Ohio Civil Rights Commission

Memo

To: Desmon Martin, Chief of Enforcement and Compliance

From: Denise M. Johnson, Chief Administrative Law Judge DMJ

Date: April 7, 2010

Re: Jeff Williams and LaTonya Williams and Fair Housing Advocates Association v. Terry Hiett and Nyoka Poppinger
(COL) H1081805 (32391) 093005 * 05-05-1660-8
Complaint No. 10061

CONSIDERATION OF
ADMINISTRATIVE LAW JUDGE'S REPORT

ALJ RECOMMENDS CEASE AND DESIST ORDER

Report issued: April 6, 2010

Report mailed: April 7, 2010

** **Objections due: April 30, 2010**

DMJ:tg

Ohio Civil Rights Commission

Governor
Ted Strickland

Board of Commissioners
Eddie Harrell, Jr., Chairman
Leonard J. Hubert
Stephanie M. Mercado, Esq.
Tom Roberts
Rashmi N. Yajnik

G. Michael Payton, Executive Director

April 7, 2010

Jeff Williams
LaTonya Williams
1130 Convers Avenue
Zanesville, OH 43701-3015

Vincent B. Curry, Executive Director
Fair Housing Advocates Association
520 South main Street, Suite 2459
Akron, OH 44311-1010

Terry Hiett
Nyoka Poppinger
1127 Convers Avenue
Zanesville, OH 43701-3014

Re: *Jeff Williams and LaTonya Williams and Fair Housing Advocates Association, Inc. v. Terry Hiett and Nyoka Poppinger*
(COL) H1081805 (32391) 093005 05-05-1660-8 Complaint No. 10061

Enclosed is a copy of the Administrative Law Judge's Findings of Fact, Conclusions of Law, and Recommendations (ALJ's Report). You may submit a Statement of Objections to the ALJ's Report within twenty (20) days from the mailing date of this report.

Pursuant to Ohio Admin. Code § 4112-1-02, your Statement of Objections must be **received** by the Commission no later than **Friday, April 30, 2010**. *No extensions of time will be granted.*

Any objections received after this date will be **untimely filed** and cannot be considered by the Ohio Civil Rights Commission.

Please send the original Statement of Objections to: **Desmon Martin, Chief of Enforcement and Compliance, Ohio Civil Rights Commission, State Office Tower, 5th Floor, 30 East Broad Street, Columbus, OH 43215-3414**. All parties and the Administrative Law Judge should receive copies of your Statement of Objections.

FOR THE COMMISSION

Desmon Martin / tg

Desmon Martin
Chief of Enforcement and Compliance

DM:tg Enclosure

cc: Lori A. Anthony, Chief – Civil Rights Section - Stefan J. Schmidt, Esq.
Denise M. Johnson, Chief Administrative Law Judge

Certified No. 7005 – 1160 – 0004 – 7283 – 5614 [Jeff Williams, LaTonya Williams]
Certified No. 7005 – 1160 – 0004 – 7283 – 5621 [Vincent B. Curry, FHAA]
Certified No. 7005 – 1160 – 0004 – 7283 – 5638 [Terry Hiett, Nyoka Poppinger]

OHIO CIVIL RIGHTS COMMISSION

IN THE MATTER OF:

JEFF WILLIAMS AND
LATONYA WILLIAMS AND
FAIR HOUSING ADVOCATES
ASSOCIATION, INC.

Complainants

v.

