

**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
Ronald Berryhill

Charging Party,

v.

Tzadik Georgia Portfolio, LLC;
Tzadik Management Group, LLC;
Wendy Brown; and
Shequoia Holloway

Respondents.

OHA No. 20-AF-0221-FH-010

FHEO No. 04-19-6405-8

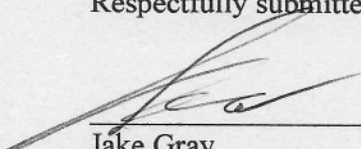
September 25, 2020

MOTION FOR ENTRY OF AN INITIAL DECISION AND CONSENT ORDER

NOW COMES Charging Party, the United States Department of Housing and Urban Development, by and through its attorney, Jake Gray. Charging Party respectfully submits this Motion for Entry of an Initial Decision and Consent Order.

In support of this Motion, Charging Party refers the Court to the attached Initial Decision and Consent Order signed by Complainant, Respondents, and Charging Party.

Respectfully submitted,



Jake Gray
Trial Attorney
U.S. Department of Housing
and Urban Development
40 Marietta Street SW, 3rd Floor
Atlanta, Georgia 30303
(678) 732-2072
(404) 730-3315 (fax)
Christopher.J.Gray@hud.gov

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the within and foregoing Motion for Entry of an Initial Decision and Consent Order was served on the below parties in the manner indicated below.

Via Electronic Transmission and UPS (Overnight):

Office of Administrative Law Judges
U.S. Department of Housing and Urban Development
409 3rd Street, SW, Suite 201
Washington, DC 20024
Telephone Number: (202) 254-0000
Facsimile: (202) 619-7304
alj.alj@hud.gov

Via UPS (Overnight):

Tzadik Management Group, LLC
c/o Tzadik Consulting, LLC (Registered Agent)
11098 Biscayne Boulevard, Suite 203
Miami, FL 33161

Tzadik Georgia Portfolio LLC
c/o Registered Agent C T Corporation System
289 S. Culver Street
Lawrenceville, GA 30046

Shequoia Holloway, Regional Manager
c/o Tzadik Consulting LLC, (Registered Agent)
11098 Biscayne Blvd., Suite 203
Miami, FL 33161

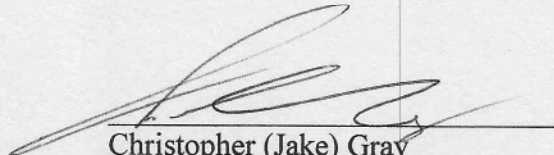
Wendy Brown, Former Property Manager
c/o Tzadik Consulting, LLC (Registered Agent)
11098 Biscayne Blvd., Suite 203
Miami, FL 33161

Ronald Berryhill
1536 Silas Lane, Apt. 1
Albany, GA 31705

Via Electronic Transmission

Carey Olson, Esq.
carey.olson@mgmesq.com

On this 25th day of September, 2020.

A handwritten signature in black ink, appearing to read "Christopher (Jake) Gray", is written over a horizontal line.

Christopher (Jake) Gray
Trial Attorney
U.S. Department of Housing and
Urban Development
Office of General Counsel, Region IV
40 Marietta Street, 3rd Floor
Atlanta, Georgia 30303
(678) 732-2072
Christopher.J.Gray@hud.gov

**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)
Ronald Berryhill)

Charging Party,)

v.)

Tzadik Georgia Portfolio, LLC;)
Tzadik Management Group, LLC;)
Wendy Brown; and)
Shequoia Holloway)

Respondents.)

OHA No. 20-AF-0221-FH-010

FHEO No. 04-19-6405-8

INITIAL DECISION AND CONSENT ORDER

I. BACKGROUND

On July 3, 2020, the United States Department of Housing and Urban Development ("Charging Party" or "HUD") filed a Charge of Discrimination ("Charge") alleging Respondents Tzadik Georgia Portfolio, LLC, Tzadik Management Group, LLC, Wendy Brown, and Shequoia Holloway (collectively "Respondents") discriminated against Complainant Ronald Berryhill on the basis of disability in violation of the Fair Housing Act (the "Act"), 42 U.S.C. §§ 3601-3619. Specifically, the Charge alleges that the Respondents made housing unavailable and imposed discriminatory terms and conditions of tenancy in violation of the Act.

