

Memo

To: Desmon Martin, Director of Enforcement and Compliance
From: Denise M. Johnson, Chief Administrative Law Judge
Date: June 14, 2012
Re: *Fair Housing Contact Service, Inc. v. Steven J. Carlson*
COL/AKR H1 () 08122008 05-08-1660-8
22A-2009-01014F Complaint No. 09-HOU-AKR-



**CONSIDERATION OF
ADMINISTRATIVE LAW JUDGE'S REPORT**

ALJ RECOMMENDS CEASE & DESIST ORDER

Report issued: June 14, 2012

Report mailed: June 14, 2012

**** Objections due: July 9, 2012**

DMJ:tg

OHIO CIVIL RIGHTS COMMISSION

IN THE MATTER OF:

**FAIR HOUSING
CONTACT SERVICE, INC.**

Complainant

v.

STEVEN J. CARLSON

Respondent

Complaint No. 10-HOU-AKR-34708
COL H3 (34708) 11062009
05-10-0298-8 22A-2010-00903F

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

**MIKE DeWINE
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Respondent

Tamala Skipper, Executive Director
Fair Housing Contact Service, Inc.
441 Wolf Ledges Parkway, Suite 200
Akron, OH 44311-1038

Complainant

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

Fair Housing Contact Service, Inc. (Complainant FHCS) filed a sworn charge affidavit with the Ohio Civil Rights Commission (the Commission) on November 6, 2009.

The Commission investigated and found probable cause that unlawful discriminatory practices had been engaged in by Steven J. Carlson (Respondent) in violation of Section 4112.02(H).

The Commission issued a Complaint, Notice of Hearing, and Notice of Right of Election on February 18, 2010. The Commission subsequently attempted conciliation. The matter was scheduled for hearing after conciliation efforts failed.

The Complaint alleges that: (1) Respondent refused to waive his no pet policy and allow a service animal for a tenant with a disability, and (2) the actions of Respondent thwart the goals of Complainant

to provide non-discriminatory housing and the actions caused Complainant FHCS to divert resources to remedy the unlawful discriminatory acts of Respondent in violation of R.C. 4112.02 (H)(1), (4) and (19).

Respondent did not file an Answer. The Commission filed a Motion for Default on May 3, 2010.

A public hearing was held on October 6, 2010, at the Portage County Courthouse, 203 West Main Street, Ravenna, Ohio.

The record consists of the previously described pleading, a transcript consisting of 23 pages of testimony, exhibits admitted into evidence at the hearing, and the post-hearing brief filed by the Commission on February 1, 2011.¹

¹ The Commission's Motion for Default was granted during the public hearing. (Tr. 6-7)

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.

DEFAULT JUDGMENT

Pursuant to Ohio Administrative Code (O.A.C.) 4112-3-12(B), the Civil Rules govern discovery. Accordingly, the Commission's Motion for Default was granted and sanctions were imposed, pursuant to Ohio R. Civ. P. 37((B)(2)(a) and (b):

- (2) If any party or an officer, director, or managing agent of a party or a person designated under Rule 30(B)(5) or Rule 31(A) to testify on behalf of a party fails to obey an order to provide or permit discovery, including an order made under subdivision (A) of this rule and Rule 35, the court in which the action is pending may make such orders in regard to the failure as are just, and among others the following:
 - (a) An order that the matters regarding which the order was made or any other designated facts shall be taken to be established for the purposes of the action in accordance with the claim of the party obtaining the order;
 - (b) An order refusing to allow the disobedient party to support or oppose designated claims or defenses, or prohibiting him from introducing designated matters in evidence.

Since a default judgment has been entered in this matter, the only remaining issue is to determine the appropriate amount of damages.

**FINDINGS OF FACT by
DEFAULT FROM THE COMMISSION'S COMPLAINT²**

1. Respondent is the owner of the property located at 324 Ivan Drive, Kent, Portage County, Ohio and rents housing accommodations at the property. (1.)

2. On or about October 1, 2009, Complainant FHCS initiated fair housing testing of the housing accommodations owned by Respondent. (3.A.)

3. The fair housing testing revealed Respondent would not allow a service animal for a tenant with a disability. (3.B.)

4. Complainant FHCS filed a charge with the Commission on November 6, 2009.

² Numbers correspond to allegations set forth in the Commission's Complaint and Notice of Hearing.

5. In a letter dated January 28, 2010, Respondent was notified of the Commission's probable cause finding that Respondent engaged in an unlawful discriminatory practice under R. C. 4112.02(H). (4.)

FINDINGS OF FACT FROM HEARING

6. Complainant FHCS is a non-profit advocacy organization and its mission is to prevent and eliminate and promote equal housing opportunity.

7. Complainant FHCS performs fair housing testing as one strategy to assist in the fulfillment of its mission. (Tr. 9)

8. Complainant FHCS's fair housing testing program is a process where the organization conducts investigations into the practices of housing providers to determine if their practices are discriminatory under state, federal and local laws. (*Id.*)

9. When Complainant FHCS identifies a matter that raises a concern regarding a potential fair housing violation, the organization's test co-coordinator assigns trained testers a systemic profile and the tester has the responsibility of contacting the housing provider. (Tr. 9-10)

10. The testers are not employees of Complainant FHCS but are contracted individuals.

11. Respondent was identified as a result of an ad that he placed in *The Akron Publisher*. (Tr. 10)

12. The ad stated that no pets were allowed.

13. Latresha Morgan (Morgan) was contracted by Complainant FHCS to perform a test of Respondent's property.

14. Morgan contacted Respondent by phone on September 30, 2009 and left a message. (Ex. 2)

15. Morgan went to view the property on October 1, 2009.

16. Respondent was the individual who showed Morgan the apartment. (Tr. 19)

17. Morgan's profile was that her husband, who would also be living in the apartment with her, has epilepsy, and he has a seizure alert dog.

18. Respondent said that because of the hardwood floors in the apartment, he could not allow Morgan's husband to have the animal in the apartment. (Ex. 2)

19. Complainant FHCS employees involved in the testing process were:

- Tamala Skipper, Executive Director
- Kris Keniray, Assistant Director
- Lauren Green, Program Coordinator, and
- Mohammed Parvez, Test Coordinator.