TERRY HIETT AND
NYOKA POPPINGER

Respondents

Complaint No. 10061
(COL) H1081805 (32391) 093095
05 – 05 – 1660 – 8

CHIEF ADMINISTRATIVE LAW JUDGE'S FINDINGS OF FACT, CONCLUSIONS OF LAW, AND RECOMMENDATIONS

RICHARD CORDRAY
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Complainants

Terry Hiett
Nyoka Poppinger
1127 Convers Avenue
Zanesville, OH 43701-3014

Respondents, *Pro Se*

ALJ'S REPORT BY:

Denise M. Johnson
Chief Administrative Law Judge
Ohio Civil Rights Commission
State Office Tower, 5th Floor
30 East Broad Street
Columbus, OH 43215-3414
614 – 466 – 6684

INTRODUCTION AND PROCEDURAL HISTORY

Jeff Williams and Latonya Williams (Complainants) and Fair Housing Advocates Association, Inc. (Complainant FHAA) filed a sworn charge affidavit with the Ohio Civil Rights Commission (the Commission) on September 30, 2005.

The Commission investigated and found probable cause that Terry Hiett and Nyoka Poppinger (Respondents) engaged in unlawful discriminatory practices in violation of Revised Code Sections (R.C.) 4112.02(H)(4) and (12).[1]

The Commission issued a Complaint, Notice of Right of Election, and Notice of Hearing on August 3, 2006.

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[1] Although the Commission's Complaint contained allegations of violations of R.C. 4112.02(H)(4), (7), and 12, the Commission is only pursuing violations of R.C. 4112.02(H)(4) and (12). (Comm. Br., p. 3)

The Complaint alleged Respondents subjected Complainants and their family members to unwanted and unwelcomed acts of harassment, including but not limited to, the use of racially offensive and derogatory language directed at Complainants and their family members.

The Complaint further alleged that Respondents' actions had the purpose or effect of unreasonably interfering with the ability of Complainants to have quiet enjoyment of their housing accommodations.

The Complaint additionally alleged the actions of Respondents thwarted Complainant FHAA's goals of providing non-discriminatory housing, and caused it to divert its resources to remedy the unlawful discriminatory acts of Respondents.

Respondents did not file an Answer. The Commission filed a Motion to Proceed as a Default Hearing on July 16, 2007.

A public hearing was held on October 19, 2007 at the Muskingam County Courthouse in Zanesville, Ohio. Respondents did not appear at the hearing.[2]

The record consists of the previously described pleadings, a transcript consisting of 54 pages, exhibits admitted into evidence at the hearing, and a post-hearing brief filed by the Commission on October 30, 2008. Respondents did not file a post-hearing brief.

[2] The Commission's Motion to Proceed as a Default Hearing was granted on the record at the hearing, pursuant to Ohio Administrative Code (O.A.C.) 4112-3-06(F).

FINDINGS OF FACT

The following findings are based, in part, upon the Administrative Law Judge's (ALJ) assessment of the credibility of the witnesses who testified before her in this matter. The ALJ has applied the tests of worthiness of belief used in current Ohio practice. For example, she considered each witness's appearance and demeanor while testifying. She considered whether a witness was evasive and whether his or her testimony appeared to consist of subjective opinion rather than factual recitation. She further considered the opportunity each witness had to observe and know the things discussed; each witness's strength of memory; frankness or the lack of frankness; and the bias, prejudice, and interest of each witness. Finally, the ALJ considered the extent to which each witness's testimony was supported or contradicted by reliable documentary evidence.

1. Complainants and Complainant FHAA filed a sworn charge affidavit with the Commission on September 30, 2005.

2. The Commission determined on April 20, 2006 it was probable that Respondents engaged in unlawful discriminatory practices in violation of R.C. 4112.02(H)(4) and (12).

3. The Commission attempted but failed to conciliate this matter by informal methods of conciliation.

4. Complainants are a bi-racial couple (Caucasian and African-American) who have four (4) bi-racial children.

5. Complainants and their children have lived in half of a duplex located at 1130 Convers Avenue in Zanesville, Ohio for over six and a half (6 ½) years. (Tr. 10-11, 25-26)

6. In 2004, Respondents, a Caucasian couple, moved into the other half of the duplex at 1132 Convers. (Tr. 12, 26)

7. Complainants and Respondents share a common wall and a conjoining door. (Tr. 15)

8. From the time Respondents moved into 1132 Convers they directed racially derogatory comments and racial epithets toward Complainant Latonya Williams and Complainants' bi-racial children.

