

**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

██████████, ██████████, their minor children
and the Toledo Fair Housing Center,

Charging Party,

v.

Ryan Richardson and Ryan Smith,

Respondents.

HUDALJ No.:

FHEO Nos.: 05-10-1519-8

05-10-1520-8

05-11-0444 8

05-11-0445-8

CHARGE OF DISCRIMINATION

I. JURISDICTION

On or about July 26, 2010, Complainant ██████████ filed a fair housing complaint with the Ohio Civil Rights Commission ("OCRC"), a participant in the Fair Housing Assistance Program ("FHAP") with the U.S. Department of Housing and Urban Development (the "Department" or "HUD"). Complainant ██████████'s complaint alleged that Respondents Ryan Richardson and Ryan Smith discriminated against her on the basis of her race, African-American, by threatening, intimidating, harassing, coercing and interfering with Complainant ██████████ in the exercise of her fair housing rights, in violation of §3617 of the federal Fair Housing Act, 42 U.S.C. §3604 *et seq.* (the "Act") and the substantially equivalent Ohio state statute. Complainant ██████████ identified February 11, 2010 as the date of discrimination and indicated a continuing violation. On or about September 21, 2010, OCRC waived jurisdiction over Complainant ██████████'s complaint to HUD. Notification and waiver letters were sent to the parties on or about September 22, 2010. On or about April 11, 2011, Complainant ██████████'s HUD complaint was amended to add her fiancé, ██████████, who is also African-American, as a complainant and to add Complainants' minor children as aggrieved parties. The amended complaint also removes language indicating a continuing violation, although the Determination concludes that the discrimination began before February 11, 2010 and continued well after that date.

On or about January 11, 2011, Complainant Fair Housing Center of Toledo ("FHC"), the agency that counseled Complainant ██████████ regarding her fair housing

rights, assisted her in filing her fair housing complaint and represented her in her enforcement actions against Respondents, filed its own fair housing complaint with HUD. Complainant FHC's complaint alleges that Respondents' race discrimination against Complainants [REDACTED] and [REDACTED], and their minor children, frustrated its mission and caused it to divert its resources, in violation of §3617 of 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. § 3610(g)(1) and (2). The Secretary has delegated to the General Counsel (54 Fed.Reg. 13121), who has retained and re-delegated to the Regional Counsel (74 Fed.Reg. 62804) 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.

The Office of Fair Housing and Equal Opportunity Region V Director, 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 race and color, and has authorized and directed the issuance of this Charge of Discrimination ("Charge").

II. SUMMARY OF ALLEGATIONS IN SUPPORT OF THIS CHARGE

Based on HUD's investigation of the allegations contained in the aforementioned HUD Complaint and Determination of Reasonable Cause, Respondents Ryan Richardson and Ryan Smith are charged with discriminating against Complainant [REDACTED], Complainant [REDACTED], their minor children, and Complainant Toledo Fair Housing Center, all aggrieved persons as defined by 42 U.S.C. §3602(i), based on race and color, in violation of 42 U.S.C. §3617 as follows:

A. APPLICABLE FEDERAL LAW

1. 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 3603, 3604, 3605, or 3606 of this title. 42 U.S.C. §3617; 24 C.F.R. § 100.400 (2011).

B. SUBJECT PROPERTY AND PARTIES

2. The subject property is a single family home located at [REDACTED], Toledo, Ohio ("subject property"). At all times relevant to this Charge, the subject property was owned by Neil Hilfinger. The subject property is located in Lucas County, in the Harvard Terrace community, which according to the 2010 U.S. Census, is a majority white community.
3. At all times relevant to this Charge Complainants [REDACTED] ("Complainant [REDACTED]") and [REDACTED] ("Complainant [REDACTED]"), who are African-American and

black, were an engaged couple living together with their minor children at the subject property, which Complainant [REDACTED] rented from [REDACTED] on or about April 1, 2009.

