UNITED STATES OF AMERICA
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
OFFICE OF ADMINISTRATIVE LAW JUDGES

The Secretary, United States Department of Housing and Urban Development, on behalf of Ivette N. Torres, Nilsa Roldan, and Efran Roldan, Charging Party, v. Theodore DiCosmo, Respondent.	HUDALJ 02-93-0356-8 Decided: February 1, 1995

Theodore DiCosmo, *pro se*

Louis Smigel, Esquire
Nicole K. Chappell, Esquire
For the Government

Before: ALAN W. HEIFETZ
Chief Administrative Law Judge

INITIAL DECISION AND ORDER

Statement of the Case

This matter arose as a result of complaints filed by Ivette N. Torres, Nilsa Roldan and Efran Roldan ("Complainants") alleging discrimination in violation of the Fair Housing Act, as amended, 42 U.S.C. § 3601, *et seq.* ("the Act"). On July 22, 1994, following an investigation and determination that reasonable cause existed to believe that discrimination had occurred, the Department of Housing and Urban Development ("HUD" or "Charging Party") issued a charge against Theodore DiCosmo ("Respondent") alleging that he had engaged in discriminatory housing practices violating section 818 of the Act, 42 U.S.C. § 3617. The Charge alleges that Respondent coerced, intimidated,

threatened, and interfered with Complainants in the exercise and enjoyment of their rights as protected by the Act. The Charge further alleges that Respondent discriminated against Complainant Ivette Torres based on her sex and national origin and against Ms. Torres' children, Nilsa and Efran Roldan, because of their national origin. The Charge also alleges that Respondent retaliated against Complainants for asserting their rights under the Act. *See* 42 U.S.C. § 3617; 24 C.F.R. §§ 100.400(b), 100.400(c)(2), and 100.400(c)(5).

Respondent did not answer the Charge. The Charging Party moved for a default judgment on August 29, 1994. On September 9, 1994, a Default Judgment was entered against Respondent. Respondent was thereby adjudged to have violated 42 U.S.C. § 3617, and a hearing was scheduled on the issue of the appropriate relief to be awarded. For good cause shown, the hearing was rescheduled and held on October 19, 1994, in Atlantic City, New Jersey. Respondent attended the hearing but was unrepresented by counsel.[1] At the close of the hearing, the Charging Party and Respondent were given the opportunity to file written briefs. The Charging Party filed its brief on December 2, 1994. Respondent did not file a brief.

Findings of Fact

1. Complainants Ivette Torres, her 17 year old daughter Nilsa Roldan, and her 14 year old son Efran Roldan resided in the upper story of a two-family house located at 31/33 North Jackson Avenue in Atlantic City, New Jersey, ("the Jackson Avenue apartment") from December 1992 through November 1993. Charge ¶ 5; Tr. 15, 42.[2] Complainants are of Hispanic/Puerto Rican descent. Charge ¶ 5. Both during the time and after she resided in the Jackson Avenue apartment, Complainant Ivette Torres received a Section 8 rent subsidy from the Atlantic City Housing Authority. Tr. 16; C.P. Ex. 3. Ms. Torres also receives SSI Disability and Public Assistance for her children. Tr. 16. Ms. Torres has no other family living in Atlantic City. Tr. 32.

2. Respondent owns the house located at 31/33 North Jackson Avenue and lives

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[1]At the hearing, Respondent asserted that he did not receive a copy of the Charge or the Default Judgment. The record shows that the Charge and Default Judgment were served on Respondent by first class mail at his last known address. 24 C.F.R. §§ 103.405(b)(3), 104.40. Service in this manner is presumed to have been made. *See U.S. v. Jack Cozza, Inc.*, 106 F.R.D. 264 (S.D.N.Y. 1985). Respondent has presented no evidence to rebut this presumption. Moreover, the record shows that a copy of the Charge was also sent to him by certified mail, return receipt requested. In any event, Respondent's attendance and participation at the hearing demonstrates that he was adequately apprised of the proceeding against him.

[2]"Charge" refers to the Determination of Reasonable Cause and Charge of Discrimination. "Tr." refers to the hearing transcript. "C.P. Ex." refers to exhibits introduced by the Charging Party at the hearing and admitted into evidence.

on the lower level. Charge ¶ 4.

