

**UNITED STATES OF AMERICA
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
OFFICE OF HEARING AND APPEALS**

The Secretary, United States Department of)	
Housing and Urban Development, on behalf of:)	
)	
DEBRA HARRIS)	
)	
Charging Party,)	HUDOHA No. 24-AF-0066-FH-002
)	FHEO No. 04-21-9391-8
v.)	
)	
KEVIN LEE FORRESTAL,)	April 8, 2024
LYDIA FORRESTAL, and PADSPLIT, INC.,)	
)	
Respondents.)	
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INITIAL DECISION AND CONSENT ORDER

I. BACKGROUND

On December 12, 2023, the United States Department of Housing and Urban Development (“Charging Party” or “HUD”) filed a Charge of Discrimination (“Charge”) alleging Respondents Kevin Lee Forrestal, Lydia Forrestal, PadSplit Inc., (collectively “Respondents”) discriminated against Complainant Debra Harris (“Complainant”) on the basis of disability in violation of the Fair Housing Act, as amended (the “Act”), 42 U.S.C. §§ 3601-3619.

The Charge alleges that Respondents discriminated against Complainant 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 Complainant’s disability, in violation of Subsection 804(f)(2) of the Act. 42 U.S.C. § 3604(f); 24 C.F.R. § 100.204(a) and § 100.202(b). In addition, the charge alleges that Respondents violated Subsection 804(f)(3)(B) when they refused to make reasonable accommodations in rules, policies, practices, or services, when such accommodations were necessary to afford a person with a disability equal opportunity to use and enjoy a dwelling. 42 U.S.C. § 3604(f)(3)(B); 24 C.F.R. § 100.204(a).

Complainant Debra Harris, Respondents Kevin Lee Forrestal, Lydia Forrestal, and PadSplit Inc., and the 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 to this Consent Order are Respondents Kevin Lee Forrestal, Lydia Forrestal, and PadSplit Inc., Complainant Debra Harris, and HUD.
2. 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.
3. Respondents are required to comply with Title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988.
4. 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 the Motion for Entry of an Initial Decision and Consent Order.
5. This Consent Order is binding upon Respondents, their successors, agents, and assigns as it relates to the operation and management of the property in 2283 Belmont Drive, Decatur, Georgia 30032. (“Subject Property”).
6. This Consent Order is binding upon Complainant and her successors, agents and assigns as it relates to Debra Harris’ tenancy at the Subject Property.
7. 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. 24-AF-0066-FH-002, or which could have been filed in any action or suit arising from said subject matter.
8. 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 No. 24-AF-0066-FH-002, or which could have been filed in any action or suit arising from said subject matter.
9. The term “effective date” means and refers to the date of the last signature in Section IX.
10. 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 to the Consent Order, at least five (5) business days before the deadline.

11. Time periods referred to in this Consent Order are for “calendar” days unless specifically indicated otherwise.
12. Pursuant to 24 C.F.R. § 180.680, the parties understand that this Consent Order shall be a public document.
13. The signature of the parties to this Consent Order, provided herein on separate pages attached hereto, constitute a waiver of any right to apply for additional attorney’s fees or costs beyond any previously provided for or authorized prior to the execution of this Consent Order pursuant to 24 C.F.R. § 180.705. Each Party is responsible for their own attorney’s fees and costs.
14. Each of the signatories represents and warrants that she or he 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.
15. The parties agree to a mutual non-disparagement provision. The parties agree they are each prohibited from disparaging any other party to this Agreement with respect to anything related to Ms. Harris and her experience and relationship with Respondents and this Charge of Discrimination.
16. Subsequent to the entering of this consent order by the presiding Administrative Law Judge, HUD will issue a press release addressing the parties’ voluntary resolution of this claim. The parties will work together to come up with mutually agreeable language for said release.