9. Respondents called Complainant Latonya Williams "nigger" and "nigger bitch". Respondents called Complainants' children "niggers", "little nigger babies", and "yellow nappy headed kids". (Tr. 13-14, 26)

10. Because of Respondents' continuous name-calling Complainants' children did not play in their own yard or go outside for the two summers Respondents lived next door to them. (Tr. 27, 31)

11. When Complainant Latonya Williams tried to walk her children to school Respondent Hiett would follow her down the street in his car yelling racial epithets after her. (Tr. 28)

12. Besides the name calling Respondents engaged in other harassing conduct toward Complainants:

- stole a license plate from Complainants' car (Tr. 18-19, 22;
- threw their old couch on Complainants' front lawn (Tr. 16);
- on numerous occasions blocked Complainants' car so they could not get out and blocked in their garbage cans so the city could not remove their trash (Tr. 16, 28);
- spread false and malicious rumors about Complainants' to the neighbors (Tr. 27-28);
- called the police on Complainants on several occasions, claiming that they were harassing Respondents (Tr. 16, 28); and
- threatened to kill Complainant Jeff Williams in front of his children while Respondent Hiett was in a drunken rage and beating on the shared common wall between their duplexes. (Tr. 16)

13. Complainants complained to Jay Butler of JPS Management, the property manager of the duplexes, on several occasions.

14. However, this seemed only to make Respondents angrier and more vindictive. (Tr. 17, 42)

15. Complainants also complained to the following officials:

- Howard Zwelling, the Mayor of Zanesville;
- Zanesville Section 8 Housing Department;
- Connie Quarles of the Zanesville Fair Housing Authority (Tr. 17, 29-30, 39-40, Comm.Ex. 5);
- Zanesville Police Department (Tr. 16, 19, 29, Comm. Ex. 1); and
- Vince Curry, Executive Director of Complainant FHAA

16. Shortly after Complainants and Complainant FHAA filed their charge, Butler of JPS management moved Respondents to a residence across the street from Complainants.

CONCLUSIONS OF LAW AND DISCUSSION

All proposed findings, conclusions, and supporting arguments of the parties have been considered. To the extent that the proposed findings and conclusions submitted by the parties and the arguments made by them are in accordance with the findings, conclusions, and views stated herein, they have been accepted; to the extent they are inconsistent therewith, they have been rejected. Certain proposed findings and conclusions have been omitted as not relevant or as not necessary to a proper determination of the material issues presented.[3]

1. The Commission alleges in the Complaint that Respondents intimidated Complainants, threatened them, and otherwise interfered with the quiet enjoyment of their home on the basis of race.

2. This allegation, if proven, would constitute a violation of R.C. 4112.02, which provides, in pertinent part, that:

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[3] Any Finding of Fact may be deemed a Conclusion of Law, and any Conclusion of Law may be deemed a Finding of Fact.

It shall be an unlawful discriminatory practice:

(H) For any person to:

(4) Discriminate against any person in the terms or conditions of selling, transferring, assigning, renting, leasing, or subleasing any housing accommodations or in furnishing facilities, services, or privileges in connection with the ownership, occupancy, or use of any housing accommodations, including the sale of fire, extended coverage, or homeowners insurance, because of race, color, religion, sex, military status, familial status, ancestry, disability, or national origin or because of the racial composition of the neighborhood in which the housing accommodations are located;

(12) Coerce, intimidate, threaten, or interfere with any person in the exercise or enjoyment of, or on account of that person's having exercised or enjoyed or having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by division (H) of this section.

3. The Commission has the burden of proof in cases brought under R.C. Chapter 4112. The Commission must prove a violation of R.C. 4112.02(H) by a preponderance of reliable, probative, and substantial evidence. R.C. 4112.05(G) and 4112.06(E).

