
CHAPTER 10. PREPARATION OF THE CASE FILE

10-1 Introduction

This chapter provides guidance to Fair Housing and Equal Opportunity (FHEO) staff in the preparation of investigative case files. Proper use of this guidance will standardize the organization of investigative files by identifying various types of documents and specifying the placement of these documents in the case file. This chapter also identifies the major sections of a case file and discusses the appropriate location of statements and documents to ensure the organization and placement of all materials obtained during an investigation, including privileged or confidential information, in the appropriate section of the case file.

10-2 Contents of the Chapter

This chapter identifies four sections of the case file:

- Section I. Section I. Disposition/Closure Documents
 - A. Closure Documents and Closure Letters (Includes Administrative Closures)
 - 1. Closure Documents (Tab A-1)
 - (a) Signed Conciliation Agreement,
 - (b) Withdrawals (with or without resolution),
 - (c) Determination, or
 - (d) Administrative Closure summary
 - 2. Closure Letters (Tab A-2 through infinity)
 - (a) For each complainant and each respondent
 - (b) For each party's representative(s)
 - B. Final Investigative Report (Tab B)
- Section II. Evidentiary Section
 - A. Jurisdiction (Tab A)
 - B. Complainant's Evidence (Tab B)
 - C. Respondent's Evidence (Tab C)
 - D. Other Evidence (Tab D)
- Section III. Deliberative Section

Section IV. Conciliation Section

This chapter outlines the information that should be included in each section, with special emphasis on the Evidentiary, Deliberative and Conciliation Sections of the case file. Although the closure documents appear in Section I, the first section of the completed case file, Section I documents will normally be placed in the case file after the investigator has completed the assembly of Sections II, III and IV.

This chapter also includes the format that investigators should follow when organizing documents and statements obtained during the investigation. TEAPOTS provides the framework for collecting, storing and reporting information about a particular case. A separate TEAPOTS manual has been developed to assist in this process. The TEAPOTS manual provides guidance on how to organize information in TEAPOTS, including statements and documents in the investigative case file, to ensure that the investigator places all relevant information from the investigation in the appropriate place and properly references the information.

10-3 Case File Format

All investigative case file documents should be bound, i. e., securely fastened, in sturdy, heavyweight binders, preferably pressboard or double-ply binders that open on three sides. The case number and the case name must be placed on the binder in such a way that both can be easily seen in a file drawer. If the Equal Opportunity Specialist (EOS) establishes jurisdiction under the Act and one or more of the civil rights-related program statutes, the case number(s) of the other statutes should appear on the front cover along with the Title VIII case number and name.

A. Structure of the Case File

All case files contain four major sections or divisions, numbered Roman numerals I through IV. Section I contains the Disposition or Closure Documents. Section II identifies the Evidentiary Section of the case file. Section III identifies the Deliberative Section of the case file, and Section IV, Conciliation, contains all of the information related to any conciliation discussions and negotiations. Each section of the case file must have a separate Table of Contents.

Section II, the Evidentiary Section of the case file, is sub-divided into four separate subsections, lettered tabs A through D. Tab A identifies the Jurisdiction Subsection of the Evidentiary Section, and contains all information devoted to jurisdiction. The Jurisdiction Subsection is created and tabbed by the Intake Branch, and supplemented by the investigator, as necessary. Tab B contains the Complainant's Evidence, Tab C contains the Respondent's Evidence and Tab D contains evidence obtained from other sources. Within the Evidentiary Section each separate document in each tabbed subsection, e.g., Jurisdiction Subsection, will be numbered consecutively, beginning with the initial document or statement that caused the creation of the case file. The

investigator must create and tab subsections B, C and D. The Evidentiary Section of every case file must contain a Table of Contents that lists documents in each subsection in order of appearance in the case file.

Section III, the Deliberative Section, contains the deliberative documents and information. For purposes of organization, consistency and efficiency, the Deliberative Section should be tabbed in the same manner as Sections I and II of the case file. The Deliberative Section should also include a Table of Contents; however, the Table of Contents for the Deliberative Section must not be included with any other Table of Contents.