Complainant, Respondents, and Charging Party have agreed to resolve this matter without the need for a hearing before a HUD Administrative Law Judge. Nothing contained in this Consent Order is deemed an admission of wrongdoing on the part of Respondents. 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 as it relates to the operation and management of 333 South Mock Road, Albany, Georgia 31705 ("Subject Property").
4. In consideration of the execution of this Consent Order, Complainant hereby forever waives, releases, and covenants 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. 20-AF-0221-FH-010, 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 Complainant, 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 20-AF-0221-FH-010, 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.
10. Although the contents of this Consent Order are public records, the Respondent and Complainant shall agree not to proactively disclose the nature, amount, or terms of the Consent Order, the discussions leading to this Consent Order. Complainant may make proactive disclosures as are strictly necessary to his tax/financial advisors and his

immediate family members, and Respondents may also make such proactive disclosures as are strictly necessary to its tax/financial advisors and to its insurance carrier.

III. INDIVIDUAL RELIEF

11. Within thirty (30) days of the effective date of this Consent Order, Respondents shall pay to Complainant the sum of \$34,900.00, 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 Ronald Berryhill and shall be sent to the following address:

Ronald Berryhill
1536 Silas Lane, Apt. 1
Albany, Georgia 31705

IV. ACTIONS IN THE PUBLIC INTEREST

12. Injunction from Discrimination: Respondents admit to no wrongdoing, and agree to the continued practices of non-discrimination and compliance with all local, state, and federal laws. 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:
 - a. Discriminating in the sale or rental, 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);
 - b. 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 with such dwelling, because of disability, as prohibited by the Act, 42 U.S.C. § 3604(f)(2);
 - c. Refusing to make reasonable accommodations in rules, policies, practices, or services, when such accommodations may be necessary to afford persons with disabilities equal opportunity to use and enjoy a dwelling, as prohibited by the Act, 42 U.S.C. § 3604(f)(1), (f)(2), and (f)(3)(B); and
 - d. Retaliating against Complainant or any other person who participated in the investigation of this complaint, as prohibited by the Act, 42 U.S.C. § 3617.
13. Education and Training
 - a. Within one hundred and eighty days (180) days of the effective date of this Consent Order, Respondent Tzadik Georgia Portfolio, LLC and Respondent Tzadik Management Group, LLC and any employees of Respondent Tzadik Georgia Portfolio, LLC and Respondent Tzadik Management Group, LLC and individuals acting under their direction who receive, process, review or make determinations with

regard to any reasonable accommodation request ("covered employee") shall attend a minimum of two (2) hours of training pertaining to their obligations under the Act and applicable state and local housing non-discrimination laws. Respondent must seek approval of the trainer from the Charging Party. All costs of the training shall be borne by Respondents.

- b. During the term of this Consent Order, any new covered employee for Respondent Tzadik Georgia Portfolio, LLC and Respondent Tzadik Management Group, LLC must receive at least two (2) hours of fair housing training within thirty (30) days of starting employment. Respondent Tzadik Georgia Portfolio, LLC and Respondent Tzadik Management Group, LLC shall maintain records of evidence of the completion of fair housing training throughout the term of this Consent Order.

14. Adoption and Implementation of Reasonable Accommodation Policy

- a. Within sixty (60) days of the effective date of this Consent Order, Respondent agrees to adopt and implement a "Reasonable Accommodation Policy" that complies with the Fair Housing Act. Respondent agrees to submit the Policy to HUD for approval within thirty (30) days of the issuance of this Consent Order.
- b. Within fifteen (15) calendar days of the receipt of Respondent's Reasonable Accommodation Policy, HUD agrees to notify Respondent of its approval or disapproval. In the event of disapproval, HUD shall provide suggested revisions to the Policy. If revisions are required, Respondent agrees to submit a revised Policy within fifteen (15) days of receipt of HUD's notice of disapproval.
- c. Upon obtaining HUD approval, Respondent agrees to implement the Reasonable Accommodation Policy immediately.

