

**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 )  
Cherrie Cranford, )  
 )  
Charging Party, )  
 )  
v. )  
 )  
Janette Heard, )  
Victor Webb, Commercial )  
Management Co. of Kansas, Inc., )  
Commercial Group, Inc., and )  
Silver City Housing, L.P., )  
 )  
Respondents. )  
\_\_\_\_\_ )

FHEO No.: 07-04-0719-8

**CHARGE OF DISCRIMINATION**

**I. JURISDICTION**

On or about May 12, 2004, Complainant Cherrie Cranford, an aggrieved person, filed a verified complaint with the U.S. Department of Housing and Urban Development (HUD), alleging Respondents Janette Heard, Raj Trivedi, Commercial Management Co. of Kansas, Inc., and Silver City Housing, L.P., committed discriminatory housing practices on the basis of race (White) in violation of Sections 3604(b) and 3617 of the Fair Housing Act as amended in 1988, 42 U.S.C. §§ 3601 *et seq.* (2005) (hereafter, the “Act”). On or about October 22, 2004, the complaint was amended to add Victor Webb, Commercial Group, Inc., and Kimberly Jones as Respondents and to allege Respondents committed discriminatory housing practices on the basis of race and color (White) and retaliated against Complainant in violation of Sections 3604(b) and 3617 of the Act.<sup>1</sup>

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<sup>1</sup> In the Determination issued contemporaneously with this Charge, HUD concluded there was insufficient evidence to support findings of reasonable cause that Respondent Jones violated Section 3617 of the Act or that Respondents Heard, Trivedi, Webb, Commercial Management Co. of Kansas, Inc., Commercial Group, Inc., Silver City Housing, L.P., tolerated a hostile racial environment and failed to enforce Complainant’s right to peaceful enjoyment because of her race and color in violation of Sections 3604(b) and 3617 of the Act. However, HUD concluded there was reasonable cause to believe Respondents Heard, Webb, Commercial Management Co. of Kansas, Inc., Commercial Group, Inc., and Silver City Housing, L.P., subjected Complainant to discriminatory terms and conditions based on her race and color and retaliated against Complainant in violation of Sections 3604(b) and 3617 of the Act.

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) (2005). The Secretary has delegated to the General Counsel (54 Fed. Reg. 13121 (Mar. 30, 1989)), who has redelegated to the Regional Counsel (67 Fed. Reg. 44234 (Jul. 1, 2002)), the authority to issue such a Charge, following a determination of reasonable cause by the Assistant Secretary for Fair Housing and Equal Opportunity (FHEO) or her designee.

By Determination of Reasonable Cause of September 23, 2005, the FHEO Region VII Director, on behalf of the Assistant Secretary for FHEO, has determined that reasonable cause exists to believe that discriminatory housing practices based on race and color and retaliation have occurred in this case and has authorized and directed the issuance of this Charge.

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

Based on HUD's investigation of the allegations contained in the aforementioned complaint and as set forth in the aforementioned Determination of Reasonable Cause, Respondents are charged with discriminating against the Complainant based on race and color in violation of 42 U.S.C. § 3604(b) (2005) and retaliating against the Complainant in violation of 42 U.S.C. § 3617 (2005) as follows:

### **A. Applicable Federal Law**

1. It is unlawful to discriminate against any person in the terms, conditions, or privileges of rental of a dwelling because of race or color. 42 U.S.C. § 3604(b) (2005); 24 C.F.R. § 100.65(a) (2005).
2. 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, any right granted by Section 803, 804, 805, or 806 of the Act. 42 U.S.C. § 3617 (2005); 24 C.F.R. § 100.400(b) (2005). Unlawful conduct includes retaliating against any person because that person has made a complaint or participated in any manner in a proceeding under the Act. 24 C.F.R. § 100.400(c)(5) (2005).

### **B. Background**

3. Complainant Cherrie Cranford (White) is 66 years old and lives alone at Silver City Apartments ("Silver City" or "subject property") in unit 2112 Silver Court, Kansas City, Kansas 66106. Complainant moved into the subject property on March 2, 1978, and has lived in her current unit, 2112, since 1995.
4. Complainant's son Gary Cranford (White) is 39 years old, and he resides at 721 South Valley, Kansas City, Kansas 66105. Mr. Cranford frequently visits Complainant at the subject property.

