

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)
Chicago Lawyers' Committee For Civil)
Rights Under Law,)
)
Charging Party,)
)
v.)
)
John W. Yatzyshyn,)
)
Respondent.)

HUD ALJ No.
FHEO No. 05-06-0550-8

CHARGE OF DISCRIMINATION

I. **JURISDICTION**

On or about February 7, 2006, Complainant Chicago Lawyers' Committee For Civil Rights Under Law filed a verified complaint with the United States Department of Housing and Urban Development ("HUD"), alleging that Respondent John W. Yatzyshyn ("Respondent") violated the Fair Housing Act as amended in 1988, 42 U.S.C. §3601 *et seq.* (the "Act"), by advertising in a discriminatory manner in violation of 42 U.S.C. §3604.

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 redelegated to the Regional Counsel (67 Fed.Reg. 44234), the authority to issue such a charge, following a determination of reasonable cause by the Assistant Secretary for Fair Housing and Equal Opportunity 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 familial status, and has authorized and directed the issuance of this Charge of Discrimination.

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, Respondent John W. Yaczyszyn ("Respondent Yaczyszyn") is charged with discriminating against Complainant Chicago Lawyers' Committee For Civil Rights Under Law ("Complainant CLC"), an aggrieved party as defined by 42 U.S.C. §3602(i), based on familial status in violation of 42 U.S.C. §3604(c) of the Act as follows:

1. 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 unit that indicates any preference, limitation, or discrimination based on race, color, religion, sex, "handicap," familial status, or national origin, or an intention to make any such preference, limitation or discrimination. 42 U.S.C. §3604(c); see also 24 C.F.R. §100.75.
2. At all times relevant to this Charge, Respondent Yaczyszyn was the sole owner and manager of the property located at 6425 North Bell Avenue, Chicago, Illinois ("subject property").
3. The subject property is a two-unit, multi-family dwelling.¹ On information and belief, Respondent Yaczyszyn resided in one of the units at all times relevant to this Charge.
4. Complainant CLC is a not-for-profit Illinois corporation that promotes open housing in the Chicago metropolitan region. Its programs and activities include operating a Fair Housing Center and Legal Action Program.
5. In 2005, in response to complaints about the content of advertising on the internet-based website *chicago.craigslist.org*, Complainant CLC was monitoring the content of rental advertisements posted on *chicago.craigslist.org*.
6. On or about August 23, 2005, Justin Massa ("Massa"), Complainant's Fair Housing Testing and Outreach Coordinator, viewed an advertisement on *chicago.craigslist.org*, which indicated a posting date of August 19, 2005. It read, in relevant part:

Sunny 2.5 bedroom apt. with spacious living room, with decorative fireplace and separate dining room, new bathroom, newly sanded floors, freshly painted, ceiling fans. In owner occupied 2 flat apt (sic) with security wrought iron gate, nicely landscaped, private yard in clean **Adult** (sic) building. Includes heat and one (1) garage space. Call 773-252-5259 or email. No Pets! \$1,100 plus security dep.
[emphasis added]

¹ On information and belief, Respondent also owns a 4 unit apartment building over a store-front at 1948 W. Chicago Avenue, Chicago, Illinois.

7. On or about August 24, 2005, Massa again visited the *chicago.craigslist.org* website and viewed another advertisement, which indicated a posting date of August 24, 2005. It read, in relevant part:

Beautiful, Sunny 2.5 bedroom apt. with large living room, decorative fireplace, separate dining room, new bathroom, freshly painted, sanded hardwood floors, ceiling fans. In nicely landscaped, clean **adult** 2 flat, Heat Included! (sic) and One (1) garage space! 1/2 Block to Warren Park! No Pets. \$1,100 plus security dep. 773-252-5259 or 773-338-5280 [emphasis added]

