

**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:

GREATER NEW ORLEANS FAIR HOUSING ACTION CENTER,

Complainant,

v.

EARMASTINE NELSON,

Respondent.

18-AF-0231-FH-016

4-1-19  
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**INITIAL DECISION, SETTLEMENT AGREEMENT AND CONSENT ORDER**

**I. BACKGROUND**

1. On August 30, 2018, the United States Department of Housing and Urban Development ("HUD," "the Charging Party," or "the Government") issued a Determination of Reasonable Cause and filed a Charge of Discrimination ("Charge") against Earmastine Nelson ("Respondent") pursuant to the Fair Housing Act, as amended, 42 U.S.C. §§ 3601-19 ("the Act"). The Charge alleges Respondent violated subsection 804(c) of the Act, 42 U.S.C. § 3604(c).
2. The Charging Party, Complainant and Intervenor Greater New Orleans Fair Housing Action Center ("GNOFHAC"), and Respondent ("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, Settlement and

Consent Order ("Settlement Agreement and Consent Order") as attested by their signatures below.

3. Respondent's agreement to settle this matter and the execution of this Settlement Agreement and Consent Order does not constitute an admission of fault or liability on her part.

## II. GENERAL PROVISIONS

4. The parties acknowledge that this Settlement Agreement and Consent Order is voluntary and a full resolution of the Charge and that no party has been coerced or forced to become a party hereto.
5. The parties agree that the Charging Party will file with the Office of Administrative Law Judges a Joint Motion for Entry of an Initial Decision, Settlement Agreement, and Consent Order approving the terms of this Settlement Agreement and Consent Order, along with a fully executed copy hereof.
6. This Settlement Agreement and Consent Order is binding upon Respondent, her employees, successors, agents, assigns, and all others in active concert with her in the rental and management of all residential dwellings owned in whole or in part by Respondent.
7. Pursuant to 24 C.F.R. § 180.680, this Settlement Agreement and Consent Order is a public document.
8. In exchange for compliance with the provisions of this Settlement Agreement and Consent Order, GNOFHAC hereby forever waives, releases, discharges, and covenants not to sue Respondent, her members, employees, successors, agents, assigns, and all others in active concert with her in the rental and management of all residential dwellings owned in whole or in part by Respondent 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 18-AF-0231-FH-016, or the Charge or related Complaint of Discrimination.

### III. AGREEMENT TO PAY COSTS AND OTHER EXPENSES TO GNOFHAC

9. Respondent shall pay THREE THOUSAND AND SIX HUNDRED DOLLARS (\$3,600.00) to GNOFHAC for its costs and other expenses. Payment to GNOFHAC shall be made in twelve (12) monthly installments of \$300, beginning within thirty (30) days from the date this Settlement Agreement and Consent Order becomes effective.
10. Payment of the amount in Paragraph 9 shall be made in the form of a cashiers or certified check payable to **Greater New Orleans Fair Housing Action Center, Inc.** and delivered, no later than the 20<sup>th</sup> day of each month, to:

Greater New Orleans Fair Housing Action Center  
Attn: Julia Peek, Director of Finance  
1340 Poydras Street, Suite 710  
New Orleans, Louisiana, 70112

A copy of the payment shall be mailed to:

Garry Sweeney  
Regional Director  
Office of Fair Housing and Equal Opportunity, 6AE  
U.S. Department of Housing and Urban Development  
801 Cherry Street, Unit 45, Ste. 2500  
Fort Worth, Texas 76102

### IV. ADDITIONAL SETTLEMENT TERMS

11. Respondent agrees to attend fair housing training at a time and place mutually agreed to by the parties within six (6) months of the date this Settlement Agreement and Consent Order becomes effective. HUD will offer training that satisfies this paragraph at its New Orleans office, at times and dates mutually agreeable to HUD and Respondent. Any training

required by this paragraph shall be no less than three hours and will not exceed five hours.

Respondent shall submit proof of her attendance upon completion of the training to:

Garry Sweeney  
Regional Director  
Office of Fair Housing and Equal Opportunity, 6AE  
U.S. Department of Housing and Urban Development  
801 Cherry Street, Unit 45, Ste. 2500  
Fort Worth, Texas 76102

Respondent's submission of proof of attendance for a program conducted or approved by HUD shall satisfy this paragraph.

12. Respondent shall include the following statement of non-discrimination in all future rental applications, rental leases, and advertising for the rental of any dwelling, or unit within a dwelling, owned or managed by Respondent in whole or in part either now or in the future:

We do not discriminate on the basis of race, color, sex, national origin, religion, disability, or familial status in the rental of our apartments. All qualified applicants, including families with children of any age, are eligible to rent from us.