4. Federal case law applies to alleged violations of R.C. Chapter 4112. *Little Forest Med. Ctr. of Akron v. Ohio Civil Rights Comm.*, (1991), 61 Ohio St.3d 607. Therefore, reliable, probative, and substantial evidence means evidence sufficient to support a finding of unlawful discrimination under the federal Fair Housing Act of 1968 (Title VIII), as amended.[4] It is also appropriate to refer to the regulations of the Department of Housing and Urban Development (HUD), the federal agency charged with enforcement of Title VIII.

5. Like its federal counterpart, a broad range of activities can constitute a violation of R.C. 4112.02(H)(12). Among other things, this provision prohibits acts that threaten, intimidate, or interfere with persons (and their associates) in their enjoyment of housing accommodations because of their race. *See HUD Regulations*, 24 C.F.R. 100.400(c)(2).

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[4] Section 3617 of Title VIII is substantially the same as R.C. 4112.02(H)(12). *See* 42 U.S.C. 3617.

6. The evidence in this case shows Respondents engaged in a campaign of intimidating and threatening behavior toward Complainants, and otherwise interfered with the quiet enjoyment of their home because of their race. (*See Finding of Facts.*) Complainants testified credibly about events that occurred during their tenure at 1130 Convers Avenue.

7. Vince Curry, the Executive Director of Complainant FHAA, testified regarding the agency's process of verifying the allegations made by Complainants Jeff Williams and Latyona Williams and the support in gathering information about Respondents and filing a charge with the OCRC:

> Mr. Curry: Yes, we traveled to Zanesville, not only to meet with them to provide them counsel, support, educate them and advise them on their Fair Housing rights and throughout this whole time because you know sometimes the very ... sometimes folks they get tired and it's like is it worth the fight and I am saying yes and when things are not going our way and they are like - so you try to provide them support and say we can't let this continue to happen. But we did, I interviewed the Mayor. I interviewed Judge Joseph who confirmed that Poppinger and Hiett admitted to subjecting them to racial slurs. I also interviewed folks at Section 8; interviewed Connie Quarles who is the Fair

> Housing Officer. (...) but yes due to extensive investigation we verified that their allegations of being subjected to racial slurs and racial harassment were true.
>
> (Tr. 37)

8. In summary, Respondents threatened Complainants Jeff Williams and Latonya Williams and their family, intimidated them, and otherwise interfered with the quiet enjoyment of their home. Respondents' actions, which were racially motivated, are a violation of R.C. 4112.02(H)(12). Therefore, Complainants are entitled to damages.

DAMAGES

9. When there is a violation of R.C. 4112.02(H), the statute requires an award of actual damages shown to have resulted from the discriminatory action, as well as reasonable attorney's fees. R.C. 4112.05(G)(1). The statute also provides that the Commission, in its discretion, may award punitive damages.

ACTUAL DAMAGES

10. In fair housing cases, the purpose of an award of actual damages is to place the Complainants "in the same position, so far as money can do it, as ... [the Complainants] would have been had there been no injury or breach of duty ...." *Lee v. Southern Home Sites Corp.*, 429 F.2d 290, 293 (5th Cir. 1970) (citations omitted). To that end, victims of housing discrimination may recover damages for tangible injuries such as economic loss and intangible injuries such as humiliation, embarrassment, and emotional distress. *Steele v. Title Realty Co.*, 478 F.2d 380 (10th Cir. 1973). Damages for intangible injuries may be established by testimony or inferred from the circumstances.[5] *Seaton v. Sky Realty Co., Inc.*, 491 F.2d 634, 636 (7th Cir. 1974).

