinent records of Respondent at any reasonable time between the effective date of the Consent Order and three (3) years from said date. Respondent agree to provide full cooperation in any monitoring review undertaken by the Department to ensure compliance with this Consent Order.

## **VII. DISMISSAL OF CHARGE**

In consideration of Respondent's payment to Complainants and compliance with the terms and conditions of this Consent Order, and all orders contained herein, the Charging Party agrees to the dismissal, without a formal determination, of the allegations that Respondents injured Complainant by violating the Act. Therefore, as of the effective date of this Consent Order, the Charge against Respondents is hereby DISMISSED with prejudice. However, nothing in this paragraph should be construed to prevent any of the parties from taking action to enforce this Consent Order.

## **VIII. COMPLIANCE**

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 42 U.S.C. §§ 3612(j) and (m). Moreover, if Respondents fail to make full, timely payment to Complainants or otherwise comply with this order, the ALJ will retain jurisdiction to hear a motion by the Charging Party to set aside this Consent Order and set a hearing on the merits of the Charge. Respondents hereby waives its right to object to such motion. As a sanction for the Respondents' breach of this Consent Order, should the Charging Party move to conduct such hearing, and should such motion be granted and a hearing occur, the Respondents shall be liable to the Charging Party for the Charging Party's reasonable attorney's fees and costs in making such motion and conducting such hearing.

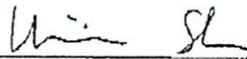
## **X. ADMINISTRATION**

This Consent Order is entered into pursuant to the Fair Housing Act and its implementing regulations, 24 C.F.R. § 180.450 (2015). This Consent Order shall remain in effect for a period of three (3) years from its effective date. The effective date of the Consent Order shall be the date it becomes final, *i.e.*, upon the expiration of thirty (30) days from the date of its issuance or affirmance by the Secretary within that time. *See* 42 U.S.C. §3612(h); 24 C.F.R. § 180.680(b). 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.

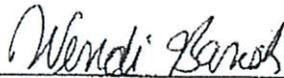
X. CONSENT AND SIGNATURE PAGES

The undersigned party has read the foregoing Consent Order, HUD ALJ No. 15-JM-0097-FH-012, and willingly consents to it with a full understanding of the rights it confers and the responsibilities it imposes on him, as signified by his signature and that of his counsel below:

On behalf of Respondents William Schopf and SHK, LLC

  
\_\_\_\_\_  
WILLIAM SCHOPF  
President, SHK, LLC

Date: 9/2/2015

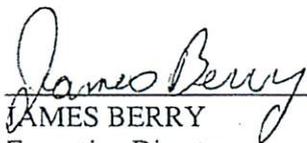
  
\_\_\_\_\_  
WENDI BARISH, ESQUIRE  
Attorney for Respondents William Schopf and SHK, LLC

Date: 9/2/15

**CONSENT AND SIGNATURE PAGES**

The undersigned party has read the foregoing Consent Order, HUD ALJ No. 15-JM-0097-FH-012, and willingly consents to it with a full understanding of the rights it confers and the responsibilities it imposes on it, as signified by its signature below:

FOR COMPLAINANT FAIR HOUSING COUNCIL OF SUBURBAN  
PHILADELPHIA:

  
\_\_\_\_\_  
JAMES BERRY  
Executive Director

Date: 9/2/15

CONSENT AND SIGNATURE PAGES

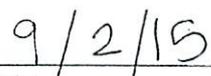
The undersigned party has read the foregoing Consent Order, HUD ALJ No. 15-JM-0097-FH-012, and willingly consents to it with a full understanding of the rights it confers and the responsibilities it imposes on the Department, as signified by their signatures, below:

FOR THE DEPARTMENT:

  
\_\_\_\_\_  
SHERRYL L. JOHNSON  
Regional Counsel  
Region III

  
\_\_\_\_\_  
Date

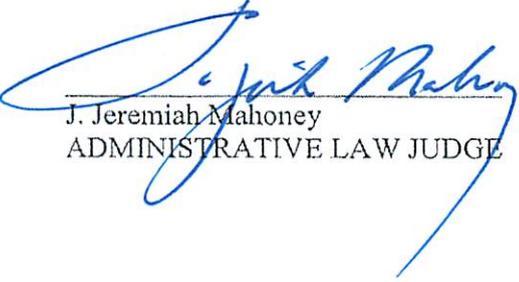
  
\_\_\_\_\_  
MARGARET BALDWIN  
Trial Attorney  
U.S. Department of Housing  
and Urban Development  
Office of Regional Counsel  
Region III  
The Wanamaker Building  
100 Penn Square East  
Philadelphia, PA 19107-3380  
Telephone: (215) 430-6653  
Fax: (215) 656-3446

  
\_\_\_\_\_  
Date

XI. ORDER OF THE COURT

This Consent Order settling HUD ALJ Case No. 12-AF-062-FH-22 has been signed by all parties and appears to be in the public interest. Accordingly, the terms of the Consent Order are hereby entered.

SO ORDERED this 3<sup>RD</sup> day of SEPTEMBER, 2015.

  
\_\_\_\_\_  
J. Jeremiah Mahoney  
ADMINISTRATIVE LAW JUDGE