

1. On September 12, 2016, the United States Department of Housing and Urban Development (“HUD” or “Charging Party”) filed a Charge of Discrimination (“Charge”) against Respondents Edward Fedor and Mountain View Investors, Limited Partnership (“Respondents”) pursuant to the Fair Housing Act, as amended, 42 U.S.C. §§ 3601-19 (“Act”). The Charge alleges that Respondents discriminated against Jacob and Theresa Carter (“Complainants”) by refusing to negotiate with them for the rental of a third-floor apartment at 8 Searle Avenue in Easthampton, Massachusetts, on the basis of their familial status in violation of subsections 804(a), (b), and (c) of the Act, 42 U.S.C. §§ 3604(a), 3604(b), and 3604(c).

2. Respondents deny any violations of the Act and deny all the allegations in the Charge.

Respondents' execution of this Consent Order does not constitute an admission of fault or liability on their part.

3. The Charging Party, Complainants, and Respondents ("the parties") have agreed to voluntarily resolve this matter without a hearing before a HUD Administrative Law Judge ("ALJ"). Accordingly, the parties have agreed to the entry of this Initial Decision and Consent Order ("Consent Order") as attested by their signatures below.

## **II. General Provisions**

4. The parties acknowledge that this Consent Order is a voluntary and full resolution of the disputed Charge. No party has been coerced or in any way forced to become a party to this Consent Order.
5. The parties agree that the Charging Party shall file with the Office of Administrative Law Judges a Joint Motion for Entry of an Initial Decision and Consent Order, along with this Consent Order, after this Consent Order is executed by all parties.
6. This Consent Order is binding upon Respondents, their members, employees, successors, agents, assigns, and all others in active concert with them in the rental, management, maintenance, repair, or remodeling of all residential dwellings owned in whole or in part by Respondents.
7. Pursuant to 24 C.F.R. § 180.680, this Consent Order is a public document.
8. In exchange for compliance with the provisions of this Agreement, Complainants hereby forever waive, release, discharge, and covenant not to sue Respondents, their members, employees, successors, agents, assigns, and all others in active concert with them in the

rental, management, maintenance, repair, or remodeling of all residential dwellings owned in whole or in part by Respondents with regard to any and all claims, damages and injuries of whatever nature, whether presently known or unknown, arising out of, or in any way related to, the subject matter of OALJ Number 16-JM-0143-FH-016, or the Charge or Complaint of Discrimination related thereto, which could have been filed in any action or suit arising from said subject matter.

9. In exchange for compliance with the provisions of this Agreement, Respondents hereby forever waive, release and covenant not to sue the Department or Complainants, their executors, 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 OALJ Number 16-JM-0143-FH-016, or the Charge or Complaint of Discrimination related thereto, or which could have been filed in any action or suit arising from said subject matter.

### **III. Relief for Complainants**

10. Respondents shall pay a total of FIFTEEN THOUSAND DOLLARS (\$15,000) in monetary damages to compensate Complainants. Payment to Complainants shall be made in four equal monthly installments of three thousand seven hundred and fifty dollars beginning upon March 1, 2017, and due upon the first day of each month thereafter until the total amount of monetary damages has been paid.
11. Payment of the above amount shall be made in the form of cashiers or certified checks payable to Jacob and Theresa Carter and delivered to:

Ashley Grant, Esq.  
Massachusetts Fair Housing Center  
57 Suffolk Street

Holyoke, MA 01040

**IV. Relief in the Public Interest**

12. Respondents, their members, employees, successors, agents, assigns, and all others in active concert with them are hereby enjoined from:

- a. Discriminating against any person by making a dwelling unavailable because of familial status, as prohibited by the Act, 42 U.S.C. § 3604(a);
- b. Discriminating against any person in the terms, conditions, or privileges of the rental of a dwelling, or in the provision of services or facilities in connection with such dwelling, because of familial status, as prohibited by the Act, 42 U.S.C. § 3604(b); and
- c. Making statements with respect to the rental of a dwelling that indicate a preference, limitation, or discrimination based on familial status, or an intention to make any such preference, limitation, or discrimination, as prohibited by the Act, 42 U.S.C. § 3604(c).

13. Respondents shall include in all future advertising for the rental of any dwelling owned by Respondents in whole or in part either now or in the future the following statement:

“Mountain View Investors, LP complies with all state, local, and federal fair housing laws including non-discrimination against families with children.”