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.

1. The Complaint alleges that: (1) Respondent refused to waive his no pet policy and allow a service animal for a tenant with a disability, and (2) the actions of Respondent thwart the goals of Complainant FHCS to provide non-discriminatory housing and the actions caused Complainant FHCS to divert resources to remedy the unlawful discriminatory acts.

2. This allegation, if proven, would constitute a violation of R.C. 4112.02(H)(1), (4) and (19) which provides that it is an unlawful discriminatory practice for any person to:

- (1) Refuse to ,(...), rent, lease, sublease, (...), refuse to negotiate for (...)rental of housing accommodations, or otherwise deny or make unavailable housing accommodations because of (...), disability, (...);
- (4) Discriminate against any person in the terms or conditions of (...), renting, leasing, or subleasing any housing accommodations or in furnishing facilities, services, or privileges in connection with the (...) occupancy, or use of any housing accommodations, (...), disability, (...);
- (19) Refuse to make reasonable accommodations in rules, policies, practices, or services when necessary to afford a person with a disability equal opportunity to use and enjoy a dwelling unit (...).

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(E) and (G).

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. *See e.g. Howard v. City of Beavercreek*, 108 F. Supp. 2d 866, 876 S.D. Ohio 2000) (applying FHAA analysis to state-law fair housing claim where language of the relevant provisions of the two statutes was similar), *add'd*, 276 F.3d 802 (6th Cir. 2002).

5. These standards require the Commission to first prove a *prima facie* case of discrimination. *McDonnell Douglas Corp. v. Green*, 411 U.S. 792, 5 FEP Cases 965 (1973).

6. The proof required to establish a *prima facie* case may vary on a case-by-case basis. *Id.*, at 802, 5 FEP Cases at 969, n.13. In this case, the Commission may establish a *prima facie* case of housing discrimination based on the individual's disability by proving that:

- (1) Complainant is disabled;
- (2) that the Respondent knew or should reasonably be expected to know of the disability;
- (3) that accommodation of the disability may be necessary to afford the disabled person an equal opportunity to use and enjoy the dwelling;
- (4) that the accommodation is reasonable; and
- (5) that Respondent refused to make the requested accommodation.

Dubois v. Ass'n. of Apt. Owners, 453 F.3d 1175, 1179 (9th Cir. 2006).

7. After the Commission establishes a *prima facie* case of housing discrimination based on Complainant's disability, the burden shifts to Respondent to articulate a legitimate, non-discriminatory reason to rebut the presumption of discrimination. *McDonnell Douglas Corp. v. Green*, 411 U.S. 792(1973); *Texas Department of Community Affairs v. Burdine*, 450 U.S. 248 (1981).³

³ Respondent did not participate in the hearing and therefore did not put forward an affirmative defense.

8. Morgan advised Respondent that the support animal was medically necessary for her husband:

Ms. Morgan: Um, well my scenario was that I was [sic] my husband has epilepsy and we use a seizure alert dog and um I believe that he was saying that there was no pets allowed so –

Mr. Williams: So you made Mr. Carlson aware that [sic] there was a service dog?

Ms. Morgan: Right that it was a medically necessary and

Mr. Williams: What was his response to you?

Ms. Morgan: His response was that because of the floors he could not allow it and I asked him what if we trim the dog's nails and he said no or keep it in the basement- the basement had like a concrete flooring and he just said that he couldn't allow it.

(Tr. 20, Ex. 2)

9. The Commission presented direct evidence that Respondent denied Complainant FHCS's tester the housing accommodations because Respondent would not waive his no pet policy to accommodate a person with a disability who needed the assistance of a service animal.

10. Evidence that testers were treated disparately based on protected characteristics (disability) constitutes direct evidence sufficient to sustain a claim under R.C. 4112. *See, e.g., Walker v. Todd Village, LLC*, (D. Md. 2006), 419 F. Supp.2d 743, 748-49. Although the well-known "shifting burdens" scheme for proof of employment and other discrimination claims is often applied in the context of housing discrimination claims, *See, e.g., Asbury v. Brougham*, 866 F.2d 1276, 1279-80 (10th Cir. 1989), in the present case, plaintiffs have presented direct evidence of defendant's discriminatory motive and plaintiffs need not resort to that proof scheme. *Gilligan v. Jamco Dev. Corp.*, 108 F.3d 246, 250 (9th Cir. 1997).

11. Respondent's refusal to provide an applicant for housing a reasonable accommodation for a service animal based on the disability of the applicant is illegal discriminatory conduct and Complainant FHCS is entitled to relief as a matter of law.

DAMAGES

12. 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

13. The purpose of an award of actual damages in a fair housing case, as in employment discrimination cases, "is to put the plaintiff in the same position, so far as money can do it, as ... [the plaintiff] 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). A fair housing organization that has suffered an injury in fact to the organization's activities with a consequent drain on the organization's resources constitutes a setback to the organization's

goals and interests sufficient to establish standing. *Havens Realty Corp. v. Coleman*, (1982), 455 U.S. 363, 373-379. To that end, a fair housing organization's costs related to prelitigation investigation can form the basis for standing. *Fair Housing Council v. Village of Olde St. Andrews*, (6th Cir. 2006), 210 Fed. Appx. 460, 475. When a fair housing organization diverts its resources from other efforts to promote awareness of and compliance with federal and state laws, such evidence is sufficient to establish standing. *Smith v. Pacific Properties and Development Corp.*, 358 F.3d 1097 at 1105-1106 (citing *Fair Housing of Marin v. Combs*, 285 F.3d 899, 905 (9th Cir. 2002), *cert. denied*, 537 U.S. 1018, 123 S. Ct. 536, 154 L. Ed. 2d 425 (2002)).

14. In this case, the Commission presented evidence that Respondent's discriminatory actions caused Complainant FHCS to expend resources in prelitigation expenses and frustration of mission in the amount of \$2,215.00. (Ex. 1)

PUNITIVE DAMAGES

15. 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. *Schoenfelt 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).