V. REPORTING AND RECORDKEEPING

- 15. Within thirty (30) days of the payment required under Paragraph 11, Respondents shall send an electronic copy of the check sent to Complainant to the attention of Jake Gray, Trial Attorney, at Christopher.J.Gray@hud.gov.
- 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 also promptly provide HUD with all information it may request concerning any such complaint and its actual or attempted resolution.
- 17. Within ten (10) days after the completion of the Fair Housing Training required pursuant to Paragraph 13, Respondents shall submit a certificate of attendance signed by the trainer to HUD.

18. All required notifications and documentation of compliance must be submitted to HUD as follows, unless otherwise indicated:

Antonette Sewell
Regional Counsel
U.S. Department of HUD
Office of General Counsel
40 Marietta Street, SW
Third Floor
Atlanta, Georgia 30303
Antonette.D.Lettman-Sewell@hud.gov
Christopher.J.Gray@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

19. In consideration of Respondents' payment to Complainant and compliance with the terms and conditions of this Consent Order, and all orders contained herein, the Charging Party agrees to the dismissal, without any admission of liability or wrongdoing, and without a formal determination, of the allegations that Respondents injured Complainant 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

20. 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.
21. 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

22. This Consent Order shall remain in effect for a period of two (2) years from its effective date.
23. 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).
24. 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.
25. 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.
26. 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]

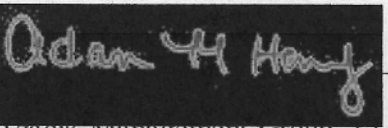
IX. CONSENT AND SIGNATURE PAGES

The undersigned parties have read the foregoing Consent Order, HUD OHA No. 20-AF-0221-FH-010, 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:


Tzadik Georgia Portfolio, LLC

9/15/2020
Date


Tzadik Management Group, LLC

9/15/2020
Date

Wendy Brown
Wendy Brown

9/10/2020
Date

Shequoia Holloway

Date

COUNSEL FOR RESPONDENTS:

Carey Olson

Date

IX. CONSENT AND SIGNATURE PAGES

The undersigned parties have read the foregoing Consent Order, HUD OHA No. 20-AF-0221-FH-010, 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:

Adam M. Hendry, Manager
Tzadik Georgia Portfolio, LLC

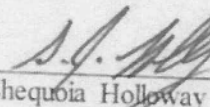
Date

Adam M. Hendry, Manager
Tzadik Management Group, LLC

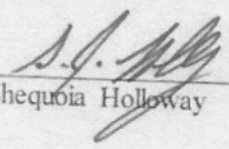
Date

Wendy Brown

Date

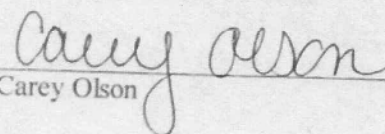


Shequicia Holloway

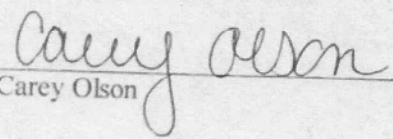


Date 9/25/2020

COUNSEL FOR RESPONDENTS:



Carey Olson



Date 9/25/2020

CONSENT AND SIGNATURE PAGES

The undersigned parties have read the foregoing Consent Order, HUD OHA No. 20-AF-0221-FH-010, 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:

COMPLAINANT:

Ronald Berryhill
Ronald Berryhill

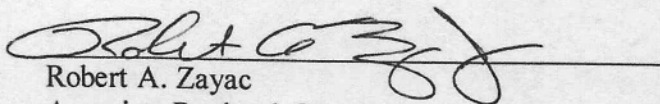
9-9-20
Date

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



Jake Gray
Trial Attorney

9/15/20
Date



Robert A. Zayac
Associate Regional Counsel

9/15/20
Date

X. 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 September 25, 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, 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 30th day of September, 2020.

ALEXANDER
FERNANDEZ
Digitally signed by: ALEXANDER
FERNANDEZ
DN: CN = ALEXANDER
FERNANDEZ C = US O = U.S.
Government OU = Department of
Housing and Urban Development,
Office of the Secretary
Date: 2020.09.30 15:21:19 -04'00'

Alexander Fernández
Administrative Law Judge