

# 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 federal district court (district court).

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

If you want this matter to proceed to a U.S. federal district court, you must follow the procedure set forth at Section I.C of this Important Notice.

If no person elects to have this matter decided in a U.S. federal district court, an administrative hearing shall commence within 120 days from the date of the Charge of Discrimination, unless impracticable, in which case the administrative law judge will provide the parties with written notification of the reasons therefore. The hearing shall be conducted at a place in the vicinity in which the discriminatory housing practice is alleged to have occurred or to be about to occur. 42 U.S.C. § 3612(b), (g); 24 C.F.R. § 180.600.

If no person elects to have this matter decided in a U.S. federal district court, the administrative law judge shall issue an Order setting forth the discovery schedule, the hearing date, and the location of the hearing.

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. § 3612(d) and (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 administrative law judge may order injunctive and other equitable relief and monetary relief for actual damages (including damages caused by humiliation and/or emotional distress) and may also impose civil penalties payable to the government.

## **B. Advantages of District Court 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/or emotional distress) and punitive damages.

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## **C. Procedure for Making an Election**

If you want to have your case tried in district court, you must file a written notice of your election with the Docket Clerk, at the following address, **no later than 11:59 p.m. eastern time on the 20<sup>th</sup> day following your receipt of the enclosed Charge of Discrimination.** 42 U.S.C. § 3612(a); 24 C.F.R. § 180.410(b)(2). Filing may be by facsimile transmission, electronic mail (email), courier service such as FedEx or UPS, personal delivery, or first-class mail. To ensure timely receipt by the Docket Clerk, you may wish to request confirmation of receipt from the

delivery service. Note that documents sent by mail may be delayed by the government's security procedures for mail and are not filed until received by the Docket Clerk. Your election must be sent to the Docket Clerk at one (or more) of the following addresses:

Email

alj.alj@hud.gov

Overnight Courier

Docket Clerk  
Office of Administrative Law Judges  
U.S. Department of Housing and Urban Development  
409 3rd Street, SW, Suite 201  
Washington, DC 20024  
Telephone Number: (202) 254-0000

Facsimile

(202) 619-7304  
Attn: Docket Clerk

Regular Mail

Docket Clerk  
Office of Administrative Law Judges  
U.S. Department of Housing and Urban Development  
451 7th St., SW, Rm B-133  
Washington DC 20410

In addition, you must give written notice of your election to go to federal district court to the following individuals using the same means (unless unavailable or impracticable) and at the same time as you provide notice to the Docket Clerk:

**COMPLAINANTS:**

John and Mary Agria  
5617 South Clambake Bay Court, Unit B  
Tempe, AZ 85283

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Donald Duquette  
505 East Huron Street, Unit #603  
Ann Arbor, MI 48104

Robert and Sara Holmes  
507 Crest Avenue  
Ann Arbor, MI 48103

Wesley and Lois Hager  
8 Duncaster Road  
Bloomfield, CT 06002

Marjorie Bayes  
200 Rampart Way, Unit #108  
Denver, CO 80230

Joseph and Jennifer Rupert  
4550 South Clubview Drive  
Adrian, MI 49221

Albert and Helen Reynolds  
2600 Barracks Road, #290  
Charlottesville, VA 22901

Charles Weaver  
5836 Windstar Circle  
Waterford, MI 48327

Lawry Reid and Linda Ferrier-Reid  
2666 Barry Road  
North Port, FL 34286

Gerald and Hannah Rees  
101 South Lewis  
Lombard, IL 60148

**RESPONDENT:**

The Bay View Association  
of the United Methodist Church  
c/o Michael Spencer, Registered Agent  
1715 Encampment  
Petoskey, MI 49770

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The Bay View Association  
of the United Methodist Church  
c.o Michael Spencer, Registered Agent  
P.O. Box 583  
Petoskey, MI 49770

**RESPONDENT'S REPRESENTATIVE:**

Michael S. Bogren, Attorney  
Plunkett Cooney  
950 Trade Centre Way, Suite #310  
Kalamazoo, MI 49002

**OFFICIALS:**

Jaret R. Fishman  
Trial Attorney  
Office of the Regional Counsel  
U.S. Department of Housing and Urban Development  
77 West Jackson Boulevard, Room #2617  
Chicago, Illinois 60604-3507  
Fax (312) 913-8870

Kathleen M. Pennington  
Assistant General Counsel for Fair Housing Enforcement  
Office of General Counsel  
U.S. Department of Housing and Urban Development  
451 Seventh St., SW, Room 10270  
Washington, DC 20410  
Kathleen.M.Pennington@hud.gov  
Fax: (202) 619-8004

David Enzel  
Deputy Assistant Secretary for Enforcement & Programs  
Office of Fair Housing and Equal Opportunity  
U.S. Department of Housing and Urban Development  
451 Seventh Street, SW, Room 5204  
Washington, DC 20410  
[David.H.Enzel@hud.gov](mailto:David.H.Enzel@hud.gov)  
Fax: (202) 708-2703

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Elizabeth A. Singer  
Director, U.S. Attorneys' Fair Housing Program  
Housing & Civil Enforcement Section  
Civil Rights Division  
U.S. Department of Justice  
950 Pennsylvania Ave., NW -- NWB  
Washington, DC 20530  
*For deliveries, use 1800 G ST NW, Suite 7002,  
Washington, DC 20006*

[Elizabeth.Singer@usdoj.gov](mailto:Elizabeth.Singer@usdoj.gov)  
Fax: (202) 514-1116

If a timely election to proceed in federal district court is made, the administrative proceeding will be dismissed.

