

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	)	
Florelle Batiste, Theresa Bryant, Juanita Cyprian,	)	
and LaCresha Lawrence,	)	
	)	FHEO No. 09-03-0181-8
Charging Party,	)	FHEO No. 09-03-0168-8
	)	FHEO No. 09-03-0166-8
v.	)	FHEO No. 09-03-0170-8
	)	
Coliseo Housing Partnership, L.P., United Housing	)	
Preservation Corporation, General Partner, Alton	)	
Management Corporation, and Charles Harley,	)	
	)	
Respondents.	)	
	)	
	)	
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CHARGE OF DISCRIMINATION

I. JURISDICTION

On or about January 8, 2003, Complainants Florelle Batiste, Theresa Bryant, Juanita Cyprian, and LaCresha Lawrence, aggrieved persons, filed a timely verified complaint with the U.S. Department of Housing and Urban Development (HUD), against Respondents, Coliseo Housing Partnership, United Housing Preservation Corporation, Alton Management Corporation, and Charles Harley. Complainants allege that, because of their sex, female, Respondents discriminated against them in the terms, conditions, privileges, services and facilities at Gilbert Lindsay Manor apartment complex, and subjected them to a hostile environment in violation of the Fair Housing Act, as amended, 42 U.S.C. Section 3601-3619 (hereafter the "Act").

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. Section 3610(g)(1) and (2).

HUD has determined that reasonable cause exists to believe that Respondents have discriminated against Complainants, in violation of the Act, and therefore has authorized the issuance of this Charge of Discrimination.

## II. SUMMARY OF ALLEGATIONS IN SUPPORT OF THIS CHARGE

Based upon HUD's investigation of the complaint, the Secretary has reasonable cause to believe that Respondents, Coliseo Housing Partnership, United Housing Preservation Corporation, Alton Management Corporation, and Charles Harley have violated the Act; specifically, 42 U.S.C. 3604. The following allegations support this Charge:

1. It is unlawful to discriminate 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 sex. 42 U.S.C. Section 3604(b).

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 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. Section 3604(c).

3. It is unlawful to 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 804 of this title. 42 U.S.C. Section 3617.

4. At all relevant times, Respondent Coliseo Housing Partnership ("Coliseo"), a Limited Partnership, was the owner of the Gilbert Lindsay Manor apartment complex.

5. At all relevant times, Respondent United Housing Preservation Corporation ("United") was Coliseo's General Partner and was also the owner of the Gilbert Lindsay Manor.

6. At all relevant times, Respondent Alton Management Corporation ("Alton"), was the manager of the Gilbert Lindsay Manor.

7. At all relevant times, Respondent Charles Harley was the on-site manager at the subject property and employed by Alton.

8. Gilbert Lindsay Manor is located at 601-641 W. 40<sup>th</sup> Place, Los Angeles, CA 90037.

### Complainant Florelle Batiste

9. Complainant Florelle Batiste is a mother of two children and a certified nurse. Prior to April 3, 2002, Ms. Batiste placed her name on the waiting list at the Gilbert Lindsay Manor.

10. On or about April 3, 2002, Mr. Harley invited Ms. Batiste to his office so that he could complete her Section 8 paperwork. The entire time Ms. Batiste was completing the paperwork, Mr. Harley sat next to her and stared at her breasts.

11. On or about April 19, 2002, Mr. Harley informed Ms. Batiste that she got an apartment. Looking at her chest, he told her: "Damn, I didn't know you had it like that." Ms. Batiste's response was "whatever," and she told him she will deliver her deposit on Monday, April 22, 2002.

12. On or about April 22, 2002, Ms. Batiste moved into Gilbert Lindsey Manor.

13. On or about April 22, 2002, Mr. Harley was standing outside of his office when Ms. Batiste arrived. As she was passing by, he told her: "God blessed you with that ass, some hips and chest." Ms. Batiste asked him to "just come and do [her] paperwork." When Ms. Batiste finished her paperwork and was leaving Mr. Harley's office, he looked at her and said, "a lot of ass."

14. On or about May 3, 2002, Ms. Batiste went to Mr. Harley's office in order to inquire about a community room rental for her son's birthday party. Mr. Harley said to her: "you're going to have to give me something," and then he explained: "what's under that dress, a lot of ass." Ms. Batiste was offended and responded that she did not play that way, which prompted Mr. Harley to call her a "bitch."

15. Ms. Batiste went to Pastor Joyce Chapman, President of the Gilbert Lindsay Manor Tenant Association, and reported Mr. Harley's unwanted sexual advances.

#### Complainant Theresa Bryant

16. Complainant Theresa Bryant was, at all relevant times, a tenant at the subject property.

17. On or about March 19, 2002, Mr. Harley told Ms. Bryant: "girl, you got all that lunch meat back there." Mr. Harley repeated this comment on or about March 22, 2002 and March 29, 2002.

18. On or about April 10, 2002, as Ms. Bryant was passing Mr. Harley, he commented: "I can see all your bare ass under that dress."

19. On or about May 7, 2002, Mr. Harley told Ms. Bryant: "once you get this pole, you gonna always want it; that's just how it is." On or about May 10, 2002 and May 17, 2002, Mr. Harley repeated this statement.

20. On or about June 13, 2002, July 9, 2002, and July 18, 2002, Mr. Harley told Ms. Bryant: "you need to put some clothes on, showing everything."

21. On or about June 13, 2002, Mr. Harley also told Ms. Bryant: “If you were my woman you would be kept inside.”

22. On or about July 25, 2002, tired of Mr. Harley’s comments, Ms. Bryant telephoned William Hutton, a co-owner of Alton, and informed him that Mr. Harley was sexually harassing her.

