

**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, Charging Party, )  
on behalf of: )

SHARON GOODRICH and JILL ELIAS, )

Complainants, )

v. )

HILLCREST EAST BUILDING NO. 22, INC., )  
RHODES MANAGEMENT, LLC, and )  
DONALD BERGER. )

Respondents. )

HUD ALJ No. 16-AF-0158-FH-023  
(FHEO No. 04-14-0271-8)

**INITIAL DECISION AND CONSENT ORDER**

**I. BACKGROUND**

On September 28, 2016, the Charging Party filed a Charge of Discrimination ("Charge") alleging Respondents Hillcrest East Building No. 22, Inc., Rhodes Management, LLC, and Donald Berger (collectively "Respondents") discriminated against Complainants Sharon Goodrich and Jill Elias (collectively "Complainants") on the basis of disability in violation of the Fair Housing Act (the "Act"), 42 U.S.C. §§ 3601-3619. Specifically, the Charge alleges that the Respondents subjected Complainants to discriminatory terms and conditions, failed to make reasonable accommodations, published discriminatory notices and statements, and attempted to intimidate and retaliate against Complainants, all in violation of the Act.

Respondents deny they violated the Act as alleged in the Charge, but agree to settle the claims in the underlying action by entering into this Initial Decision and Consent Order ("Consent Order"). The entry of this Consent Order shall not be deemed as an admission of fault or liability by Respondents.

**II. GENERAL PROVISIONS**

1. The parties acknowledge that this Consent Order is a voluntary and full resolution of the disputed complaint. No party has been coerced, intimidated, threatened, or in any way forced to become a party to this Consent Order. The parties acknowledge that they have read and fully understand the significance of the provisions of this Consent Order and their obligations hereunder.

2. The parties agree that, after this Consent Order is executed by all parties, the Charging Party shall file with the Office of Administrative Law Judges a Joint Motion for Entry of an Initial Decision and Consent Order.
3. 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 and management of Hillcrest East Building No. 22.
4. In consideration of the execution of this Consent Order, Complainants Sharon Goodrich and Jill Elias hereby forever waive, release, and covenant not to sue the Secretary of the U.S. Department of Housing and Urban Development ("HUD") or Respondents, their heirs, executors, successors, assigns, agents, employees, or 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 No. 16-AF-0158-FH-023, or which could have been filed in any action or suit arising from said subject matter.
5. In consideration of the execution of this Consent Order, Respondents hereby forever waive, release, and covenant not to sue HUD or Complainants Sharon Goodrich and Jill Elias, their heirs, executors, successors, assigns, agents, employees, or 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 No. 16-AF-0158-FH-023, or which could have been filed in any action or suit arising from said subject matter.
6. The parties and their counsel 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 by mutual agreement of the parties.
7. Pursuant to 24 C.F.R. § 180.680, the parties understand that this Consent Order shall be a public document.
8. The signature of the parties to this Consent Order constitute a waiver of any right to apply for additional attorney's fees or costs pursuant to 24 C.F.R. § 180.705. Unless otherwise provided for in this agreement, each party is responsible for its own attorney's fees and costs.
9. Each of the signatories represents and warrants that he or she is duly authorized to execute this Consent Order on behalf of the indicated Party, that no further corporate or other action is necessary to authorize such execution, and that no other entity or person is a necessary party to this Consent Order.

### **III. INDIVIDUAL RELIEF**

10. Within thirty (30) days of the effective date of this Consent Order, Respondents shall pay to Sharon Goodrich the sum of \$18,000.00 in full settlement of her claims for damages

arising out of the allegations presented in the Charge. Such payment shall be by certified check and shall be sent by Federal Express or Certified Mail to the following address:

Marcy I. LaHart PA  
4803 SW 45th Street  
Gainesville, Florida 32608

11. Within thirty (30) days of the effective date of this Consent Order, Respondents shall pay to Jill Elias the sum of \$9,000.00 in full settlement of her claims for damages arising out of the allegations presented in the Charge. Such payment shall be by certified check and shall be sent by Federal Express or Certified Mail to the following address:

Marcy I. LaHart PA  
4803 SW 45th Street  
Gainesville, Florida 32608

12. Within thirty (30) days of the effective date of this Consent Order, Respondents shall pay to Marcy I. LaHart the sum of \$3,000.00 in attorney's fees. Such payment shall be by certified check and shall be sent by Federal Express or Certified Mail to the following address:

Marcy I. LaHart PA  
4803 SW 45th Street  
Gainesville, Florida 32608

Respondents shall send a copy of the checks to the following address:

Samuel H. Williams  
Trial Attorney  
U.S. Department of Housing and Urban Development  
Office of General Counsel, Region IV  
40 Marietta Street, 3<sup>rd</sup> Floor  
Atlanta, Georgia 30303

#### IV. ACTIONS IN THE PUBLIC INTEREST

13. Injunction from Discrimination: Respondents, their agents, employees, successors, member and assigns, and all other persons in active concert or participation with any of them in the ownership, operation, oversight, or management of Hillcrest East Building No. 22, are hereby enjoined from:
  - a. Discriminating against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith, because of any protected class under 42 U.S.C. §§ 3601, *et seq.*

- b. 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 race, color, religion, sex, handicap, familial status, or national origin, or an intention to make any such preference, limitation, or discrimination.
- c. Coercing, intimidating, threatening, or interfering with any person in the exercise or enjoyment of, or on account of his having exercised or enjoyed, or on account of his having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by §§ 3603, 3604, 3605, or 3606.
- d. Retaliating against any person because that person has made a complaint, testified, assisted, or participated in any manner in this litigation. Respondents further acknowledge that any subsequent retaliation or discrimination constitutes both a material breach of this Consent Order and a statutory violation of the Act.

14. Adoption and Implementation of Reasonable Accommodation Policy:

- a. Within ninety (90) days of the entry of this Consent Order, Respondent Hillcrest East Building No. 22, Inc. agrees to adopt and implement a revised Reasonable Accommodation Policy (the "Policy") that complies with the Fair Housing Act and Section 504 of the Rehabilitation Act of 1973. The Policy shall include:
  - A definition of "Reasonable Accommodation" that includes examples of accommodations;
  - A process for applicants, tenants, and members of the public who participate in Respondents' programs, services, or activities to request a reasonable accommodation;
  - Form(s) for individuals to request reasonable accommodations;
  - A procedure through which Respondents will approve or deny reasonable accommodation and accessible unit requests; and
  - A formal appeal procedure for individuals whom Respondents deny reasonable accommodation or modification requests.
- b. Respondent Hillcrest East Building No. 22, Inc. agrees to submit the revised Policy and related form(s) to counsel for the Charging Party for approval within forty-five (45) days of the entry of this Consent Order.
- c. Respondent Hillcrest 22 shall, no later than ten (10) days after the adoption of the Policy, notify in writing each resident of Hillcrest East Building No. 22 of the adoption and implementation of the Policy and shall provide a copy of the Policy with such notification. Respondents shall provide a copy of the notice sent to residents to Charging Party within ten (10) days of the notification of residents.
- d. Respondent Hillcrest East Building No. 22, Inc. shall provide a notice and copy of the Policy to new tenants with their lease and move-in information.

e. Within sixty (60) days of the effective date of this Order, Respondent Hillcrest East Building No. 22, Inc. will maintain a reasonable accommodation log in order to keep comprehensive records of all reasonable accommodation requests in a uniform and non-discriminatory manner. The reasonable accommodation log will at a minimum, include the following:

- The name and address of the tenant(s) or applicant(s) making the accommodation request or inquiry;
- The date and time of the accommodation request or inquiry;
- The nature of the accommodation request or inquiry;
- The reason for any rejection of the requests for modifications or accommodations.

15. Mandatory Education and Training:

- a. Within thirty (30) days of the execution of this Consent Order, Respondents shall provide a copy of this Consent Order to all of their principals, agents, and employees involved in the operation, management, or oversight of the Hillcrest East Building No. 22.
- b. Within one hundred and eighty (180) days of the entry of this Consent Order, all employees of Respondent Hillcrest East Building No. 22, all Licensed Community Association Managers of Respondent Rhodes Management, LLC, and all members of the Hillcrest East Building No. 22 Board of Directors shall attend a minimum of four (4) hours of Fair Housing Training pertaining to their obligations under the Fair Housing Act and other applicable federal, state, or local housing non-discrimination laws. Such attendees must obtain written approval of the trainer from counsel for the Charging Party at least thirty (30) days prior to the commencement of the training. All costs of the training shall be borne by Respondents. Respondents shall require all attendees to sign a certification of attendance. Each respondent, Hillcrest East Building No. 22 and Rhodes Management, LLC, is independent from the other and is only responsible for its own actions and behavior and not that of any other respondent.
- c. After completing the training set out in Paragraph 14(b) above, covered individuals must receive annual Fair Housing Training at least once each year for a minimum of one (1) hour. Each new covered individual must receive at least two (2) hours of Fair Housing Training within forty-five (45) days of starting employment. Respondents shall maintain records of evidence of completion of Fair Housing Training throughout the term of this Consent Order.

