

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

Secretary, United States	:	
Department of Housing and Urban	:	
Development, on behalf of the Fair	:	
Housing Partnership of Greater	:	
Pittsburgh, Inc.,	:	
	:	ALJ No. 17-JM-0221-FH-013
Charging Party,	:	
	:	
v.	:	FHEO No. 03-17-5742-8
	:	
Gregory Ellis and Katherine Ellis,	:	
	:	
Respondents	:	

INITIAL DECISION AND CONSENT ORDER

I. BACKGROUND

This matter arose from a complaint of familial status discrimination filed by Complainant Fair Housing Partnership of Greater Pittsburgh, Inc. ("Complainant" or "FHPGP") on February 13, 2016, with the United States Department of Housing and Urban Development ("Department" or "HUD"), against Respondents Gregory Ellis and Katherine Ellis ("Respondents"), pursuant to the Fair Housing Act, 42 U.S.C. §§3601, *et seq.* ("the Act"). Complainant, a non-profit fair housing organization, alleged that Respondents were responsible for the discriminatory refusal to rent to families with children, and made discriminatory statements indicating a preference against families with children, and that as a result, Complainant's mission was frustrated and Complainant was forced to divert resources away from its education and outreach programs to respond directly to the alleged discrimination.

On September 29, 2017, the Charging Party issued a Charge of Discrimination ("Charge") against Respondents alleging violations of 42 U.S.C. §§ 3604(a) and (c) which prohibit refusing to rent on the basis of familial status and making discriminatory statements indicating a preference against families with children in the context of a rental transaction. The Charge alleged that Respondents posted advertisements and made statements which indicated a preference against renting to families with children, and made housing unavailable to families with children.

None of the parties involved in this matter elected to have their claims decided in a civil action. An administrative hearing was scheduled for February 27, 2018. However, to avoid uncertain and costly litigation, the parties have agreed to resolve the above-captioned case without the need for a hearing. The Charging Party and all Respondents have consented to the entry of this Initial Decision and Consent Order (hereinafter "Consent Order"), as indicated by the signatures of the parties and counsel below.

II. GENERAL INJUNCTION

It is hereby ORDERED that Respondents Gregory Ellis and Katherine Ellis, 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, 1640 E. Pleasant Valley Boulevard, Altoona, PA 16602, and any other properties owned or managed by them are permanently enjoined from discrimination against any person on the basis of familial status, in any aspect of rental or sale of a dwelling, pursuant to §§ 3604 (a) and (c) of the Act.

Respondents acknowledge that the Act makes it unlawful to:

- A. Make unavailable or deny a dwelling unit to any person because of race, color, religion, national origin, sex, disability, or familial status; or refuse or fail to provide or offer information about a dwelling unit or to show or rent a dwelling unit to any person because of race, color, religion, national origin, sex, disability or familial status.
- B. Discriminate against any person in the terms, conditions, or privileges of rental of a dwelling unit, or in the provision of services or facilities in connection therewith, because of race, color, religion, national origin, sex, disability or familial status.
- C. Make, print or publish, or cause to be made, printed or published, any notice, statement or advertisement with respect to the rental of a dwelling unit that states any preference, limitation or discrimination based upon race, color, religion, national origin, sex, disability or familial status.
- D. Represent to any person because of race, color, religion, national origin, sex, disability or familial status, that any dwelling unit is not available for inspection or rental when such dwelling unit is, in fact, so available.

III. SPECIFIC RELIEF

In exchange for the Charging Party's agreement to dismiss this Charge and for the Complainant's agreement to release all claims against Respondents:

- A. Respondents Gregory Ellis and Katherine Ellis shall pay the total sum of THREE THOUSAND DOLLARS (\$3,000.00) to Complainant FHPGP in the form of a certified check made payable to Fair Housing Partnership of Greater Pittsburgh, Inc.

within ten (10) days of the effective date of this Consent Order, to be sent by Federal Express or certified mail to the following address:

Jay Dworin, Executive Director
Fair Housing Partnership of Greater Pittsburgh, Inc.
2840 Liberty Avenue, Suite #205
Pittsburgh, PA 15222

This sum shall cover the cost of the fair housing training referenced in Section III.C of this agreement.

- B. Within five days of the date of the issuance of the check referenced in Section III.A of this agreement, Respondents Gregory Ellis and Katherine Ellis shall send a copy of the certified check made payable to Fair Housing Partnership of Greater Pittsburgh, Inc. to HUD's Regional Counsel 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

- C. Within six (6) months of the effective date of this Consent Order, Gregory Ellis, Katherine Ellis, and every employee engaged in advertising and/or renting the subject property and any other properties owned or managed by Gregory Ellis and/or Katherine Ellis shall participate in a fair housing training to be conducted by FHPGP at FHPGP's office, located at 2840 Liberty Avenue, Suite #402, Pittsburgh, PA 15222. The training will address federal, state and local fair housing laws, regulations and ordinances. The cost of the fair housing training will be covered by the \$3,000 sum referenced in Section III.A of this agreement, which fee will cover all persons required to take the training under the terms of this agreement.
- D. Respondents Gregory Ellis and Katherine Ellis shall provide a signed and dated certificate of completion to the Department, in the same form as that attached hereto as "Attachment A," evidencing that they have successfully completed the fair housing training provided by FHPGP, within thirty (30) days of completion of such course. The certificate of completion shall be mailed to the Department by regular mail to 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, 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, FAMILIAL 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 Gregory Ellis and Katherine Ellis will provide to HUD on a quarterly basis (January, April, July, October) the following information in writing: (a) Family composition (number of children under 18 years of age) residing in each unit in 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 by regular mail to the following address:

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

- G. Within ten (10) days of the effective date of this Consent Order, Respondents Gregory Ellis and Katherine Ellis shall pay to HUD a civil penalty pursuant to 42 U.S.C. § 3612(g)(3) in the amount of \$1,000.00. Such sum shall be paid by submitting a check made payable to HUD to:

Bank of America
P.O. Box 277303
Atlanta, GA 30384

Accompanying the check shall be a cover letter from the Respondents Gregory Ellis and Katherine Ellis indicating that the check is for the civil penalty. The check and the cover letter should reference both FHEO Case No. 03-17-5742-8 and ALJ Case No. 17-JM-0221-FH-013. Respondents Gregory Ellis and Katherine Ellis shall also send a copy of the check and cover letter to the following address:

Richard A. Marchese, Esquire

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

IV. MUTUAL RELEASE

In consideration for Respondents' payments to FHPGP and HUD, 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 FHPGP, 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 No. 17-JM-0221-FH-013, 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 FHPGP 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 No. 17-JM-0221-FH-013, 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 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.
- E. 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 FHPGP, Respondents and their employees, heirs, successors, assigns, and all others working for or associated with Respondents who are involved in the operation of any residential rental property owned or operated by Respondents.
- 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.
- 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 pursuant to a situation, which reasonably so warrants, 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 Respondents, examine witnesses, and examine and copy pertinent records of Respondents at any reasonable time between the effective date of the Consent Order and three (3) years from said date. Respondent agrees to provide full cooperation in any monitoring review undertaken by the Department to ensure compliance with this Consent Order.

VII. DIMISSAL OF CHARGE

In consideration of Respondents' payment to the Complainant 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 FHPGP by violating the Act. Therefore, as of the effective date of this Consent Order, the Charge against Respondent 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 would be 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 payments to Complainant FHPGP or HUD 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 waive their 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.

IX. ADMINISTRATION

This Consent Order is entered into pursuant to the Fair Housing Act and its implementing regulations, 24 C.F.R. § 180.450, 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 thirty (30) day Secretarial review period and a waiver of any right to challenge the validity of this Consent Order at any time.

X. EFFECTIVE DATE OF AGREEMENT

In accordance with 24 C.F.R. § 180.450, the Administrative Law Judge shall accept a settlement agreement agreed to by the parties if he finds the agreement to be in the public interest, by issuing an Initial Decision and Consent Order. The effective date of this agreement is the date on which Administrative Law Judge Mahoney signs this Initial Decision and Consent Order. WHEREFORE, the parties, having resolved the Charge by this agreement, respectfully request that this Initial Decision and Consent Order be issued in accordance with HUD's regulations at 24 C.F.R. § 180.450.

ISSUED this 6th day of MARCH, 2018.



J. Jeremiah Mahoney
ADMINISTRATIVE LAW JUDGE

CONSENT AND SIGNATURE PAGES

The undersigned party has read the foregoing Consent Order, HUD ALJ No. 17-JM-0221-FH-013, 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 and that of its counsel below:

FOR RESPONDENT GREGORY ELLIS:



GREGORY ELLIS

Date: 02-20-18



WILLIAM P. BRESNAHAN, ESQUIRE
Attorney for Gregory Ellis

Date: 2-26-18

CONSENT AND SIGNATURE PAGES


The undersigned party has read the foregoing Consent Order, HUD ALJ No. 17-JM-0221-FH-013, 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 and that of its counsel below:

FOR RESPONDENT KATHERINE ELLIS:



KATHERINE ELLIS

Date: 2/20/18




WILLIAM P. BRESNAHAN, ESQUIRE
Attorney for Katherine Ellis

Date: 2-26-18

CONSENT AND SIGNATURE PAGES

The undersigned party has read the foregoing Consent Order, HUD ALJ No. 17-JM-0221-FH-013, 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 PARTNERSHIP OF GREATER
PITTSBURGH, INC.:**




JAY DWORIN
Executive Director

Date: 2-27-18


CONSENT AND SIGNATURE PAGES

The undersigned party has read the foregoing Consent Order, HUD ALJ No. 17-JM-0221-FH-013, 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:


SHERRY L. JOHNSON
Regional Counsel
Region III

3/2/18
Date


RICHARD A. MARCHESE
Trial Attorney

3/2/18
Date

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) 430-6668
Fax: (215) 656-3446

ATTACHMENT A

I, _____, hereby certify that I have participated in a training session on fair housing law given by the Fair Housing Partnership of Greater Pittsburgh, Inc. on _____, 2018, pursuant to Section III.C in the Initial Decision and Consent Order for HUD ALJ No. 17-JM-0221-FH-013.

Date: _____