III. SPECIFIC RELIEF FOR COMPLAINANT

17. In order to resolve HUD OHA 24-AF-0066-FH-002, Respondents agree to provide the relief specified herein, to Complainant in the amount of \$47,500.00 to compensate Complainant in this matter for the harm alleged in the Charge.
18. Within ten (10) calendar days of the effective date of this Consent Order, Respondents shall pay to Complainant the sum of \$47,500.00. The payment shall be made by certified check payable to Debra Harris. The certified check shall be sent to the attention of Debra Harris via overnight mail (or similar method with delivery tracking and confirmation) at the following address:

Debra Harris
412 N 8th St
Griffin, GA 30223
19. A copy of the certified checks shall be sent via electronic transmission to Carlos Quijada, HUD Trial Attorney, at: Carlos.E.Quijada@hud.gov and on the same date that the certified check is sent to Debra Harris.

IV. ACTIONS IN THE PUBLIC INTEREST

20. Injunctive Relief: 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 against any person in the terms, conditions, or privileges of rental of a dwelling, or in the provision of services or facilities in connection therewith, because of disability 42 U.S.C. § 3604(f); 24 C.F.R. § 100.204(a) and § 100.202(b).
- b. Making, printing, or publishing, or causing to be made, printed, or published any notice, statement, or advertisement, with respect to the rental of a dwelling that indicates any preference, limitation, or discrimination based on sex or an intention to make any such preference, limitation, or discrimination. 42 U.S.C. § 3604(c); 24 C.F.R. § 100.75(a).
- c. Coercing, intimidating, threatening, or interfering with any person in the exercise or enjoyment of, or on account of her having exercised or enjoyed any right granted or protected by Section 804 of the Act. 42 U.S.C. § 3617; 24 CFR § 100.400(b), (c)(2); 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.

21. Education and Training

- a. Respondent PadSplit Inc., and its employees and individuals acting under their direction who review or make determinations with regard to the rental of dwellings (“covered employee”) shall, within sixty (60) calendar days of the effective date of this Consent Order, attend a minimum of six (6) hours of training pertaining to their obligations under the Fair Housing Act, as amended and applicable state and local housing non-discrimination laws, to include training on disability discrimination. Respondents must seek approval of the trainer from the Charging Party such approval not being unreasonably withheld. All costs of the training shall be borne by Respondent PadSplit, Inc.
- b. During the term of this Consent Order, any newly hired covered employee or management agent for Respondent PadSplit Inc., as of the date of the execution of this Consent Order, must receive at least six (6) hours of training pertaining to their obligations under the Fair Housing Act, as amended, within thirty (30) calendar days of starting employment. Respondent PadSplit Inc. shall maintain records of evidence of the completion of the required fair housing training, including but not limited to certifications dated and signed by the new employees and trainer(s), throughout the term of this Consent Order.

V. REPORTING AND RECORDKEEPING

22. Respondents Kevin Lee Forrestal, Lydia Forrestal, and PadSplit Inc., shall notify HUD in writing of any formal complaint filed against them with a local, state, or federal agency regarding equal opportunity or discrimination in housing within ten (10) calendar days of receipt of any such complaint. Respondents shall provide a copy of the complaint(s) 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.
23. Within ten (10) calendar days after the completion of the Fair Housing Training required in Paragraph 19, Respondents shall submit a certificate of attendance signed by the trainer to HUD.
24. All required notifications and documentation of compliance must be submitted to HUD as follows:

Antonette D. Sewell
Regional Counsel
U.S. Department of HUD
Office of General Counsel
MLKing Federal Office Building
77 Forsyth Street, SW
Atlanta, Georgia 30303
Antonette.D.Lettman-Sewell@hud.gov
Robert.A.Zayac@hud.gov
Carlos.A.Quijada@hud.gov

Carlos Osegueda
Regional Director, Region IV
U.S. Department of HUD
Office of Fair Housing and Equal Opportunity
MLKing Federal Office Building
77 Forsyth Street, SW
Atlanta, Georgia 30303
Carlos.Osegueda@hud.gov

VI. DISMISSAL OF CHARGE

25. 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

26. 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 examine witnesses and copy pertinent records. Respondents agree to provide their full cooperation in any compliance review undertaken by HUD to ensure compliance with this Consent Order.
27. 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