16. 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 Complainant.⁴

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

17. Applying the foregoing criteria to this case:

- Respondent did not hesitate in his refusal to accommodate a disabled individual who needed a service animal in order to enjoy the housing accommodations;
- The Commission did not present prior history of discrimination by Respondent;
- The Commission did not present any evidence regarding any other property units owned by Respondent; and
- The Commission introduced an e-mail from Respondent which reflects his attitude about the Commission and its mission:

⁴ This criteria is more appropriately considered when determining actual damages.

Hey Wayne baby,

Just read that pack of lies you filed with the judge of the kangaroo court of the black Ku Klux Klan of Ohio aka Ohio Civil Rights Commission. You see the Black Ku Klux Klan lacks any jurisdiction over me. The Judiciary of Ohio are set forth in the Ohio Constitution. And Denise (I can look in their eyes and see if they are telling the truth) Jackson ain't mentioned. And even if you could somehow twist the law to claim that farce somehow has some standing by being authorized by the legislature, the constitution specially states that any judiciary other than that enumerated in the Constitution only has jurisdiction over persons voluntarily submitting to that jurisdiction. I have state unequivocally and continually refused to be judged by the Black Ku Klux Klan of Ohio aka the Ohio Civil Rights Commission.

Mr. Williams you are aiding and abetting in an extortion attempt. You are intentionally defaming my good name and reputation. You are pursuing me based on my race and are engaging in a pattern of racial harassment of other Caucasians based on our race.

The assertion that the Ohio Civil Rights Commission ever pursued any form of reconciliation is laughable on the face of the matter. That organization exists solely for the purpose of fleecing white folks. That fact that 95% of their activities are conducted in secrecy speaks volumes.(...)"

(Ex. 3)

18. Based on the foregoing discussion, the ALJ recommends that Respondent be assessed punitive damages in the amount of \$10,000.00.

ATTORNEY'S FEES

19. The Commission is entitled to attorney's fees. R.C. 4112.05(G)(1); *Schoenfelt, 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.

20. In order to create a record regarding attorney's fees, the Commission's counsel should file affidavits from plaintiffs' attorneys in Portage 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 Respondent. Respondent may respond

with counter-affidavits and other arguments regarding the amount of attorney's fees in this case.

21. 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. Respondent may respond to the Commission's Application for Attorney's fees within 30 days from his receipt of the Commission's Application for Attorney's Fees.

22. Meanwhile, any objections to this report should be filed pursuant to the Ohio Administrative Code. 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.

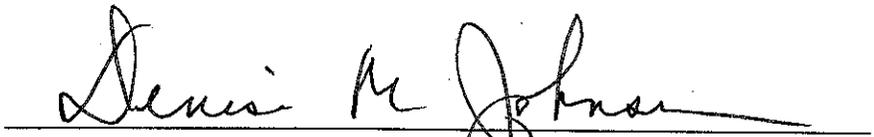
RECOMMENDATIONS

For all of the foregoing reasons, it is recommended in Complaint No. 10-HOU-AKR-34708 that:

1. The Commission order Respondent to cease and desist from all discriminatory practices in violation of Chapter 4112 of the Revised Code;
2. The Commission order Respondent to pay Complainant FHCS \$2,215.00 in actual damages;
3. The Commission order Respondent to pay Complainant FHCS \$10,000.00 in punitive damages;
4. The Commission order Respondent, within six (6) months of the date of the Commission's Final Order, to receive training regarding the anti-discrimination fair housing laws of the State of Ohio. As proof of its participation in fair housing training, Respondent

shall submit certification from the trainer or provider of services that Respondent has successfully completed the training; and

5. The Commission order Respondent, within seven (7) months of the Commission's Final Order, to submit its Letter of Certification of Training to the Commission's Compliance Department.

A handwritten signature in cursive script, reading "Denise M. Johnson", is written over a horizontal line.

DENISE M. JOHNSON
CHIEF ADMINISTRATIVE LAW JUDGE

June 14, 2012

OHIO CIVIL RIGHTS COMMISSION

IN THE MATTER OF:

FAIR HOUSING CONTACT SERVICE

Complainant

v.

Complaint No. 34708

(COL/AKR) H3 (34708) 11062009

STEVEN J. CARLSON (ESTATE OF)

Respondent

**ADDENDUM TO CHIEF ADMINISTRATIVE LAW JUDGE'S
RECOMMENDATIONS**

RE: SUBSTITUTION OF PARTIES

MIKE DeWINE

ATTORNEY GENERAL

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Respondent

Tamala Skipper, Executive Director
Fair Housing Contact Service, Inc.
441 Wolf Ledges Parkway, Suite 200
Akron, OH 44311

Complainant

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

**FAIR HOUSING
CONTACT SERVICE**

Complainant

Complaint No. 34708

(COL/AKR) H3 (34708) 11062009

v.

STEVEN J. CARLSON

Respondent

**ADDENDUM TO CHIEF ADMINISTRATIVE LAW JUDGE'S
RECOMMENDATION**

The Commission issued Complaint No. 34708 on February 18, 2010. A public hearing was held pursuant to R.C. 4112.05 on October 6, 2010.

On July 18, 2012 the Commission filed a Motion to Substitute Jeannette E. Carlson, Executrix of the Estate of Steven J. Carlson, for Respondent Steven J. Carlson¹ based upon Civ. R. 25(A)(1) which states:

¹The ALJ issued a Report and Recommendation for Complaint No. 34708 on June 14, 2012. The Estate of Steven J. Carlson filed Objections to the Report and Recommendation on July 6, 2012. One of the basis for the Objections is that Respondent, Steven J. Carlson, is deceased. Respondent's date of death is recorded as December 24, 2011 with the Portage County Probate Court. The estate of Respondent asserts that the death of Respondent renders the issuance of the Report and Recommendation and any subsequent action by the Commission "null and void".