4. Complainants [REDACTED] and [REDACTED] and their four minor children are all "aggrieved persons," as defined by 42 U.S.C. §3602(i), and enjoy protection under the Act based on race and color.
5. At all times relevant to this Charge, Complainant FHC was a non-profit, fair housing organization located in Toledo, Ohio. Complainant FHC's stated mission is the elimination of discriminatory housing practices and expansion of equal access to housing for all in its service area. Complainant FHC seeks to eliminate housing discrimination against persons on the basis of protected class status, specifically including race and color. In furtherance of this purpose, Complainant FHC engages in fair housing activities, such as providing education and advocacy, and taking necessary enforcement actions. Complainant FHC counseled Complainants [REDACTED] and [REDACTED] in this matter and engaged in enforcement activities against Respondents on their behalf.
6. Respondents Ryan Richardson ("Respondent Richardson") and Ryan Smith ("Respondent Smith"), both white males, are state-licensed domestic partners, who own a single family home in the Harvard Terrace community, at [REDACTED] ([REDACTED]), which is located on the next block from the subject property. Upon information and belief, the subject property cannot be viewed from [REDACTED].
7. On information and belief, at all times relevant to this Charge, the telephone number for the land-line associated with Respondents' address, [REDACTED], was [REDACTED]. On information and belief the phone number [REDACTED] was the cellular telephone number of Respondent Ryan Richardson.

C. FACTUAL ALLEGATIONS

8. In or around March of 2009, Complainant [REDACTED] entered into a lease agreement to rent the subject property from Neil Hilfinger. Complainants [REDACTED] and [REDACTED] and their minor children took possession of the subject property on or about April 1, 2009. Although the aforementioned lease agreement did not identify Complainant [REDACTED] by name, the lease agreement did, however, indicate that two adults and three minor children would occupy the subject property and Hilfinger met Complainant [REDACTED] before Complainants [REDACTED] and [REDACTED] moved into the subject property.¹
9. Complainant [REDACTED] who is also African-American, and the mother of minor children, regularly visited Complainants [REDACTED] and [REDACTED] at the subject property.

¹ Complainants' youngest child was born [REDACTED], after Complainants moved into the subject property.

10. Upon information and belief, before Complainants [REDACTED] and [REDACTED] moved into the subject property, Respondents Richardson and Smith did not know Complainants [REDACTED] or [REDACTED], nor did they speak to or have any interaction with Complainants [REDACTED] and [REDACTED].
11. Shortly after Complainants [REDACTED] and [REDACTED] moved into the subject property, their landlord, Hilfinger, began receiving complaints that Complainants [REDACTED] and [REDACTED] were damaging and/or not maintaining the subject property. In response, Hilfinger repeatedly called Complainant [REDACTED] and visited the subject property.
12. When interviewed by HUD, Hilfinger stated that many of the calls he received complaining about Complainants [REDACTED] and [REDACTED] were from someone named "Ryan." Both Respondents' first names are "Ryan." Hilfinger also stated that he received anonymous calls from a male caller complaining about Complainants [REDACTED] and [REDACTED]. On information and belief, Respondents Richardson and Smith both called Hilfinger to complain about Complainants [REDACTED] and [REDACTED]. On or about April 20, 2010, Respondent Richardson also confronted Hilfinger in person, to demand that he not renew Complainant [REDACTED]'s lease, threatening to sue him if did renew the lease.
13. During the pendency of the HUD investigation, as well as during independent investigations by the Lucas County Prosecutor, the Toledo Board of Community Relations, and Lucas County Children Services, many of Complainants [REDACTED] and [REDACTED]'s neighbors were interviewed. Of the neighbors interviewed, only one neighbor, [REDACTED] who lived next door to Complainants [REDACTED] and [REDACTED], acknowledged contacting Hilfinger to complain about Complainants [REDACTED] and [REDACTED]. [REDACTED] complained twice. He complained the first time when Complainants [REDACTED] and [REDACTED]'s guests parked on his driveway during a party, leaving an oil stain, and a second time when Complainant [REDACTED]'s sister, [REDACTED], left her children unattended in her car while doing laundry at the subject property. Besides [REDACTED], the investigation did not reveal or identify complaining neighbors, other than Respondents Richardson and Smith.
14. On or about May 23, 2009, Complainants [REDACTED] and [REDACTED] hosted a birthday party for [REDACTED]'s son, which was attended by many African-American guests. On information and belief, this is the first date that Respondents became aware of Complainants [REDACTED] and [REDACTED]' race and their presence in the Harvard Terrace neighborhood. When interviewed by Lucas County Investigator Frank Stiles, Respondent Richardson stated that he first became aware of Complainant [REDACTED] and her sister, [REDACTED], by the amount of traffic on his street, University. Respondent Richardson estimated that he saw 40 cars come down University and observed that University does not typically get a lot of through traffic. He estimated that cars passed every two minutes. Significantly, Respondent Richardson commented that, "The people in the cars were not typical of the type of people in the neighborhood."
15. A reasonable listener would understand Respondent Richardson's statements to Investigator Frank Stiles, as alleged in paragraph 14, that he first noticed

Complainants [REDACTED] and [REDACTED] when he observed many vehicles containing drivers and passengers who were "not typical of the type of people in the neighborhood" to be a racial reference to African-Americans.

