

**UNITED STATES OF AMERICA
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
OFFICE OF HEARINGS AND APPEALS**

The Secretary, United States)
Department of Housing and Urban)
Development, on behalf of)
Lisa M. Butts,)
)
 Charging Party,)
)
 v.)
)
Persaud Bramante Apartments, L.L.C.,)
Terry Persaud and Mary Huebner,)
)
 Respondents.)
_____)

HUDOHA No.: 15-JM-0120-FH-018
FHEO No.: 05-13-0651-8

INITIAL DECISION AND CONSENT DECREE

I. Introduction

1. On September 25, 2015, the United States Department of Housing and Urban Development (“Department” or “HUD”) filed a Charge of Discrimination (“Charge”), on behalf of Lisa M. Butts (“Complainant”), pursuant to the Fair Housing Act, as amended by the Fair Housing Amendments Act of 1988, 42 U.S.C. § 3601, *et seq.* (the “Act”). The Charge alleges that Persaud Bramante Apartments, L.L.C., Terry Persaud, and Mary Huebner (“Respondents”), violated 42 U.S.C. § 3604(f)(2)(A) and 42 U.S.C. § 3604(f)(3)(B).
2. The underlying allegation in the Charge is that Respondents denied the Complainant’s reasonable accommodation request for a reserved accessible parking space.
3. Respondents expressly deny any wrongdoing and maintain they have complied with the Act. It is understood and acknowledged that this Initial Decision and Consent Decree does not constitute an admission by Respondents of any violation of the Act or any other law.
4. In an effort to avoid further costly litigation, the parties have voluntarily agreed, as indicated by the signatures below, to resolve the Department’s claims against Respondents without the necessity of a hearing on the merits and without admission of liability or wrongdoing on the part of the Respondents.
5. Agreement to the terms of the Consent Decree as well as the adoption of the policy changed identified herein shall be applied from the date of entry of the Consent Decree.

II. General Provisions

6. The parties acknowledge that this Consent Decree is voluntary and a full resolution of the disputed Charge. No party has been coerced, intimidated, threatened, or in any way forced to become a party to this Consent Decree.
7. 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 terms of this Consent Decree and their obligations hereunder.
8. The parties agree that in the interest of a prompt conclusion of this matter, the execution of this Consent Decree may be accomplished by the parties' signatures on separate pages of this Consent Decree, with the original executed signature pages to be attached to the body of the Consent Decree to constitute one document.
9. The signature of the parties to this Consent Decree may be executed and transmitted by way of facsimile transmission or an electronic-mail message, and shall be deemed to be an executed and admissible Consent Decree for all purposes.
10. The parties agree the Department will file a Joint Motion for Issuance of Initial Decision and Consent Decree after this Consent Decree is executed by all of the signatories.
11. The parties acknowledge this Consent Decree will become the final agency decision thirty (30) calendar days from the date it is issued by the HUD Administrative Law Judge or earlier, if affirmed by the Secretary within that time. 24 C.F.R. § 180.680(b)(2).
12. This Consent Decree is binding upon Respondents, their employees, successors, agents, assigns and all others in active concert with them in their residential housing operations.
13. This Consent Decree does not in any way limit or restrict HUD's authority to investigate any other unrelated complaints involving Respondents made pursuant to the Act, or any other complaints within HUD's jurisdiction.
14. The parties shall endeavor in good faith to resolve informally any differences regarding the interpretation of and compliance with this Consent Decree prior to bringing such matters to the Office of Hearings and Appeals for a resolution. However, in the event of a failure by the Respondents to perform in a timely manner any act required by this Consent Decree, or a violation by Respondents of any provision thereof, the Department may move to enforce the terms of this Consent Decree in the United States Court of Appeals with appropriate jurisdiction pursuant to 42 U.S.C. § 3612(j) and (m).
15. Any time limits for performance imposed by this Consent Decree may be extended by the mutual, written agreement of the Department and Respondents.

16. Each party to this Consent Decree shall bear its own costs and attorney's fees associated with this litigation.
17. The Effective Date for purposes of this Consent Decree shall be the date the Administrative Law Judge signs the document.
18. It is understood that this Consent Decree shall be a public document.

It is hereby **ORDERED, ADJUDGED, and DECREED:**

III. General Injunction

19. Respondents, their officers, agents, employees, representatives, successors, and assigns, and all other persons in active concert or participation with them, are enjoined from:
 - a. Discriminating 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 such dwelling, because of disability, in violation of 42 U.S.C. § 3604(f)(2); 24 C.F.R. § 100.202(b)(1).
 - b. Refusing to make a reasonable accommodation in rules, policies, practices, or services, when such accommodations may be necessary to afford persons with a disability equal opportunity to use and enjoy a dwelling, in violation of 42 U.S.C. § 3604(f)(3)(B); 24 C.F.R. § 100.204(a).

