

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)	
)	
Kerry Ritchey and the Fair Housing Center)	
of Southeastern Michigan,)	
)	
Charging Party,)	HUD ALJ No.
)	FHEO Nos. 05-09-0024-8;
v.)	05-09-1276-8
)	
David Parker and Yvonne Parker,)	
)	
Respondents.)	
)	

CHARGE OF DISCRIMINATION

I. **JURISDICTION**

On or about October 8, 2008, Complainant Kerry Ritchey filed a verified complaint with the United States Department of Housing and Urban Development (“HUD” or “the Department”) alleging that the Kirtwood Motel violated the Fair Housing Act as amended in 1988, 42 U.S.C. § 3601 *et seq.* (the “Act”), by discriminating based on sex in violation of 42 U.S.C. § 3604(a).¹ On March 18, 2009, the complaint was amended to add David Parker as a respondent and to include a 42 U.S.C. § 3604(c) allegation. On August 21, 2009, the complaint was amended again to additionally name Respondent Yvonne Parker.

On or about June 11, 2009, Complainant Fair Housing Center of Southeastern Michigan filed a verified complaint with HUD alleging that Respondent David Parker violated the Act by discriminating based on sex in violation of both 42 U.S.C. § 3604(a) and (c). The complaint was amended on August 21, 2009 to additionally name Respondent Yvonne Parker.

The Act authorizes the issuance of a charge of discrimination on behalf of an aggrieved person following an investigation and a determination that reasonable cause

¹ The investigation determined No Reasonable Cause with respect to Complainant Ritchey’s 42 U.S.C. §3604(a) allegation because she was not qualified to rent the subject property based on the size of her family.

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 retained and re-delegated to the Regional Counsel (73 Fed.Reg. 68442) the authority to issue such a charge, following a determination of reasonable cause by the Assistant Secretary for Fair Housing and Equal Opportunity or his or her designee.

The Office of Fair Housing and Equal Opportunity Region V Director, 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 sex, 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 Determination of Reasonable Cause, Respondents David Parker and Yvonne Parker are charged with discriminating against Complainant Kerry Ritchey and her three minor children, who are aggrieved persons as defined by 42 U.S.C. § 3602(i), based on sex, in violation of 42 U.S.C. §3604(c) of the Act, and against Complainant Fair Housing Center of Southeastern Michigan ("Complainant Fair Housing Center") based on sex, in violation of both 42 U.S.C. §3604(a) and (c) as follows:

1. It is unlawful to refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person because of their sex. 42 U.S.C. §3604(a).
2. It is unlawful 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 unit 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).
3. At all times relevant to this Charge, Complainant Ritchey was the single mother of three minor children. At all times relevant to this Charge, Complainant Ritchey was seeking housing for herself and her three children after learning that she was losing her then-existing housing.
4. Complainant Fair Housing Center is a non-profit agency whose mission is to provide fair housing testing, investigation, advocacy, education, and attorney referral services to those who believe they have been discriminated against in the rental, sale, or financing of housing based on race, national origin, color, religion, sex, disability, familial status (children), marital status, sexual orientation, source of income or student status.

5. At all times relevant to this Charge, Respondent David Parker was the owner and manager of the property commonly referred to as the Kirtwood Motel and Respondent Yvonne Parker was his wife and co-owner of the Kirtwood Motel.
6. The Kirtwood Motel is located at 6829 Kirtwood Drive, Temperance, Michigan 48182. The phone number listed for the Kirtwood Motel (“subject property”) is (734) 847-7200. The subject property consists of ten rooms, each with a single twin sized bed, an individual bathroom, small refrigerator, and microwave. On information and belief, the rooms are approximately 11ft wide x 17 ft long. The rooms are rented by the week or month.
7. On or about October 23, 2007, Complainant Ritchey, along with her then-boyfriend, Eric Sanchez, and her three children, visited the subject property seeking housing. Complainant Ritchey and Eric Sanchez met with Respondent David Parker and inquired of him whether he had any available units for rent at the subject property. In response, Respondent David Parker advised them that he did not rent to women. Respondent David Parker specifically stated to Mr. Sanchez that he did not rent to females, but if Mr. Sanchez became single he could come back, or words to that effect. As a result, Complainant Ritchey and Mr. Sanchez left without further negotiation.
8. On or about October 24, 2007, Complainant Ritchey contacted Complainant Fair Housing Center to complain about Respondent David Parker’s refusal to rent to her on the basis of her sex.
9. In response to Complainant Ritchey’s Complaint, Complainant Fair Housing Center conducted three sets of paired tests of Respondents’ rental practices. The first set of paired tests occurred in late November and early December 2007, the second set of paired tests occurred in February 2008, and the third set was conducted in June of 2008.²

First Paired Test

10. On or about November 29, 2007, Tester 1, a male, called (734) 847-7200, the subject property. His call was answered by an answering machine where he left a message explaining that he was looking for a room for himself. Later that same day, a man identifying himself as “David Parker,” “the proprietor of the Kirtwood motel,” left a voicemail for Tester 1 in response to Tester 1’s call.
11. On or about December 3, 2007, Tester 1 returned Respondent David Parker’s call and left another voice message. Later that same day, Respondent David Parker called Tester 1 back and they spoke. Respondent David Parker told Tester 1, who

² Tester 1 and Tester 2 make up the testers for the first paired test, Tester 3 and Tester 4 the second, and Tester 5 and Tester 6 comprise the third paired test.

was posing as a single male looking for a room while he worked in town, that he had a room and would set it aside for Tester 1 until the next week when the tester was in town. They discussed weekly and monthly rental rates, and Respondent David Parker told Tester 1 he could “work something out for a working guy.”