16. Fair Housing Poster: Within ten (10) days of the entry of this Consent Order, Respondents agree to display a HUD Fair Housing Poster, provided by HUD, in a conspicuous location in the rental office or other central location of Hillcrest East Building No. 22. The poster shall be displayed throughout the term of this Consent Order.

17. Non-Discrimination Policy: Within ten (10) days of the entry of this Consent Order, Respondents agree to post the following non-discrimination policy on any website where the Respondents advertise or conduct business: "It is the policy and commitment of Hillcrest East Building No. 22, Inc. that it does not discriminate on the basis of race, color, sex, religion, national origin, familial status or disability, in the rental of its residential dwellings. Hillcrest East Building No. 22 affirms its policy of equal housing opportunity pursuant to state and federal fair housing laws." Respondents shall also post copies of its non-discrimination policies in every rental or leasing office open to the general public, in both English and Spanish. These postings shall be prominently displayed, readily apparent to all persons seeking to rent, and shall include the fair housing logo.

**V. REPORTING AND RECORDKEEPING**

18. Within thirty (30) days of the entry of this Consent Order, Respondents shall send a copy of the check sent to Complainant, pursuant to Paragraphs 10, 11, and 12 to the attention of Samuel Williams, Trial Attorneys, at the aforementioned address.
19. 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.
20. Within ten (10) days after the completion of the Fair Housing Training required pursuant to Paragraph 15, Respondents shall submit the signed attendance list to HUD.
21. Within forty-five (45) days of the entry of this Consent Order, Respondents shall submit a photograph to HUD showing that the Fair Housing Poster described in Paragraph 16 has been posted in the requisite location.
22. All required notifications and documentation of compliance must be submitted to HUD as follows, unless otherwise indicated:

Sharon M. Swain  
Regional Counsel  
U.S. Department of HUD  
Office of General Counsel  
40 Marietta Street, SW  
Third Floor  
Atlanta, Georgia 30303  
Sharon.M.Swain@HUD.gov  
Kiara.B.Griggs@HUD.gov

Carolos Osegueda  
Regional Director

U.S. Department of HUD  
Office of Fair Housing and Equal Opportunity  
40 Marietta Street, SW  
Sixteenth Floor  
Atlanta, Georgia 30303  
Carlos.Osegueda@HUD.gov  
Garian.D.Clark@HUD.gov

**VI. DISMISSAL OF CHARGE**

23. In consideration of Respondents' 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 Complainants 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.

**VII. COMPLIANCE**

24. 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.
25. Upon a 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 Eleventh Circuit to enforce the Consent Order and for any other appropriate relief in accordance with 42 U.S.C. § 3612(j).

**VIII. ADMINISTRATION**

26. This Consent Order shall remain in effect for a period of two (2) years from its effective date.
27. 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 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. 42 U.S.C. § 3612(h); 24 C.F.R. § 180.680(b)(2).
28. 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, or any other complaints within HUD's jurisdiction.

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29. 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 the Consent Order at any time.
  30. 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 Administrative Law Judges. Signatures of the parties to this Consent Order may be executed by way of facsimile or electronic transmission.



**IX. CONSENT AND SIGNATURE PAGES**

The undersigned parties have read the foregoing Consent Order, HUD ALJ No. 16-AF-0158-FH-023, and willingly consent to it with a full understanding of the rights it confers and the responsibilities it imposes on them as signified by their signature:

**RESPONDENTS:**

Name: \_\_\_\_\_

Title: \_\_\_\_\_

\_\_\_\_\_  
Hillcrest East Building No. 22, Inc.

\_\_\_\_\_  
Date

Name: Michael Rhodes

Title: OWNER, MEMBER

[Signature]  
Rhodes Management, LLC

3-20-17  
Date

Name: \_\_\_\_\_

Title: \_\_\_\_\_

\_\_\_\_\_  
Donald Berger

\_\_\_\_\_  
Date

**COUNSEL FOR RESPONDENTS:**

[Signature]  
G. Douglas Nail  
Attorney for Respondents

3/20/17  
Date

**IX. CONSENT AND SIGNATURE PAGES**

The undersigned parties have read the foregoing Consent Order, HUD ALJ No. 16-AF-0158-FH-023, and willingly consent to it with a full understanding of the rights it confers and the responsibilities it imposes on them as signified by their signature:

**RESPONDENTS:**

Name: DAVID WRIGHT

Title: PRESIDENT

David W. Wright  
Hilcrest East Building No. 22, Inc.