Accompanying this statement, Respondent shall include the Equal Housing Opportunity Logo on Respondent's Rental Application and Leases. The Logo will be sent via e-mail by HUD to Respondent and may also be found at:

<https://www.hud.gov/library/bookshelf11/hudgraphics/fheologo>

## V. ADDITIONAL REPORTING AND RECORD KEEPING

13. Respondent shall notify HUD of any formal complaint filed against her or her agents with any local, state, or federal agency regarding equal opportunity or discrimination in housing within ten (10) days of receipt of such complaint. Respondent shall include a copy of the complaint with its notification to HUD. Respondent shall also provide HUD with all

information HUD may request concerning any such complaint and its actual or attempted resolution. Such notification shall be submitted to:

Garry Sweeney  
Regional Director  
Office of Fair Housing and Equal Opportunity, 6AE  
U.S. Department of Housing and Urban Development  
801 Cherry Street, Unit 45, Ste. 2500  
Fort Worth, Texas 76102

## VI. COMPLIANCE

14. Upon any breach of any provision of this Settlement Agreement and Consent Order, HUD may take any action necessary to enforce the terms of this Settlement Agreement and Consent Order, including relief under 42 U.S.C. § 3612(j).

## VII. ADMINISTRATION

15. This Settlement Agreement and Consent Order will become final and effective thirty (30) calendar days from the date it is entered by the HUD ALJ or earlier, if affirmed by the Secretary, in accordance with 24 C.F.R. 180.680(b).
16. This Settlement Agreement and Consent Order does not in any way limit or restrict HUD's authority to investigate any other unrelated complaints involving Respondent made pursuant to the Act, or any other complaints within HUD's jurisdiction.
17. Each party is responsible for that party's own attorney's fees and costs, if any.
18. The parties agree that in the interest of promptly concluding this matter, the execution of this Settlement Agreement and Consent Order maybe accomplished by the parties' signatures on separate pages, with the signature pages and 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, Settlement Agreement and Consent Order and have willingly signed it with a full understanding of the rights it confers and the responsibilities it imposes on them.

## RESPONDENT

Earmastine Nelson  
EARMASTINE NELSON

3/12/2019  
Date

## COMPLAINANT AND INTERVENOR

CASHAUNA HILL  
Executive Director  
Greater New Orleans Fair Housing Action Center

                      
Date

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

WILLIAM J. DALEY, ESQ.  
Regional Counsel for Region VI  
Marcus B. Patton, Esq.  
Patrisha L. Tijerina, Esq.  
801 Cherry Street, Unit 45, Ste. 2500  
Fort Worth, Texas 76102

                      
Date

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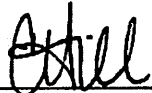
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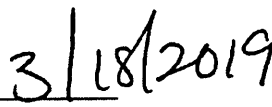
### RESPONDENT

\_\_\_\_\_  
EARMASTINE NELSON

\_\_\_\_\_  
Date

### COMPLAINANT AND INTERVENOR

  
\_\_\_\_\_  
CASHAUNA HILL  
Executive Director  
Greater New Orleans Fair Housing Action Center

  
\_\_\_\_\_  
Date

COUNSEL FOR THE CHARGING PARTY,  
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### RESPONDENT

\_\_\_\_\_  
EARMASTINE NELSON

\_\_\_\_\_  
Date

### COMPLAINANT AND INTERVENOR

\_\_\_\_\_  
CASHAUNA HILL  
Executive Director  
Greater New Orleans Fair Housing Action Center

\_\_\_\_\_  
Date

COUNSEL FOR THE CHARGING PARTY,  
UNITED STATES DEPARTMENT OF  
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IX. ORDER OF THE COURT

The hearing on this matter was scheduled for May 14, 2019. On 3/29/19, the parties forwarded an Initial Decision, Settlement Agreement and Consent Order to the Office of Administrative Law Judges, incorporating the terms of their agreement. The Administrative Law Judge, after reading the agreement, finds it to be in the public interest. All parties have given their consent and signed the agreement incorporated in the foregoing Initial Decision, Settlement Agreement and Consent Order, which is hereby accepted and entered.

So ORDERED, this 1<sup>st</sup> day of April, 2019

A handwritten signature in blue ink, appearing to read "Alexander Fernández", is written over a horizontal line.

ALEXANDER FERNÁNDEZ  
ADMINISTRATIVE LAW JUDGE