

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 Elie Bitton, Sylvia)
Bitton, Albert Bitton and Elizabeth Bitton,)
)
Charging Party,)
)
vs.) HUDALJ No.
) FHEO No.05-02-0350-8
Peter Altmayer,)
)
Respondent.)

CHARGE OF DISCRIMINATION

I. JURISDICTION

On or about April 4, 2002, Elie Bitton and Sylvia Bitton, aggrieved persons, filed a complaint on behalf of themselves and their children, Albert Bitton and Elizabeth Bitton, also aggrieved persons, with the U. S. Department of Housing and Urban Development ("HUD") alleging that Respondent, Peter Altmayer, harassed them based on their religion and national origin in violation of the Fair Housing Act ("Act"), 42 U.S.C. §§3601-19.

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 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 the Assistant Secretary for Fair Housing and Equal Opportunity or his or her designee.

By Determination of Reasonable Cause of September 20, 2004, the Director of the Chicago 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 religion and national origin, and has authorized and directed the issuance of this Charge of Discrimination.

II. SUMMARY OF ALLEGATIONS IN SUPPORT OF THIS CHARGE OF

DISCRIMINATION

Based upon HUD's investigation of the allegations contained in the aforementioned complaint of Complainants Elie Bitton, Sylvia Bitton, Albert Bitton and Elizabeth Bitton, the Secretary has reason to believe that Respondent Peter Altmayer harassed, intimidated and interfered with Complainants based on religion and national origin in violation of 42 U.S.C. §3617 of the Act, as follows:

- 1) It is unlawful to “otherwise make unavailable or deny” a dwelling to any person because of religion or national origin. 42 U.S.C. §3604.
- 2) It is unlawful “[t]o coerce, intimidate, threaten, or interfere with any person in the exercise or enjoyment of, or on account of his having exercised or enjoyed, or on account of his having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by section 803, 804, 805, or 806 of this title. 42 U.S.C. §3617.
- 3) Complainants Elie Bitton and Sylvia Bitton are husband and wife. Complainant Albert Bitton, who is presently 17 years old, and Complainant Elizabeth Bitton, who is presently 12 years old, are their children. Complainants are all Jewish. Mr. Bitton is of Israeli national origin. Mrs. Bitton is of Mexican national origin.
- 4) Respondent Peter Altmayer owns and resides at the single-family house located at 2511 Jarvis Avenue in Chicago, Illinois.
- 5) Complainants purchased the single family house located at 2515 Jarvis Avenue in Chicago, Illinois on or about October of 1999.
- 6) 2515 Jarvis Avenue and 2511 Jarvis Avenue are located next door to each other.
- 7) Particular incidents of the harassment and other incidents involving the parties include but are not limited to:
 - a) In October 1999, when Complainant Elie Bitton first introduced himself to Respondent, Complainant Elie Bitton asked Respondent whether he was Jewish. Respondent remarked that his ancestors were German and that he hated Jews, or words to that effect.
 - b) On November 5, 1999, Complainants Elie and Sylvia Bitton were working in the backyard. Respondent grabbed Complainant Elie Bitton’s jacket. Respondent told Complainant Elie Bitton that he was going to kill him and called him a “son of a bitch.”
 - c) In April 2000, Respondent swore at Complainant Sylvia Bitton and said, “Why don’t you go back to South America?”