3/16/17  
Date

Name: \_\_\_\_\_

Title: \_\_\_\_\_

\_\_\_\_\_  
Rhodes Management, LLC

\_\_\_\_\_  
Date

Name: Donald Berger

Title: \_\_\_\_\_

Donald Berger  
Donald Berger

3/16/17  
Date

**COUNSEL FOR RESPONDENTS:**

\_\_\_\_\_  
G. Douglas Nail  
Attorney for Respondents

\_\_\_\_\_  
Date

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**COMPLAINANTS:**

\_\_\_\_\_  
Sharon Goodrich

\_\_\_\_\_  
Date

\_\_\_\_\_  
Jill Elias


\_\_\_\_\_  
Date

**COUNSEL FOR RESPONDENTS:**

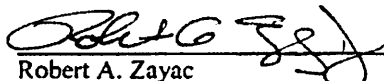
\_\_\_\_\_  
Marcy LaHart  
Attorney for Complainants

\_\_\_\_\_  
Date

**COUNSEL FOR THE CHARGING PARTY, U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT:**

  
\_\_\_\_\_  
Samuel H. Williams  
Trial Attorney

3/20/17  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Robert A. Zayac  
Associate Regional Counsel

3/21/17  
\_\_\_\_\_  
Date

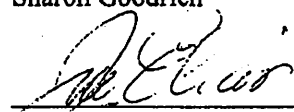
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**COMPLAINANTS:**

\_\_\_\_\_  
Sharon Goodrich

\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Jill Elias

\_\_\_\_\_  
1/24/2017  
Date

**COUNSEL FOR RESPONDENTS:**

\_\_\_\_\_  
Marcy LaHart  
Attorney for Complainants

\_\_\_\_\_  
Date

**COUNSEL FOR THE CHARGING PARTY, U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT:**

\_\_\_\_\_  
Samuel H. Williams  
Trial Attorney

\_\_\_\_\_  
Date

\_\_\_\_\_  
Robert A. Zayac  
Associate Regional Counsel

\_\_\_\_\_  
Date

**CONSENT AND SIGNATURE PAGES**

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**COMPLAINANTS:**

Sharon Goodrich  
Sharon Goodrich

11/20/17  
Date

\_\_\_\_\_  
Jill Elias

\_\_\_\_\_  
Date

**COUNSEL FOR RESPONDENTS:**

888.400-1464  
Marcy LaHart  
Attorney for Complainants

\_\_\_\_\_  
Date

**COUNSEL FOR THE CHARGING PARTY, U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT:**

\_\_\_\_\_  
Samuel H. Williams  
Trial Attorney

\_\_\_\_\_  
Date

\_\_\_\_\_  
Robert A. Zayac  
Associate Regional Counsel

\_\_\_\_\_  
Date

# 800  
400  
1464

**CONSENT AND SIGNATURE PAGES**

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**COMPLAINANTS:**

\_\_\_\_\_  
Sharon Goodrich

\_\_\_\_\_  
Date

\_\_\_\_\_  
Jill Elias

\_\_\_\_\_  
Date

**COUNSEL FOR RESPONDENTS:**

  
\_\_\_\_\_  
Marcy LaHart  
Attorney for Complainants

1/26/17  
\_\_\_\_\_  
Date

**COUNSEL FOR THE CHARGING PARTY, U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT:**

\_\_\_\_\_  
Samuel H. Williams  
Trial Attorney

\_\_\_\_\_  
Date

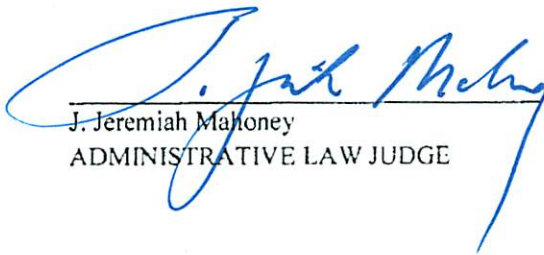
\_\_\_\_\_  
Robert A. Zayac  
Associate Regional Counsel

\_\_\_\_\_  
Date

X. ORDER OF THE COURT

This Consent Order settling HUD ALJ Case No. 16-AF-0158-FH-023 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 22<sup>ND</sup> day of MARCH, 2017



J. Jeremiah Mahoney  
ADMINISTRATIVE LAW JUDGE