12. On or about November 29, 2007, a female tester (“Tester 2”) called (734) 847-7200, the subject property, and left a message on an answering machine stating she was interested in renting a room. Tester 2 did not receive a return phone call.
13. On or about December 3, 2007, Tester 2 called (734) 847-7200, the subject property, again and left another message for Respondent. Tester 2 did not receive a return phone call.
14. On or about December 4, 2007, Tester 2 made a third call to (734) 847-7200, the subject property. Tester 2 never received a return call after leaving three messages with her contact information.

Second Paired Test

15. On or about February 8, 2008, Tester 3, a single male posing as a man looking for housing for his “sister,” placed a call to (734) 847-7200, the subject property. An answering machine picked up Tester 3’s call, and Tester 3 left a message that included his name and a telephone number, but did not reference his sister.
16. On or about February 9, 2008, Tester 3 received a call back from a person identifying himself as “David” (tester could not make out the last name). On information and belief, “David” is Respondent David Parker. The tester’s caller identification device registered the call from a wireless number (419) 297-0569, later confirmed as Respondent David Parker’s wireless phone number.
17. During the February 9, 2008 telephone call, Respondent David Parker told Tester 3 that he was returning his call about a room for rent at the Kirtwood Motel. Tester 3 told Respondent David Parker that he was calling in order to help his sister find a place to stay for a short time while she searched for an apartment. In response, Respondent David Parker told Tester 3 that he only rents “to single men.” Respondent David Parker went on to state that because he rents most of his rooms to “indigents,” he did not think “it would be right to have a women rent there,” or words to that effect. Tester 3 asked if there were rooms available, and Respondent David Parker confirmed that there were, but reiterated that he only rents to single men.
18. On or about February 8, 2008, Tester 4, a single male, called (734) 847-7200, the subject property, posing as a prospective renter. He left his name and number on an answering machine. He did not receive a return call. The next day, on or about February 9, 2008, Tester 4 called (734) 847-7200 again and again left his name and number. He did not receive a return phone call.

19. On or about February 11, 2008, Tester 4 called (734) 847-7200, the subject property, for a third time. A man, who identified himself as "David Parker," answered the phone. Tester 4 inquired about a room to rent. Respondent David Parker said that he had a room and that he rented by the week or month, and he advised Tester 4 of the weekly and monthly rental rates. Respondent David Parker told Tester 4 that he wanted "men renters," or words to that effect, and that he could check the room out at the end of the week. Respondent David Parker gave Tester 4 his "cell phone" number, (419) 297-0569.

Third Paired Test

20. On or about June 22 and 24, 2008, Tester 5 called (734) 847-7200, the subject property, posing as a prospective renter looking for a rental unit for himself and his girlfriend. Tester 5 left messages on the answering machine on both dates stating that he was calling about any availability. He left his name and his phone number, but made no mention of his girlfriend in the messages.

21. On or about June 26, 2008, a man identifying himself as David Parker returned Tester 5's call from the Kirtwood Motel. Tester 5 explained that he needed a room for a few months for himself and his girlfriend. Respondent David Parker informed Tester 5 that he does not have any "double rooms," and that he rents to "men only."

22. On or about June 22, 2008, Tester 6 called (734) 847-7200, the subject property, posing as a prospective renter looking for a room for himself and his "brother." Tester 6 left a message and about 25 minutes after his initial call, a man who identified himself as the owner/manager of the Kirtwood Motel returned his call. Tester 6 explained that he was looking for a room for himself and his brother and asked for information about the rental rates. In addition to providing availability and rental rates, Respondent David Parker also stated "I only rent to men, and the rooms only have one bed," or words to that effect.

23. Results of the three paired tests establish that Respondents were unwilling to rent to or negotiate for rental with women and repeatedly made this preference, limitation, and discrimination known through Respondent David Parker's statements to the testers, as well as not returning the call of Tester 2, the female tester.

24. Respondent David Parker admits that it is his practice not to rent rooms at the subject property to women. In interviews with HUD, Respondent David Parker stated that he does not rent to women. He stated that renting to women caused him problems because they would move from room to room "sharing men," on occasion.