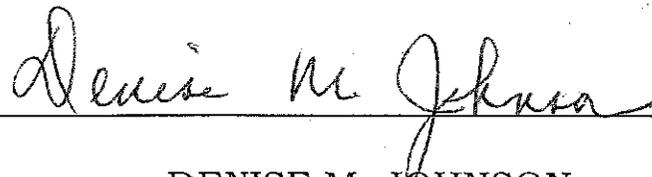
“If a party dies and the claim is not thereby extinguished, the court shall, upon motion, order substitution of the proper parties. The motion for substitution may be made by any party or by the successors or representatives of the deceased party (...) Unless the motion for substitution is made not later than ninety days after the death is suggested upon the record by service of a statement of the fact of death (...), the action shall be dismissed as to the deceased party. “

By allowing for the substitution of parties, the Civil Rules promote the resolution of cases “upon their merits, not upon pleading deficiencies.” *Peterson v. Teodosio*, 34 Ohio St. 2d. 161, 297 N.E. 3d 113 (1973).

Accordingly, Jeannette E. Carlson, Executrix of the Estate of Steven J. Carlson, is the legally responsible Party/Respondent in Complaint No. 34708.

RECOMMENDATION

For the foregoing reasons, it is recommended that Jeannette E. Carlson, Executrix of the Estate of Steven J. Carlson, be substituted as Respondent in Complaint No. 34708.

A handwritten signature in cursive script, reading "Denise M. Johnson", is written above a horizontal line.

DENISE M. JOHNSON
CHIEF ADMINISTRATIVE LAW JUDGE

August 13, 2012

FLYNN KEITH & FLYNN

ATTORNEYS & COUNSELORS AT LAW

JOHN J. FLYNN
MICHELE K. KEITH
SCOTT J. FLYNN

JON M. DERHODES (1962 - 2007)

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July 3, 2012

RECEIVED

JUL 06 2012

Desmon Martin, Director of Enforcement and Compliance
Ohio Civil Rights Commission
State Office Tower, 5th Floor
30 East Broad Street, Columbus, OH 43215-3414

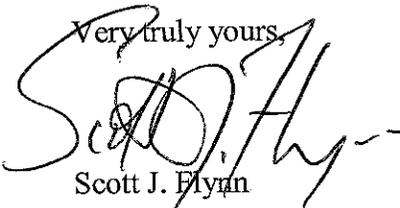
OHIO CIVIL RIGHTS COMMISSION
COMPLIANCE DEPARTMENT

RE: Fair Housing Contact Services, Inc. v. Steven J. Carlson
COL/AKR H1 (36040) 08122008 05-08-1660-8 22A-2009-01014F
Complaint No. 09-HOU-AKR-36040

Dear Mr. Martin:

Enclosed please find a Statement of Objections and Suggestion of Respondent's Death.
Please return a time-stamped copy to me in the self-addressed, stamped envelope.

Very truly yours,



Scott J. Flynn

SJF/dh

Enclosure

cc: Wayne D. Williams, Esq.
Tamala Skipper, Executive Director
Denise M. Johnson, Chief Administrative Law Judge

JUL 06 2012

OHIO CIVIL RIGHTS COMMISSION

OHIO CIVIL RIGHTS COMMISSION
COMPLIANCE DEPARTMENT

| | | |
|------------------------------------|---|---------------------------------------|
| IN THE MATTER OF: |) | Complaint No. 10-HOU-AKR-34708 |
| |) | COL H3 (34708) 11062009 |
| FAIR HOUSING CONTACT SERVICE, INC. |) | 05-10-0298-8 22A-2010 00903F |
| |) | |
| Complainant, |) | |
| |) | |
| -vs- |) | |
| |) | |
| STEVEN J. CARLSON |) | <u>STATEMENT OF OBJECTIONS</u> |
| |) | <u>AND SUGGESTION OF</u> |
| |) | <u>RESPONDENT'S DEATH</u> |
| |) | |
| Respondent. |) | |
| |) | |
| |) | |
| |) | |
| |) | |

Now comes Jeannette E. Carlson, Executrix of the Estate of Steven J. Carlson, by and through her undersigned counsel, and on behalf of Respondent Steven J. Carlson (deceased), states the following:

1. Respondent Steven J. Carlson died from lung and brain cancer on December 24, 2011. A copy of Respondent's death certificate is attached hereto as Exhibit "A".
2. Jeannette E. Carlson is the surviving spouse of Respondent, and was appointed Executrix of Respondent's Estate on February 13, 2012, in the Portage County Probate Court, *Case No 2012 ES 00058*.
3. Jeannette E. Carlson had no knowledge of this legal matter until after the judgment was rendered against Respondent.
4. The judgment rendered in this action against Respondent on June 14, 2012, is null and void. "A judgment against a dead man binds nobody; there is no party-defendants; nor privy to a party; it is an absolute nullity, in the absence of statutory enactment to the contrary." *Lessee of Thomas Cochran's Heirs v. David Loren*, (Oh. Sup. Ct. 1848) 17 Ohio 409.

5. This Commission lacks jurisdiction over Respondent.

6. Complainant failed to name an indispensable party, namely Jeannette E. Carlson, Executrix of the Estate of Steven J. Carlson.

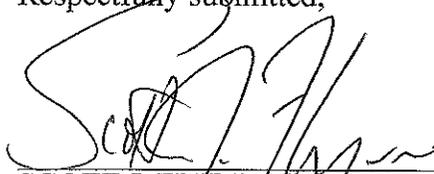
7. Even if Complainant were to now substitute Jeannette E. Carlson, Executrix of the Estate of Steven J. Carlson, as the new Respondent in this matter, and even if a judgment was thereafter rendered against said new Respondent, Complainant would be barred from collecting any monies from said Estate because Complainant failed to file a claim against said Estate within six (6) months of Respondent's death.

8. Even assuming, *arguendo*, Complainant were permitted to go after the Estate of Steven J. Carlson for any judgment rendered in this action, the damages awarded are inappropriate considering Respondent's death. Complainant was awarded \$10,000.00 in punitive damages against Respondent, in addition to \$2,215.00 in actual damages, and attorneys fees. The policy behind an award of punitive damages is to deter a respondent from conducting similar conduct in the future. Due to Respondent's death, any award of damages would only punish Respondent's wife and two (2) children, who had no involvement whatsoever in the actions of Respondent in this matter.

8. An award of punitive damages is also inappropriate due to the fact that this Commission awarded said damages as a result of Respondent's apparent behavior; however, Respondent suffered from a significant brain tumor leading up to his death, which tumor was responsible for most, if not all of Respondent's erratic behavior.

