

**UNITED STATES OF AMERICA  
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT  
OFFICE OF ADMINISTRATIVE LAW JUDGES**

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The Secretary, United States Department of  
Housing and Urban Development,  
on behalf of

RYAN MAYBERRY and STEPHANIE GARGIULO,

Charging Party,

v.

LILY DANESHGAR AND SHAHRAM DANESHGAR,

Respondents.

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ALJ No.:22-AF-0222-FH-019

**FHEO No. 02-21-8145-8**

**INITIAL DECISION AND CONSENT ORDER**

**I. BACKGROUND**

On September 30, 2022, the United States Department of Housing and Urban Development (“HUD” or “Charging Party”) filed a Charge of Discrimination against Lily and Shahram Daneshgar (“Respondents”). The Charge alleges that Respondents violated Sections 804(f)(1) and (f)(2) as defined by Section 804(f)(3) of the Fair Housing Act, as amended, 42 U.S.C. § 3601 *et seq.* (the “Act”), by discriminating against Complainants Ryan Mayberry and Stephanie Gargiulo (“Complainants”) based on disability. Specifically, the Charge alleges that Respondents discriminated against the Complainants by refusing to grant their request to keep assistance animals as a reasonable accommodation for her disability and denied her subtenancy in their unit located at 45 E. 89<sup>th</sup> Street, Unit #29A, New York, NY (the “Subject Premises”).

Respondents deny that they violated the Act as alleged in the Charge. However, in order to avoid the additional cost and expense and uncertainty of litigation, the parties 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 an admission or finding of any fault or liability on the part of Respondents.

**II. GENERAL PROVISIONS**

1. The parties acknowledge that this Consent Order is a voluntary and full resolution of the

disputed complaint. The parties acknowledge that they are entering into the agreement willfully, without any duress or intimidation or in any way forced to become a party to it. The parties acknowledge that they have read and fully understand the significance of the provisions of this Consent Order and their obligations under it.

2. The parties agree that the Charging Party shall file with the Office of Hearings and Appeals a Motion for Entry of an Initial Decision and Consent Order, along with this Consent Order, after this document is executed by all parties.

3. This Consent Order is binding upon Respondents, their employees, successors, agents, assignees and all others in active concert with them in the management of the Subject Premises.

4. Pursuant to 24 C.F.R. § 180.680(a), the parties understand that this Consent Order is a public document.

### **III. MUTUAL RELEASE**

5. In consideration of the execution of this Consent Order, the payment of the Relief for Complainants set forth at paragraph 7, the Charging Party and Complainants, their successors, assignees, agents, employees, and attorneys hereby forever waive, release, and covenant not to sue Respondents, their heirs, executors, assignees, 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 OHA No. 22-AF-0222-FH-019/FHEO No. 02-21-8145-8, or which could have been filed in any action or suit arising from said subject matter, whether based on statute, regulation, rule of law, equity, contract, tort, or any other theory of recovery as well as any and all claims under all other federal, state or local laws, including but not limited to claims for discrimination and/or harassment, together with all costs and fees, including attorney fees, except where necessary to enforce this agreement. Nothing in this release will be construed to prevent HUD from investigating other complaints filed against Respondents or taking appropriate enforcement action thereon.

6. In consideration of the execution of this Consent Order, the Respondents, their successors, assignees, agents, employees, and attorneys hereby forever waive, release, and covenant not to sue HUD or Complainants, their heirs, executors, assignees, 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 OHA No. 22-AF-0222-FH-019/FHEO No. 02-21-8145-8, or which could have been filed in any action or suit arising from said subject matter, whether based on statute, regulation, rule of law, equity, contract, tort, or any other theory of recovery as well as any and all claims under all other federal, state or local laws, including but not limited to claims for discrimination and/or harassment, together with all costs and fees, including attorney fees, except where necessary to enforce this agreement. Nothing contained in this release will be construed to prevent Respondents from bringing and maintaining a proceeding for an alleged violation or breach not arising out of the subject matter of the Charge.

### **IV. RELIEF FOR COMPLAINANTS**

7. Respondents will pay to Complainants by certified check the sum of nine thousand five hundred dollars (\$9,500.00) within thirty (30) days of the issuance of this Consent Order by the Administrative Law Judge as full settlement of claims for damages arising out of the allegations presented in the Charge.

- a. Within thirty (30) days of the effective date of this Consent Order, Respondents will make checks payable to “Ryan Mayberry and Stephanie Gargiulo.” Respondents will send the checks to the Government’s counsel for delivery to Complainants: United States Department of Housing and Urban Development, Attn. David Heitner, 26 Federal Plaza, Room 3500, New York, NY 10278.
- b. Complainants acknowledges that they have not relied on any representations by HUD as to the tax consequences of this agreement or any payments made hereunder. Complainants will be responsible for all applicable taxes, if any, on the foregoing payments.

