

**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)
Savannah-Chatham County Fair Housing Council)
and Shakeira Brown)

Charging Party,)

v.)

Michael N. Parker and Fonda W. Parker)

Respondents.)

OHA No. 19-AF-0190-FH-020

FHEO Nos. 04-15-0533-8
04-15-0938-8

2/13/2020

INITIAL DECISION AND CONSENT ORDER

I. BACKGROUND

On August 22, 2019, the United States Department of Housing and Urban Development ("Charging Party" or "HUD") filed a Charge of Discrimination ("Charge") alleging Respondents Michael N. and Fonda W. Parker (collectively "Respondents") discriminated against Complainants Savannah-Chatham County Fair Housing Council and Shakeira Brown (collectively "Complainants") on the basis of familial status 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 in violation of the Act.

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

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 agree to fully comply with 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 Parker Apartments, 282 Greenwich Drive, Richmond Hill, Georgia 31324 ("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. 19-AF-0190-FH-020, 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 19-AF-0190-FH-020, 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. 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 \$11,000.00, 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 Attorney-Client Trust Account of Brancart & Brancart and shall be sent to the following address:

Christopher Brancart, Esq.
8205 Pescadero Road
Loma Mar, CA 94021

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 the following. 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.
 - 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.
12. Education and Training: Within one hundred and eighty (180) days of the 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 the 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 certificate of attendance signed by the trainer to HUD.
16. All required notifications and documentation of compliance must be submitted to HUD as follows, unless otherwise indicated:

Kiara Griggs
Acting Regional Counsel
U.S. Department of HUD
Office of General Counsel
40 Marietta Street, SW
Third Floor
Atlanta, Georgia 30303
Kiara.B.Griggs@HUD.gov

Carlos 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
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.

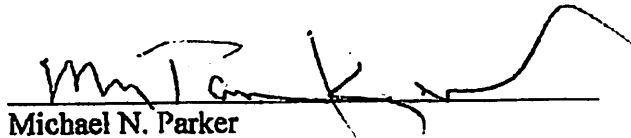
[SIGNATURE PAGES TO FOLLOW]

IX.


CONSENT AND SIGNATURE PAGES

The undersigned parties have read the foregoing Consent Order, HUD OHA No. 19-AF-0190-FH-020, 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:

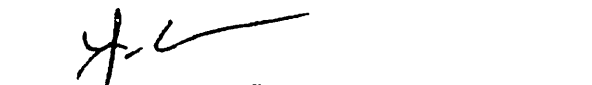

Michael N. Parker

2/10/20
Date


Fonda W. Parker

2/10/20
Date

COUNSEL FOR RESPONDENTS:


Larry Evans

2/10/20
Date

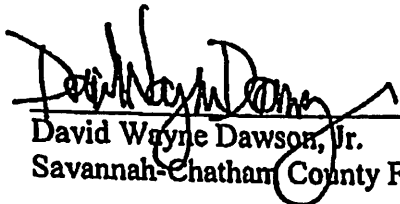
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COMPLAINANTS-INTERVENORS:

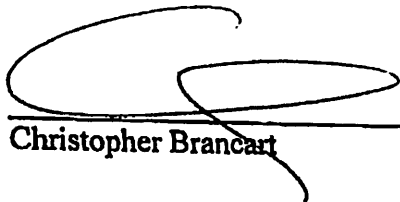

Shakeira Brown

02/4/20
Date


David Wayne Dawson, Jr.
Savannah-Chatham County Fair Housing Council, Inc.


03/12/2020
Date

COUNSEL FOR COMPLAINANTS-INTERVENORS:


Christopher Brancart


02/06/2020
Date

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



Jake Gray
Trial Attorney

2/7/20
Date



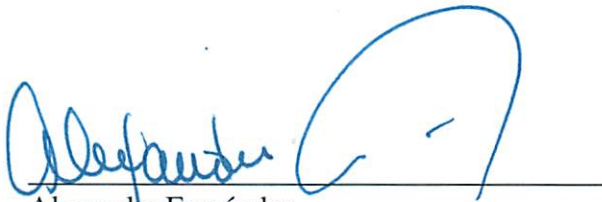
Robert A. Zayac
Associate Regional Counsel

2/7/20
Date

X. APPROVAL AND ORDER OF THE COURT

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 foregoing order was presented to the undersigned ALJ for approval on February 10, 2020. The proposed order does not incorporate information such as facts or stipulations necessary for the Court to determine whether the settlement is "in the public interest." However, after considering the record in its entirety, including the Charge of Discrimination and the Answer, the undersigned ALJ has independently determined that the agreement between the parties does not offend the public interest and is approved. All parties have given their consent and signed the agreement incorporated in the foregoing Consent Order, which is hereby accepted and issued.

So **ORDERED** this 13th day of February, 2020

A handwritten signature in blue ink, appearing to read "Alexander Fernández", is written over a horizontal line. The signature is stylized with a large, looping initial "A" and a distinct "F".

Alexander Fernández
Administrative Law Judge