

**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,
on behalf of Erin Flannery o/b/o Damion Stanton,

Complainant,

v.

James W. Ray, Jr., Jim Ray Homes, Inc., and
Shelter Valley, LLC,

Respondents.

19-JM-0124-FH-012

INITIAL DECISION AND CONSENT ORDER

I. BACKGROUND

1. This matter arose from a complaint of discrimination filed by Complainant Erin Flannery o/b/o Damion Stanton ("Complainant") on August 11, 2016 with the United States Department of Housing and Urban Development ("Department" or "HUD") pursuant to the Fair Housing Act, 42 U.S.C. §§ 3601-19 ("Act").
2. On May 30, 2019, HUD issued a Charge of Discrimination ("Charge") against Respondents James W. Ray, Jr.; Jim Ray Homes, Inc.; and Shelter Valley, LLC (collectively, "Respondents") alleging violations of 42 U.S.C. § 3604(f)(1), which prohibits the denial of housing based on a person's disability; § 3604(f)(2), which prohibits discrimination in the terms, conditions, and privileges of housing based on the disability of a person residing in a dwelling; and § 3617, which prohibits retaliation against a person for the exercise or enjoyment of any right protected by Section 804 of the Act.
3. The Complainant, Respondents, and HUD ("parties") have agreed to resolve this matter without the need for a hearing before a HUD Administrative Law Judge ("ALJ"). 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

4. The parties acknowledge that this Consent Order is a voluntary and full resolution of the disputed Charge. No party has been coerced 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 as set forth below.

5. It is understood that the execution of this Consent Order does not constitute an admission by the Respondents of any violation of the Act.
6. The parties agree that HUD shall file with the Office of Administrative Law Judges a Motion for Entry of an Initial Decision and Consent Order, along with this Initial Decision and Consent Order, after this document is executed by all parties.
7. This Consent Order is binding upon Respondents, their members, principals, owners, employees, successors, agents, assigns, and all others in active concert with them.
8. This Consent Order is a full settlement of all claims by Complainant that are in any way related to the allegations set forth in the Charge.
9. In exchange for compliance with the provisions of this Agreement, Complainant hereby forever waives, releases, discharges, and covenants not to sue the Department, Respondents, or their members, employees, successors, agents, attorneys or assigns with regard to any and all claims, damages and injuries of whatever nature, whether presently known or unknown, arising out of, or in any way related to, the subject matter of OALJ Number 19-JM-0124-FH-012, or the Charge or Complaint of Discrimination related thereto.
10. In exchange for compliance with the provisions of this Agreement, Respondents hereby forever waive, release, discharge, and covenant not to sue the Department or Complainant, or their employees, successors, agents, assigns, or attorneys with regard to any and all claims, damages and injuries of whatever nature, whether presently known or unknown, arising out of, or in any way related to the subject matter of OALJ Number 19-JM-0124-FH-012, or the Charge or Complaint of Discrimination related thereto.
11. Pursuant to 24 C.F.R. § 180.680, this Consent Order is a public document.

III. RELIEF FOR COMPLAINANT

12. Within thirty (30) days of the effective date of this Consent Order, Respondents shall pay to Complainant by certified or cashier's check the sum of twenty thousand dollars (\$20,000.00) in full settlement of Complainant's claims for damages arising out of the allegations presented in the Charge. Respondents shall make their checks payable to "Erin L. Flannery" and send the checks to:

Erin L. Flannery
395 Ninth Avenue
Apt. 2
Woonsocket, RI 02895

Respondents shall photocopy this check and send it to HUD's Regional Counsel for New England at the address given below:

Miniard Culpepper, Regional Counsel
c/o Jack Brandwein, Senior Trial Attorney
U.S. Department of Housing and Urban Development
Office of Regional Counsel
10 Causeway Street, Room 310
Boston, MA 02222

IV. RELIEF IN THE PUBLIC INTEREST

13. 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 violating the Act, including by:

- A. Refusing to rent, or refusing to negotiate for the rental of, or otherwise making unavailable or denying a dwelling to any person because of the disability of that person, as prohibited by 42 U.S.C. § 3604(f)(1)(A).
- B. Discriminating against a person in the terms, conditions, or privileges of rental of a dwelling because of a disability of a person residing in the dwelling, as prohibited by 42 U.S.C. § 3604(f)(2)(B).
- C. For purposes of 42 U.S.C. § 3604(f)(1)(A) and § 3604(f)(2)(B), refusing to make reasonable accommodations in rules, policies, practices, or services, when such accommodations may be necessary to afford a person with a disability an equal opportunity to use and enjoy a dwelling, as prohibited by 42 U.S.C. §§ 3604(f)(3)(B).
- D. Coercing, intimidating, threatening, interfering with, or retaliating against an individual as the result of such individual's exercise or enjoyment of any right granted or protected by Section 804 of the Act, as prohibited by 42 U.S.C. § 3617.