16. On or about May 23, 2009, Respondents made the first of many calls to report Complainants [REDACTED] and [REDACTED] and their guest, [REDACTED] [REDACTED], to the Toledo Police Department. On information and belief, Respondents called the police to the subject property twice on May 23, 2009. On that date, police records document the caller as "Ryan" from telephone number [REDACTED], the land-line to Respondents' home telephone. The first call is documented at 3:18 p.m. and is categorized as a complaint of "DISORDER." The second call is documented at 8:40 p.m. and is categorized as a complaint of "SUSPER." Upon investigating the complaints, the Police left the subject property within minutes without writing a report.
17. On or about May 25 and 26, 2009, police responded to calls alleging a "FIGHT" and "DRUGS," respectively, at the subject property. On information and belief, Respondents made the May 25, 2009 call to police. Police records document the May 26, 2009 call as originating from telephone number [REDACTED], the land-line to Respondents' home telephone. Again, police investigated the calls and left within minutes without writing a report.
18. On June 6, 2009, Respondents complained to Lucas County Children Services ("Child Services") that preschool age children had been left home alone at the subject property and that the subject property was a suspected "drug house." In response, Child Services reported to the police that preschool age children had been left home alone, after which police conducted a safety check on Complainants [REDACTED] and [REDACTED] children. Finding the children unharmed, police again left without writing a report.
19. On July 4, 2009, Complainants [REDACTED] hosted an Independence Day party, where police again arrived in response to complaints and left without writing a report.
20. On or about November 11, 2009, Respondent Richardson called police from his cell phone number, [REDACTED], to report drug dealing at the subject property. Police responded to the subject property, where they left after approximately 15 minutes without writing a report.
21. At all times relevant to this Charge, Toledo Police Sergeant Phil Toney ("Sgt. Toney"), a seasoned narcotics officer, lived in Harvard Terrace near the subject property.
22. At all times relevant to this Charge, Sgt. Toney, Respondents, and Complainant [REDACTED] maintained Facebook accounts, a social networking site, which enables users to view and post messages on a virtual "wall" and send and receive private messages, which function much like electronic mail.

23. On or about January 19, 2010, Respondent Smith sent a private Facebook message to Sgt. Toney recounting an alleged drug "hand off" at the subject property by Complainant [REDACTED]. In the Facebook message, Respondent Smith admits to following and photographing Complainant [REDACTED]. The email refers to Complainant [REDACTED] as Complainant [REDACTED]'s "baby daddy" and calls him a "high profile felon." In this message, Respondent Smith also states that he witnessed [REDACTED] [REDACTED] beat her child with an extension cord for having walked in the snow without shoes, and laments that when complaining about Complainants he had been called a "racist." He also states that there are "look outs" posted in the neighborhood.
24. A reasonable reader would understand Respondent Richardson's references to "baby daddy" and "high profile felon" to be negative racial stereotypes of African-American males.
25. Also, on or about January 19, 2010, Respondent Richardson called police from his cellular telephone number, [REDACTED], and complained of drug dealing at the subject property. Police went to the subject property, but left after approximately 15 minutes without writing a report.
26. On or about January 30, 2010, Complainant [REDACTED], after being up all night with her newborn baby, who would not sleep, facetiously posted a comment on the wall of her Facebook page that read, "shaken baby syndrome that's all ima say!!!!!" (*Emphasis original.*)
27. That same day, January 30, 2010, Respondent Richardson reported Complainant [REDACTED] to Lucas County Children Services for posting "shaken baby syndrome that's all ima say! ! ! !!" on her Facebook page. He spoke with case worker [REDACTED]. During that call, Respondent Richardson told [REDACTED] that a few weeks prior, "one of the children ran outside in the snow in her bare feet and [REDACTED] whipped her on the butt excessively," which account is substantially similar to the accusation made by Respondent Smith against Complainant [REDACTED]'s sister, [REDACTED], in the January 19, 2010 message to Sgt. Toney, referenced in Paragraph 23, above.
28. On or about February 4, 2010, Respondent Richardson anonymously wrote and sent Complainant [REDACTED] a letter that read:
- [REDACTED]
- We couldn't help but notice that you're still living here...I guess that means you want to get caught.
Have you shaken the baby yet? Or was that a ploy to get a sitter...you're a sick BITCH...
Move to Springfield Twp..there aren't any cops and you won't be bothered anymore
GOD ISN'T ON YOUR SIDE!!!!!" (*Emphasis original.*)
29. On information and belief, Respondent Richardson's reference to "Springfield Twp." was a racial reference because, although Springfield Township is a majority white

community, it has, on information and belief, a higher percentage of African-Americans than Harvard Terrace, where the subject property is located.

