

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

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Secretary, United States Department of )  
Housing and Urban Development, on behalf )  
of Joseph Thomas Goff, )  
 )  
Charging Party, )  
 )  
v. )  
 )  
Raleigh Annex Apartments TC, LP d/b/a )  
Raleigh Annex Apartments and its General )  
Partner, Century Pacific Equity Corporation, )  
Century Pacific Management Corporation, )  
Interstate Realty Management Company, )  
Joan Davidson, Gudrun Anderson, and )  
Karen Sasser, )  
 )  
Respondents. )  

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FHEO No. 04-03-0681-8

CHARGE OF DISCRIMINATION

I. JURISDICTION

On or about May 15, 2003, Complainant Joseph Thomas Goff, an “aggrieved person” under the Fair Housing Act, as amended (the “Act” or “Fair Housing Act”), filed a verified complaint with the U.S. Department of Housing and Urban Development (“HUD”) alleging that Respondents discriminated against him on the basis of disability, by making discriminatory statements in connection with the rental of a dwelling and refusing to rent to him in violation of 42 U.S.C. §§ 3604(c), (f)(1)(A) and (f)(2)(A).

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 delegated to the Regional Counsel (67 Fed. Reg. 44234), the authority to issue a charge following a determination of reasonable cause by the Assistant Secretary for Fair Housing and Equal Opportunity (“FHEO”) or his/her designee. The Region IV Director for FHEO has determined, with the concurrence of the Regional Counsel for Region IV, that reasonable cause exists to believe that discriminatory housing practices have occurred and, therefore, has authorized the issuance of this charge of discrimination.

## II. SUMMARY OF THE ALLEGATIONS THAT SUPPORT THIS CHARGE

Based on HUD's investigation of the allegations in the aforementioned complaint and as set forth in the attached Determination of Reasonable Cause, Respondents Raleigh Annex Apartments, TC, LP; Century Pacific Equity Corporation; Century Pacific Management Corporation; Interstate Realty Management Company; Joan Davidson; Gudrun Anderson and Karen Angie Sasser are all charged with violating Sections 804(c), (f)(1)(A) and (f)(2)(A) of the Act.

### A. LEGAL AUTHORITY

1. A disability means, with respect to a person, a physical or mental impairment which substantially limits one or more of such person's major life activities, a record of having such an impairment or being regarded as having such an impairment.

42 U.S.C. § 3602(h).

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 rental of a dwelling that indicates any preference, limitation, or discrimination based on disability, or an intention to make any such preference, limitation, or discrimination. 42 U.S.C. § 3604(c).

3. It is unlawful to refuse to sell or rent, after making a bona fide offer, refuse to negotiate the sale or rental of, or otherwise make unavailable or deny a dwelling to any person because of disability. 42 U.S.C. § 3604(f)(1)(A).

4. It is unlawful to discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection with such dwelling, because of a disability of that person. 42 U.S.C § 3604(f)(2)(A).

### B. PARTIES AND SUBJECT PROPERTY

5. At all times relevant to the charge, Joseph Thomas Goff ("Complainant") was a 41 year-old homeless male.

6. Complainant suffers from chronic schizophrenia with depressed mood, generalized anxiety disorder, and hepatitis C, which result in physical and mental impairments that substantially limit his ability to cope with and function in the everyday world.

Complainant is disabled within the meaning of the Act. 42 U.S.C § 3602(h).

7. At all times relevant to the charge, Complainant was seeking housing at Raleigh Annex Apartments, located at 730 Raleigh Avenue, Simpson County, Magee, MS 39111 (the "subject property"). The subject property consists of several buildings with 69 single family "dwellings" as defined by the Act. 42 U.S.C. § 3602(b).<sup>1</sup>

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<sup>1</sup> The subject property receives federal financial assistance from HUD's Assisted Housing Programs (Section 202, Section 811 and project-based Section 8).

8. At all times relevant to this charge, Respondent Raleigh Annex Apartments TC, LP, (“Raleigh Annex”) a limited partnership, was the owner of the subject property.

9. At all times relevant to this charge, Respondent Century Pacific Management Corporation (“Century Pacific Management”) and its successor in interest, Respondent Interstate Realty Management Company (“Interstate Realty”), managed the subject property.