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[5] Although emotional injuries are difficult to quantify, "courts have awarded damages for emotional harm without requiring proof of the actual value of the injury." *HUD v. Paradise Gardens*, P-H: Fair Housing-Fair Lending Rptr. ¶25,037 at ¶25,393 (HUD ALJ 1992), *citing Block v. R. H. Macy & Co.*, 712 F.2d 1241, 1245 (8th Cir. 1983) (other citations omitted). The determination of actual damages from such injuries "lies in the sound discretion of the Court and is essentially intuitive." *Lauden v. Loos*, 694 F.Supp. 253, 255 (E.D. Mich., 1988).

11. In this case, the evidence shows Complainants suffered slight out-of-pocket damages but heavy emotional distress from Respondents' on-going campaign of harassment, intimidation, and terror.

12. Complainants' out-of-pocket expenses include missing work, buying a dog for security, replacement of a stolen license plate, and travel expenses for a total of $1,149.00. (Comm. Ex. 3)

13. The emotional distress suffered by Complainants and their children support the determination that Respondent Poppinger and Respondent Hiett were waging a campaign of terror against Complainants designed to intimidate and terrorize them and make them feel less than human.

14. Complainant Jeff Williams testified how not being able to prevent his family from being exposed to the intimidating and harassing behavior by Respondents made him feel:

> Um made me feel less of a man that I couldn't protect my family from these racial slurs. I brought my family from Columbus down here to live with my daughters and not to put up with the racism that we've had to deal with since we lived next to the Poppinger and Hiett residence.
>
> (Tr. 14-15)

15. Additionally, Complainant Latonya Williams testified about the fear that her children still have as a result of Respondents' behavior and her feelings of inadequacy as a mother for not being able to allay their fears:

> It makes me feel less of a mother because when you bring children in this world, you bring your children into this world to protect them. And then for your children to come up to you and say well why are they saying bad things about us, why are they calling us the N. word? That's not right mommy. My kids were so scared. To this day, we all sleep together on the floor because my kids are so scared that Terry and Nicky are going to come in our house and do something to us. That night he knocked on our door and told my husband that he was going to kill him in front of my kids, my kids were scared. They were screaming, they were scared. And the police did not protect us and they did not protect my kids at all.
>
> (Tr. 27-28)

16. The ALJ credited Complainants' testimony and sincerity about the emotional distress they suffered because of Respondents' actions.

17. Based on Complainants Jeff and Latonya Williams' out-of-pocket expenses and emotional distress suffered, Complainants are awarded $1,149.00 for out-of-pocket expenses and $7,500.00 each for emotional distress.

18. Complainant FHAA's Case Transaction Report shows that from August 19, 2005 to August 26, 2006 the agency spent approximately fifty two (52) hours on travel, counseling, investigation, education, and outreach. (Comm. Ex. 7)

19. Complainant FHAA's hourly rate for performing the above referenced services is $150.00 per hour.

20. Complainant FHAA is awarded $7,000.00 for actual damages.

PUNITIVE DAMAGES

21. The purpose of an award of punitive damages pursuant to R.C. 4112.05(G) is to deter future illegal conduct. O.A.C. 4112-6-02. Thus, punitive damages are appropriate "as a deterrent measure" even when there is no proof of actual malice. *Shoenfelt v. Ohio Civil Right Comm.*, (1995), 105 Ohio App.3d 379, 385, *citing and quoting, Marr v. Rife*, 503 F.2d 735, 744 (6th Cir. 1974).

22. The amount of punitive damages depends on a number of factors, including:

- The nature of Respondent's conduct;
- Respondent's prior history of discrimination;
- Respondent's size and profitability;
- Respondent's cooperation or lack of cooperation during the investigation of the charge; and
- The effect Respondent's actions had upon Complainants.[6]

O.A.C. 4112-6-01.

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[6] This factor is more appropriately considered when determining actual damages.

23. Applying the foregoing factors to this case:

- Respondents' actions were intentional, malicious, and racially motivated;
- The Commission did not present any evidence that there have been previous findings of unlawful discrimination against Respondents;
- Respondents are not providers of housing accommodations. Therefore, the factors relating to size of housing accommodations and profitability are inapplicable in this case; and
- There was no evidence introduced at the hearing about Respondents' cooperation or lack thereof.