8. Massa subsequently conducted research into the identity of the individual who posted the advertisements referenced in paragraphs 6 and 7 above. He learned that the phone number 773-338-5280 was listed to John W. Yatzyszyn at 6425 North Bell Avenue, Chicago, Illinois, the subject property. Massa ascertained the property index number for the subject property from the Cook County Assessor's website, where the subject property is located; from there he learned from the Cook County Treasurer's website that the property was owned by Respondent Yatzyszyn.
9. Based upon Massa's findings, on or about February 7, 2006, Complainant CLC filed a complaint with HUD.
10. On or about June 5, 2006, Respondent Yatzyszyn's attorney submitted an Answer to Complainant CLC's HUD Complaint on Respondent Yatzyszyn's behalf. In the Answer, Respondent Yatzyszyn's attorney admits that Respondent Yatzyszyn posted the advertisements that formed the basis of Complainant CLC's HUD Complaint, expressing a preference for adults and a limitation against children. The Answer states, in relevant part, "Because my client occupies the first floor unit and has long working hours and difficulty sleeping, he placed the advertisement set out in Paragraph 7 of the HUD Complaint as he did." After pointing out that the property is otherwise exempt as owner-occupied, the Answer goes on to admit that the posting was unlawful, stating, "I have subsequently explained these exemptions to my client, and that he cannot initially advertise the rental as he did last August."
11. Local fair housing ordinances for the City of Chicago and the County of Cook, where the subject property is located, prohibit discrimination on the basis of familial status in all rental housing, regardless of the number of units or whether the property is owner-occupied. There is no exemption under local fair housing laws for owner-occupied dwellings or for dwellings that contain fewer than four units.
12. On information and belief, in addition to the subject property, Respondent owns another property containing four rental units, which is not exempt under the Act. As a result, he knew or should have known that it is illegal to post rental advertisements which express a preference or limitation on the basis of familial status.

13. As a result of Respondent's discriminatory conduct, Complainant CLC has suffered damages, including inconvenience, economic loss through diversion of its resources, and frustration of its mission to promote equal housing opportunities in the Chicago metropolitan area. Complainant CLC was forced to divert some of its scarce resources to investigate the Respondent's discriminatory advertisement, conduct factual research into the ownership of the subject property and other properties owned by Respondent, conduct legal research, conduct education and outreach, and recruit and retain legal counsel for its HUD complaint.
14. As a result of the Respondent's discriminatory conduct, an unknown number of prospective tenants with children were discouraged from seeking a rental opportunity at the subject property because of the discriminatory language "adult 2 flat" and "Adult building" in Respondent's rental advertisement, frustrating Complainant's mission to promote diverse and equal housing in the Chicago metropolitan area.

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) of the Act, hereby charges Respondent with engaging in a discriminatory housing practice in violation of Section 3604(c) of the Act, and prays that an order be issued that:

1. Declares that the discriminatory housing practice of the Respondent, as set forth above, violates the Fair Housing Act, as amended 42 U.S.C. §3601 *et seq.*;
2. Enjoins Respondent, his agents, employees, and successors, and all other persons in active concert or participation with him from discriminating because of familial status against any person in any aspect of the rental or sale of a dwelling;
3. Awards such damages as will fully compensate Complainant CLC, an aggrieved party, for its economic loss, inconvenience, and frustration of mission caused by Respondent's discriminatory conduct pursuant to 42 U.S.C. § 3604(c); and
4. Assesses a civil penalty of eleven thousand dollars (\$11,000) against Respondent for each violation of the Act that the Respondent has 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,



COURTNEY MINOR
Regional Counsel for Region V



LISA M. DANNA-BRENNAN
Supervisory Attorney-Advisor for Fair Housing



DANA ROSENTHAL
Trial Attorney
U.S. Department of Housing
and Urban Development
Office of the Regional Counsel
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77 West Jackson Boulevard, Room 2617
Chicago, Illinois 60604-3507
(312) 353-6236, ext. 2614
FAX: (312) 886-4944

Date: 09/25/07

DETERMINATION OF REASONABLE CAUSE

CASE NAME: Chicago Lawyers' Committee for Civil Rights Under Law v Yatzyszyn, J.
CASE NUMBER: 05-06-0550-8

I. JURISDICTION

On February 7, 2006, the Chicago Lawyers' Committee for Civil Rights Under Law, Inc. ("Complainant CLC") filed a timely complaint with the United States Department of Housing and Urban Development ("HUD" or "the Department") alleging that it was injured by a discriminatory act of Respondent John W. Yatzyszyn. Complainant CLC is a not-for-profit agency that engages in fair housing outreach and enforcement activities, including, but not limited to, investigating civil rights complaints and monitoring advertisements for discriminatory content. Complainant alleged that Respondent posted two discriminatory rental advertisements, in violation of Section 804 (c) of the federal Fair Housing Amendments Act of 1988 ("Act"). The ads read, in relevant part, "adult 2 flat" and "Adult (sic) property."

Section 804 (c) prohibits making, printing, publishing, or causing 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 race, color, religion, sex, disability, familial status or national origin, or an intention to make any such preference, limitation, or discrimination.

