

**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 )  
Erica Hoskins, Stanley Hoskins, and their two )  
minor children )  
 )  
Charging Party, )  
 )  
v. )  
 )  
Gene Baker and Linda Nell C. Baker )  
 )  
Respondents. )  
\_\_\_\_\_ )

OHA No. 18-JM-0153-FH-004

**INITIAL DECISION AND CONSENT ORDER**

**I. BACKGROUND**

On April 2, 2018, the United States Department of Housing and Urban Development (“Charging Party” or “HUD”) filed a Charge of Discrimination (“Charge”) alleging Respondents Linda Nell C. Baker and Gene Baker (collectively “Respondents”) discriminated against Complainants Erica Hoskins and Stanley Hoskins and their two (2) minor children (collectively “Complainants”) on the basis of race and color in violation of the Fair Housing Act (the “Act”), 42 U.S.C. §§ 3601-3619. Specifically, the Charge alleges that the Respondents made discriminatory statements and made housing unavailable by terminating Complainants’ tenancy 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 Hearing and Appeals a Joint Motion for Entry of an Initial Decision and Consent Order.
3. This Consent Order is binding upon Respondents, successors, agents, assigns and all others in active concert with them in the operation and management of 334 Bryant Lane, Belden, Mississippi 38826 ("Subject Property").
4. In consideration of the execution of this Consent Order, Complainants hereby forever waive, release, and covenant not to sue 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 OHA No. 18-JM-0153-FH-004, 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, 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 OHA 18-JM-0153-FH-004, 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 Complainants the sum of \$500.00. Respondents shall pay to Complainants an additional \$500.00 by December 1, 2018, an additional \$500.00 by January 1, 2019, an additional \$500.00 by February 1, 2019, and an additional \$500.00 by March 1, 2019 (an aggregate amount of \$2,500.00), in full settlement of their claims for damages arising out of the

allegations presented in the Charge. Such payments shall be by check paid to the order of Erica Hoskins and shall be sent to the following address:

Jake Gray  
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

11. 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 the Subject Property, 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.
12. Education and Training: If Respondents rent the Subject Property or otherwise engage in the business of real estate within two (2) years of the effective date of this Consent Order, Respondents 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. Respondents 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.

**V. REPORTING AND RECORDKEEPING**

13. Within thirty (30) days of each payment required under Paragraph 10, Respondents shall send a copy of the check sent to Complainants to the attention of Jake Gray, Trial Attorney, at the aforementioned address.
14. 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.
15. Within ten (10) days after the completion of the Fair Housing Training required pursuant to Paragraph 12, Respondents shall submit a signed certificate of attendance to HUD.
16. 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](mailto:Sharon.M.Swain@HUD.gov)  
[Kiara.B.Griggs@HUD.gov](mailto: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](mailto:Carlos.Osegueda@HUD.gov)  
[Garian.D.Clark@HUD.gov](mailto:Garian.D.Clark@HUD.gov)

**VI. DISMISSAL OF CHARGE**

17. 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**

18. 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.
19. 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**

20. This Consent Order shall remain in effect for a period of two (2) years from its effective date.
21. 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).
22. 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.
23. 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.
24. 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 Hearings and Appeals. 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 OHA No. 18-JM-0153-FH-004, 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:**

Gene Baker  
Gene Baker

9-28-18  
Date

Linda Nell C Baker  
Linda Nell C. Baker

9-28-18  
Date

**CONSENT AND SIGNATURE PAGES**

The undersigned parties have read the foregoing Consent Order, HUD OHA No. 18-JM-0153-FH-004, 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:

**COMPLAINANTS:**

Erica Hoskins

Erica Hoskins (individually and on behalf of her two (2) minor children)

10-9-2018

Date

Stanley Hoskins

Stanley Hoskins

10-9-2018

Date

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

Jake Gray

Jake Gray  
Trial Attorney

10-9-2018

Date

Robert A. Zayac

Robert A. Zayac  
Associate Regional Counsel

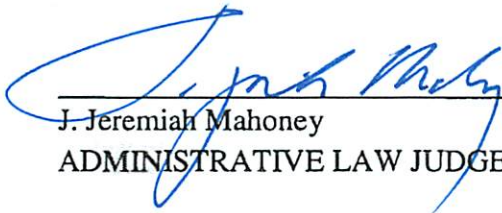
10/9/18

Date

**X. ORDER OF THE COURT**

This Consent Order settling HUD ALJ Case No. 18-JM-0153-FH-004 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 10<sup>th</sup> day of OCTOBER, 2018.

  
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J. Jeremiah Mahoney  
ADMINISTRATIVE LAW JUDGE