14. Respondents and persons employed by them or otherwise engaged by them in the management of Respondents' properties shall, within ninety (90) days of the effective date of this Consent Order, attend fair housing training to be conducted by a qualified fair housing enforcement agency. The training must cover Respondents' responsibilities under federal, state, and local fair housing laws, including but not limited to Respondents' obligations under the Act in regard to granting reasonable accommodation requests involving assistance animals. Respondents may contact

Daniel Weaver, Supervisory Equal Opportunity Specialist, at (617) 994-8311 for assistance in locating a qualified fair housing enforcement agency to conduct the required training. Respondents shall provide a certificate of completion to HUD in a form to be provided to Respondents by HUD. Respondents as well as the instructor conducting the training shall sign and date the certificate of completion and send it to HUD within thirty (30) days of completion of the training. These certifications should be sent to ConciliationMonitoringRegion1FHEO@hud.gov and:

Susan Forward, Regional Director
U.S. Department of Housing and Urban Development
Office of Fair Housing and Equal Opportunity
10 Causeway Street, Room 308
Boston, MA 02222

15. Respondents agree to post a reasonable accommodation policy in the rental offices of their properties and to make available to housing applicants and tenants a printed form for requesting a reasonable accommodation. A copy of that policy shall be provided to HUD for review and comment.

V. REPORTING AND RECORD KEEPING

16. 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 provide such notification to the Regional Director of the Office of Fair Housing and Equal Opportunity at the address shown in Paragraph 14.
17. During the term of this Consent Order, Respondents shall notify HUD of all requests for reasonable accommodation submitted to Respondents and their property managers, whether such requests are made orally, informally, on the form to be provided pursuant to paragraph 15 above, or otherwise. Respondents agree to notify HUD of Respondents' actions and determinations following their receipt and review of such requests.

VI. 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' residential rental properties, examine witnesses, and copy pertinent records of Respondents. Respondents agree to cooperate fully in any review undertaken by HUD to ensure compliance with this Consent Order.

19. Upon 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 Second Circuit to enforce the Consent Order and for any other appropriate relief in accordance with 42 U.S.C. § 3612(j).

VII. ADMINISTRATION

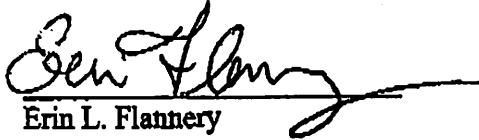
20. This Consent Order is entered into pursuant to 42 U.S.C. § 3612(g)(3) and 24 C.F.R. § 180.450. This Consent Order will become effective and final thirty (30) calendar days from the date it is issued by the HUD ALJ or earlier, if affirmed by the Secretary within that time ("effective date"). 24 C.F.R. § 180.680(b).
21. This Consent Order shall remain in effect for a period of three (3) years from its effective date.
22. This Consent Order does not in any way limit or restrict HUD's authority to investigate other, unrelated complaints involving Respondents made pursuant to the Act, or any other complaints within HUD's jurisdiction.
23. If Respondents require an extension of time in order to satisfy a deadline established by this Consent Order, such extension must be obtained in writing from counsel for the Department.
24. The signatures of the parties to this Consent Order constitute a waiver of any right to apply for attorney fees or costs pursuant to 24 C.F.R. § 180.705. Each party is responsible for its own attorney fees and costs, if any.
25. The parties 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 signature pages and Consent Order 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

26. The parties below have read this Consent Order in HUD ALJ NO. 19-JM-0124-FH-012 and have willingly signed it with a full understanding of the rights it confers and the responsibilities it imposes upon them, as signified by their signature, or that of their counsel, below:

[SIGNATURE PAGES FOLLOW]

FOR COMPLAINANT:


Erin L. Flannery

Date: 09.04.19

FOR RESPONDENTS:

**JAMES W. RAY, JR.
JIM RAY HOMES, INC.
SHELTER VALLEY, LLC:**

James W. Ray, Jr.

Date: _____

COUNSEL FOR RESPONDENTS:

Robert Marks, Esq.
Boylan Code LLP

Date: _____

FOR THE DEPARTMENT:

Miniard Culpepper
Regional Counsel for New England
U.S. Department of Housing and Urban
Development

Date: _____

FOR COMPLAINANT:

Erin L. Flannery

Date: _____

FOR RESPONDENTS:
JAMES W. RAY, JR.
JIM RAY HOMES, INC.
SHELTER VALLEY, LLC:

James W. Ray, Jr.

Date: 8/28/19

COUNSEL FOR RESPONDENTS:

Robert Marks, Esq.
Boylan Code LLP

Date: 8/28/19

FOR THE DEPARTMENT:

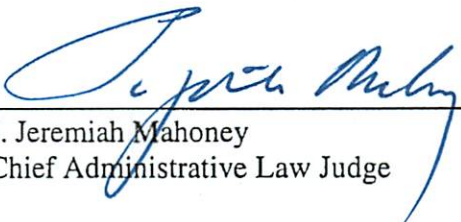
Miniard Culppepper
Regional Counsel for New England
U.S. Department of Housing and Urban
Development

Date: 9/10/19

IX. ORDER OF THE COURT

On SEPTEMBER 11, 2019 the parties forwarded to the Office of Administrative Law Judges the foregoing proposed Consent Order, incorporating the terms of their agreement. Having reviewed the Consent Order, the Administrative Law Judge finds that it appears to be in the public interest. 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 7th day of NOVEMBER, 2019.



J. Jeremiah Mahoney
Chief Administrative Law Judge