## **V. ACTIONS IN THE PUBLIC INTEREST**

### **8. Injunction from Discrimination.**

Respondents, their agents, employees, successors, or assignees, and all other persons in active concert or participation with any of them, are hereby enjoined from:

- a. Discriminating in the sale or rental, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person because of race, color, religion, sex, familial status, national origin, or disability as prohibited by the Act, 42 U.S.C. §§ 3604(a), (f)(1);
- b. Discriminating in the terms, conditions, or privileges of sale or rental of a dwelling based on race, color, religion, sex, familial status, national origin, or disability as prohibited by the Act, 42 U.S.C. §§ 3604(b), (f)(2);
- c. To make, print, or publish, or cause 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, familial status, disability, or national origin, as prohibited by the Act, 42 U.S.C. § 3604(c); and
- d. Retaliating against Complainants or any other person who participated in the investigation of this complaint, as prohibited by the Act, 42 U.S.C. § 3617.

## **VI. COMPLIANCE**

9. During the term of this Consent Order, HUD may review compliance with this Consent Order, subject to and in accordance with HUD regulations.

10. The parties shall endeavor, in good faith, to resolve informally any differences regarding interpretation of and compliance with this Consent Order.

11. 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**

12. This Consent Order shall remain in effect for a period of one (1) year from its effective date or until compliance with all the terms and specific time periods set forth in Sections IV through VI whichever is later.

13. 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 earlier affirmance by the Secretary. 42 U.S.C. § 3612(h); 24 C.F.R. § 180.670(b)(2).

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

Jay Golden  
Director, Region II  
Office of Fair Housing and Equal Opportunity  
U.S. Department of Housing and Urban Development  
26 Federal Plaza, Room 3532  
New York, NY 10278

David Heitner  
Trial Attorney  
Office of Regional Counsel, Region II  
U.S. Department of Housing and Urban Development  
26 Federal Plaza, Room 3500  
New York, NY 10278

15. 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.

16. The parties agree that if Respondents need an extension of time in order to satisfy a deadline provided herein, such extension must be obtained in writing from counsel for the Charging Party.

17. The signatures of the parties constitute a waiver of any right to apply for 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.

18. 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 Administrative Judges. Signatures of the parties to this Consent Order may be executed by way of facsimile or electronic transmission.


19. 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.

**VIII. AGREEMENT OF THE PARTIES**

**RESPONDENTS:**

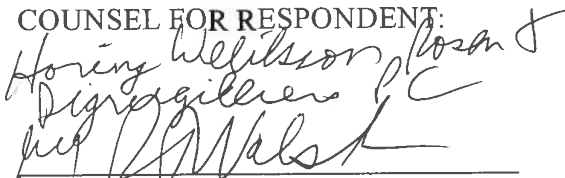
  
\_\_\_\_\_  
Lily Daneshgar

12.8.2022  
Date

  
\_\_\_\_\_  
Shahram Daneshgar

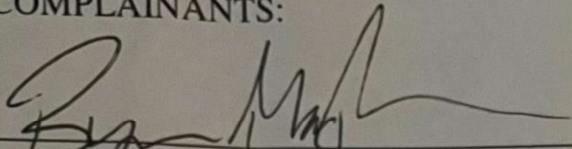
12.8.2022  
Date

**COUNSEL FOR RESPONDENT:**

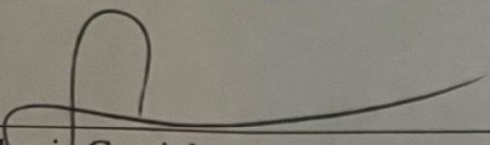
  
\_\_\_\_\_  
Richard T. Walsh, Esq.

12/18/2022  
Date

COMPLAINANTS:

  
\_\_\_\_\_  
Ryan Mayberry

12/26/22  
Date

  
\_\_\_\_\_  
Stephanie Gargiulo

12/26/22  
Date

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



\_\_\_\_\_  
Ventura Simmons  
Regional Counsel, Region II  
U.S. Department of Housing and Urban Development  
26 Federal Plaza, Room 3500  
New York, NY 10278

\_\_\_\_\_  
1/18/2023  
Date



\_\_\_\_\_  
David Heitner  
Trial Attorney  
U.S. Department of Housing and Urban Development  
26 Federal Plaza, Room 3500  
New York, NY 10278

\_\_\_\_\_  
1/18/2023  
Date



## IX. ORDER OF THE COURT

The foregoing order was presented to the undersigned Administrative Law Judge for approval on January 20, 2023. In accord with 24 C.F.R. § 180.450, the ALJ 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.

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.

This Consent Order carries no precedential weight, as the matter has been reviewed solely to determine that the parties' settlement does not offend the public interest. No opinion is expressed on legal or policy statements contained herein, nor the form and quantum of the agreed relief.

So **ORDERED** this \_\_\_\_\_ day of January, 2023

ALEXANDER  
FERNANDEZ  
-PONS

Digitally signed by: ALEXANDER  
FERNANDEZ-PONS  
DN: CN = ALEXANDER  
FERNANDEZ-PONS email =  
ALEXANDER.FERNANDEZ-  
PONS@HUD.GOV C = AD O =  
OFFICE OF THE SECRETARY OU =  
OHA  
Date: 2023.01.25 12:03:11 -05'00'

Alexander Fernández-Pons  
Administrative Law Judge