30. In an audio taped interview with Lucas County Criminal Investigator Frank Stiles, Respondent Richardson admitted to writing and sending the February 4, 2010 letter to Complainant [REDACTED].
31. Also, on or about February 4, 2010, Respondent Smith wrote and mailed a forged letter to Complainants [REDACTED] and [REDACTED]'s next door neighbors, the [REDACTED] and hand-delivered copies of the letter ([REDACTED] letter") to various other neighbors. The letter read:

" [REDACTED] Family:

Hey, we are your neighbors [sic] You know, we are the ones that sell drugs, beat and abuse our children, and, amongst other things, completely trashed our rental house. We are husband and wife, sorta...We have 4 children now! We are just writing to tell you more about [sic] our selves!

[REDACTED]: I was born in 1986 to my mom, [REDACTED] [REDACTED]. Mom now lives at [REDACTED] [sic] and my older cracked-out sister and I spend a lot of time there selling drugs and just being obnoxious, when we think we might get caught on [REDACTED]. We both enjoy beating our children as past [sic] time, by my sister ([REDACTED]?) really shows no mercy! I have been pursuing my RN, which is cool because those prescriptions sure do sell for a lot! I don't know that a neighbor has already reported me to the state boards of Ohio and Michigan...yet. [REDACTED], but that doesn't really pay the rent, well, why pay rent anyhow, Neil Hilfinger [REDACTED], [sic] Whitehouse) is too scared of being sued for a Fair Housing violation to ever do anything to evict us... I am a God-fearin' women [sic], but when I want to go out drinking and hooking up, I just tell everyone on facebook [sic] that I am going to shake my baby, and sure enough, my aunt comes and picks the kids up...I am a great mother, I really just can't figure out how CSB got involved in all that.

[REDACTED] [REDACTED] [sic]: I am a lot like my dad [REDACTED], [sic], who has made a living traffic [sic] drugs in the LaGrange neighborhood. He was pivotal in scaring out all the whities, and he has always told us never to give up when trying to wreck a neighborhood, the white folk will get scared and move out if you are obnoxious for long enough! I don't really get into beating the kids and find [REDACTED] sister pretty annoying; I have been to jail already, so I don't really appreciate her drawing so much attention to us. Yes...I have been to jail...It was just an armed robbery conviction...unfortunately, since I sued the prison while incarcerated, it is public knowledge that I was incarcerated in [REDACTED]. I get into a lot of trouble, so stay tuned to the Blade [sic], because my name gets in there a lot! I'm not allowed to live at [REDACTED], so don't tell the landlord!

If you want to know pretty much anything else about us, we both have facebook [sic] pages and love to tell everyone about how classy and rich we are. We just posted how we are never going to move, so we just wanted the neighbors to get to know us better!

Sincerely,

██████████" (*Emphasis original.*)

32. A reasonable reader would understand many of the references in the ██████████ letter to be negative stereotypes of African-Americans.
33. Also, on or about February 4, 2010, Respondent Smith created and hand-delivered a sign to neighbors that stated in large and bolded block letters "NO." Along with the sign were instructions that read:

"Prominently display this sign to show neighborhood solidarity and to say 'NO' to the residents of 1225 Harvard (██████████ and ██████████, felon armed robbery) blatantly trafficking drugs etc [sic] for another year!

The 'NO' sign has been used by ██████████ since they moved here, probably to denote that they are not available to sell drugs, and by displaying this sign you are saying that it is never time to sell drugs.

You may also want to take a moment of your time to contact the landlord Neil (and Michelle) Hilfinger and let them know that renewing ██████████ lease for another year is not the right decision ██████████.