24. Based on the foregoing discussion, the ALJ recommends Respondents pay each Complainant $7,500.00 in punitive damages.

ATTORNEY'S FEES

25. The Commission's counsel is entitled to attorney's fees. R.C. 4112.05(G)(1); *Shoenfelt, supra* at 386. If the parties cannot agree on the amount of attorney's fees, the parties shall present evidence in the form of affidavits.

26. To create a record regarding attorney's fees, the Commission's counsel should file affidavits from plaintiffs' attorneys in Muskingum County, Ohio regarding the reasonable and customary hourly fees they charge in housing discrimination cases. Also, a detailed accounting of the time spent on this case must be provided and served upon Respondents. Respondents may respond with counter-affidavits and other arguments regarding the amount of attorney's fees in this case.

27. If the Commission adopts the ALJ's Report and the parties cannot agree on the amount of attorney's fees, the Commission should file an Application for Attorney's Fees within 30 days after the ALJ's Report is adopted. Respondents may respond to the Commission's Application for Attorney's fees within 30 days from receipt of it.

28. Meanwhile, any Objections to this report should be filed pursuant to the O.A.C. Any Objections to the recommendation of

attorney's fees can be filed after the ALJ makes her Supplemental Recommendation to the Commission regarding attorney's fees.

RECOMMENDATIONS

For all of the foregoing reasons, it is recommended in Complaint No. 10061 that:

1. The Commission order Respondents to cease and desist from all discriminatory practices in violation of R.C. Chapter 4112;

2. The Commission order Respondents to pay Complainants $16,149.00 in actual damages;

3. The Commission order Respondents to pay Complainants $15,000.00 in punitive damages;

4. The Commission order Respondents to pay Complainant FHAA $7,000.00 in actual damages; and

5. The Commission order Respondents to pay Complainant FHAA $7,500.00 for punitive damages.

Denise M Johnson

DENISE M. JOHNSON
CHIEF ADMINISTRATIVE LAW JUDGE

April 6, 2010

Ohio Civil Rights Commission

Governor
John Kasich

Board of Commissioners
Leonard J. Hubert., Chair
Eddie Harrell, Jr.
Stephanie M. Mercado, Esq.
Tom Roberts
Rashmi N. Yajnik

G. Michael Payton, Executive Director

March 27, 2012

Terry Hiett and Nyoka Poppinger
842 ½ Dryden Road
Zanesville, OH 43701-5230

Re: Jeff & LaTonya Williams and Fair Housing Advocates Association v. Terry Hiett & Nyoka Poppinger
COLH1081805 (32391) 09302005
05-05-1660-8
Complaint No. 10061

Enclosed is a certified copy of the Commission Order issued in the above captioned matter. This Order requires Respondent to Cease & Desist from any and all practices involving the violation of Chapter 4112 of the Ohio Revised Code.

Respondent is herewith notified of its right to obtain judicial review of this Order, as set forth in Revised Code § 4112.06.

FOR THE COMMISSION

Desmon Martin / tg

Desmon Martin
Director of Enforcement and Compliance

DM:cjs

Enclosure

Lori A. Anthony, Esq. – Chief, Civil Rights Section
Denise M. Johnson, ALJ – Division of Hearings
Compliance [Martin – Kanney – Woods]
Jeff and LaTonya Williams, Fair Housing Advocates Association

Certified No. 7005 1160 0004 7282 0726 [Terry Hiett and Nyoka Poppinger]
Certified No. 7005 1160 0004 7282 0733 [Jeff and LaTonya Williams]
Certified No. 7005 1160 0004 7282 0740 [Fair Housing Advocates Association]