Section IV, the Conciliation Section of the case file, contains all references to discussions and negotiations that occur during the efforts to conciliate the complaint. Again, for purposes of organization, consistency and efficiency, the Conciliation Section should be tabbed in the same manner as Sections I, II and III of the case file. The Conciliation Section should also include a Table of Contents; however, the Table of Contents for the Conciliation Section must not be included with any other Table of Contents.

A sample Table of Contents for the Evidentiary Section of the case file has been included in this chapter as Exhibit I. The Table of Contents should identify each document (or group of related documents) and refer to the tabs within the case file where they can be found. If a case has more than one file, a copy of the Table of Contents should be placed in each file.

B. Document Control Cover Sheets

The Document Control Cover Sheet serves several purposes. First, the cover sheet identifies the document. Second, the cover sheet provides the trial attorneys with the information necessary to establish the document's "chain of custody" at trial. A chain of custody identifies each person who handled a given document from the time of its receipt to the time of trial. Exhibit II provides a sample Document Control Cover Sheet.

Investigators obtain the documents associated with the investigation in several ways. A large number of documents will be submitted through the mail. Another set of documents may be obtained during the on-site investigation. A set of documents received through a single mailing may be treated as a single submission that requires one Document Control Cover Sheet. Within each submission, the investigator must identify each critical document, any document that proves or refutes the allegations of the complaint or the respondent's defense, and tab or attach a Document Control Cover Sheet to each critical document contained in the submission.

Generally, documents received through electronic media or an on-site investigation must have one Document Control Cover Sheet for each document. However, when an investigator receives an electronic message that includes attachments from a party or witness during the course of an investigation, the investigator may treat each attachment as a separate submission and complete separate Document Control Cover Sheets or treat

the submission as a single submission with one Document Control Cover Sheet, being sure to describe the documents. Include a printout of the electronic mail message as well as the attachments in the Evidentiary Section of the case file.

For example, an investigator has been assigned a case where the complainant alleges a discriminatory refusal to rent. The respondent's written answer states that there were no vacant units on the date and time that the complainant applied for a unit, and the complainant's credit score did not meet the minimum requirements for eligibility. In response to a Data Request letter, the respondent sends a FedEx envelope that contains 500 documents. The respondent submitted the 500-document response in a single submission, which means the investigator must prepare one Document Control Cover Sheet for the entire 500-document submission, and place the documents under Tab C, for example, C-2. During the review of the documents, the investigator identifies 10 leases that indicate that units were available on the date and time that the complainant submitted his or her application. The investigator also identifies 15 applications that indicate that the respondent admitted applicants with credit scores lower than the complainant's. The investigator does not need to attach a Document Control Cover Sheet to each one of the 25 documents, but the investigator must tab each of the 25 documents, 10 leases and 15 applications. The investigator should then identify the 25 documents in the Table of Contents and make reference to their file location in the FIR. In this example, the investigator would identify the first document as Tab C-2.1, and the remaining 24 documents in sequential order, for example, C-2.2 through C-2.25.

In another example, an investigator reviews documents in the respondent's office as part of the on-site investigation. The respondent produces a number of documents in boxes and files. The respondent asks the investigator to paper clip or otherwise identify the documents, and the respondent will copy and mail those documents to the investigator. The investigator reviews the documents and files, identifies those documents that appear relevant to the investigation, and completes a Document Control Cover Sheet for each document identified in the course of the review, including documents contained in several tenant files. The investigator completes the review and returns to the office with the completed Document Control Cover Sheets. Several days or weeks later, the respondent mails documents, including copies of files that the investigator identified during the on-site investigation. When the investigator receives the documents, he or she attaches the previously filled out Document Control Cover Sheets with added notes explaining the transmission by the respondent. As the investigator attaches each Document Control Cover Sheet to the document, the investigator verifies that the respondent sent the documents that he or she identified during the on-site. Any omissions or oversights can then be quickly corrected through the appropriate procedures.

C. Integrity of Documents

Original documents, including envelopes, fax cover sheets, etc., received in the course of the investigation should be placed in the file and preserved in the identical form, unmarked, without notations or other markings from the investigator or staff. This

includes affixing tabs or other identifiers with paste or glue that alter the document from its original state.