-Your Neighbors" (*Emphasis original.*)

34. In an audio taped interview with Lucas County Criminal Investigator Frank Stiles, Respondent Smith admitted to writing and sending the February 4, 2010 letter to the ██████████ and hand-delivering a copy of the ██████████ letter to several neighbors. He also admitted to creating the "NO" sign and accompanying note and anonymously hand-delivering them to a number of neighbors, by placing them in their doors.
35. During the HUD investigation a few witnesses stated that the "NO" sign in Complainants' window was a Head Start sign, which was displayed on days when Complainants' children would not be attending school; it indicated to the school bus not to wait for the children.
36. On or about February 5, 2010, Complainant ██████████ filed a complaint with police alleging harassment stating, in relevant part, "...the Police, CSB, the Dog Warden and Landlord have come [sic] to her house. Claims have been made of Drug Trafficking [sic], Child Abuse, Vicious Dogs Running Loose & Loud Parties. On Today's Date, Ms. ██████████ received a letter stating in part that, 'Neighbors are watching her & she needs to move out Now.'"
37. On or about February 11, 2010, Respondent Richardson again wrote an anonymous letter to Complainant ██████████, which read as follows:

"Ms [sic] ██████████,

You do realize that you are constantly watched by the entire neighborhood, not just those living next to you?

Given all that we know you're doing, you would seriously be best served to leave ASAP before you land in prison for trafficking.

Remember, you live within eyeshot of a drug enforcement officer; everyone sees you and reports everything to the police. Take a hint and MOVE OUT!"
(*Emphasis original.*)

38. In an audio taped interview with Lucas County Criminal Investigator Frank Stiles, Respondent Richardson admitted to writing and sending the February 11, 2010 letter to Complainant [REDACTED].
39. Between March 23 and April 19, 2010, Respondent Richardson sent approximately 18 emails and complaints about Complainants [REDACTED] and [REDACTED], as well as Complainant [REDACTED]'s sister, [REDACTED], to various public agencies and officials, including Lucas County Children Services ("Child Services"), Toledo Mayor Michael Bell, City Councilman **D. Michael Collins**, Lucas County Prosecutor, Julia Bates, Toledo Police Chief, Michael Navarre, Child Services case worker, Sherrie Twining ("Twining"), the Toledo Board of Community Relations ("TBCR"), Animal Control and state nursing and social work boards. In those emails, Respondent Richardson emphatically accuses Complainant [REDACTED] and her sister of child abuse and drug trafficking and many of the communications have remarks that a reasonable reader would understand to be racial in nature.
40. On or about March 24, 2010, Respondent Richardson wrote an email to Child Services, which stated, in relevant part, that Complainant [REDACTED]'s father is a drug trafficker from LaGrange.
41. On information and belief, LaGrange is perceived by local residents as a low income, majority African-American area. Even without knowing the LaGrange neighborhood, a reasonable reader would understand from the context of Respondent Richardson's reference to LaGrange in his March 24, 2010 email to Child Services to be racially negative in nature.
42. In another email to Child Services on or about March 24, 2010, Respondent Richardson racially mocked a Child Services worker, who he identified as a "black girl," who admonished him for his repeated complaints, quoting her as having said, "you just racist." In that same email, he admits to having called Child Services 17 times in one day and 20 times over the course of a year, to complain about Complainant [REDACTED].
43. A reasonable reader would understand Respondent Richardson's references in his March 24, 2010 email to Child Services, identifying the woman who answered the phone as a "black girl," and quoting her as having said, "you just racist" to express negative racial stereotypes of African-Americans, specifically related to language usage.

44. On or about March 26, 2010, Respondent Richardson wrote an email to Child Services in which he admits to having complained about Complainant [REDACTED] to "vice/narcotics," telling them that Complainant [REDACTED] is an LPN (licensed practical nurse) with access to narcotics. In this email, he also admits to contacting the state nursing board to file a complaint against Complainant [REDACTED]. Complainant [REDACTED] received notice of that complaint, which alleges drug abuse and drug dealing. On information and belief, the complaint with the Ohio state nursing board is still pending.
45. On or about March 27, 2010, Respondent Richardson wrote an email to Child Services inviting the addressees to view Complainant [REDACTED]'s Facebook page. He further comments that he spoke to an African-American woman who works at Facebook and remarks that she was "well-spoken" and "professional in her speech pattern."
46. A reasonable reader would understand that Respondent Richardson only comments upon the appropriate speech and language usage of the Facebook employee referenced in his March 27, 2010 email to Child Services because she is African-American, from which a reasonable reader would infer that Respondent Richardson found her appropriate speech and language use to be a noteworthy departure from his negative stereotypical perception of African-Americans' language use, in general.
47. On or about March 28, 2010, Respondent Richardson wrote to Child Services and admitted calling Hilfinger to complain about Complainants [REDACTED] and [REDACTED]. He sends two more emails on March 29 and 31, 2010.
48. On or about April 5, 2010, Respondent Richardson elevated his complaints to the Lucas County Prosecutor. In his emails to the prosecutor, he alleges that Complainant [REDACTED]'s mother, who he erroneously believed to work for Child Services, destroyed records of complaints against Complainant [REDACTED] to protect her. He further admits to calling the state board of social workers to file a complaint against Complainant [REDACTED]'s mother, who does, on information and belief, work in the social work field.
49. On or about April 7, 2010, Hilfinger informed Complainant [REDACTED] that he would not renew her lease and instructed her to vacate the subject property by May 1, 2010.
50. On or about April 18, 2010, in an email to the Lucas County Prosecutor and Child Services, Respondent Richardson admitted to following Complainants [REDACTED] and [REDACTED] and their children at the local Menards hardware store. He accuses Complainants of abusing their children at the Menards, while shopping. Respondent Richardson begins to copy others on his emails, including the mayor and a city councilman, threatening that if action is not taken against Complainants [REDACTED] and [REDACTED], the media will be alerted and there will be scandal.
51. On or about April 19, 2010, Respondent Richardson sent an email to Child Services, the mayor and others, in which he states, in relevant part,

