

**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)
Complainant Jeffery Smith,)
)
Charging Party,)
)
v.)
)
Harbhagwan Sandhu and)
Daljeet Sandhu,)
)
Respondents.)
_____)

5/23/18 Af

OHA No. 18-AF-0157-FH-005

FHEO No. 09-17-8939-8

INITIAL DECISION AND CONSENT ORDER

I. BACKGROUND

1. On April 4, 2018, the U.S. Department of Housing and Urban Development ("Charging Party" or "HUD") filed a Charge of Discrimination ("Charge") against Respondents Harbhagwan and Daljeet Sandhu (collectively, "Respondents") pursuant to the Fair Housing Act, as amended, 42 U.S.C. §§ 3601-19 ("Act"). Specifically, the Charge alleges that Respondents discriminated against Complainant based on his disability by refusing to rent him a room at the Sunset Motel, which is located at 2091 West 4th Street, Reno, Nevada ("Subject Property"), and by making discriminatory statements in violation of 42 U.S.C. §§ 3604(f)(1) and 3604(c).

2. The Charging Party, Complainant, and Respondents 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

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

4. The parties agree that the Charging Party shall file with the Office of Hearings and Appeals a Motion for Entry of Initial Decision and Consent Order, along with this Initial Decision and Consent Order, after this document is executed by all parties.

5. 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 of the Subject Property.

6. Pursuant to 24 C.F.R. § 180.680, this Consent Order is a public document.

III. RELIEF FOR COMPLAINANT

7. Respondents shall pay to Complainant Jeffery Smith the sum of TWELVE THOUSAND DOLLARS (\$12,000) in monetary damages. Payment shall be made by certified check and delivered via overnight mail to the following address in two installments of SIX THOUSAND DOLLARS (\$6,000) each:

Jennifer Williams
Family Counseling Service
1475 Terminal Way, Suite B
Reno, NV 89502

Respondents shall deliver the first check to the above address within fifteen (15) days of the effective date of this Consent Order. Respondents shall deliver the second check to the above address within sixty (60) days of the effective date of this Consent Order. Within five (5) days of the delivery of each check as described above, Respondents shall send a copy of the check to counsel for the Charging Party at the following address:

Pouya Bavafa
Trial Attorney
Office of General Counsel
U.S. Department of Housing and Urban Development
300 N. Los Angeles St., Suite 4054
Los Angeles, CA 90012

IV. ACTIONS IN THE PUBLIC INTEREST

8. Respondents, their agents, employees, successors, members and assigns, and all other persons in active concert or participation with any of them, are hereby enjoined from:

- a. 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 disability, or an intention to make any such preference, limitation, or discrimination, as prohibited by the Act, 42 U.S.C. § 3604(c); and

b. Discriminating in the sale or rental of, or otherwise making unavailable or denying, a dwelling to any buyer or renter because of disability, as prohibited by the Act, 42 U.S.C. § 3604(f)(1).

9. Within thirty (30) days of the effective date of this Consent Order, Respondents shall provide a copy of this Consent Order to each of their principals, agents, contractors, and employees involved in managing any units at the Subject Property. Within five (5) days after new employees, agents, contractors or other persons acting under their direction become involved in managing any units at the Subject Property or enforcing any of Respondents' rules or regulations, Respondents shall provide a copy of the Consent Order to each such person.

10. Within ninety (90) days of the effective date of this Consent Order, Respondents and all employees or individuals acting under their direction who interact with residents or the general public shall attend a minimum of three (3) hours of training pertaining to their obligations under the Act and applicable state and local non-discrimination laws. The foregoing individuals must attend such a training once each year during the term of this Consent Order. At least thirty (30) days prior to the commencement of each training, Respondents must obtain written approval of the training from the Regional Director for HUD's Office of Fair Housing and Equal Opportunity, Region IX, at the following address:

Anné Quesada
Regional Director, Region IX
Office of Fair Housing and Equal Opportunity
U.S. Department of Housing and Urban Development
One Sansome Street, Suite 1200
San Francisco, CA 94104

("Regional Director"). All costs of the training shall be borne by Respondents. All attendees must sign a certification of attendance.