**V. Additional Reporting and Record Keeping**

14. Respondents shall notify HUD of any formal complaint filed against them with any local, state, or federal agency regarding equal opportunity or discrimination in housing within ten days of receipt of such complaint. Respondents shall include a copy of the complaint with its notification to HUD. Respondents shall also provide HUD with all information

HUD may request concerning any such complaint and its actual or attempted resolution.

Such notifications shall be submitted to:

Susan M. Forward  
Regional Director  
Office of Fair Housing and Equal Opportunity  
U.S. Department of Housing and Urban Development  
10 Causeway Street  
Suite 308  
Boston, MA 02222

#### **VI. Compliance**

15. Upon any breach of any provisions of this Consent Order, HUD may refer the 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).

#### **VII. Administration**

16. This Consent Order is entered pursuant to 42 U.S.C. § 3612(g)(3) and 24 C.F.R. § 180.450. This Consent Order will become final and effective thirty calendar days from the date it is issued by the HUD ALJ or earlier, if affirmed by the Secretary within that time ("effective date"). 24 C.F.R. § 180.680(b).
17. This Consent Order shall remain in effect for a period of three (3) years from its effective date.
18. Complainants and Respondents agree that they shall refrain from making written or oral statements concerning this matter that are intended or reasonably expected to be viewed as disparaging of the character of any Complainant or Respondent in this case for the duration of this agreement. This provision shall not apply to any written or oral

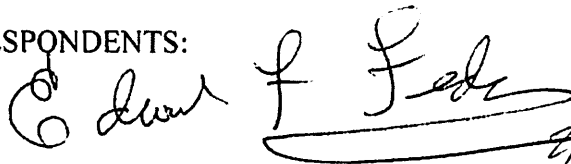
statements describing the terms of this Consent Order or made as part of any future judicial or administrative proceeding.

19. This Consent Order 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.
20. Each party is responsible for that party's own attorney's fees and costs, if any.
21. The parties agree that in the interest of promptly concluding this matter, the execution of this Consent Order may be accomplished by the parties' signatures on separate pages of this Consent Order, with the signature pages and Consent Order to constitute one document to be filed with the Office of Administrative Law Judges. Signature pages may be provided by facsimile or electronic transmission.

### VIII. Agreement of the Parties

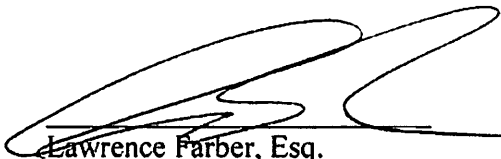
The parties below have read this Initial Decision and Consent Order and have willingly signed it with a full understanding of the rights it confers and the responsibilities it imposes on them.

RESPONDENTS:

  
\_\_\_\_\_  
Date 2/6/17

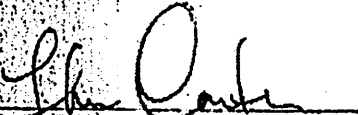
Edward Fedor  
Individually and as  
general partner of Mountain View Investors, LP

COUNSEL FOR RESPONDENTS:

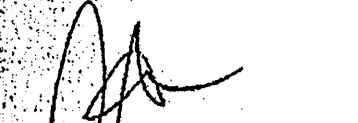
  
\_\_\_\_\_  
Date 2/6/17

Lawrence Farber, Esq.  
Farber & Lindley, LLC  
30 Boltwood Walk, Front 101  
Amherst, MA 01002  
(413) 256-8429

COMPLAINANTS:

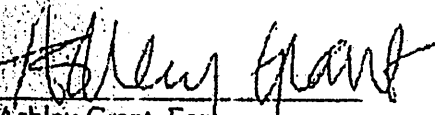
  
Theresa Carter

2/3/17  
Date

  
Jacob Carter

2/3/17  
Date

COUNSEL FOR COMPLAINANTS

  
Ashley Grant, Esq.  
Massachusetts Fair Housing Center  
57 Suffolk Street  
Holyoke, MA 01040  
(413) 539-9796

2/3/17  
Date

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




Miniard Culpepper  
Regional Counsel for New England

Feb. 14, 2017  
Date

### VIII. Order of the Court

On February 14, 2017, the parties forwarded to the Office of Administrative Law Judges the foregoing proposed Initial Decision and Consent Order, incorporating the terms of their agreement. The Administrative Law Judge, after reading the agreement, finds the agreement to be in the public interest. All parties have given their consent and signed the agreement incorporated in the foregoing Initial Decision and Consent Order, which is hereby accepted and entered.

So **ORDERED**, this 15<sup>th</sup> day of February, 2017.



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J. Jeremiah Mahoney  
Chief Administrative Law Judge.