Date stamps should appear on the front of any letter correspondence or facsimile cover sheets in a conspicuous place where the stamp can be clearly seen, preferably the front right corner. Whenever an investigator feels a need to critically examine any document that has become part of the evidence in the case, then the investigator must make a copy of the document, and place any marks (including highlighters), notations, speculation, conjecture, opinions or conclusions on the copy and not the original. If a copy of an original is made and notations are made on the copy, i.e., a tenant list or roster, include the marked copy in the Deliberative Section of the case file and the original in the Evidentiary Section.

10-4 The Case File

To the degree that acquisition and procurement procedures allow uniformity, colors of folders, dividers, types of tabs and other office supply-type issues should be consistent within each region. Assembly of the case file includes the following actions:

- Physically creating the case file;
- Placing the case number and case name on the case file;
- Placing documents inside the case file under the correct tab; and
- Securing the documents in the case file.

Records of Clearance and Transmittals used to track the movement of the case file within FHEO and between FHEO and Regional Counsel should be placed and secured on the left side of the inside front cover of the case file. Memoranda, letters, concurrences, transmittals, and any other written communications used to track the movement of the case files between FHEO, HUD Counsel, and DOJ should be placed in the Deliberative Section.

A. Disposition/Closure Documents (Section I)

1. Closure Documents (Section I, Tab A)

The Determination of Reasonable Cause, No Reasonable Cause, executed conciliation agreements, withdrawal documents or the summary that supports administrative closure should be placed in the case file in Section I, Closures, under Tab A-1. If the complainant does not provide a written withdrawal, then the investigator should insert a brief summary in the file that describes the complainant's expressed intent to withdraw the complaint. This includes any correspondence documenting these discussions. The Determination, fully executed conciliation agreement, or indication of withdrawal should be placed under Tab A-1.

The closure letters for the parties and their representatives should also be placed under separate numbered tabs in Tab A of the case file. The closure letters for the complainant and respondent should be placed under Tabs A-2 and A-3, respectively. Of course, the numbering of the tabs must be modified to take into account the number of parties, including attorneys, to whom FHEO sent closure letters.

Place the properly signed case closure notification letters that have been sent to the parties notifying them of the outcome of the case in Section I, Tab A, with the actual signed Determination, as a quality assurance measure that confirms that all parties have received proper notification.

A Preliminary Letter of Findings should accompany the Determination in all concurrently processed complaints. Preliminary Letters of Findings will be placed in the file under a separate tab behind the Determination and in front of the closure letters. Make sure that the case number (Title VI, Section 504, etc.) also appears on the front cover along with the Title VIII case number and name. This informs the reviewer that the complaint involves more than one statute. The Letter of Findings will be placed in Section I under Tab A following the Preliminary Letter of Findings, if any.

2. Final Investigative Report (Section I, Tab B)

TEAPOTS prepares the FIR based on data entered in the system by the investigator that summarizes factual information obtained during an investigation. The signed FIR should be placed in Section I of the case file under Tab B, immediately after the closure letters, and tabbed, identified, and separated with a divider from other information. The FIR, generated by TEAPOTS, complies with the requirements of the Act at Section 810(b)(5)(A), provided that the EOS with intake responsibilities and the investigator accurately enter the data. The FIR contains the facts that form the basis for the determination of reasonable cause or no reasonable cause. Since the Act requires FHEO to make the signed FIR available to the parties upon request following the completion of the investigation, and parts of the FIR may be admitted as evidence at trial, the FIR must be well-written, typed, and free of grammatical, spelling and typographical errors. It is critical that information entered into TEAPOTS be carefully and accurately summarized. Preliminary FIR drafts, edited FIRs and other working FIR documents should not be included in the case file. The final FIR should be signed and placed in the case file. All earlier drafts should be discarded.

B. Evidentiary Section (Section II)

Section II, the Evidentiary Section, follows the last document in Section I, the FIR, which the investigator placed in Tab B. The Evidentiary Section contains four separate subsections or tabs: Tab A, Jurisdiction; Tab B, the Complainant's Evidence; Tab C, the Respondent's Evidence; and Tab D, Other Witnesses and Documents.