5. The subject property is located at 2206 Birch Drive, Kansas City, Kansas 66106. Silver City is a multi-family HUD subsidized property, with 160 units. At the time of the investigation, the subject property had a total of 453 residents. According to Respondents' Race/Ethnicity Tenant Report dated June 24, 2004, the racial breakdown of the property's residents was: 298 Black (66%); 113 Hispanic (25%); 29 White (6%); 8 American Indian/Alaskan (2%); and 5 Asian/Pacific (1%).
6. Respondent Silver City Housing, L.P. is the owner of Silver City Apartments.
7. Respondent Commercial Management Co. of Kansas, Inc. ("Commercial Management") operated and managed the subject property at the time of the events alleged in the complaint. Respondent Commercial Group, Inc. is the parent company of Respondent Commercial Management.
8. At the time the complaint was filed, Respondent Janette Heard (Black), an employee of Commercial Management, was the on-site property manager of the subject property. Respondent Heard was responsible for managing all aspects of the subject property and reported to Raj Trivedi, project manager. Respondent Heard consulted the Vice President of Commercial Group, Inc. on various matters at Silver City, including some issues concerning Complainant.
9. Respondent Victor Webb (Black) was employed as a member of Silver City's security staff from 1997 until approximately August 2005. Respondent Heard was Respondent Webb's direct supervisor. Respondent Webb is also a police sergeant in the Community Policing Unit of the Kansas City, Kansas Police Department.
10. The property security staff is comprised of eight to ten off duty police officers. Property security completed incident logs and provided the logs to Respondent Heard to review.
11. During the summer of 2003, Complainant started having conflicts with some Black residents after she began spending time with the Colstons (White), residents of the subject property who several residents disliked. At times throughout the summer, several Black residents yelled offensive language and racial slurs including, "White honky bitch," "Fat white bitch," and "Old white bitch," at Complainant when she was outside or spending time with the Colstons.
12. Complainant had several verbal confrontations with Black residents of the subject property on April 21, 2004, culminating in a physical altercation involving her son and her next-door neighbor, Kimberly Jones (Black). Ms. Jones struck Mr. Cranford in the face, hit him in the head with a cordless phone several times and kicked him in the groin. A Black male guest ran out of Deborah Perry's (Black) unit, and knocked Mr. Cranford to the concrete and punched and kicked him until another resident pulled the guest off Mr. Cranford.

13. Complainant filed her first of two fair housing complaints, FHEO case number 07-04-0668-8, with HUD on April 26, 2004<sup>2</sup>, alleging Respondents Heard, Commercial Management, Silver City Housing, L.P. and Raj Trivedi violated Section 3604(b) of the Act by refusing to replace her storm door and upper level carpeting and refusing to provide her a disabled parking space because of her race (White). Respondents' attorney denied the allegations in a letter to HUD dated May 5, 2004.<sup>3</sup>
14. Complainant filed her second fair housing complaint, FHEO case number 07-04-0719-8, with HUD on May 12, 2004, alleging Respondents discriminated against her based on her race (White) by allowing her son to be assaulted by other tenants at the property and by failing to respond to the assault.<sup>4</sup> The complaint was amended to its present form on October 22, 2004.
15. On May 10, 2004, two weeks after Complainant filed her first fair housing complaint, Respondent Heard issued Complainant a lease violation for allegedly having an unauthorized person living in her unit.
16. Silver City defines an unauthorized person as: "A person not on a lease who has been in the unit continuously for more than fourteen days and nights, or who has been banned from the property."
17. In the five years preceding the filing of this complaint, Complainant received only one lease violation, issued in 2002 for the electricity being turned off in her unit.
18. On May 12, 2004, Complainant sent two letters to Respondent Heard. In one letter, Complainant requested a meeting regarding the lease violation, stating she believed the violation was retaliatory. Complainant alleged the rules were not being enforced equally against Black residents and listed several units, including unit 2127, where she believed unauthorized people were living.<sup>5</sup>
19. Respondent Heard never responded to Complainant's written request for a meeting to discuss her violation. Respondent Heard informed the HUD investigator it was her practice to discuss lease violations with residents who contacted her after receiving the violation and to remove the violation if it was unwarranted. Respondent Heard met with resident Kimberly Jones (Black) to discuss a lease violation issued May 10, 2004, the same day as Complainant's lease violation.
20. Another resident, Mr. Colston, also reported an unauthorized person living in unit 2127 in a letter to Respondent Heard dated May 12, 2004.