IV. Relief in the Public Interest

20. Within ninety (90) days of the entry of this Consent Decree, Respondents shall attend a minimum of three (3) hours of training on the Fair Housing Act, with specific emphasis on discrimination on the basis of disability. The training shall be conducted by an independent, qualified third party, approved by the Department in advance, and any expenses associated with the training shall be borne by the Respondents. The Fair Housing Act Training webinar offered by the U.S. Department of Housing and Urban Development's Region X Fair Housing and Equal Opportunity office will satisfy this training requirement. The Respondents shall obtain from a trainer a certificate of attendance confirming their attendance. The certificate may be in a form substantially equivalent to Appendix A. The certification of attendance must be provided to counsel for the Department¹ within ten (10) days of execution.
21. Respondents shall notify counsel for the Department, in writing, within fifteen (15) days of receipt of any housing discrimination complaint on the basis of disability filed against them individually or filed against the entity that employs them. Such notification shall

¹ All documents, payments, or other communications required by this Consent Decree to be sent to the counsel for the Department shall be addressed as follows: Jaret R. Fishman, Trial Attorney, U.S. Department of Housing and Urban Development, Office of the Regional Counsel, Ralph Metcalfe Federal Building, 77 West Jackson Blvd., 26th Floor, Chicago, IL 60604-3507.

include the date of the complaint, a copy of any written complaint or description of the verbal complaint, and contact information (including mailing addresses and telephone numbers) of the complaining party.

22. Within twenty (20) days after the entry of this Consent Decree, Respondent Terry Persaud shall submit to counsel for the Department a revised written policy for the processing of reasonable accommodation requests for reserved accessible parking spaces at his properties that is consistent with the Act.
23. Respondents shall notify counsel for the Department should Respondents change, alter, or discontinue a policy that relates to the use of parking lots at Respondents' properties.
24. Respondents' reporting and record-keeping obligation shall be in effect for one (1) year after the entry of this Consent Decree.

V. Compensation of the Aggrieved Party

25. Within twenty (20) calendar days of the entry of this Consent Decree, Respondent Terry Persaud shall pay in full the sum of Two Thousand Five Hundred Dollars and No Cents (\$2,500.00) in United States currency by a single check made payable to Lisa M. Butts at P.O. Box 24621, Edina, MN 55424, in consideration of the parties' agreement to the terms of Consent Decree and full settlement of the claims asserted in this lawsuit. Respondent Persaud shall also send a copy of the check to counsel for the Department.

VI. Mutual Release of Claims

26. In consideration of Respondent Persaud's payment to Complainant and Respondents full compliance with the conditions and terms of this Consent Decree and with all orders of this tribunal described herein, and for other good and valuable consideration, the Charging Party and Complainant, their successors, assigns, agents, employees, and attorneys hereby forever waive, release and covenant not to initiate a proceeding against Respondents, their successors, heirs, executors, assigns, agents, employees, officers, 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 HUDOHA No.: 15-JM-0120-FH-018, FHEO No.: 05-13-0651-8, or which could have been filed in any action or suit arising from the said subject matter, except where necessary to enforce this Consent Decree. Nothing in this release will be construed to prevent HUD from investigating other complaints filed against Respondents not filed by Complainant, or taking appropriate enforcement action thereon.
27. In consideration of the execution of this Consent Decree, and other good and valuable consideration, Respondents, their successors, assigns, agents, officers, employees, attorneys, including any entities or organizations controlled or managed by them, hereby forever waive, release, and covenant not to sue the Department or Complainant, their successors, assigns, agents, officers, employees, attorneys, and assigns, including any entities or organizations controlled or managed by them, 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 HUDOHA No.: 15-JM-0120-FH-018, FHEO No.: 05-13-0651-8, or which could have been filed in any action or suit arising from the said subject matter, except where necessary to enforce this Consent Decree.

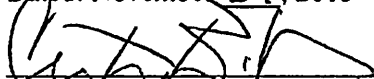
VII. Termination of Litigation Hold


28. The parties agree that, as of the date of the entry of this Consent Decree, litigation is not “reasonably foreseeable” concerning the matters described in Paragraphs 1-2. To the extent either party previously implemented a litigation hold to preserve responsive documents or things related to the matters described in Paragraphs 1-2, the party is no longer required to maintain such a litigation hold. Nothing in this Paragraph relieves either party of any other obligation imposed by this Consent Decree.

