

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

The Secretary, United States)
Department of Housing and Urban)
Development, on behalf of)
Bennie L. Rodgers,)
Charging Party,)
)
v.)
)
Georgia Crumbly and Johnny Brown)
Respondents.)
)
_____)

FHEO No. 06-04-0706-8

CHARGE OF DISCRIMINATION

I. JURISDICTION

On or about May 17, 2004 Bennie L. Rodgers (Complainant) filed a verified complaint with the United States Department of Housing and Urban Development (HUD), alleging that Georgia Crumbly and Johnny Brown (Respondents) violated the Fair Housing Act as amended in 1988, 42 U.S.C. § 3601 *et seq.* (the Act), by discriminating based on race and color, in violation of 42 U.S.C. § 3604(a) and § 3604(c).

The Act authorizes the issuance of a Charge of Discrimination (Charge) on behalf of an aggrieved person following an investigation and a determination that reasonable cause exists to believe that a discriminatory housing practice has occurred. 42 U.S.C. § 3610(g)(1) and (2). The Secretary has delegated to the General Counsel (54 Fed.Reg. 13121), who has redelegated to the Regional Counsel (67 Fed.Reg. 44234) the authority to issue such a Charge, following a determination of reasonable cause by HUD.

By determination of reasonable cause on November 17, 2004, the Director of the Office of Fair Housing and Equal Opportunity for the Southwest HUB, on behalf of the Assistant Secretary for Fair Housing and Equal Opportunity, has determined that reasonable cause exists to believe that a discriminatory housing practice has occurred in this case based on race and color, and has authorized and directed the issuance of this Charge of Discrimination.

II. SUMMARY OF ALLEGATIONS IN SUPPORT OF THIS CHARGE

Based on HUD's investigation of the allegations contained in the aforementioned complaint and the aforementioned Determination of Reasonable Cause, Respondents Georgia Crumbly and Johnny Brown are charged with discriminating against Complainant Bennie L. Rodgers, aggrieved person, based on race and color in violation of 42 U.S.C. § 3604(a) and (c) of the Act as follows:

1. It is unlawful to refuse to rent after the making of a bona fide offer, or to refuse to negotiate for the rental of, or otherwise make unavailable or deny, a dwelling to any person because of race and color. 42 U.S.C. § 3604 (a).
2. It is unlawful to make any statement, with respect to the rental of a dwelling that indicates any preference, limitation, or discrimination based on race and color or an intention to make any such preference, limitation, or discrimination. 42 U.S.C. § 3604 (c)
3. Respondent Johnny Brown is a Caucasian Male. At all relevant times, he owned the subject property which consists of four units, located at 815 Poplar Street, Bonham, Texas.
4. Respondent Georgia Crumbly is a Caucasian female, and she is a tenant in the apartment complex owned by Respondent Johnny Brown. Respondent Crumbly also acted as the leasing agent for the subject property. Respondent Crumbly acted as Respondent Brown's agent. Respondent Crumbly showed apartments, collected rents, and alerted Mr. Brown when there were vacancies. Once the complaint was filed with the department, the keys to show apartments and the duties were taken away from Respondent Crumbly and given to another tenant.
5. Complainant Bennie L. Rodgers, is a single African-American male who attempted to rent the subject property.
6. On March 12, 2004 Complainant Rodgers responded to an advertisement for an apartment for rent in Bonham, Texas. (The investigation did not reveal the name of the newspaper.) After speaking to Georgia Crumbly, a tenant who was acting as a leasing agent, on the telephone, the Complainant met with her to view the unit that was advertised. Ms. Crumbly told Complainant Rodgers that Respondent Brown does not rent to blacks.
7. By refusing to rent the subject property after the making of a bona fide offer, by refusing to negotiate for the rental of the subject property, and by making statements with respect to the rental of the subject property that indicate a preference and discrimination because of Complainant's race and color, Respondents Crumbly and Brown violated 42 U.S.C. § 3604(a) and § 3604(c).

8. Because of Respondents Georgia Crumbly and Johnny Brown's discriminatory conduct, Complainant Bennie L. Rodgers has suffered damages, including emotional distress, economic loss, inconvenience, and loss of a housing opportunity. Complainant Bennie L. Rodgers secured housing at a higher price, and the discrimination and subsequent housing situation negatively impacted him.

III. CONCLUSION

WHEREFORE, the Secretary of the United States Department of Housing and Urban Development, through the Office of the General Counsel, and pursuant to 42 U.S.C. § 3610(g)(2)(A) of the Act, hereby charges the Respondents Georgia Crumbly and Johnny Brown with engaging in discriminatory housing practices in violation of 42 U.S.C. § 3604(a) and § 3604 (c) of the Act, and prays that an Order be issued that:

1. Declares that the discriminatory housing practices of the Respondents Georgia Crumbly and Johnny Brown, as set forth above violate the Fair Housing Act, as amended, 42 U.S.C. § 3601 *et seq.*;
2. Enjoins Respondents Georgia Crumbly and Johnny Brown, their agents, employees, and successors, and all other persons in active concert or participation with any of them from discriminating because of race and color against any person in any aspect of the purchase or rental of a dwelling;
3. Awards such damages as will fully compensate Complainant Bennie L. Rodgers, aggrieved person, for his damages, including compensation for economic loss and emotional distress caused by Respondents' discriminatory conduct pursuant to 42 U.S.C. § 3604(a) and § 3604(c) ; and,
4. Awards a civil penalty against Respondents Georgia Crumbly and Johnny Brown for each violation of the Act committed, pursuant to 42 U.S.C. § 3612(g)(3).

The Secretary of HUD further prays for additional relief as may be appropriate under 42 U.S.C. § 3612(g)(3).

Respectfully submitted,

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