"The residents of [REDACTED] are sick and tired of [REDACTED], [REDACTED] and [REDACTED] [sic] flagrantly selling drugs out of 1225 Harvard Blvd...they had lookouts posted tonight and people not from the neighborhood very obviously trying to assert control, blasting their stereos in their ghetto rides and staring down anyone that was outside. They started their shit at 6PM tonight. I think they think they're going to take down the neighborhood...and at this rate they might win!

It's pathetic that the lazy asshole homeowner, Neil Hilfinger of [REDACTED] admitted to me in February that he knows that illegal activity is going on but 'he don't condon [sic] it, and he's not the police..."

52. A reasonable reader would understand that, in Respondent Richardson's April 19, 2010 email, referenced in paragraph 51, above, his references to "people not from the neighborhood" "staring people down" and "blasting their stereos in their ghetto rides" to convey negative stereotypes of African-Americans.
53. On or about April 20, 2010, Respondent Richardson sent a Facebook message to Sgt. Phil Toney. In the April 20, 2010 Facebook message to Sgt. Toney, Respondent Richardson admits to confronting Hilfinger and demanding that he not renew Complainant [REDACTED]'s lease. He expresses anger at Hilfinger for refusing to relent in the face of "endless calls" from "neighbors." The April 20, 2010 Facebook message to Sgt. Toney also has racial references and stereotypes similar to other messages. Specifically, he writes, "...I mean her sister [REDACTED] and some old black guy were 'doing business' out of there around 630 [sic] last night; did you see her little 12 year old lookouts riding their bike, and the 1978ish while Olds 88 with 30" wheels blasting his stereo and staring everyone down???" The email concludes with conjecture regarding "blockbusting" and casts suspicion on Hilfinger, stating "something fishy is going on."
54. A reasonable reader would understand the references in Respondent Richardson's April 20, 2010 email to Sgt. Toney regarding [REDACTED] "doing business" with "some old black guy," describing an "Olds 88 with 30" wheels blasting his stereo and staring everyone down," and certainly "blockbusting," a race-based practice, to convey negative racial stereotypes of African-Americans.
55. Complainants' neighbor, [REDACTED], witnessed Respondent Richardson's confrontation of Hilfinger on or about April 20, 2010. He states that Respondent Richardson threatened to sue Hilfinger for continuing to rent to Complainants [REDACTED] and [REDACTED]. In fact, Hilfinger had already informed Complainant [REDACTED] that he would not renew her lease on April 7, 2010.
56. Again on or about April 24, 2010, Respondent Richardson sent a Facebook message to Sgt. Toney, wondering if it was time to get out of town, before the neighborhood becomes 'LaGrange."