25. Respondent David Parker also admitted to HUD that, in an effort to dissuade rental by women, that he replaced double beds with twin sized beds that would not accommodate two persons. He admits that, in the past, if a female came in to rent from him, he would direct them to other motels in the area. Respondent David Parker stated to HUD that he often had “fast women” trying to get a room; he does not want to be bothered with females; and he has had bad experiences with females as tenants, or words to that effect. Finally, Respondent David Parker stated to HUD that he would rather close down his business than change his policy of not renting to women.
26. By making statements to Complainant Ritchey and Complainant Fair Housing Center’s testers that he does not rent to women or only rents to men, Respondent David Parker indicated a preference, limitation, or discrimination based on sex, or an intention to make such a preference, limitation, or discrimination, in violation of 42 U.S.C. § 3604(c) of the Fair Housing Act.
27. By refusing to negotiate for rental and discouraging Complainant Fair Housing Center’s testers who called seeking housing for females from renting at the subject property because of sex, Respondents discriminated against Complainant Fair Housing Center in violation of the 42 U.S.C. § 3604(a) of the Fair Housing Act.
28. Complainant Ritchey and her children are aggrieved persons within the meaning of 42 U.S.C. § 3602(i), and, as a result of Respondents’ discriminatory conduct as described above, Complainant Ritchey and her children have suffered damages in the form of emotional distress.
29. Specifically, after Respondent David Parker informed Complainant that he did not rent to women, she felt shocked and was concerned that she would have nowhere for herself and her children to live. Respondent David Parker’s statement made Complainant Ritchey feel helpless and discouraged. In the days after her contact with Respondent David Parker, she became offended and angry that he would refuse to rent to her because of her sex. Respondent David Parker’s discriminatory acts continue to affect Complainant Ritchey in other areas of her life. Specifically, with respect to employment opportunities, Complainant Ritchey is preoccupied by this experience when she interviews for a job with a man because she is concerned that she may not get the job or the same consideration because of her sex, something she cannot control.
30. Complainant Fair Housing Center is an aggrieved person within the meaning of 42 U.S.C. § 3602(i), and, as a result of Respondents’ discriminatory conduct as described above, Complainant Fair Housing Center has suffered damages in the form of inconvenience, economic loss through diversion of its resources, and frustration of its mission to promote fair housing in Monroe County, Michigan. Complainant Fair Housing Center expended resources counseling and representing Complainant Ritchey; it was forced to divert some of its scarce

resources to investigate Respondent David Parker's discriminatory statements to Complainant Ritchey, organize and fund testing in response to Complainant Ritchey's complaint, and conduct education and outreach regarding sex discrimination, to counteract the effects of Respondents' discrimination.

31. As a result of Respondents' discriminatory conduct, an unknown number of prospective tenants who are female were discouraged from renting at the subject property because of Respondents' discriminatory policy, frustrating Complainant's mission to promote fair housing in Monroe County, Michigan.

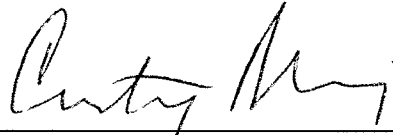
III. PRAYER FOR RELIEF

WHEREFORE, the Secretary of Housing and Urban Development, through the Regional Counsel for Region V, and pursuant to 42 U.S.C. § 3610(g)(2)(A) of the Act, hereby charges Respondents David and Yvonne Parker with engaging in discriminatory housing practices in violation of 42 U.S.C. § 3604(a) and (c), and prays that an order be issued that:

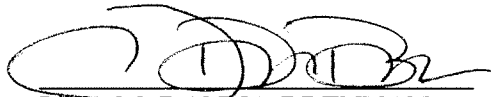
1. Declares that the discriminatory housing practices of Respondents, as set forth above, violate the Fair Housing Act, as amended, 42 U.S.C. § 3601, *et seq.*;
2. Enjoins Respondents, their agents, employees and successors and all other persons in active concert or participation with them from discriminating on the basis of sex against any person in any aspect of the rental or sale of a dwelling in violation of the Fair Housing Act, as amended, 42 U.S.C. § 3601, *et seq.*;
3. Awards such damages as will fully compensate Complainant Ritchey, Complainant Fair Housing Center, and aggrieved parties, for their emotional distress, diversion of resources and frustration of mission caused by Respondents' discriminatory conduct in violation of 42 U.S.C. § 3604(a) and (c); and
4. Assesses a civil penalty of sixteen thousand dollars (\$16,000) against each Respondent for each violation of the Fair Housing Act that Respondents committed pursuant to 42 U.S.C. § 3612(g)(3) and 24 C.F.R. § 180.671(a)(1).

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

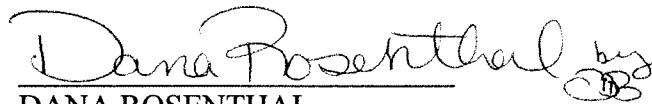
Respectfully submitted,



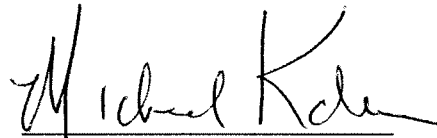
COURTNEY MINOR
Regional Counsel, Region V



LISA M. DANNA-BRENNAN
Supervisory Attorney-Advisor for Fair Housing



DANA ROSENTHAL
Trial Attorney



MICHAEL KALVEN
Trial Attorney
U.S. Department of Housing
and Urban Development
Office of the Regional Counsel
Region V
77 West Jackson Boulevard, Room 2617
Chicago, Illinois 60604-3507
(312) 913-8614
FAX: (312) 886-4944

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