February 23, 2012 Commission Meeting

John Kasich, Governor

IN THE MATTER OF:	)	
	)	
JEFF & LATONYA WILLIAMS, and FAIR HOUSING ADVOCATES ASSOCIATION	)	COMPLAINT NO: 10061
	)	
Complainants,	)	
	)	**CEASE AND DESIST ORDER**
vs.	)	
	)	
TERRY HIETT & NYOKA POPPINGER,	)	
	)	
Respondents.	)	

This matter came before the Commission upon Complaint, Notice of Hearing and Notice of Right of Election No. 10061, issued August 3, 2006; the official record of the public hearing held on October 19, 2007, before Denise M. Johnson, the duly appointed Chief Administrative Law Judge; all exhibits therein; the post-hearing brief submitted by the Commission on October 30, 2008, Judge Johnson's Findings of Fact, Conclusions of Law and Recommendations dated April 7, 2010, the application for attorney's fees submitted by the Commission on January 26, 2011, and Judge Johnson's Addendum Re: The Commission's Application for Attorney's Fees dated December 2, 2011. Respondents did not attend the October 19, 2007, hearing, file a post-hearing brief or oppose the Commission's application for attorney's fees.

The Complaint alleges that Respondents subjected Jeff and Latonya Williams (Complainants) and their family members to unwanted and unwelcomed acts of harassment, including but not limited to, the use of racially offensive and derogatory language directed at Complainants and their family members. The Complaint further alleged that Respondents' actions had the purpose or effect of unreasonably interfering with the ability of Complainants to have quiet enjoyment of their housing accommodations. The Complaint additionally alleged that the actions of Respondents thwarted Complainant Fair Housing Advocates Association's (Complainant FHAA) goals of providing non-discriminatory housing, and caused it to divert its resources to remedy the unlawful discriminatory acts of Respondents. After the public hearing the Chief Administrative Law Judge recommended that the Commission find that Respondent did engage in unlawful conduct and Ordered the following relief:

(1) Cease and desist from all discriminatory practices in violation of R.C. Chapter 4112, and;

(2) Pay Complainants $16,149.00 in actual damages and $15,000.00 in punitive damages, and;

(3) Pay Complainant FHAA $7,000.00 in actual damages and $7,500.00 in punitive damages, and;

(4) Pay the Ohio Attorney General's Office $8,790.25 in attorneys fees, and;

(5) Submit Jeff & LaTonya Williams', FHAA's and the Ohio Attorney General's certified checks to the Commission within 30 days of the Commission's issuance of this Cease and Desist Order. In the event that Respondent fails to provide the certified checks to the Commission within 30 days of the Commission's issuance of this Cease and Desist Order interest shall accrue at the maximum rate allowed by law.

After careful consideration of the entire record, the Commission adopted the Chief Administrative Law Judge's report at its public meeting on June 3, 2010, and the addendum on attorney's fees at its public meeting on February 2, 2012.

With all matters now before it and carefully considered, the Commission hereby adopts and incorporates, as if fully rewritten herein, the findings of fact, conclusions of law, and recommendations contained in the Chief Administrative Law Judge's Report and Recommendation dated April 7, 2010, and in her Addendum Re: the Commission's Application for Attorney's Fees dated December 2, 2011.

This ORDER issued by the Ohio Civil Rights Commission on this 23rd day of February, 2012.

Commissioner, Ohio Civil Rights Commission

NOTICE OF RIGHT TO JUDICIAL REVIEW

Notice is hereby given to all parties herein that Revised Code Section 4112.06 sets forth the right to obtain judicial review of this Order and the mode and procedure thereof.

CERTIFICATE

I, Desmon Martin, Director of Enforcement and Compliance of the Ohio Civil Rights Commission, do hereby certify that the foregoing is a true and accurate copy of the Order issued in the above-captioned matter and filed with the Commission at its Central Office in Columbus, Ohio.

DESMON MARTIN
Director of Enforcement and Compliance
Ohio Civil Rights Commission

DATE: 4/23/2012