3. For two and one half years prior to moving to the Jackson Avenue apartment, Complainants lived at 225 Atlantic Avenue in Atlantic City. Tr. 16. They were a close-knit family who engaged in many activities together. Tr. 68. They moved to the Jackson Avenue apartment in order to escape an increasingly violent and drug infested neighborhood. Tr. 16. The Jackson Avenue apartment was located in a safer, quieter neighborhood and was more spacious. Tr. 17. During the first three months of their tenancy at the Jackson Avenue apartment, Complainants were happy and had an amicable relationship with Respondent. *Id.*

4. In late February 1993, Complainant Torres was standing on her porch watching her son Efran go to the store. Tr. 18. Respondent, who was standing on the street below, initiated a conversation with her about television. *Id.* During the course of this conversation, Respondent stated that he had the "Playboy Channel" and other sex channels on his television, and he asked Ms. Torres if she would like to "play patty cake on the living room floor." *Id.* As he said this, Respondent clenched his fists and thrust his pelvic area backwards and forwards three or four times. Tr. 19. Ms. Torres retreated into her apartment, locked the door, and did not leave for several days. She felt ashamed and humiliated by the incident and thought that Respondent was a "dirty old man." *Id.* Because of her embarrassment, she did not tell her family or friends about the incident until approximately one month later. Tr. 20.

5. In March 1993, Complainants discovered that Respondent was eavesdropping on their telephone calls and that what they had assumed to be their private telephone line was actually a party line shared with Respondent. Tr. 47, 97. Complainants canceled the party line and called a repairman to install a separate, private telephone line. Tr. 97. When the repairman arrived, Ms. Torres heard Respondent deny him access to the telephone connections and threaten to call the police if he entered the property to service the lines. Tr. 51. Ms. Torres also overheard Respondent tell the repairman that he did not want "those f...ing Puerto Ricans" to have a separate telephone line. *Id.* For the remaining eight months of their tenancy, Complainants used a nearby pay telephone or the telephone of a neighbor. *Id.*[3]

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[3]Respondent does not deny that he prevented Complainants from installing a private telephone connection in their apartment. At the hearing, Respondent attempted to illustrate his willingness to accommodate Complainants by asserting that he often allowed Complainants to use the telephone in his apartment and offered to reconnect the party line in Complainants' apartment for emergency use. Tr. 63-64, 82. The record, however, reflects only one instance in which Complainant Nilsa Roldan used the telephone in his apartment. Tr. 63. Moreover, although Respondent offered to reconnect the party line, that offer rang hollow as he had previously eavesdropped on their conversations.

6. Respondent repeatedly entered Complainants' apartment without their permission. Charge ¶ 7.[4] One such incident occurred in April 1993. *Id.*; Tr. 25. Ms. Torres had just entered the shower when she heard her apartment door close. Because her children had just left for school, she assumed that one of them had forgotten something and returned. Tr. 21. Ms. Torres called out but received no answer. *Id.* She then left the shower and entered the kitchen, holding a towel in front of her. *Id.;* Charge ¶ 7. Respondent was standing in the kitchen and propositioned Ms. Torres. *Id.* She screamed for the police, and demanded an explanation for his presence in her apartment. In response, he merely smiled and left the apartment. Tr. 21, 23. After Respondent left the apartment, Ms. Torres dressed and went across the street to a neighbor's apartment to wait for Nilsa and Efran to return home. Tr. 21. When Nilsa and Efran came home, Ms. Torres told them that she had seen Respondent in the apartment, but was too embarrassed to tell them the details of the incident. Tr. 23-24. Several days later, Ms. Torres told Nilsa and Efran the details, including the fact that she had been wearing only a towel when she confronted Respondent. *Id.*

7. Ms. Torres changed the locks and installed a chain on the apartment door to prevent Respondent from again entering. Tr. 22. After being advised by Respondent that Ms. Torres had changed the locks and installed the chain, the Section 8 administrators ordered Ms. Torres to remove the new locks and chain. *Id.* Ms. Torres felt that Respondent was "torturing" her by having her remove the locks and chain. Tr. 24.

8. Throughout her tenancy in the Jackson Avenue apartment, Ms. Torres suspected that Respondent was entering her apartment while she was out. Tr. 22-23. Ms. Torres often saw Respondent sitting on his porch, watching her as she came and went, and she would return home to find that objects in her apartment had been rearranged or moved from one room to another. *Id.*

9. Respondent often stood in front of the house and shouted epithets and threats at Complainants. Respondent called Complainants "M-F Puerto Ricans, M-F Niggers," and told them "go back where you belong. . .I'm going to kill you, you don't belong here, uncivilized." Charge ¶ 10; Tr. 24.

