

II. SUMMARY OF ALLEGATIONS IN SUPPORT OF THIS CHARGE

Based upon HUD's investigation of the allegations contained in the aforementioned complaint and the findings contained in the attached Determination of Reasonable Cause, the Secretary charges Respondent with violating the Act as follows:

1. It is unlawful for any person to make any statement with regard to the sale or rental of the dwelling that indicates any preference, limitation, or discrimination based on race or an intention to make any such preference, limitation, or discrimination. 42 U.S.C. § 3604 (c); 24 C.F.R. § 100.75(a).
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, or on account of his having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by the Fair Housing Act. 42 U.S.C. 3617; 24 C.F.R. §§100.400(b) and (c)(1-2).
3. Complainant Melissa Jones is a Caucasian female.
4. Respondents Julie Williams and Wilbur Michael Williams are owners of a single family, non-owner occupied house located at 2179 Gilmer Ave., Tallassee, AL.
5. Sometime in or around February 2008, Complainant and her fiancé moved to Tallassee, AL. An acquaintance of Complainant's fiancé informed Complainant that Respondents had a single family home available for rental. The neighbor put Complainant in touch with Respondent Julie Williams. This neighbor drove Complainant to the property, where Respondent Julie Williams gave Complainant a tour.
6. Complainant, her fiancé, and their minor child moved into the property at 2179 Gilmer Avenue on February 28, 2008 and signed a lease dated March 1, 2008. Both Respondents signed the lease as Lessors.
7. On June 22, 2008, Complainant's neighbors, Victor and Gwen, an African-American couple, were visiting Complainant and her fiancé. Respondents happened to be driving by and witnessed the group in the front yard of the property.
8. Later that day, Respondent Julie Williams telephoned Complainant and stated: "Those people need to leave. I don't want those people on my property." The conversation ended and Complainant informed her fiancé of the substance of the conversation.
9. Moments later, Complainant called Respondent Julie Williams back. In this conversation, Respondent Julie Williams stated that she and her husband had driven by the property and seen Complainant talking with an African American couple.

Respondent Julie Williams stated: "I cannot do that to my neighbors. If you want to talk to them, that is fine, just don't do it on our property."

10. Complainant was severely affected by this conversation and began crying.
11. On June 27, 2008, Respondent Julie Williams phoned Complainant. Complainant did not answer her call. Complainant called Respondent back, put her cell phone on speakerphone, and recorded the conversation with a second cell phone.
12. A transcript of the recorded conversations shows that Respondent Julie Williams stated: "Mike and I have a problem If y'all want to have African-Americans to visit, we're going to ask you to move. . . . This has never happened with any renters that we've had. . . . It's not fine on our property."
13. When Complainant stated that she had family of mixed ethnic background, Respondent Julie Williams stated: "[Y]ou can just go ahead and move before the rent's due for . . . July."
14. Later in the call, Respondent Julie Williams stated: "[W]e're not having those people at our property. . . . [W]e own the property and . . . that's never happened and we're not going to start today with it happening."
15. On July 9, 2008, Respondent Julie Williams made another call to Complainant to enquire about her plans to move out. Complainant put Respondent Julie Williams on speakerphone so Complainant's co-workers could listen to the conversation.
16. During this conversation, Respondent Julie Williams stated "We don't want colored people on the property and if you do you should find somewhere else to live." When Complainant responded that she did not want her child to grow up racist, Respondent stated: "Well you should." Respondent Julie Williams also stated: "You should live in the projects if you want to interact with those people. . . . I will sell the house if I have to in order to get you out. . . . I don't care if you made a complaint to HUD, you have to move."
17. On or about July 24, 2008, Complainant received a letter from Respondent's lawyer stating that Respondents would allow Complainant to break her lease if she moved out of the property.
18. On September 1, 2008, Complainant and her family moved from the property.
19. Respondent Julie Williams's statements to Complainant on June 22, 2008, June 27, 2008, and July 9, 2008 violated § 804(c) of the Act by being statements indicating any "preference, limitation, or discrimination based on race" 42 U.S.C. § 3604(c).

20. Respondent Julie Williams's statements threatening eviction on June 27, 2008 and July 9, 2008 also constitute interference, intimidation, and coercion affecting Complainant's enjoyment of the right to an environment free of discriminatory statements in violation of Section 818 of the Act. 42 U.S.C. § 3617.
21. As owners of the property, Respondents are at the same time both principals and agents of one another. Respondent Wilbur Michael Williams is therefore vicariously liable for the statements of Respondent Julia Williams regardless of his knowledge or ratification of the conduct.
22. As a result of the Respondent's conduct, Complainant has suffered damages, including economic loss and emotional distress.

III. CONCLUSION

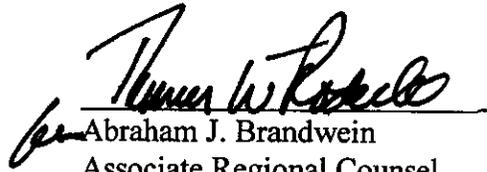
WHEREFORE, the Secretary of Housing and Urban Development, through the Office of the Regional Counsel for New England, and pursuant to 42 U.S.C. §3610(g)(2)(A), hereby charges the Respondents with engaging in discriminatory housing practices in violation of 42 U.S.C. §3604(c) and §3617 and prays that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

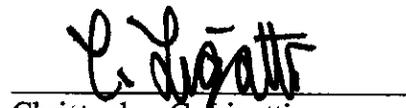
1. Declares that the discriminatory housing practices of Respondents as set forth above violate the Fair Housing Act, as amended, 42 U.S.C. Sections 3601-3619;
2. Enjoin the Respondents from further violations of Sections 803(c) and 818 of the Act;
3. Awards such damages as will fully compensate Complainant for their economic loss and emotional distress caused by the Respondents' discriminatory conduct;
4. Awards a civil penalty against Respondent for each violation of the Act 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).

Respectfully submitted,



Miniard Culpepper
Regional Counsel
for New England


Abraham J. Brandwein
Associate Regional Counsel
Fair Housing and Administrative Law


Christopher C. Ligatti
Attorney

Office of Regional Counsel
Department of Housing and Urban Development
10 Causeway St., Rm. 310
Boston, MA 02222
(617) 994-8250

Date: 9/30/08