The advertised property is located at 6425 N. Bell Avenue, Chicago, Illinois 60645 ("subject property"). The subject property is a two-flat apartment building; Respondent resides in the lower flat and advertised the upper flat for rent. The subject property is otherwise exempt under Section 803 (b)(2) of the Act as owner-occupied; the exemption does not apply to violations of Section 804 (c) of the Act.

The discriminatory ads are alleged to have been posted on August 19 and August 24, 2005. The Complaint was filed on February 7, 2006. Respondent does not receive federal funding.

II. COMPLAINANT'S ALLEGATIONS

Complainant CLC alleges that Respondent Yatzyszyn posted two discriminatory rental advertisements on chicago.craigslist.org ("craigslist"), an internet website, expressing a preference against renting to families with children. The advertisements read, in relevant part, "adult 2 flat" and "Adult (sic) property." Complainant alleges that as a result of the discriminatory advertisements posted by Respondent, it has suffered damages in the form of frustration of mission and

diversion of resources.

III. RESPONDENT'S DEFENSES

Respondent Yatczyshyn admits that he posted the advertisements on craigslist seeking "adult" renters because he has "long working hours and difficulty sleeping..." He also contends that although he did place the advertisements in question, he lives at the subject property, and, therefore, ought to be exempt from the provisions of the Act.¹

IV. FINDINGS AND CONCLUSION

Complainant CLC is a not-for-profit Illinois corporation whose mission is to promote open housing in the Chicago metropolitan region. Its programs and activities include operating a Fair Housing Center and Legal Action Program. Complainant CLC is supported by private contributions, foundation grants and contracts with agencies of federal, state and local governments. Complainant CLC seeks to redress the injury it suffered in trying to eradicate familial status discrimination in Chicago's housing market. Complainant CLC contends that its resources have been diverted, its mission of open housing frustrated, and its clients harmed by Respondent's alleged discriminatory acts. Complainant further alleges that it had to divert its time and resources away from housing counseling, education, and other matters, and toward the investigation and enforcement of the fair housing laws against Respondent. Complainant CLC filed this complaint on its own behalf after its staff viewed the discriminatory advertisements for the subject property posted by Respondent Yatczyshyn on craigslist.

Complainant CLC specifically alleges that it received complaints of discriminatory advertising for rental housing on craigslist. As a result, it conducted investigation into rental advertising practices on craigslist. Two of the ads it examined were posted by Respondent for the subject property.

On August 23, 2005, Justin Massa ("Massa"), Complainant's Fair Housing Testing and Outreach Coordinator, viewed an advertisement on craigslist posted by Respondent on or about August 19, 2005. It stated, in relevant part:

Sunny 2.5 bedroom apt. with spacious living room, with decorative fireplace and separate dining room, new bathroom, newly sanded floors, freshly painted, ceiling fans. In owner occupied 2 flat apt (sic) with security wrought iron gate, nicely landscaped, private yard in clean **Adult** (sic) building. Includes heat and one (1) garage space. Call 773-252-5259 or email. No Pets! \$1,100 plus security dep. [emphasis added]

¹ Through his counsel, Respondent alleged that the subject property is the only rental property he owns. However, the investigation revealed that Respondent owns another commercial/residential investment property containing four apartment rental units over a store front.

On August 24, 2005, Massa again visited the craigslist website and viewed another advertisement posted by Respondent on or about August 24, 2005. It stated, in relevant part:

Beautiful, Sunny 2.5 bedroom apt. with large living room, decorative fireplace, separate dining room, new bathroom, freshly painted, sanded hardwood floors, ceiling fans. In nicely landscaped, clean **adult** 2 flat, Heat Included! (sic) and One (1) garage space! 1/2 Block to Warren Park! No Pets. \$1,100 plus security dep. 773-252-5259 or 773-338-5280 [emphasis added]

Massa used the telephone numbers in the craigslist ads to ascertain both Respondent Yatczyshyn's identity and his address. He then visited the Cook County Recorder of Deeds and confirmed that Respondent owns the subject property. Complainant subsequently filed its complaint with HUD, naming Yatczyshyn as the respondent.

Respondent's attorney submitted Respondent's answer to Complainant's complaint. In the answer, Respondent's attorney admits that Respondent Yatczyshyn placed the advertisements for the subject property. She assured, "Should my client choose to advertise this . . . unit in the future, he will not make the same mistake in wording his advertisement."