28. This Consent Order shall remain in effect for a period of three (3) years from its effective date.
29. 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 of HUD within that time. 42 U.S.C. § 3612(h); 24 C.F.R. § 180.680(b)(2).
30. This Consent Order does not diminish the ability of any person or class of persons to exercise their rights under the Fair Housing Act, or any other federal, State, or local civil rights statute or authority with respect to any past, current, ongoing, or future actions. This agreement does not create any private right of action for any person or class of persons not a Party to this Consent Order.
31. This Consent Order does not in any way limit or restrict HUD's authority to investigate any other complaints involving Respondents pursuant to the Act, or any other complaints within HUD's jurisdiction.
32. If applicable laws, regulations, or guidance are changed or clarified in a manner that would affect the provisions of this Consent Order, then the parties shall confer in good faith to determine any appropriate modifications to this Agreement.
33. This Consent Order (including its Attachments) is the entire agreement between the parties on the matters raised pursuant to the Act.
34. The original and/or electronic 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.

35. The parties and their 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' and their counsel's 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 AS SECTION IX]

IX. CONSENT AND SIGNATURE PAGES

The undersigned parties have read the foregoing Consent Order, HUD OHA No. 24-AF-0066-FH-002, 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:

Kevin Lee Forrestal

Date

Lydia Forrestal

Date

William Charles Grosse

04 / 04 / 2024

PadSplit Inc.

Name: Charles Grosse

Title: Chief Legal Officer

Date

COUNSEL FOR RESPONDENTS:

Patrick Moore, Esq.
3344 Peachtree Road NE | Suite 2400
Atlanta, GA 30326
pmoore@wwhgd.com

Date

IX. CONSENT AND SIGNATURE PAGES

The undersigned parties have read the foregoing Consent Order, HUD OHA No. 24-AF-0066-FH-002, 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:


Kevin Lee Forrestal
Date 4/4/24


Lydia Forrestal
Date 4/4/2024


PadSplit Inc.

Name:

Title:

Date

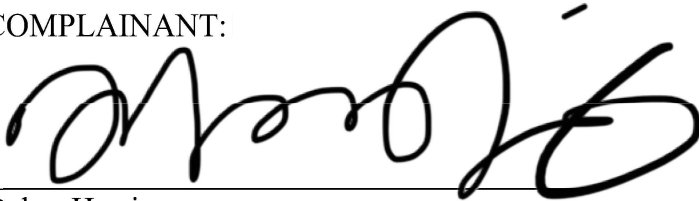
COUNSEL FOR RESPONDENTS:


Patrick Moore, Esq.
3344 Peachtree Road NE | Suite 2400
Atlanta, GA 30326
pmoore@wwhgd.com
Date April 5, 2024

IX. CONSENT AND SIGNATURE PAGES *(continued)*

The undersigned parties have read the foregoing Consent Order, HUD OHA No. 24-AF-0066-FH-002, 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:



Debra Harris

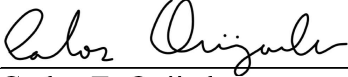
4. 4-24

Date

IX. CONSENT AND SIGNATURE PAGES *(continued)*

The undersigned parties have read the foregoing Consent Order, HUD OHA No. 24-AF-0066-FH-002, 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:

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

	<u>04/04/2024</u>
_____ Carlos E. Quijada Trial Attorney HUD's Regional Counsel's Office – Region IV MLKing Federal Office Building 77 Forsyth Street, SW Atlanta, GA 30303 Carlos.E.Quijada@hud.gov	_____ Date

	<u>4/4/2024</u>
_____ Ashley A. Myers Trial Attorney Ashley.A.Myers@hud.gov	_____ Date

	<u>04/04/2024</u>
_____ Robert A. Zayac Associate Regional Counsel Robert.A.Zayac@hud.gov	_____ Date

X. ORDER OF THE COURT

The foregoing order was presented to the undersigned Administrative Law Judge for approval on April 5, 2024. 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 8th day of April 2024.

**ALEXANDER
FERNANDEZ
-PONS**

Digitally signed by: ALEXANDER
FERNANDEZ-PONS
DN: CN = ALEXANDER
FERNANDEZ-PONS C = US O = U.
S. Government OU = Department of
Housing and Urban Development,
Office of the Secretary
Date: 2024.04.08 11:34:53 -04'00'

Alexander Fernández-Pons
Administrative Law Judge