1. Jurisdiction (Tab A)

The Jurisdiction Subsection (Tab A) should contain all documents that verify FHEO's statutory authority to investigate the allegations of housing discrimination complaints and should establish that certain procedural obligations have been met. Specifically, the Jurisdiction Subsection establishes that an aggrieved person filed a written complaint containing information required by the Secretary within one year after the date of the occurrence or termination of an alleged discriminatory housing practice. In addition, the Jurisdiction Subsection establishes that the Secretary has complied with the notice provisions of Section 810(a) relative to identifying the parties and setting forth the basis for HUD's jurisdiction in the case and authority to investigate the complaint.

The following documents must be included under Tab A, Jurisdiction, in the Evidentiary Section of each case file in order of appearance. The signed Housing Discrimination Complaint Form should be placed under A-1, and the notification letters to the complainant and respondent should be placed in the case file under separate numbered tabs immediately following the complaint. For example, the first complainant's notification letter should be placed under Tab A-2. A second complainant's notification letter would be placed under Tab A-3. If the case involves only one complainant, the first respondent's notification letter would be placed under Tab A-3 and the next respondent's notification letter would appear under Tab A-4.

If the case involves a FHAP agency, the notice to the FHAP agency should follow the last respondent's notification letter.

Any 100-day letters, amended complaints and notification letters related to amended complaints should be placed in the Jurisdiction Section of the case file following the original complaint and notification letters. These documents must be placed in the case file in chronological order and numbered sequentially.

Compliance with the notice requirements of Section 810(a) requires proof that FHEO served the complaints on the complainant and the respondent, especially the respondent. The regulations require that FHEO provide notice to the respondent by Certified Mail – Return Receipt Requested. The use of this method requires the Postal Service to deliver the notice to the addressee, and obtain the signature of the addressee or the addressee's agent on a receipt (the "green card") that serves as proof of delivery. Once the Postal Service delivers the mail and obtains a signature, the Postal Service returns the receipt to the person or entity that requested it. If, or when, proof of delivery becomes an issue, the agency must produce the signed receipt. This means that signed receipts must be placed in the case file and secured in such a way as to ultimately prevent separation from the case file or loss of the proof of delivery. A receipt has been properly secured in the case file when that receipt has been stapled, taped or otherwise fastened to the document for which the receipt serves as proof of delivery.

Although the regulations do not expressly permit overnight delivery or personal delivery, those documents that show the intended person or his or her agent received notification should be included in the case file.

The documents in this Subsection also confirm the results of the EOS's work and initially establish resolution of those issues relevant to standing, the statute of limitations, jurisdiction over the respondent and subject matter jurisdiction. All documents produced or prepared during the intake process to establish jurisdiction should be included in the Jurisdiction Section. Attach a Document Control Cover Sheet to each document in this Subsection. Refer to Exhibit I for a sample Table of Contents for documents pertaining to jurisdiction. Examples of documents that should be placed in the Jurisdiction Subsection include the following:

- (a) Signed Housing Discrimination Complaint Form
- (b) Initial notification letters to the parties
- (c) Initial case referral letter to FHAP Agency
- (d) FHAP waiver to HUD
- (e) Amended complaint (s)
- (f) Amended complaint notification letters to the parties
- (g) 100-Day notification letter
- (h) Prompt Judicial Action requests (Temporary Restraining Order)
- (i) Subpoena requests
- (j) HUD notice of case reactivation to FHAP Agency

2. Documents and Records from the Parties and Witnesses

The remaining subsections of the Evidentiary Section include all materials obtained during the investigation, except for privileged or confidential information that should be included in the Deliberative Section. Organize the documents and records from parties and witnesses in the remaining three subsections of the Evidentiary Section as follows:

- (a) Complainant's evidence, Tab B;
- (b) Respondent's evidence, Tab C; and
- (c) Other evidence, Tab D.

It is of utmost importance that the investigator properly complete the Document Control Cover Sheet, tab documents consistent with the guidance and reference those documents in the Evidentiary Section Table of Contents.