To establish a prima facie case of discriminatory statement on the basis of familial status, the following elements must be met:

- 1.) Complainant has standing to file the complaint;
- 2.) Respondent made, printed, or published, or caused to be made, printed or published a notice, statement, or advertisement, with respect to the rental of a dwelling that indicates a preference, limitation, or discrimination based upon familial status;
- 3.) Complainant read or heard the statement, notice, or advertisement in question;
- 4.) A ordinary hearer or reader of the statement, notice, or advertisement in question would construe that there was a preference, limitation or discrimination based upon familial status, or the facts and circumstances provide a credible basis for inferring the intent of the respondent.

In this case all four elements have been met with respect to familial status, as follows:

Complainant CLC enjoys organizational standing under the Act because it can show concrete injuries that it suffered as the direct result of Respondent's discriminatory act, including frustration of its mission to ensure open housing in

the Chicago metropolitan area for all protected classes, including families with children. Specifically, Complainant alleges that despite its constant efforts to educate the public otherwise, every time a discriminatory advertisement is posted, it sends a message to other advertisers that it is acceptable to discriminate. Complainant further alleges that it diverted its resources to investigate the discriminatory advertisements posted by Respondent and to file and participate in the investigation of its HUD complaint. Complainant CLC alleges that in doing so, it has expended valuable resources that could have been used for other purposes, such as completing its obligations under various grants and conducting education and outreach activities designed to prevent future discrimination.

Through his representative, Respondent Yatczyshyn admits that he posted the discriminatory advertisements on craigslist in an effort to attract adult renters to the subject property ostensibly because he was concerned about noise in the unit above his, given that he works long hours and has difficulty sleeping.

Massa and other members of Complainant's staff read the discriminatory advertisement posted by Respondent for the subject property and understood it to express a preference against renting to families with children. Finally, a reasonable reader of the advertisement for the subject property posted by Respondent on craigslist for the subject property would construe it as expressing a preference for adults and a limitation against children.

While Respondent claims that his property should be exempt as owner-occupied, the Act's exemption for owner-occupied dwellings does not extend to Section 804 (c) violations. In addition, the Chicago Fair Housing Ordinance, a local fair housing law that applies to the subject property, prohibits discriminatory advertising on the basis of familial status and does not exempt owner-occupied dwellings. Moreover, given that Respondent owns two rental properties with approximately five rental units between them, he knew or should have known that his property was not exempt from the prohibitions against discriminatory advertising under local or federal fair housing laws.

Therefore, Respondent Yatczyshyn caused to be published or printed a notice/advertisement that violated 42 U.S.C. 3604(c). For the above stated reasons, there is reasonable cause to believe that the Act was violated, as alleged.

V. ADDITIONAL INFORMATION

Notwithstanding this determination by HUD, the Act provides that Complainant may file a civil action in an appropriate federal district court or state court within two years after the occurrence or termination of the alleged discriminatory housing practice. The computation of this two-year period does not include the time during which this administrative proceeding was pending. In addition, upon the application of either party to such civil action, the court may appoint an attorney, or may authorize the commencement of or continuation of the civil

action without the payment of fees, costs, or security, if the court determines that such party is financially unable to bear the costs of the lawsuit.

The Department's regulations implementing the Act require that a dismissal, if any, be publicly disclosed, unless the respondent requests that no such release be made. Respondent must make such request within thirty (30) days of receipt of the determination to the Field Office of Fair Housing and Equal Opportunity at the address contained in the enclosed summary. Notwithstanding such request by Respondent, the fact of a dismissal, including the names of all parties, is public information and is available upon request.

A copy of the final investigative report can be obtained from:

Office of Fair Housing and Equal Opportunity
Region V Office
77 West Jackson Boulevard, Room 2101
Chicago, Illinois 60604-3507.



Barbara M. Knox, Director
FHEO Region V

09/25/07
Date

IMPORTANT NOTICE

THE ENCLOSED CHARGE OF DISCRIMINATION ISSUED BY THE SECRETARY OF THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT GIVES YOU THE FOLLOWING IMPORTANT RIGHTS AND RESPONSIBILITIES:

I. Election of Civil Action or Administrative Proceeding

If you are either the person charged or any aggrieved person on whose behalf this charge is brought, you have the right to choose one of two judicial forums in which the issues involved in the charge will be heard. The two forums are: (1) a United States government administrative proceeding before an independent United States government administrative law judge and (2) a United States district court (district court).

If you want to have your case tried in a United States government administrative proceeding, you need take no further action. If you take no further action and if no other person decides to go to district court, a United States administrative hearing automatically will be held before an independent United States government administrative law judge.