10. Respondent Century Pacific Equity Corporation (“Century Pacific Equity”) was General Partner of Raleigh Annex. Century Pacific Equity had an identity-of-interest in Century Pacific Management as management agent for the subject property.<sup>2</sup>

11. At all times relevant to this charge, Respondents Joan Davidson (“Davidson”), Gudrun Anderson (“Anderson”) and Karen Angie Sasser (“Sasser”) were employed by Century Pacific Management and Interstate Realty. These three individuals were the on-site property managers when Complainant sought housing at the subject property. Century Pacific Management and Interstate Realty no longer employ Sasser and Davidson.

### C. FACTUAL ALLEGATIONS

12. In August 2002, Complainant submitted an application for a one-bedroom apartment to the on-site property manager at that time, Davidson<sup>3</sup>. Davidson refused to show Complainant a unit and told him the available unit was not clean. Complainant told Davidson he had seen dirt before, but she still refused to show the unit.

13. Complainant did not have his birth certificate with him at the time he first applied for an apartment. He returned a month later with his birth certificate and completed his application. He requested immediate housing and advised Respondents of his preference for Building “J”.<sup>4</sup>

14. Complainant repeatedly visited the subject property to check the status of his application package and provided duplicate copies of documents they requested. Complainant completed the application packet and met the minimum qualifications for renting a unit at the subject property by a date no later than September 30, 2002.

15. In October 2002, Complainant visited the subject property and inquired about the status of his application. Davidson told him there was no application on file. Complainant submitted another application to Davidson and asked to see a unit. Davidson told him the vacant unit was dirty and not available for viewing. Complainant

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<sup>2</sup> Century Pacific Equity Corporation owns Century Pacific Management Company and the relationship between these two entities is such that suing one, serves as notice to the other, so that the other may be joined in a lawsuit. *See* Fed. R. Civ. P. 15(c)(3).

<sup>3</sup> She was the manager from 1990 to November 15, 2002.

<sup>4</sup> Complainant noticed this fact on his application.

told Davidson he was ill, homeless and needed immediate housing. Davidson asked him “Are you really sick or just a troublemaker?” Complainant repeatedly told her he was sick, suffering from hepatitis C, was homeless and needed immediate housing.

16. Davidson confirmed Complainant’s application was completed and she forwarded his completed application to her district office for approval. Davidson later stated the application was lost during this transfer and she had to resubmit it prior to her departure in November 2002.

17. Interstate Realty formally approved Complainant’s application for housing on December 26, 2002. The approval packet containing Complainant’s application was sent by overnight mail to the new on-site manager, Anderson, who managed the subject property from November 18, 2002 to January 31, 2003. Anderson received the packet on December 27, 2002. Anderson never told Complainant he had been approved for housing by her district office. During HUD’s investigation Anderson denied having knowledge that Complainant was ever approved to rent a unit at the subject property.

18. Sometime between Christmas 2002 and January 2003, Davidson spoke with Anderson and asked about Complainant’s application. Anderson stated Complainant’s application had been approved, but “she was not going to place him in Building “J” because he was crazy and would disturb her elderly residents.”<sup>5</sup>

19. From December 26, 2002 to January 31, 2003, Anderson submitted weekly reports to Interstate Realty. On January 8, 2003, Interstate Realty refused to approve the rental of a one-bedroom unit to an applicant (now deceased) because of the applicant’s criminal record. On January 17, 2003, Anderson leased a one-bedroom unit to the applicant Interstate Realty previously rejected.

20. From February 3, 2003 to May 21, 2003, Sasser was the on-site manager of the subject property. Sasser submitted weekly reports to the district office. These weekly reports showed that units were available for rental in Building “J”.

21. Respondents’ rental policy provided that applications be disapproved if the applicant had any felony convictions. Complainant had no felony convictions and was approved by the district office after disclosure of his misdemeanor record.

22. In February 2003, Complainant asked his case manager to help him complete an application for a one-bedroom apartment at the subject property. This time, Complainant submitted his application to Sasser. The case manager accompanied Complainant when he submitted the application. Sasser reviewed Complainant’s application, told him everything was “ok,” and he had done all that was required. Shortly after Complainant completed the application, he visited the subject property to check on the status of his application and Sasser informed him that he needed to complete an authorization for a

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<sup>5</sup> Building “J”, the building Complainant sought to live in, was identified during the investigation as being in the area where the elderly and disabled tenants were housed.

background check. Complainant told Sasser that he previously submitted the authorization form and this was the third or fourth time he had done so. Sasser told Complainant she did not have anything on file. The case manager stated, that shortly after this visit, Complainant asked for her help to complete the authorization for a background check. She helped him complete the form and she faxed it to Sasser.