WHEREFORE, the undersigned respectfully files said Statement of Objections to the Administrative Law Judge's Findings of Fact, Conclusions of Law, and Recommendations, filed on June 14, 2012, and further gives notice of the Suggestion of Respondent's death. The undersigned further requests that this matter be dismissed at Complainant's costs.

Respectfully submitted,



SCOTT J. FLYNN, #0079828

Flynn Keith & Flynn

250 South Water Street

P. O. Box 762

Kent, OH 44240

(330) 673-0114

(330) 678-8124 fax

Attorney for Jeannette E. Carlson, Executrix of
the Estate of Steven J. Carlson, on behalf of
Respondent (deceased)

CERTIFICATE OF SERVICE

I hereby certify that the foregoing Statement of Objections and Suggestion of Respondent's Death was sent on the 3rd day of July, 2012, by regular U.S. mail to:

Desmon Martin, Director of Enforcement and Compliance
Ohio Civil Rights Commission
State Office Tower, 5th Floor
30 East Broad Street
Columbus, OH 43215-3414

Wayne D. Williams, Esq.
State Office Building, 11th Floor
615 West Superior Avenue
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Tamala Skipper, Executive Director
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Denise M. Johnson, Chief Administrative Law Judge
Ohio Civil Rights Commission
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Columbus, OH 43215-3414



SCOTT J. FLYNN, #0079828

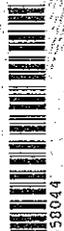
Attorney for Jeannette E. Carlson, Executrix
of the Estate of Steven J. Carlson, on behalf of
Respondent (deceased)

Reg. Dist. No. 77
Primary Reg. Dist. No. 1701
Registrar's No. 1700-2011-005099

Olio Department of Health
VITAL STATISTICS
CERTIFICATE OF DEATH

State File No.

| | | | |
|---|------------------------------|---|--|
| 1. Decedent's Legal Name (include AKA's if any) (First Middle, LAST, suffix) STEVEN J CARLSON | | 2. Sex Male | 3. Date of Death (Mo/Day/Year) December 24, 2011 |
| 4. Social Security Number 294-48-5101 | 5a. Age (Years) 62 | 5b. Under 1 Year Month: Days: | 5c. Under 1 day Hours: Minutes: |
| 6. Date of Birth (Mo/Day/Year) September 19, 1949 | | 7. Birthplace (City and State or Foreign Country) MUNCIE, INDIANA | |
| 8a. Residence State OHIO | | 8b. City or Town KENT | |
| 8c. County PORTAGE | | 8d. Street and Number 7363 State Route 43 | 8e. Apt. No. 44240 |
| 8f. Zipcode 44240 | | 8g. Inside City Limits? No | |
| 9. Ever in US Armed Forces? No | | 10. Marital Status at Time of Death Married | |
| 11. Surviving Spouse's Name (If wife, give name prior to first marriage) JEANNETTE CHIN | | | |
| 12. Decedent's Education BACHELORS DEGREE (E.G., BA, AB, BS) | | 13. Decedent of Hispanic Origin No | |
| 14. Decedent's Race White | | 15. Father's Name OKA CARLSON | |
| 16. Mother's Name (prior to first marriage) H PATRICIA COLLIGAN | | 17a. Informant's Name JEANNETTE CARLSON | |
| 17b. Relationship to Decedent Wife | | 17c. Mailing Address (Street and Number, City, State, Zip Code) 7363 State Route 43 | |
| 18a. Place of Death Hospital - Inpatient | | 18b. Facility Name (if not Institution, give street & number) SUMMA HEALTH SYSTEMS HOSPITALS | |
| 18c. City or Town, State and Zip Code AKRON, OH 44304 | | 18d. County of Death SUMMIT | |
| 19. Signature of Funeral Service Licensee or Other Agent <i>[Signature]</i> | | 20. License Number (of licensee) 008026 | |
| 21. Name and Complete Address of Funeral Facility BISSLER & SONS FUNERAL HOME | | 22a. Method of Disposition Cremation | |
| 22b. Date of Disposition 10-27-2011 | | 22c. Place of Disposition (Name of Cemetery, Crematory, or other place) Bissler & Sons Crematory | |
| 22d. Location (City/Town and State) KENT OH | | 22e. Location (City/Town and State) 628 W MAIN ST KENT, OH 44240 | |
| 23. Registrar's Signature <i>[Signature]</i> | | 24. Date Filed December 27, 2011 | |
| 25a. Name of Person Issuing Burial Permit WEEMS, TAWANDA | | 25b. District No. 7700 | |
| 25c. Date Burial Permit Issued December 27, 2011 | | 25d. Was case referred to coroner? No | |
| 26a. Time of Death 7:00 AM | | 26b. Date Pronounced Dead (Mo/Day/Year) 12-24-2011 | |
| 26c. Signature and Title of Certifier <i>[Signature]</i> | | 26d. License number 35.053311 | |
| 26e. Date Signed 12/27/11 | | 27. Name (Last, First, Middle) and Address of Person who Completed Cause of Death RADWANY, STEVEN MICHAEL, 55 Arch Street AKRON, OH 44304 | |
| 28. Part I. Enter the disease, injuries, or complications that caused the death. Do not cover the mind of lying, such as cardiac or respiratory arrest, shock, or heart failure. List only the cause or causes on each line. Type or print in permanent blue or black ink. Non-small Cell Lung Cancer with Brain Metastases | | Approximate Interval Between Onset and Death 1 mo | |
| Immediate Cause (Final disease or condition resulting in death) | | b. Due to (or as Consequence of) | |
| Sequentially list conditions, if any, leading to immediate cause. | | c. Due to (or as Consequence of) | |
| Enter Underlying Cause (Disease or injury that initiated events resulting in a death) | | d. Due to (or as Consequence of) | |
| Part II. Other significant conditions contributing to death but not resulting in the underlying cause given in Part I. Ischemic Colitis, MSSA Endocarditis | | 29a. Was An Autopsy Performed? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | |
| 29b. Were Autopsy Findings Available Prior To Completion Of Cause of Death? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Applicable | | 30. Did Tobacco Use Contribute to Death? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Unknown <input type="checkbox"/> No <input type="checkbox"/> Probably | |
| 31. If Female, Pregnancy Status <input type="checkbox"/> Not pregnant within past year <input type="checkbox"/> Pregnant at time of death <input type="checkbox"/> Not pregnant, but pregnant within 42 days of death <input type="checkbox"/> Not pregnant, but pregnant 43 days to 1 year before death <input type="checkbox"/> Unknown if pregnant within the past year | | 32. Manner of Death: <input checked="" type="checkbox"/> Natural <input type="checkbox"/> Accident <input type="checkbox"/> Suicide <input type="checkbox"/> Homicide <input type="checkbox"/> Pending Investigation <input type="checkbox"/> Could not be determined | |
| 33a. Date of Injury (Mo/Day/Year) | 33b. Time of Injury | 33c. Place of Injury (e.g., Decedent's home, construction site, restaurant, wooded area) | |
| 33d. Injury at Work? <input type="checkbox"/> Yes <input type="checkbox"/> No | | | |
| 33e. Location of Injury (Street and Number or Rural Route Number, City or Town, State) | | | |
| 33f. Describe How Injury Occurred: | | 33g. If Transportation Injury, Specify: <input type="checkbox"/> Driver/Operator <input type="checkbox"/> Pedestrian <input type="checkbox"/> Passenger <input type="checkbox"/> Other: | |