Complainant Juanita Cyprian

23. Complainant Juanita Cyprian was, at all relevant times, a tenant at the subject property.

24. On one occasion, Ms. Cyprian asked Mr. Harley for some repairs in her unit, and he asked her what she was going to do for him.

25. Each month when Ms. Cyprian went to pay her rent, Mr. Harley made remarks, such as: “look at those thighs, I wish I had what is between those thighs and what’s in that skirt.”

26. On or about May 9, 2002, Mr. Harley told Ms. Cyprian: “with all you have, your ass should be on lock down and with your man being in jail, I can do all that for you.”

27. On or about May 14, 2002, Mr. Harley said to Ms. Cyprian: “look at that lunch meat, look at those lips and hips.”

Complainant LaCresha Lawrence

28. Complainant LaCresha Lawrence is a mother of three, and, at all times relevant, was a tenant at the subject property.

29. On one occasion, while she was at the management office, Mr. Harley told her: “you got a lot of lunch meat, all that lunch meat.”

30. On another occasion, also at the management office, Mr. Harley started knocking against the bottom half of the office door, and told Ms. Lawrence: “hear that, that’s my dick, that’s how hard you make it.” Mr. Harley also asked Ms. Lawrence to go out with him.

31. On another occasion, Ms. Lawrence went to the management office to return her Section 8 papers, and Mr. Harley said to her: “I want some lipstick on my dipstick.” Mr. Harley was sweating, he leaned over and told her: “you got me sweating, see how you got me sweating.”

32. On another occasion, she was going up the stairs to her mother's apartment and Mr. Harley told her: "girl, you should let me stick my hand under that skirt."

33. On another occasion, Mr. Harley grabbed Ms. Lawrence by the arm and tried to kiss her.

34. On or about April 23, 2002, Ms. Lawrence reported Mr. Harley's unwanted sexual advances to Pastor Chapman.

#### Notification to Respondents

35. From April until August of 2002, Pastor Chapman repeatedly called Mr. Hutton, but he took no action. Specifically, she attempted to contact Mr. Hutton on: April 15, 2002, April 17, 2002, April 24, 2002, April 29, 2002, May 14, 2002, May 17, 2002, May 22, 2002, June 3, 2002, June 5, 2002, June 6, 2002, July 23, 2002, July 24, 2002, July 25, 2002, August 6, 2002, and August 9, 2002. Pastor Chapman wanted to facilitate a meeting where Mr. Harley's superiors could address the allegations of sexual harassment raised against him.

36. Mr. William Hutton acknowledges that on or about July 26, 2002, Pastor Chapman telephoned him and informed him that she had received complaints from Ms. Batiste, Ms. Cyprian and Ms. Lawrence about Mr. Harley's continuing sexual comments to them.

#### Respondents' Violations

37. Respondent Harley's co-workers and other tenants at the subject property witnessed Mr. Harley making unwelcome sexual comments to and about various female tenants and applicants, including the complainants. This conduct occurred on a regular basis and it was clear that the women were offended. Respondents were given notice of Mr. Harley's conduct, yet failed to take appropriate corrective action.

38. Based on the above described misconduct, Respondents committed unlawful discrimination against Complainants Batiste, Bryant, Cyprian, and Lawrence in the terms, conditions, and privileges of the rental of a dwelling, and in the provision of services and facilities in connection therewith because of Complainants' sex, in violation of 42 U.S.C. Section 3604(b).

39. Respondents committed unlawful discrimination against Complainants Batiste, Bryant, Cyprian, and Lawrence with respect to making statements with respect to the rental of a dwelling that indicates a preference, limitation, or discrimination based on sex, or an intention to make any such preference, limitation, or discrimination, in violation of 42 U.S.C. Section 3604(c).

40. The explicit sexual comments and offensive sexual advances described above created a hostile environment for Complainants and interfered with the exercise and enjoyment of rights granted and protected by 42 U.S.C. 3617.

41. As a result of Respondents' discriminatory conduct, Complainants Florelle Batiste, Theresa Bryant, Juanita Cyprian, and LaCresha Lawrence have suffered damages, including humiliation, embarrassment, fearfulness, physical and emotional distress, and loss of an important housing opportunity.

### III. CONCLUSION

WHEREFORE, the Secretary, through the Office of the Assistant General Counsel for the Pacific Hawaii Office, and pursuant to Section 810(g)(2)(a) of the Act, hereby charges Respondents with engaging in discriminatory housing practices, in violation of Section 804 of the Act [42 U.S.C. Section 3604], and prays that an order be issued that:

1. Declares that the discriminatory housing practices of the Respondents, as set forth above, violate the Fair Housing Act, as amended, 42 U.S.C. Sections 3601-19.
2. Enjoins Respondents, their agents, employees, and successors, and all other persons in active concert or participation with any of them from discriminating because of sex against any person in any aspect of the purchase or rental of a dwelling;
3. Awards such damages as will fully compensate Complainants Florelle Batiste, Theresa Bryant, Juanita Cyprian, and LaCresha Lawrence, aggrieved persons, for their actual damages caused by Respondents' discriminatory conduct, including economic loss, emotional distress and loss of an important housing opportunity, pursuant to 42 U.S.C. Section 3612(g)(3), and any other damages to which they are legally entitled;
4. Awards a maximum civil penalty of \$11,000 for each discriminatory housing practice found against each Respondent, pursuant to 42 U.S.C. Section 3612(g)(3);
5. Awards such additional relief as may be appropriate under 42 U.S.C. Section 3612(g)(3); and,

6. Awards any other damages to which Complainants are legally entitled.

Respectfully submitted,

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R. FAYE AUSTIN  
Regional Counsel

November 26, 2004  
Date

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Hana A. Kilibarda  
Attorney