Tab B in the Evidentiary Section contains the complainant's evidence. Tab B-1 should contain the original documents that the complainant provided to allege discrimination. This may include the original correspondence, or the EOS's notes from a telephone conversation or interview with the complainant. The policy with respect to single submissions, the number of documents received from the complainant and the relevance of those documents will determine whether all of the information can be placed under

Tab B-1, or whether separate tabs, B-2, B-3, etc., should be created for some of the information.

Tab C in the Evidentiary Section contains the respondent's evidence. Tab C-1 will generally contain the respondent's answer. Of course, if the respondent called the investigator before sending the answer, then Tab C-1 would contain the investigator's interview notes from the conversation with the respondent and the TEAPOTS summary of that interview. Then, Tab C-2 would contain the answer or the next contact with the respondent. Critical documents, those documents upon which FHEO relies to support its determination in the case, should be placed under separate tabs in the appropriate subsection of the Evidentiary Section.

Tab D in the Evidentiary Section contains any information that the EOS with intake responsibility or the investigator obtained independently from any source other than the complainant, the respondent or their respective witnesses. For example, any independent inquiry undertaken by the EOS, such as the results of a property search, should be placed under Tab D-1. Similarly, any independent investigation undertaken by the investigator would be placed under Tab D. If the EOS placed the property search under Tab D-1, then any information obtained by the investigator would be placed under Tab D-2, or the next tab following the EOS's work, in sequential order.

Documents should be placed in the case file under the appropriate tab by date of receipt. When an investigator receives two or more separate and distinct documents from the same party or witness on the same day, Document Control Cover Sheets must be completed for those documents. Then those documents should be organized chronologically or logically according to the appropriate source, and placed in the case file under separate tabs, unless the investigator received those documents in a single submission. The critical goal with respect to organizing evidence under each subsection is to ensure that all information is easily identifiable, properly tabbed and referenced. Each document should be placed in the file corresponding to its source (complainant's evidence, respondent's evidence or other evidence). Other evidence includes evidence gathered by the investigator personally and not submitted by either the complainant or respondent, and documents from third party witnesses.

It does not matter if the document actually supports the position asserted by the source. The identification of the source of the document as well as the summary of the document, properly referenced and tabbed, is what is essential.

If there are multiple complainants, Intake will create a separate case file for each assigned case number. Treat each file separately and be sure to include all relevant information in each file.

The following examples are provided to assist investigators in determining what types of evidence frequently arise in an investigation under the Fair Housing Act (the Act). This list is not all-inclusive but simply represents a sample of evidence that may be obtained

and should be included in the Evidentiary Section. Each document (or group of documents) must include a Document Control Cover Sheet under this section.

Source – Witnesses and Documents provided by the Complainant, Complainant’s Representative or Complainant’s Witnesses (Place under Tab B, Complainant’s Evidence)

- a. Letter from complainant
- b. Interviews with the complainant
- c. Interviews with the complainant’s witnesses
- d. Rental receipts
- e. Lease agreement
- f. Rental application

Source – Witnesses and Documents provided by the Respondent, the Respondent’s Representative or Respondent’s Witnesses (Place under Tab C, Respondent’s Evidence)

- a. Answer to complaint
- b. Interviews with respondent
- c. Interviews with respondent’s witnesses, including agents and employees
- d. Data Request letter
- e. Response to Data Request letter
- f. Follow-up interview of respondent
- g. Eviction notices
- h. Statement of owner
- i. Leases of other tenants
- j. Rental applications of other tenants
- k. Tenant rosters
- l. Rental receipts
- m. Copies of policies and rules

Source – Witnesses and Documents independently obtained by the Investigator (If either party directed the investigator to the source, then that witness’s statement or document becomes part of that party’s evidence).