If no person elects to have the claims asserted in this charge decided in a civil action in district court, an administrative proceeding will be conducted before a United States government administrative law judge:

ON: JANUARY 24, 2008

IN OR NEAR: CHICAGO, ILLINOIS or VICINITY

at a **TIME and PLACE** set forth by another order of a United States government administrative law judge. The proceeding will be conducted in accordance with the Consolidated HUD Hearing Procedures for Civil Rights Matters set forth at 24 C.F.R. Part 180.

A. Advantages of Administrative Proceeding

1. Speed

The administrative hearing process was created by Congress to provide for a quick and inexpensive way to resolve housing discrimination charges. 42 U.S.C. Section 3612(d) & (g). The time from the issuance of the charge until the issuance of the administrative law judge's decision is about six months. In contrast, because of the large number of criminal cases in district courts, which, under the Speedy Trial Act, take precedence over all other cases, it is not uncommon for civil litigation such as fair housing cases to take on average at least two years to be litigated in district court.

2. Free HUD Counsel

If this case is tried in a United States government administrative proceeding, an attorney from the United States Department of Housing and Urban Development will prosecute the case on behalf of the aggrieved person at no charge. Providing the opportunity to have a United States Department of Housing and Urban Development lawyer prosecute the case was intended by Congress to give aggrieved persons expert advice from lawyers representing the Department that is in charge of implementing the Fair Housing Act.

3. Remedy

The independent United States government administrative law judge may order injunctive and other equitable relief and monetary relief for actual damages (including damages caused by humiliation) and may also impose civil penalties.

B. Advantages of Judicial Proceeding

1. Jury Trial

If this case proceeds to a district court, any party may choose to have the case decided by a jury.

2. Free Department of Justice Counsel

If the case proceeds to a district court, an attorney from the United States Department of Justice will prosecute the case at no charge.

3. Remedy

The district court may order injunctive and other equitable relief and monetary relief for actual damages (including damages caused by humiliation) and punitive damages.

C. Procedure if an Election is made

If you decide to go to district court, an election to do so must be filed with the Chief Docket Clerk, at the following address, no later than **OCTOBER 22, 2007**. Documents are not filed until received by the Chief Docket Clerk.

Chief Docket Clerk
Office of Administrative Law Judges
Office of Hearings and Administrative Appeals
1707 H St., NW, 11th Floor
Washington, DC 20006
Telephone Number: 202-254-0000
Facsimile Machine Number: 202-254-0011

You also must give written notice of the election to go to district court to the individuals listed below:

COMPLAINANT:

Elizabeth Shuman-Moore
Chicago Lawyers' Committee for Civil Rights Under Law, Inc.
100 North LaSalle Street, Suite 600
Chicago, Illinois 60602

COMPLAINANT'S REPRESENTATIVE:

Jeffrey L. Taren, Attorney
Kinoy, Taren & Geraghty, P.C.
2254 South Michigan Avenue, Suite 300
Chicago, Illinois 60604
(312) 663-5210 (Office)
(312) 663-6663 (Fax)

RESPONDENT:

John W. Yatzyszyn
6425 North Bell Avenue
Chicago, Illinois 60645

RESPONDENT'S REPRESENTATIVE:

Dorothy B. Johnson, Attorney
Johnson & Associates
887 North LaSalle Street
Chicago, Illinois 60610-3219
(312) 236-1616 (Office)
(312) 642-3609 (Fax)

OFFICIALS:

Lisa M. Danna-Brennan, Supervisory Trial Attorney
Dana Rosenthal, Trial Attorney
U.S. Department of Housing and Urban Development
Office of the Regional Counsel – Region V
77 West Jackson Boulevard, Room 2617
Chicago, Illinois 60604-3507
(312) 353-6236, ext. 2609 or ext. 2614 (Office)
(312) 886-4944 (Fax)

Joseph A. Pelletier
 Acting Assistant General Counsel
 for Fair Housing Enforcement
 Office of General Counsel
 Department of Housing and
 Urban Development
 451 Seventh St., SW, Room 10270
 Washington, DC 20410

Bryan Greene
 Deputy Assistant Secretary for Enforcement
 and Programs
 Office of Fair Housing and Equal Opportunity
 Department of Housing and Urban Development
 451 Seventh St., SW, Room 5204
 Washington, DC 20410

If a timely election to proceed in District Court is made, the Chief Administrative Law Judge will issue a "Notice of Election of Judicial Determination."