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<sup>2</sup> Complainant's initial contact with HUD pertaining to the complaint was April 21, 2004.

<sup>3</sup> Complainant withdrew her first complaint on July 22, 2004, after Respondents replaced her storm door and upper level carpeting.

<sup>4</sup> Complainant's initial contacts with HUD pertaining to filing the second complaint were on April 22, 2004 and May 7, 2004.

<sup>5</sup> In the second letter, Complainant reported several Black children intimidated her on the property on May 2, 7, and 10, 2004.

21. Respondent Heard informed the HUD investigator she investigated the units Complainant alleged had unauthorized persons, including unit 2127, and she claimed the allegations were unsubstantiated.
22. A Silver City Incident Log dated May 12, 2004, established that an unauthorized person was living in unit 2127. The report stated security encountered a man on the property who identified himself as Demetrius Reed (Black). The man stated he lived at 2127 Silver Court with his daughter and admitted he was not on the lease.
23. Respondent Heard did not issue unit 2127 a lease violation in May 2004 despite the security incident log that substantiated two residents' allegations of an unauthorized person in the unit.
24. Respondents' Race/Ethnicity Tenant Report lists the race of the residents of unit 2127 as Black.
25. A review of the tenant file of 2127 revealed Respondent Heard issued a lease violation to unit 2127 over five months earlier, on December 23, 2003, for an unauthorized person in the unit.<sup>6</sup> The incident report attached to the 2003 violation revealed the unauthorized person was Demetrius Reed, a registered sex offender, the same man security encountered on the property on May 12, 2004.
26. Respondent Heard did not issue another violation or take further action against unit 2127 despite the security incident log that established the resident continued to violate her lease five months after receiving a violation.
27. On July 23, 2004, Complainant reported to Silver City's assistant manager Audrey Stemmons (Black) that resident Kimberly Jones continued to harass her by walking on her porch and peering in her door in an effort to intimidate her. That afternoon, Respondent Heard directed a maintenance man to notify Kimberly Jones and Complainant to report to the office at 4:00 p.m. to discuss the matter.
28. At around 4:00 p.m. on July 23, 2004, Complainant arrived at the subject property's office for the meeting. Complainant, Respondent Heard, Respondent Webb and Kimberly Jones were present at the meeting.
29. The meeting was held in a small side room in the property manager's office. Respondent Webb was on duty as a Kansas City, Kansas police officer dressed in his police uniform, wearing his badge with a firearm strapped to his hip. Respondent Webb was sitting between Complainant and the door.
30. The group discussed Complainant's accusations that Kimberly Jones was intentionally intimidating and harassing her.

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<sup>6</sup> The tenant file review confirmed Demetrius Reed was not listed on unit 2127's lease or most recent HUD certification dated March 10, 2005.