57. A reasonable reader would understand Respondent Richardson's reference to "LaGrange" to be racial in nature, because LaGrange is, on information and belief, perceived as a low-income community with more African-Americans than Harvard Terrace, where the subject property is situated. In addition, the reference is negative in nature, as Respondent Richardson is expressing concern that [REDACTED] not become like LaGrange.
58. On or about April 26, 2010, Respondent Smith electronically filed a complaint of child abuse with Child Services. The allegations contain references to the alleged February snow beating incident, referenced in paragraphs 23 and 27, above. In this iteration, Respondent Smith implies that it was Complainant [REDACTED] who beat her daughter with a belt for walking in the snow without shoes, which differs again from earlier iterations. The complaint also alleges that "she" allows "her" children to run "nakid" near a busy street in the summer, and makes other comments.
59. On or about April 27, 2010, Respondent Smith wrote to City Councilman [REDACTED], attaching Facebook messages, reporting on Complainants' activities and offering to provide pictures.
60. Child Services caseworker [REDACTED] conducted an investigation into the allegations of child abuse by Complainant [REDACTED]. On information and belief, Child Services made three unannounced visits to Complainants' home. Twinning was permitted to examine and privately interview Complainants' children. She found no evidence of child abuse on the children's bodies and nothing of concern in her discussions with them. Both Complainants [REDACTED] and [REDACTED] voluntarily complied with an impromptu drug screen on March 25, 2010, and both screens came back negative. The children were further examined by a pediatrician at the request of the County, who also concluded no abuse.
61. Child Services also interviewed Respondents and various neighbors during its investigation. All of the neighbors interviewed contradicted Respondents' accounts of Complainants' activities. Some of the neighbors indicated that Complainants kept to themselves, they rarely saw Complainants or their children. Sgt. Toney, an experienced narcotics officer, who lives near the subject property, stated that he saw no indication of drug trafficking at the subject property.
62. On or about April 30, 2010, a summary report issued by Child Services determined no child abuse, no drug abuse, no evidence of drug sales in the home and habitable housing conditions.
63. On or about May 4, 2010, Lucas County Children Services referred the matter of Respondents' unfounded and false complaints to the Lucas County Prosecutor for criminal prosecution for filing false complaints of child abuse and neglect.
64. On or about May 5, 2010, Complainant [REDACTED] filed a harassment and discrimination complaint with the Toledo Board of Community Relations ("TBCR"). During TBCR's investigation, witnesses were interviewed, including neighbors, Hilfinger

and the police. The witnesses all stated that they were contacted with complaints about Complainants [REDACTED] and [REDACTED] by a man named "Ryan." Some of the witnesses, including [REDACTED] and Sgt. Toney, expressed their understanding that Respondents' complaints regarding Complainants were racially motivated.

65. Not one witness interviewed by the Lucas County Criminal Investigator, Lucas County Children Services, the Toledo Board of Community Relations or HUD corroborates Respondents' allegations of child abuse or drug use or sales by Complainants [REDACTED] and [REDACTED].
66. Upon information and belief, TBCR referred Complainant [REDACTED] to Complainant FHC. As a result, on or about May 11, 2010, Complainant [REDACTED] contacted Complainant FHC regarding the harassment her family was experiencing at the subject property. Complainant FHC opened a complaint on behalf of Complainant [REDACTED] and conducted an investigation into her complaint of discrimination.
67. On or about May 17, 2010, Complainant [REDACTED] filed another complaint with police against Respondents Richardson and Smith, alleging "Menacing By Stalking."
68. On or about May 25, 2010, TBCR investigator Juanita Green transferred her investigation file to a Lucas County Criminal Investigator Frank Stiles for investigation of Respondents for false complaints about Complainant [REDACTED] to a government agency, fraud and forgery. In response, Stiles undertook an extensive investigation and made a recommendation to the County Prosecutor for prosecution. The recommendation is pending.
69. Complainants vacated the subject property in or around June of 2010.
70. On or about July 13, 2010, Hilfinger sold the subject property to a white female on ins[REDACTED]ment land contract.
71. On or about August 11, 2010, Complainant [REDACTED] received a letter from the Ohio Board of Nursing informing her that the Board had been informed that she had been selling drugs out of her home since May 1, 2009; that complaint is pending.
72. Respondent Richardson violated 42 U.S.C. §3617 when, motivated, whether in whole or in part, by considerations of race and/or color, he took actions, as alleged herein, including, but not limited to: making false complaints to police, government agencies, public officials, and animal control regarding Complainants [REDACTED] and [REDACTED]; writing threatening letters to Complainant [REDACTED]; forging defamatory letters in Complainants [REDACTED] and [REDACTED]'s names and distributing them to neighbors; threatening and coercing Complainants [REDACTED] and [REDACTED]'s landlord into non-renewing their lease; soliciting neighbors to take action to coerce Complainants [REDACTED] and [REDACTED]'s landlord into non-renewing their lease; making false complaints against Complainant [REDACTED] and her mother to the boards that regulate their professions; and by otherwise harassing, threatening, intimidating and coercing Complainants [REDACTED]

and [REDACTED] in an effort to interfere with and deprive them of the right to live at the subject property.