II. Procedural Rights and Responsibilities for Administrative Proceeding

A. Answer

If you are the respondent in the administrative proceeding, you must file a written answer to the attached charge by **OCTOBER 26, 2007**, (within 30 days of the service of the charge). The answer must include:

1. A statement that the respondent admits, denies, or does not have and is unable to obtain sufficient information to admit or deny, each allegation made in the charge. A statement of lack of information shall have the effect of a denial. Any allegation that is not denied shall be deemed admitted.
2. A statement of each affirmative defense and a statement of the facts supporting each affirmative defense.

Failure to file an answer within the 30-day period following service of the Charge shall be deemed an admission of all matters of fact recited in the Charge and may result in the entry of a default decision. 24 C.F.R. Section 180.420(b).

B. Request for Intervention

If you are the aggrieved person on whose behalf the attached charge was filed, you may participate as a party in the administrative proceeding by filing a timely request for intervention. In order for requests for intervention to be timely, they must be filed with the Chief Docket Clerk within 50 days after service of the charge. 24 C.F.R. Section 180.310(b).

C. Discovery

All discovery for the administrative proceeding will be completed by **JANUARY 9, 2008**, in accordance with 24 C.F.R. Section 180.500(a). If no person elects to have the claims asserted in this charge decided in a civil action in district court, a lawyer from the United States Department

of Housing and Urban Development will contact you or your representative to discuss scheduling the discovery of information relevant to transactions and events related to the enclosed charge.

Discovery of electronic information is treated on equal footing with paper documents. Electronically stored information is defined expansively to include any type of information that is stored electronically, including, but not limited to: email messages and attachments; other electronic communications; word processing documents; spreadsheets; tables; data; photographs; and telephone logs.

In order to meet your discovery obligations, you are advised to take all reasonable steps to:

- Prevent deleting or discarding any information, including electronic information, related to the enclosed charge of discrimination.
- Assess how information, including electronic information, is stored, how it can be produced, and what evidence is relevant to the case.

III. Restrictions on Respondent's Sale or Rental of Property

If at any time following the service of the attached charge, the respondent intends to enter into a contract, sale, encumbrance, or lease with any person regarding the property that is the subject of the charge, the respondent must provide a copy of the charge to such person before the respondent and that person enter into the contract, sale, encumbrance or lease.

If there is anything in this notice that you do not understand or if you have additional questions, contact: **LISA M. DANNA-BRENNAN** or **DANA ROSENTHAL**, Trial Attorneys, at **(312) 353-6236, ext. 2609 or ext. 2614**.

Attachments (Charge of Discrimination and Determination of Reasonable Cause)

CERTIFICATE OF SERVICE

I hereby certify that the foregoing "Charge of Discrimination," "Determination of Reasonable Cause," "Important Notice" and "Certificate of Service" in FHEO No. 05-06-0550-8 was served by facsimile machine on the office of Administrative Law Judges (FAX: 202-254-0011), via first class mail, postage prepaid and FEDEX upon the following:

Chief Docket Clerk
Office of Administrative Law Judges
Office of Hearings and Administrative Appeals
U.S. Department of Housing and
Urban Development
1707 "H" Street, N.W., 11th Floor
Washington, DC 20006

COMPLAINANTS:

Ms. Elizabeth Shuman-Moore
Chicago Lawyers' Committee for Civil Rights Under Law, Inc.
100 North LaSalle Street, Suite 600
Chicago, Illinois 60602

COMPLAINANT'S REPRESENTATIVE:

Jeffrey L. Taren, Attorney
Kinoy, Taren & Geraghty, P.C.
2254 South Michigan Avenue, Suite 300
Chicago, Illinois 60604
(312) 663-5210 (Office)
(312) 663-6663 (Fax)

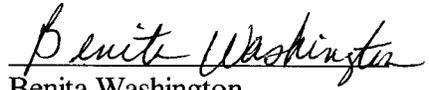
RESPONDENT:

Mr. John W. Yaczyshyn
6425 North Bell Avenue
Chicago, Illinois 60645

RESPONDENT'S REPRESENTATIVE:

Dorothy B. Johnson, Attorney
Johnson & Associates, P.C.
Attorneys at Law
887 North LaSalle Street
Chicago, Illinois 60610-3219
(312) 236-1616 (Office)
(312) 642-3609 (Fax)

on this 25th day of September, 2007.



Benita Washington

Paralegal Specialist

Office of Regional Counsel

U.S. Department of Housing and

Urban Development

77 West Jackson Boulevard, Room 2617

Chicago, Illinois 60604-3507

(312) 353-6236, ext. 2619

(312) 886-4944 (Fax)