- a. Records of property searches
- b. Statements and documents obtained from witnesses other than those witnesses provided by the complainant or respondent
- c. Statements of former property managers
- d. Police reports
- e. Census data
- f. Building plans
- g. State or local laws
- h. Statements of prior tenants
- i. Statements of current tenants

3. Types of Evidence

(A) Building Plans, 3-Dimensional Objects

These and other types of evidence may be too large to tab and place in the case file. To ensure the document chain of custody, identify the document in the Table of Contents and appropriately label the evidence. Although the evidence will be kept separate from the case file, the evidence must be maintained in a controlled environment that preserves the integrity of the evidence. The evidence must be secured in a locked drawer or cabinet and the documents that establish the chain of custody must remain intact.

(B) Video Tapes, Audio Tapes, Photographs

If the evidence in a Title VIII case consists of a videotape, audiotape or photograph, the information should be properly tabbed and referenced (Document Control Cover Sheets) and placed in a manila envelope. The envelope should then be stapled or secured to the inside front cover of the case file.

(C) Duplicate Evidence

Often times during an investigation a duplicate piece of evidence is received. This evidence should be filed sequentially, according to its source, with a Document Control Cover Sheet attached identifying the evidence as a duplicate.

(D) Testing Evidence

When a complaint involves testing, the Regional Office must follow the guidance outlined in the April 10, 2003 Memorandum from FHEO regarding Treatment of Testing Evidence in Fair Housing Complaint Investigations. The Testing Guidance is on FHEO's website, <http://hudweb.hud.gov/po/e/enforce/enforceguidance.htm>. All material related to testing will be retained and included in either the Evidentiary or Deliberative Sections of the investigative case file. Tester profiles, test reports, test coordinator logs, debriefing forms, test narratives, materials a tester receives from the tested housing provider and all other documents related to the test must be included in the Evidentiary Section. Each document relating to testing should be identified in the Table of Contents and properly tabbed.

The testing methodology, including the site and respondent selection criteria, choice of type of test to be conducted, tester training materials and tester procedures should be placed in the Deliberative Section of the investigative case file. The guidance memorandum also provides that to protect the identity of testers during the investigation testers should be treated as "anonymous witnesses." Although the interview reports should be maintained in the Evidentiary Section of the file, the name, address, telephone number and title of the tester must be maintained in the Deliberative Section.

4. Interviews

Interviews must be carefully recorded and accurately summarized in TEAPOTS. FHEO supervisors and Regional Counsel use the investigator's handwritten interview notes to evaluate the accuracy of the investigator's summary. In particular, in cases decided on the merits, the investigator's interview notes provide supervisors and Regional Counsel with the opportunity to verify the credibility of the investigator and the impartiality of the investigative process. Consequently, the investigator must preserve any handwritten notes, and audio or video recordings of interviews that contain any facts that form the basis of the decision on the merits, and place the TEAPOTS summary, the investigator's interview notes and all video or audio recordings in the case file and tab these materials consistent with this chapter.

C. Deliberative Section (Section III)

The Deliberative Section of the case file, Section III, contains all privileged and confidential information that is not included in the FIR or in the Evidentiary Section of the case file. These documents will not be released to the parties but attorneys may use them for trial preparation or at trial. A separate Table of Contents is required for the Deliberative Section and each document (or group of documents) in the file should be tabbed. The following documents should be filed in the Deliberative Section:

- Investigative plan
- Investigator notes
- Anonymous witnesses
- Case management decisions
- Internal memoranda
- Electronic mail messages pertaining to the case
- Confidential medical documents
- Notes or write-ups of personal impressions, opinions or conclusions formed during interviews with parties and witnesses.
- Most recent TEAPOTS printout
- Testing methodologies
- Miscellaneous documents
 - a. Requests for legal opinions
 - b. All Regional Counsel memoranda and electronic mail messages
 - c. Referrals to DOJ

1. Anonymous Witnesses

Identify the name, address, and telephone number of any anonymous witnesses mentioned in the FIR.

2. Confidential Medical and Financial Documents

Although evidence in a disability case is often necessary to prove or refute an allegation, some medical information is confidential. With the new privacy concerns associated with the Health Information Patient Privacy Act (HIPPA) and the Federal Right to Financial Privacy Act, 12 U.S.C. §3403 (b), it is essential that FHEO consult with Regional Counsel when an issue arises involving confidential medical or financial information. Be sure to “flag” the document on the Document Control Cover Sheet if this is an issue. See also Chapter 7, Planning and Conducting the Investigation.