73. Respondent Smith violated 42 U.S.C. §3617 when, motivated, whether in whole or in part, by considerations of race and/or color, he took actions, as alleged herein, including, but not limited to: making false complaints to police, government agencies, public officials, and animal control regarding Complainants [REDACTED] and [REDACTED]; writing threatening letters to Complainant [REDACTED]; forging defamatory letters in Complainants [REDACTED] and [REDACTED]'s names and distributing them to neighbors; threatening and coercing Complainants [REDACTED] and [REDACTED]'s landlord into non-renewing their lease; soliciting neighbors to take action to coerce Complainants [REDACTED] and [REDACTED]'s landlord into non-renewing their lease; making false complaints against Complainant [REDACTED] and her mother to the boards that regulate their professions; and by otherwise harassing, threatening, intimidating and coercing Complainants [REDACTED] and [REDACTED] in an effort to interfere with and deprive them of the right to live at the subject property.
74. Respondent Smith violated 42 U.S.C. §3617 when, by taking discriminatory actions against Complainants [REDACTED] and [REDACTED] and their minor children, he interfered with and frustrated the open housing mission of Complainant FHC and forced it to divert scarce resources away from its mission-critical activities toward counseling Complainants [REDACTED] and [REDACTED], enforcing fair housing laws, and taking actions to counteract the effects of Respondent Smith's race discrimination.
75. Respondent Richardson violated 42 U.S.C. §3617 when, by taking discriminatory actions against Complainants [REDACTED] and [REDACTED] and their minor children, he interfered with and frustrated the open housing mission of Complainant FHC and forced it to divert scarce resources away from its mission-critical activities toward counseling Complainants [REDACTED] and [REDACTED], enforcing fair housing laws, and taking actions to counteract the effects of Respondent Richardson's race discrimination.
76. As a direct result of Respondents' discriminatory conduct, Complainants [REDACTED], [REDACTED], and their minor children, suffered significant damages, including, but not limited to, severe emotional distress, embarrassment, loss of housing opportunity and inconvenience.
77. Specifically, as a result of Respondents' discriminatory conduct, Complainants [REDACTED] and [REDACTED] suffered severe emotional damages as they feared for their safety and their children's safety after having received threatening anonymous letters. Specifically, Complainant [REDACTED] felt "paranoid" while living at the subject property. Complainant [REDACTED] feared walking to her car in the morning, as she left for work before dawn. She often ran to her car or asked Complainant [REDACTED] to walk her to the car. Complainants [REDACTED] and [REDACTED] stopped allowing their children to play outside. The children would implore their grandmother to take them to her home, because they wanted to leave the house.

78. Complainants █████ and █████ lost the company of family and friends because of the harassment. Complainant █████'s cousin felt uncomfortable visiting her, as did Complainant █████ mother, who began to carry a knife for protection.
79. As a result of Respondents' discriminatory conduct, Complainants' children suffered emotional injury and inconvenience in that they had to move from a large home where they each had their own bedroom and away from their Head Start program, which was nearby.
80. Complainant FHC also suffered damages as a result of Respondents' discrimination when its time and resources were directed away from its services and programs, including education and outreach, and toward the investigation of the discriminatory conduct and the enforcement of fair housing laws against Respondents. Further, Complainant FHC's mission to eliminate housing discrimination and to ensure equal housing opportunities for all was frustrated, and its constituents harmed, by Respondents' discriminatory housing practices.

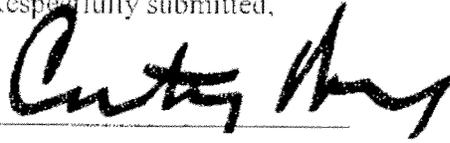
III. CONCLUSION

WHEREFORE, the Secretary of the U.S. Department of Housing and Urban Development, through the Office of the General Counsel, and pursuant to Section 3610(g)(2)(A) of the Act, hereby charges Respondents 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 Respondents, as set forth above, violate the Fair Housing Act, as amended, 42 U.S.C. §§ 3601 *et seq.*;
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 race and color against any person in any aspect of the purchase or rental of a dwelling;
3. Awards such monetary damages as will fully compensate Complainants █████, █████ and their minor children, and FHC, all aggrieved persons under the Act, for any and all damages caused by Respondents' discriminatory conduct; and
4. Awards a \$16,000 civil penalty against each Respondent for each violation of the Act committed, pursuant to 42 U.S.C. § 3612(g)(3).

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

Respectfully submitted,



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Date: 08/25/2011