31. Complainant became upset because she felt Respondent Heard was accusing her of lying. Complainant stood up to leave the meeting and stated she would not stay to be called a liar and humiliated.
32. Respondent Webb told Complainant they were sick and tired of her petty complaints and told her not to make any more complaints to management in Topeka or to HUD. The discussion returned to the problems between Complainant and Kimberly Jones.
33. After approximately thirty minutes, Respondents Heard and Webb dismissed Kimberly Jones from the meeting but instructed Complainant to stay in the room.
34. Respondents Webb and Heard then verbally attacked Complainant for complaining to the management company in Topeka and for filing complaints with HUD. Respondents criticized Complainant for making them look bad, telling her several times the complaints were personal and reflected poorly on them.
35. Respondent Webb told Complainant her complaints were ridiculous and warned her to stop calling HUD and management in Topeka.
36. Respondent Webb, in police uniform and armed, threatened that if Complainant did not cooperate and stop complaining, they would enforce every provision of her lease and she would be out of there.
37. Complainant felt intimidated and threatened and stood up to leave the conference room again, saying she was leaving if she did not have any rights. Respondent Webb told her they were not done yet and directed her to sit back down. Complainant felt she could not leave the room because Respondent Webb was sitting between her and the door so she sat back down.
38. Respondents Webb and Heard continued to tell Complainant the calls needed to stop because the complaints were affecting their jobs. Respondent Webb again threatened Complainant, stating if she called the HUD investigator, "That's your ass, you're out."
39. Complainant was so upset by Respondents' actions she began to cry.
40. Complainant asked Respondent Webb if she was under arrest because she felt like she was being interrogated. Complainant felt like she was being held against her will because she could not leave without passing Respondent Webb.
41. After she started crying, Complainant finally stood up and walked out of the meeting. Complainant was alone with Respondents Heard and Webb for approximately fifteen minutes.

42. Complainant continued to cry as she walked back to her apartment. Complainant was afraid she was going to be evicted and was also very concerned about what else might happen to her because Respondent Webb was a police officer.

### **C. Fair Housing Act Violations**

43. By issuing Complainant a lease violation because she had asserted her fair housing rights, Respondents unlawfully retaliated against her in violation of 42 U.S.C. § 3617 (2005); 24 C.F.R. § 100.400(b) and (c)(5) (2005).

44. By refusing to meet with Complainant to discuss her alleged lease violation and by not issuing a lease violation to a similarly situated Black resident, Respondents unlawfully imposed different terms and conditions on Complainant based on race and color in violation of 42 U.S.C. § 3604(b) (2005); 24 C.F.R. § 100.65(a) (2005).

45. By making intimidating statements and threatening to evict Complainant because she had previously asserted her fair housing rights, Respondents unlawfully retaliated against her in violation of 42 U.S.C. § 3617 (2005); 24 C.F.R. § 100.400(b) and (c)(5) (2005).

46. As a result of Respondents' actions, Complainant suffered damages, including emotional distress, embarrassment, humiliation, inconvenience, and economic loss. Respondents' discriminatory conduct caused Complainant to cry, feel upset, humiliated, intimidated, scared, and nervous. Complainant was afraid she would be evicted from the place she had lived for over twenty-five years. Complainant experienced physical symptoms, including upset stomach and headaches, from the stress caused by Respondents' discriminatory conduct.

### **III. CONCLUSION**

WHEREFORE, the Secretary of the U.S. Department of Housing and Urban Development, through the Office of the General Counsel, and pursuant to 42 U.S.C. § 3610(g)(2)(A) (2005) of the Act, hereby charges Respondents with engaging in discriminatory housing practices in violation of Sections 3604(b) and 3617 of the Act, and prays that an order be issued that:

1. Declares that the discriminatory housing practices of the Respondents, as set forth above, violate the Act, 42 U.S.C. §§ 3601 *et seq.* (2005);
2. Enjoins Respondents, their agents, employees, and successors, and all other persons in active concert or participation with them from discriminating because of race or color against any person in any aspect of the rental of a dwelling;
3. Requires, in vindication of the public interest, each Respondent and their employees, where applicable, to attend fair housing training;

4. Awards such damages as will fully compensate the Complainant for her emotional distress, embarrassment, humiliation, inconvenience, and economic loss caused by Respondents' discriminatory conduct pursuant to 42 U.S.C. § 3612(g)(3) (2005); and
5. Awards, in vindication of the public interest, an \$11,000 civil penalty against each Respondent for each violation of the Act that they are found to have committed pursuant to 42 U.S.C. § 3612(g)(3) (2005).

The Secretary of HUD further prays for additional relief as may be appropriate under 42 U.S.C. § 3612(g)(3) (2005).

Respectfully submitted,

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