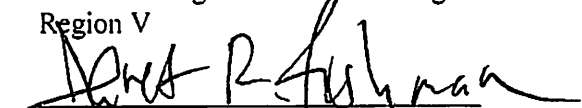
The undersigned apply for and consent to the entry of this Consent Decree:

FOR THE CHARGING PARTY UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Dated: November 24, 2015


COURTNEY B. MINOR
Regional Counsel, Region V


LISA DANNA-BRENNAN
Associate Regional Counsel- Litigation
Region V


JARET R. FISHMAN,
Trial Attorney, Region V
U.S. Department of Housing and
Urban Development
Ralph Metcalfe Federal Building
Office of the Regional Counsel-Region V
77 West Jackson Boulevard, Suite 2636
Chicago, Illinois 60604-3507
Tel: (312) 913-8016
Fax: (312) 886-4944

FOR THE COMPLAINANT LISA M. BUTTS

Dated November ____, 2015

LISA M. BUTTS
P.O. Box 24621
Edina, MN 55424

FOR THE RESPONDENTS PERSAUD BRAMANTE APARTMENTS, L.L.C. AND TERRY PERSAUD, INDIVIDUALLY

DATED: November ____, 2015

TERRY PERSAUD
2266 Duluth Street
Maplewood, Minnesota 55109

FOR THE RESPONDENT MARY HUEBNER

DATED: November ____, 2015

MARY HEUBNER
1015 County Road D E, Apt. #101
St. Paul, Minnesota 55109

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Dated: November ____, 2015

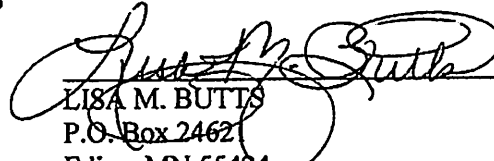
COURTNEY B. MINOR
Regional Counsel, Region V

LISA DANNA-BRENNAN
Associate Regional Counsel- Litigation
Region V

JARET R. FISHMAN
Trial Attorney, Region V
U.S. Department of Housing and
Urban Development
Ralph Metcalfe Federal Building
Office of the Regional Counsel-Region V
77 West Jackson Boulevard, Suite 2636
Chicago, Illinois 60604-3507
Tel: (312) 913-8016
Fax: (312) 886-4944

FOR THE COMPLAINANT LISA M. BUTTS

Dated November 11, 2015



LISA M. BUTTS
P.O. Box 2462
Edina, MN 55424

FOR THE RESPONDENTS PERSAUD BRAMANTE APARTMENTS, L.L.C. AND TERRY PERSAUD, INDIVIDUALLY

DATED: November ____, 2015

TERRY PERSAUD
2266 Duluth Street
Maplewood, Minnesota 55109

FOR THE RESPONDENT MARY HUEBNER

DATED: November ____, 2015

MARY HEUBNER
1015 County Road D E, Apt. #101
St. Paul, Minnesota 55109

The undersigned apply for and consent to the entry of this Consent Decree:

FOR THE CHARGING PARTY UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Dated: November ____, 2015

COURTNEY B. MINOR
Regional Counsel, Region V

LISA DANNA-BRENNAN
Associate Regional Counsel- Litigation
Region V

JARET R. FISHMAN
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77 West Jackson Boulevard, Suite 2636
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FOR THE COMPLAINANT LISA M. BUTTS

Dated November ____, 2015

LISA M. BUTTS
P.O. Box 24621
Edina, MN 55424

FOR THE RESPONDENTS PERSAUD BRAMANTE APARTMENTS, L.L.C. AND TERRY PERSAUD, INDIVIDUALLY

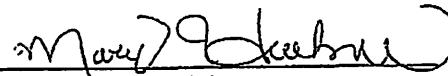
DATED: November 11, 2015



TERRY PERSAUD
2266 Duluth Street
Maplewood, Minnesota 55109

FOR THE RESPONDENT MARY HUEBNER

DATED: November 16, 2015



MARY HEUBNER
1015 County Road D E, Apt. #101
St. Paul, Minnesota 55109

VIII. Order of the Court

29. On November 24, 2015, the parties forwarded to the Court the foregoing Order, incorporating the terms of their agreement. The Court, having read the agreement, 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 pursuant to the Fair Housing Act.

So **ORDERED**, this 25th day of November 2015.


J. Jeremiah Mahoney
Administrative Law Judge