## **II. Procedural Rights and Responsibilities for Administrative Proceeding**

### **A. Answer**

If you are the respondent in the administrative proceeding, you may file a written answer to the attached Charge by **MARCH 25, 2019** (within 30 days of service of the Charge). 24 C.F.R. § 180.410(b)(4)(ii); 24 C.F.R. § 180.405(d). Filing may be by facsimile transmission, electronic mail (email), courier service such as FedEx or UPS, personal delivery, or first-class mail. Note that documents sent by mail may be delayed by the government's security procedures for mail and are not filed until received by the Docket Clerk. The answer should be filed ) at:

#### Email

[alj.alj@hud.gov](mailto:alj.alj@hud.gov)

#### Overnight Courier

Docket Clerk  
Office of Administrative Law Judges  
U.S. Department of Housing and Urban Development  
409 3rd Street, SW, Suite 201  
Washington, DC 20024  
Telephone Number: (202) 254-0000

#### Facsimile

(202) 619-7304  
Attn: Docket Clerk

#### Regular Mail

Docket Clerk  
Office of Administrative Law Judges  
U.S. Department of Housing and Urban Development  
451 7<sup>th</sup> St., SW, Rm B-133  
Washington DC 20410

Any such answer shall 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.

**NOTE:** If you decline to file an answer by the date specified above, it shall be deemed an admission of all matters of fact recited in the Charge of Discrimination and may result in the entry of a default decision. 24 C.F.R. § 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 Docket Clerk by **APRIL 15, 2019** (within 50 days after the filing of the Charge). 24 C.F.R. § 180.310(b).

### **C. Discovery**

All discovery for the administrative proceeding will be completed 15 days before the date scheduled for the hearing (see Section I, above) or at such time as the administrative law judge shall direct. 24 C.F.R. § 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 the discovery of information relevant to transactions and events related to the enclosed Charge.

In order to meet your discovery obligations (for either an administrative proceeding or a proceeding in federal court), you should maintain in their current form any and all records, documents, files, or tapes that could pertain to this matter. 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 on a computer or other electronic medium, including, but not limited to: email messages and attachments; other electronic communications; word processing documents; spreadsheets; tables; data; photographs; sound recordings, and telephone logs. These materials may not be destroyed or altered pending the outcome of this litigation. The destruction or alteration of any evidence concerning this matter could result in sanctions.

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To meet your discovery obligations, you should take all reasonable steps to:

- Prevent deleting or discarding any information, including electronic information, related to the matters described in 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. 24 C.F.R. § 180.410(b)(5).

If there is anything in this notice that you do not understand or if you have additional questions, contact: **Jaret R. Fishman, Trial Attorney**, at **(312) 913-8016**.

Enclosures: Charge of Discrimination  
Determination of Reasonable Cause

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**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing “Charge of Discrimination,” “Determination of Reasonable Cause,” and “Important Notice” in FHEO Case Numbers 05-17-8636-8, 05-17-8637-8, 05-17-8638-8, 05-17-8639-8, 05-17-8640-8, 05-17-8641-8, 05-17-8674-8, 05-17-8675-8, 05-17-8676-8, and 05-17-8677-8 were served via the means specified below:

**VIA ELECTRONIC MAIL AND UPS OVERNIGHT DELIVERY**

Docket Clerk  
Office of Administrative Law Judges  
U.S. Department of Housing and  
Urban Development  
409 3<sup>rd</sup> Street, S.W., Suite #201  
Washington, DC 20024  
[Alj.alj@hud.gov](mailto:Alj.alj@hud.gov)

**COMPLAINANTS:**

**VIA UPS OVERNIGHT DELIVERY**

John and Mary Agria  
5617 South Clambake Bay Court, Unit B  
Tempe, AZ 85283

Donald Duquette  
505 East Huron Street, Unit #603  
Ann Arbor, MI 48104

Robert and Sara Holmes  
507 Crest Avenue  
Ann Arbor, MI 48103

Wesley and Lois Hager  
8 Duncaster Road  
Bloomfield, CT 06002

Marjorie Bayes  
200 Rampart Way, Unit #108  
Denver, CO 80230

Joseph and Jennifer Rupert  
4550 South Clubview Drive  
Adrian, MI 49221

Albert and Helen Reynolds  
2600 Barracks Road, #290  
Charlottesville, VA 22901

Charles Weaver  
5836 Windstar Circle  
Waterford, MI 48327

Lawry Reid and Linda Ferrier-Reid  
2666 Barry Road  
North Port, FL 34286

Gerald and Hannah Rees  
101 South Lewis  
Lombard, IL 60148

**RESPONDENT:**

**VIA UPS OVERNIGHT DELIVERY**

The Bay View Association  
Of the United Methodist Church  
c/o Michael Spencer, Registered Agent  
1715 Encampment  
Petoskey, MI 49770

**VIA FIRST CLASS MAIL**

The Bay View Association  
Of the United Methodist Church  
c/o Michael Spencer, Registered Agent  
P.O. Box 583  
Petoskey, MI 49770


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**RESPONDENT'S REPRESENTATIVE:**

**VIA ELECTRONIC MAIL AND UPS OVERNIGHT DELIVERY**

Michael S. Bogren, Attorney  
Plunkett Cooney  
950 Trade Centre Way, Suite #310  
Kalamazoo, MI 49002  
[mbogren@plunkettcooney.com](mailto:mbogren@plunkettcooney.com)

On this 21<sup>st</sup> day of February, 2019.

  
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Benita Washington, Paralegal Specialist  
Office of the Regional Counsel – Region V  
U.S. Department of Housing and  
Urban Development  
77 West Jackson Boulevard, 26<sup>th</sup> Floor  
Chicago, Illinois 60604-3507  
(312) 913-8619 (Office)  
(312) 913-8870 (Fax)  
[Benita.Washington@hud.gov](mailto:Benita.Washington@hud.gov)

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