558044

558044

HEA 2724 Rev. 01/07

VOID

I HEREBY CERTIFY THIS DOCUMENT IS AN EXACT COPY OF THE ORIGINAL FILE WITH THE BUREAU OF VITAL STATISTICS, DEPARTMENT OF HEALTH

DEPT 11005720

TAWANDA

VOID



MIKE DEWINE

★ OHIO ATTORNEY GENERAL ★

Civil Rights Section
Office (216) 787-3030
Fax (216) 787-3480

615 Superior Avenue
11th Floor
Cleveland, Ohio 44113
www.OhioAttorneyGeneral.gov

July 16, 2012

RECEIVED

JUL 19 2012

Desmon Martin, Director of Enforcement
Ohio Civil Rights Commission
30 E. Broad Street, 5th Floor
Columbus, Ohio 43215-3414

OHIO CIVIL RIGHTS COMMISSION
COMPLIANCE DEPARTMENT

Re: FHCS v. Carlson
Complaint No. 10-HOU-AKR-34708

Dear Mr. Martin:

Enclosed please find the original and face sheet of the Ohio Civil Rights Commission's Reply to Respondents Statement of Objections with regard to the above-captioned matter. Please time-stamp the enclosed face sheet and return to the undersigned in the envelope provided herein.

Thank you for your kind attention to this matter.

Sincerely,

WAYNE D. WILLIAMS
Principal Assistant Attorney General
Civil Rights Section

Enclosure

cc: Scott J. Flynn, Esq.
Tamala Skipper

JUL 19 2012

STATE OF OHIO
OHIO CIVIL RIGHTS COMMISSION

OHIO CIVIL RIGHTS COMMISSION
COMPLIANCE DEPARTMENT

| | | |
|------------------------------|---|--------------------------------|
| FAIR HOUSING CONTACT SERVICE |) | COMPLAINT NO. 07-EMP-CLE-32238 |
| |) | |
| Complainant |) | DENISE JOHNSON, ESQ. |
| |) | ADMINISTRATIVE LAW JUDGE |
| vs. |) | |
| |) | |
| STEVEN J. CARLSON |) | <u>THE OHIO CIVIL RIGHTS</u> |
| |) | <u>COMMISSION'S REPLY TO</u> |
| |) | <u>RESPONDENT'S STATEMENT</u> |
| Respondent |) | <u>OF OBJECTIONS</u> |

Respondent's Statement of Objections to Report and Recommendation of Administrative Law Judge must be dismissed for the foregoing reasons.

STATEMENT OF THE FACTS

Fair Housing Contract Service, Inc. is a non-profit advocacy organization that strives to prevent and eliminate housing discrimination. (Tr. 9) The organization engages in fair housing testing by investigating the practices of housing providers to determine if their practices are in violation of federal, state, and local laws. (Tr. 9) Ms. Latresha Morgan is a tester for FHCS (Tr. 15-16) Fair Housing testers visit properties and follow a script where they play the role established by the testing coordinator. (Tr. 9) FHCS assigned Ms. Morgan to test 324 Ivan Drive, Kent, Ohio (Property), owned by Mr. Carlson, the Respondent. (Tr. 10, 16)

On October 1, 2009, Latresha Morgan viewed the Property for testing. (Tr. 18) Adhering to her script, Ms. Morgan raised the fact that her husband had a medical service dog for his epilepsy. (Tr. 20) Respondent replied that no pets were allowed because a dog would scratch the property's wooden floors. (Tr. 20) Ms. Morgan sought to reasonably accommodate Mr.

Carlson's concerns by asking whether she and her husband could rent the house if they trimmed their dog's nails or kept it in the basement that had a cement floor. (Tr. 20) Respondent refused all accommodations by replying that he "couldn't allow it."(Tr. 20)

FHCS Program Coordinator Loren Green analyzed Ms. Morgan's test report. (Tr.11) Ms. Green determined that Respondent would refuse a potential renter or applicant if they had a service animal. (Tr.11) Per Ohio R. C. 4112.05(H)(1), (4), and (19), FHCS filed a discrimination charge. (Tr.11)

The Administrative Law Judge (ALJ) issued Findings of Fact, Conclusions of Law, and Recommendations on June 14, 2012, wherein liability was found against Respondent. An award of \$2215.00 for actual damages found in favor of FHCS and an award of \$10,000.00 in punitive damages was also found in favor of FHCS.

During the course of the Commission's investigation and throughout the hearing process, Respondent refused to cooperate or meaningfully participate with the Commission. To say Respondent was recalcitrant would be putting it mildly. Respondent often replied to the Commission's correspondence with derogatory e-mail responses. One such example was cited by the ALJ in her Findings of Fact, Conclusions of Law, and Recommendations at page 19.