3. Testing Methodologies

As noted earlier, testing methodology includes the following documents: site and respondent selection criteria, choice of type of test(s) to be conducted, tester training materials and tester procedures.

4. First Amendment Cases

When an issue arises that involves allegations of discrimination under the Act and issues relating to the protections guaranteed by the First Amendment to the United States Constitution, current FHEO policy mandates adherence to the guidance memorandum regarding Substantive and Procedural Limitations on Filing and Investigating Fair Housing Act Complaints that may Implicate the First Amendment, Notice FHEO 2004-01, located at FHEO’s internal website and in the Appendix to Chapter 4, Complaint Intake. If the potential conflict becomes apparent during the intake process, please refer to the chapter on intake procedures. If the potential conflict becomes apparent during the investigation, the investigator must immediately cease all efforts to obtain any information from the respondent. Then the investigator must notify the branch chief, and not proceed any further in the investigation until the Regional Office has consulted with Headquarters, FHEO, and received appropriate guidance. Include in the deliberative section any memoranda, etc., related to the application of the First Amendment.

D. Conciliation (Section IV)

The Conciliation Section contains all information relative to attempts to resolve the complaint through the conciliation process. The documents in this Section disclose the contents of any conciliation discussions, details of negotiations and transmission of offers and counteroffers among the parties. All conciliation agreements should be identified as drafts until the final conciliation agreement has been fully executed by the parties and approved by HUD. Attach a Document Control Cover Sheet to all summaries of conciliation discussions, details of negotiations and transmission of offers and counteroffers among the parties, and draft conciliation agreements. Prepare a separate Table of Contents for the Conciliation Section. For additional guidance, please refer to Chapter 11, Conciliation.

EXHIBIT I – PREPARATION OF THE CASE FILE

SAMPLE TABLE OF CONTENTS

EVIDENTIARY SECTION

A. JURISDICTION

HUD-903, Housing Discrimination Complaint Form	A1
Initial notification letter to complainant	A2
Initial notification letter to respondent	A3
Initial case referral letter to FHAP Agency (If applicable)	A4
FHAP waiver to HUD (If applicable)	A5
HUD notice of case reactivation to FHAP Agency (If applicable)	A6
100-Day notification letters	A7
Amended complaint	A8
Notification letters for amended complaints	A9
Prompt judicial action requests (Temporary Restraining Order)	A10
Subpoena requests	A11

B. DOCUMENTS AND RECORDS FROM COMPLAINANT

Letter from complainant	B1
Interview of complainant	B2
Rental receipts	B3
Lease agreement	B4
Rental application	B5
Interview with complainant's witness #1	B6
Interview with complainant's witness #2	B7

C. DOCUMENTS AND RECORDS FROM RESPONDENT

Answer to complaint	C1
Interview of respondent	C2
Data Request letter	C3
Response to Data Request letter	C4
Interview with respondent's witness #1	C5
Interview with respondent's witness #2	C6
Follow-up interview of respondent	C7
Eviction notices	C8
Statement of owner	C9
Leases of other tenants	C10
Rental applications of other tenants	C11
Tenant rosters	C12

Rental receipts	C13
Copies of policies and rules	C14

D. OTHER SOURCE (Independent investigation)

Property search	D1
Internet Search for complainant or respondent	D2
Statement of former property manager	D3
Police reports	D4
Census data	D5
Building plans obtained from local government	D6
State or local laws	D7
Condominium rules, policies or bylaws	D8
Statements of prior tenants	D9
Statements of current tenants	D10

EXHIBIT II – DOCUMENT CONTROL COVER SHEET

Case Number: _____

Case Name: _____ v. _____

Interview

Person Interviewed:

Date: _____

Method: _____

Place: _____

Interviewer: _____

Other pertinent information: _____

Other Document

Description of document:

Person who prepared document: _____

Person who submitted document: _____

Person who received document: _____

Date document received: _____

Other persons who handled document: _____

Other pertinent information: _____

Investigator

Phone Number