23. In response to the complaint, Sasser stated that Complainant's application was incomplete and was not approved because of his criminal record. Sasser further stated that after she saw Complainant in her office, she realized he "wasn't totally right."

24. After repeatedly applying for housing, turning in every requested document, making several visits and numerous phone calls to check on the status of his application, Complainant's medical condition deteriorated. In June 2003, with the help of friends, Complainant moved into a mobile home.

25. Complainant has suffered significant damages, including but not limited to: out of pocket expenses, medical expenses, emotional and physical distress, economic loss, inconvenience, embarrassment, humiliation and the loss of a housing opportunity as a result of Respondents' discriminatory conduct.

#### D. FAIR HOUSING ACT VIOLATIONS

26. By refusing to show Complainant available dwellings when he applied for housing, because of his disability, Davidson and Anderson violated 42 U.S.C. § 3604(f)(1)(A). Raleigh Annex Apartments, TC, LP, Century Pacific Equity Corporation, Century Pacific Management Corporation and Interstate Realty Management Company are jointly and severally liable for Davidson's and Anderson's violation of the Act.

27. By failing to notify Complainant of the approval of his application and by not offering or renting a dwelling to Complainant because of his disability, Anderson and Sasser violated 42 U.S.C. § 3604(f)(1)(A). Raleigh Annex Apartments, TC, LP, Century Pacific Equity Corporation, Century Pacific Management Corporation and Interstate Realty Management Company are jointly and severally liable for Anderson's and Sasser's violation of the Act.

28. By subjecting Complainant to repeated delaying tactics and burdensome application procedures and failing to submit his application for approval because of his disability, Davidson, Anderson and Sasser violated 42 U.S.C. 3604(f)(1)(A). Raleigh Annex Apartments, TC, LP, Century Pacific Equity Corporation, Century Pacific Management Corporation and Interstate Realty Management Company are jointly and severally liable for Davidson's, Anderson's and Sasser's violation of the Act.

29. By failing to offer a dwelling to Complainant after district office approval of his application because of his disability, Anderson violated 42 U.S.C. § 3604(f)(2)(A). Raleigh Annex Apartments, TC, LP, Century Pacific Equity Corporation, Century Pacific

Management Corporation and Interstate Realty Management Company are jointly and severally liable for Anderson's violation of the Act.

30. By asking Complainant: "Are you really sick or just a trouble maker?" after his numerous visits to check on the status of his application Davidson violated 42 U.S.C. § 3604(c). Raleigh Annex Apartments, TC, LP, Century Pacific Equity Corporation, Century Pacific Management Corporation and Interstate Realty Management Company are jointly and severally liable for Davidson's violation of the Act.

31. By stating to Davidson that "she was not going to place Complainant in building 'J' because he was crazy and would disturb her elderly residents" Anderson violated 42 U.S.C. § 3604(c). Raleigh Annex Apartments, TC, LP, Century Pacific Equity Corporation, Century Pacific Management Corporation and Interstate Realty Management Company are jointly and severally liable for Anderson's violations of the Act.

### III. CONCLUSION

Wherefore, the Secretary of HUD, through the Office of General Counsel and pursuant to 42 U.S.C. §§ 3610(g)(2)(A) and (g)(3), hereby charges all Respondents with engaging in discriminatory housing practices as set forth above, and prays that an order be issued that:

A. Declares that Respondents' discriminatory housing practices, as set forth above, violate the Fair Housing Act, 42 U.S.C. §§ 3601-19 and its implementing regulations;

B. Enjoins Respondents, their agents, employees, successors, and all other persons in active concert or participation with them, from discriminating against any person based on disability in any aspect of the rental, sale, occupancy, use or enjoyment of a dwelling;

C. Awards such monetary damages as will fully compensate Complainant for his economic losses, including but not limited to, all out-of-pocket expenses, medical expenses, emotional and physical distress, embarrassment, humiliation, inconvenience, the loss of a housing opportunity, and any and all other damages caused by Respondents' discriminatory conduct;

D. Awards an \$11,000 civil penalty against each Respondent for each violation of the Act; and

E. Awards such additional relief as may be appropriate pursuant to 42 U.S.C. §3612 (g)(3).

Respectfully submitted,

/s/ \_\_\_\_\_  
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