Sadly, Mr. Carlson passed away on December 24, 2011. The probate Estate of Steven J. Carlson was opened on February 8, 2012, in the Portage County Probate Court. His surviving spouse was appointed the Executrix of the Estate. Counsel for the Commission has made a Motion to Substitute the Executrix for Mr. Carlson.

ARGUMENT

Respondent makes several different arguments that the Commission cannot proceed with this matter. Respondent argues that Estate is relieved from liability because a judgment against a

dead man is null and void; the Commission lacks jurisdiction; and even if the substitution of the Executrix is made the Commission is time-barred from levying a claim against the Estate. Respondent's arguments have no merit and the Commission can proceed to Final Order.

Although Respondent is correct in saying that a judgment against a dead person is null and void, it is premature and immaterial. First, this argument is premature because no judgment has been rendered yet. The ALJ has made her Findings of Fact, Conclusions of Law, and Recommendations that the Board of Commissioners will then approve, deny or modify. If approved, a Final Order will be issued that is tantamount to a judgment.

There will be no judgment against a decedent because there is a statutory scheme for just such situations where a person dies leaving a claim against him pending. R.C. 2117.25(D)(2) states:

The giving of written notice to an executor or administrator of a motion or application to revive an action pending against the decedent at the date of death shall be equivalent to the presentation of a claim to the executor or administrator for the purpose of determining the order of payment of any judgment rendered or decree entered in such an action.

Accordingly, informing the Executrix of the revival of the suit against the decedent takes the place of the presentment of claims. In this case, the Executrix received notice of the ALJ report (claim) on or about June 15, 2012.

Respondent's next argument is that even if the Executrix is so notified the claim is barred by application of the statute of limitations. Respondent is referring to R.C. 2117.06(B) and (C), in stating the presentment of the Commission's claim would be time-barred. These provisions state:

(B) Except as provided in section 2117.061 of the Revised Code, all claims shall be presented within six months after the death of the decedent, whether or not the estate is released from administration or an executor or administrator is appointed during that six-month period. Every claim presented shall set forth the

claimant's address.

(C) Except as provided in section 2117.061 of the Revised Code, a claim that is not presented within six months after the death of the decedent shall be forever barred as to all parties, including, but not limited to, devisees, legatees, and distributees. No payment shall be made on the claim and no action shall be maintained on the claim, except as otherwise provided in sections 2117.37 to 2117.42 of the Revised Code with reference to contingent claims.

However, when a claim is revived the statute of limitations is no longer a bar to any claims not made within six months of the decedent's death as required for a presentment of claims. In *Goehring v. Dillard*, the Supreme Court of Ohio held that "[t]he revivor of the action rendered unnecessary a presentation of the claim." *Goehring*, 145 Ohio St. at 46, 60 N.E.2d at 706. The plaintiff needn't comply with statutory procedures regarding the presentment of claims, where, upon the defendant's death, the action is revived against his administrator. *Id.* at 41, 704.

Even assuming *arguendo* that the Commission's claim would need to be presented pursuant to R.C. 2117.06(B) and (C), the statute of limitations therein would not apply to the Commission. While normally, all claims against an estate, including judgments, must be made in Probate Court six months from the death of the decedent, or be "forever barred," R.C. 2117.06(B) and (C); the Supreme Court of Ohio's holding in *State of Ohio Dep't of Transp. v. Sullivan*, that the State of Ohio is not bound by a generally worded statute of limitations has force to exempt the Commission, representing the interests of the State, from this six month time limit. *Sullivan*, 38 Ohio St. 3d at 140, 527 N.E.2d at 801.

Normally, under the Presentment of Claims Against Estate chapter of the Ohio Revised Code, R.C. 2117, a creditor with a claim against an estate, including judgments, must present their claim to the probate court within six months after the death of the decedent. R.C. 2117.06(B). A claim not presented within this time frame "shall forever be barred...". R.C. 2117.06(C).

This, however, is subject to an exception that the State of Ohio, absent express statutory provision to the contrary, is exempt from the operation of a generally worded statute of limitations. *State of Ohio Dep't of Transp. v. Sullivan*, 38 Ohio St. 3d 137, 140; 527 N.E.2d 798, 801. The Supreme Court of Ohio in *Sullivan* held that the abolition of the State's sovereign immunity in R.C. 2743 did not have any "application to suits initiated by the sovereign against its citizens in courts of general jurisdiction." *Id.* at 38 Ohio St. 3d 140; 527 N.E.2d 800. The Supreme Court of Ohio, by rejecting the abrogation of a state's exception from the statutes of limitations, *Id.*, thereby can be applied to this case of collecting from Mr. Carlson's estate even after the six month statute of limitations has expired.

In *Ohio Dep't of Human Serv. v. Eastman*, the court directly applied whether the statute of limitations applied to the state in R.C. 2117.06. *Ohio Dep't of Human Serv. v. Eastman*, 145 Ohio App.3d 369, 763 N.E.2d 193 (2001). The court held that a state agency, in that case Ohio Department of Health Services, ("ODHS"), was not foreclosed by the statute of limitations in R.C. § 2117.06(B),(C). *Id.* Unless specifically foreclosed, the state was not time barred. *Id.* The court held that (B) and (C) were "generally-worded statutes of limitation....[and] they d[id] not specifically foreclose claims by the state. *Id.* at 373, 196.

Regarding whether the "state" is represented in a case, in *Wasteney v. Schott, Treas.*, the Supreme Court of Ohio held that statute of limitations does not run "in actions where the state, though not a party to the record, is the real party in interest." *Wasteney v. Schott, Treas.*, 58 Ohio St. 410, 51 N.E.34 (1898) at syllabus. In *Wasteney*, the county treasurer was the party representing the state and was attempting to bring a claim outside the allotted time. *Id.* The Supreme Court of Ohio held that if the state was "the real party in interest" then the statute of limitations did not run against it. *Id.* at 415, 35. The court looked at the administration of public

justice that the agency was charged with, such as supporting schools and the efficient running of the state government through taxes. *Id.* at 416, 35. The overall function of the agency was so geared towards state interests that the court held that the treasurer, as a representative of the state, was not so bound by the statute of limitations in bringing the claim.