At least thirty (30) days prior to each training, Respondents shall provide to the Regional Director a list of each person required to receive training. Within ten (10) days after each training, Respondents shall submit to the Regional Director the signed attendance list described in the preceding paragraph and an explanation of any absences.

11. During the term of this Consent Order, Respondents shall display HUD's fair housing poster, Form HUD-928.1 (6/2011), in a conspicuous location in the rental/front office of the Subject Property. Within twenty (20) days of the effective date of this Consent Order, Respondents shall submit photographs to the Regional Director showing that the aforesaid fair housing poster has been posted along with a written declaration under penalty of perjury that Respondents have displayed the poster in the requisite location.

12. During the term of this Consent Order, Respondents shall include the following language in all future advertising for the Subject Property:

We are an Equal Housing Opportunity Provider. We do not discriminate on the basis of race, color, sex, national origin, religion, disability, familial status, or any other basis prohibited by federal or state law.

The above language shall be in boldface type, using letters of equal or greater size to those of the text in the body of the advertisement. Within five (5) days of posting or publishing any advertisement for the Subject Property during the term of this Consent Order, Respondents shall submit a copy of such advertisement to the Regional Director demonstrating compliance with this paragraph.

V. REPORTING AND RECORD KEEPING

13. During the term of this Consent Order, Respondents shall notify the Regional Director 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 the Regional Director. Respondents shall also promptly provide the Regional Director with all requested information concerning any such complaint and its actual or attempted resolution.

VI. COMPLIANCE

14. 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.

15. 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 Ninth 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 shall remain in effect for a period of three (3) years from its effective date.

17. 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 effective thirty (30) calendar days from the date it is issued by the HUD ALJ or earlier, if affirmed by the Secretary within that time. 42 U.S.C. § 3612(h); 24 C.F.R. § 180.680(b)(2).

18. 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, by any other complainants within HUD's jurisdiction.

19. The parties agree that if a party to this agreement needs an extension of time to satisfy a deadline provided herein, such extension must be obtained in writing from counsel for the Charging Party or the Regional Director, as appropriate.

20. Each party is responsible for its own attorney's fees and costs, if any.

21. 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 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:

H. Sandhu
Harbhagwan Sandhu

5-9-18
Date

DALJEET Sandhu
Daljeet Sandhu

5-9-18
Date

COUNSEL FOR RESPONDENTS:

John Moore
John Moore

5/4/18
Date

VIII. AGREEMENT OF THE PARTIES

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

COMPLAINANT:

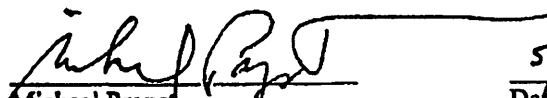
Jeffery Smith
Jeffery Smith

5-14-18
Date

VIII. AGREEMENT OF THE PARTIES

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

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



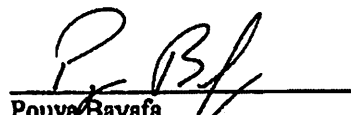
Michael Probst
Regional Counsel, Region IX

5/21/18
Date



Abigail Greenspan
Associate Regional Counsel, Region IX

5/21/18
Date



Pouya Bavafa
Trial Attorney, Region IX

5/21/2018
Date

IX. ORDER OF THE COURT

On 5/23/18, the parties forwarded to the Office of Hearings and Appeals the foregoing Initial Decision and Consent Order incorporating the terms of their agreement. The Administrative Law Judge, after reading the agreement finds that it appears 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 issued.

So ORDERED, this 23rd day of May, 2018.



Alexander Fernández
Administrative Law Judge