- d) On May 1, 2000, Complainant Sylvia Bitton observed Respondent throwing a brick at the front door of Complainants' house.
- e) On July 11, 2000, Complainant Sylvia Bitton observed Respondent throw a glass bottle and some stones at a window of Complainants' house.
- f) On July 18, 2000, Respondent threw a stick at Complainant Sylvia Bitton while she was watering the front yard and yelled, "Shut up you f_cking bitch. You don't even know how to speak English. Go back to your country."
- g) On August 15, 2000, while Complainant Elizabeth Bitton was riding her bicycle in front of Complainants' house, Respondent "gave her the finger" and grabbed his crotch.
- h) On September 11, 2000, Respondent tried to hit Complainant Elie Bitton with a car.
- i) On April 24, 2001, Respondent yelled obscenities at Complainant Elie Bitton and told him, "I'm going to kill you, bastard," the day after Respondent's car damaged Complainants' fence on April 23, 2001.
- j) On May 2, 2001, Complainant Albert Bitton was riding his bicycle in front of Respondent's house. Respondent pushed Complainant Albert Bitton so he lost his balance and fell over.
- k) On July 13, 2001, Respondent exposed his genitals to Complainants and made anti-Semitic remarks.
- l) On November 13, 2001, Respondent grabbed Complainant Elie Bitton's coat and, using profanities, told Complainants to move their car from where it was parked in front of Respondent's house.
- m) On January 15, 2002, the Circuit Court of Cook County, Illinois found Respondent guilty of battery against Complainant Albert Bitton for pushing Albert Bitton off his bicycle and sentenced Respondent to one year supervision on the condition that he stay away from the Complainants for a period of one year.
- n) On January 30, 2002, Respondent grabbed Complainant Elie Bitton's coat and said profanities.
- o) On June 19, 2002, Respondent stood in the street, opened his pants and exposed his genitals to Complainants. He told Complainant Elie Bitton "Go back to Jerusalem."
- p) On July 25, 2002, Respondent gave Complainant "the finger" and grabbed his own crotch. Respondent said to Complainant Elie Bitton, "shut-up you f_cking Jew. Go back to Israel. You don't belong in this country."
- q) On August 23, 2002, Complainants Sylvia and Albert Bitton were in their backyard. Respondent was throwing garbage over the fence into the Complainants' backyard.

Complainant Sylvia Bitton confronted Respondent about the garbage. Respondent hit her in the face with a tree branch, causing damage to her eye. Complainant Albert Bitton then confronted Respondent, who hit Albert in the face with his fist.

- r) On August 28, 2002, while Complainant Elie Bitton was parking his car in the garage, Respondent approached him and said, "Go back to Israel, you f_cking Jew. I hate your kind. I'm going to kick your ass."
 - s) On May 23, 2003, Respondent assaulted Complainant Elie Bitton with his automobile when Respondent's automobile hit Complainant while Complainant was working in his yard, which is adjacent to Respondent's driveway.
 - t) Respondent continues to regularly harass Complainants to this day by using the "F" word when addressing Complainants, "giving the finger" to Complainants and grabbing his crotch in front of Complainants, specifically Complainant Elizabeth Bitton, a minor.
- 8) By harassing, intimidating and interfering with Complainants Elie and Sylvia Bitton and their children because of their religion and national origin, Respondent violates 42 U.S.C. §3617.
- 9) Complainants have suffered physical and emotional distress; physical assaults on both adults and children; fearfulness and anxiety that Respondent will be physically violent with one of them or damage their home; and lasting psychological damage as the result of Respondent exposing himself to Complainants, especially the children.

III. CONCLUSION

WHEREFORE, the Secretary of Housing and Urban Development, through the Regional Counsel, Region V, and pursuant to 42 U.S.C. §3610(g)(2)(A) of the Act, hereby charges Respondent with engaging in discriminatory housing practices in violation of 42 U.S.C. §3617 of the Act, and prays that an order be issued that:

1. Declares that the discriminatory housing practices of Respondent as set forth above violate the Fair Housing Act, as amended, 42 U.S.C. §§3601 -3619;
2. Enjoins Respondent, his agents, employees, and successors, and all other persons in active concert or participation with any of them from discriminating on the basis of religion and national origin against any person in any aspect of the purchase or peaceful enjoyment of a dwelling;
3. Enjoins Respondent, his agents, employees, and successors to attend a program of educational training concerning his responsibilities under federal, state, and local fair housing laws, regulations, or ordinances;
4. Awards such damages as will fully compensate Complainants for their physical and emotional distress, economic loss and loss of peaceful use and enjoyment of

their house caused by Respondent's discriminatory conduct pursuant to 42 U.S.C. §3617; and

5. Assesses a maximum civil penalty against Respondent for each violation of the Act Respondent committed pursuant to 42 U.S.C. §3612(g)(3).

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

Respectfully submitted,

COURTNEY B. MINOR
Regional Counsel
Region V

LISA M. DANNA
Supervisory Attorney-Advisor for Fair Housing

U.S. Department of Housing
and Urban Development
Office of Regional Counsel
77 West Jackson Boulevard, #2628
Chicago, Illinois 60604-3507
VOICE: (312) 353-6236, ext. 2609
FAX: (312) 886-4944
Date: _____