The Ohio Civil Rights Commission is a state agency, established by the Legislature, and tasked with enforcing state laws against discrimination. The Commission deals with any cases where Ohioans have been subjected to unlawful discrimination. *Ohio Civil Rights Commission – About Us*, Ohio Civil Rights Commission online, [http://crc.ohio.gov_about us.htm](http://crc.ohio.gov_about_us.htm) (last visited July 12, 2012). It gleans its authority from R.C. § 4112. *Id.* Following an investigation and the finding of probable cause, the Commission, may hold hearings and collect monetary benefits. *Id.*

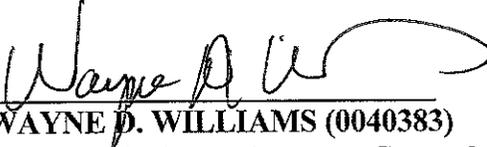
As a state agency, the Commission, similar to what was held in *Sullivan*, *Eastman* and *Wastenev*, is not subject to generally-worded statutes of limitations. Therefore, if subjected to presentment of claims under R.C. 2117.06(B) and (C), it will not have be foreclosed as the six month statute of limitations does not bind it.

CONCLUSION

For the foregoing reasons, the Commission can maintain a claim against the Estate of Steven J. Carlson. Thus, Respondent's Objections must be overruled.

Respectfully submitted,

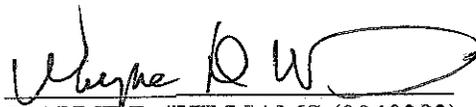
MIKE DEWINE
Attorney General



WAYNE D. WILLIAMS (0040383)
Principal Assistant Attorney General
Civil Rights Section
State Office Building - 11th Floor
615 W. Superior Avenue
Cleveland, OH 44113-1899
(216) 787-3030

CERTIFICATE OF SERVICE

A copy of the foregoing Reply to Objections was sent this 17th day of July, 2012, to Scott J. Flynn, Esq., Counsel for Respondent at Flynn, Keith & Flynn, 250 South Water Street, P.O. Box 762, Kent, Ohio 44240 and to Tamala Skipper, Fair Housing Contact Service, 441 Wolf Ledges Parkway, Suite 200, Akron, Ohio 44311, by regular United States Mail, postage prepaid.



WAYNE D. WILLIAMS (0040383)
Senior Assistant Attorney General



Ohio Civil Rights Commission

Governor
John Kasich

Board of Commissioners

Leonard J. Hubert., Chair
Stephanie M. Mercado, Esq.
William Patmon, III
Tom Roberts
Rashmi N. Yajnik
January 4, 2013

G. Michael Payton, Executive Director

Fair Housing Contact Service
441 Wolf Ledges Parkway, Suite 200
Akron, OH 44311-1038

Re: Fair Housing Contact Service v. Steven J. Carlson
COLH3(34708)11062009
05-10-0298-8
22A-2010-00903F
Complaint No. 10-HOU-AKR-34708

The enclosed Order dismissing Complaint No. 12-HOU-AKR-34708 the above captioned matter was issued by the Ohio Civil Rights Commission at its meeting of December 13, 2012.

This case is closed.

FOR THE COMMISSION

Desmon Martin

Desmon Martin
Director of Enforcement and Compliance

DM:cjs
Enclosure

cc: Lori A. Anthony, Chief – Civil Rights Section
Denise M. Johnson, ALJ – Division of Hearings
Compliance [Martin – Kanney – Woods]
Scott J. Flynn, Esq.

CENTRAL OFFICE • State Office Tower, 5th Floor, 30 East Broad Street, Columbus, OH 43215-3414
• Central Office: 614-466-2785 • TOLL FREE: 1-888-278-7101 • TTY: 614-466-9353 • FAX: 614-644-8776

REGIONAL OFFICES
AKRON • CINCINNATI • CLEVELAND • COLUMBUS • DAYTON • TOLEDO
www.crc.ohio.gov



John Kasich, Governor

IN THE MATTER OF:

Fair Housing Contact Service

Complainant

vs.

Steven J. Carlson (Jeannette E. Carlson,
Executrix of the Estate of Steven J. Carlson):

Respondent

COMPLAINT NO. 10-HOU-AKR-34708

FINAL ORDER

The Commission has been notified that the parties have reached an independent settlement regarding this matter. Being satisfied that the allegations raised in its complaint have been resolved, the Commission hereby dismisses Complaint No. 10-EMP-AKR-34708.

This ORDER issued by the Ohio Civil Rights Commission this 13th day of

December, 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 for 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: 12/13/2012

OHIO CIVIL RIGHTS COMMISSION
AND
U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Request for Withdrawal of Charge of Discrimination

You have requested withdrawal of your dual filed charge from the Ohio Civil Rights Commission (OCRC) and the U.S. Department Of Housing And Urban Development (HUD). In order to initiate such action, please furnish the information below. Since a request for withdrawal is subject to approval by OCRC and HUD, your request will be considered and acted upon when received. Please note that both OCRC and HUD are still prepared to proceed with your case if you so desire.

COLH3(34708)11062009
OCRC CASE NUMBER

05-10-0298-8
HUD CASE NUMBER

Fair Housing Contact Service
COMPLAINANT/CHARGING PARTY

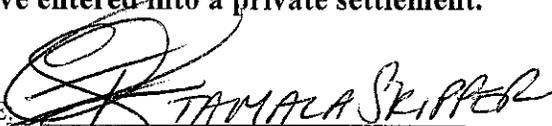
Jeannette E. Carlson, Executrix of the Estate of Ste
RESPONDENT(S)

COMPLAINANT/CHARGING PARTY -- COMPLETE INFORMATION BELOW

I am aware that OCRC and HUD protect my right to file a charge and have been advised that it is unlawful for any person covered by OCRC 4112 or Title VIII to threaten, intimidate or harass me because I have filed a charge. I have not been coerced into requesting this withdrawal.

I request the withdrawal of my charge **because I have entered into a private settlement.**

DATE: 11-7-12

SIGNATURE: 
Fair Housing Contact Service
Complaint No. 34708


WITNESS


OHIO CIVIL RIGHTS COMMISSION

Approved _____
Disapproved _____

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

DIRECTOR HUD DISTRICT/AREA OFFICE

12/13/2012
DATE