10. When Efran or Nilsa Roldan attempted to bring friends to the Jackson Avenue apartment, Respondent attempted to block their friends' entrance, calling them "niggers," "spics," and "nigger-ricans." Tr. 37, 67. Once inside the apartment, one of Efran's friends did not want to leave because he was afraid of Respondent. Tr. 37. Over time,

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[4]Complainant Efran Roldan observed Respondent attempting to enter the apartment on four separate occasions. Charge ¶ 9.

some of Efran and Nilsa's friends refused to visit the apartment. *Id.* Respondent also shouted racial and ethnic slurs at Complainant Torres' sister and blocked her entry into the apartment. Tr. 38. Because of Respondent's behavior, Complainant Torres' sister, who lived 30 minutes by car from Atlantic City, eventually refused to visit the Jackson Avenue apartment. *Id.* The sisters subsequently met outside and away from the apartment. Tr. 37-38.

11. Prior to the move to Jackson Avenue, Ms. Torres had been under the care of a mental health counselor who helped her handle the stress she felt from single motherhood. Tr. 25, 32. When she moved to the Jackson Avenue apartment, she was seeing the counselor about once a month. Tr. 32. Shortly after the move to the Jackson Avenue apartment, Ms. Torres visited the counselor and told her how happy she was to have found an apartment in a safe neighborhood. Tr. 33. When the incidents with Respondent began in February 1993, Ms. Torres was too embarrassed to tell the counselor about them because she did not want the counselor to think she was a "whiner." *Id.* In April 1993, Ms. Torres finally told the counselor about the incidents when the counselor noticed that Ms. Torres' eyes were red and that she looked tired. Tr. 34. At that time, Ms. Torres felt that she "couldn't put up with the old man" and was "contemplating suicide." *Id.* The counselor referred Ms. Torres to a psychiatrist who, after administering tests and speaking with Ms. Torres during weekly visits, prescribed an anti-depressant drug to relax her and help her sleep. Tr. 25-27, 29, 34; C.P. Ex. 1. Although the dosage was increased and the medication calmed her down, Ms. Torres was still unable to sleep. Tr. 27. The doctor then prescribed a sedative, and later, another drug for anxiety. Tr. 27, 29; C.P. Ex. 1. Ms. Torres would sometimes forego taking the medication for fear that she would fall into such a deep sleep that she would not be able to hear Respondent enter the apartment at night. Tr. 28. She even slept on the floor by the door to guard against Respondent's unwelcome entrance. Tr. 27. Even when she took the sedatives, Ms. Torres had problems sleeping, as the slightest sound would jar her awake. *Id.* Despite its calming effects, Ms. Torres felt more afraid of Respondent when taking the medication because she believed his "attitude was. . . stronger than the medication." Tr. 27-28. During this time, Efran Roldan recalled often seeing his mother at night sitting on the couch and crying. Tr. 107.

12. Ms. Torres withdrew into her home. She became afraid to leave and would only venture out on occasion to visit a neighbor across the street. Tr. 107. During those visits, Ms. Torres would watch the entrance to her apartment from the window. *Id.* She worried constantly for her own safety and for the safety of her children. Tr. 108. She became argumentative with Efran and Nilsa and refused to speak to them or play with them as she had readily done in the past. *Id.* She grounded Efran to keep him in the house, away from Respondent. Tr. 110.

13. When Ms. Torres told Efran about Respondent's sexual propositions and the incident when she came out of the shower, he became very angry. Tr. 35. He felt that he could not protect her or put her at ease. Tr. 113-14. Several times, Efran attempted to confront Respondent, but he was restrained by his mother. Tr. 114. He would cry out of anger because while he wanted to protect his mother and sister, he felt helpless to do so. Tr. 35-36.

14. As a result of Respondent's conduct, Nilsa Roldan felt a growing distance from her mother. Tr. 68. She saw her mother become quiet and unresponsive, both to her and her brother. *Id.* Despite repeated attempts to coax her mother to leave the apartment to talk with her, her mother refused. *Id.* Because of these problems, Nilsa moved into a friend's apartment for two months. *Id.* She moved back with her family only after her mother promised to find another apartment as quickly as possible. Tr. 69.

15. After Nilsa moved out of the Jackson Avenue apartment, Ms. Torres' anxiety increased because her family was falling apart. Tr. 43. She feared that Efran would also would move out. Tr. 36.

16. On July 14, 1993, Ms. Torres was sitting on her balcony when Respondent again approached her and made unwelcome sexual advances. Charge ¶ 6. When she refused his advances, Respondent shouted profanities at her, calling her "stupid," "crazy," "whore," "bitch," "trash," and "dirty f...ing Puerto Rican." *Id.*

17. Respondent accused Efran and Nilsa of stealing bicycles. Charge ¶ 10. Respondent also accused Nilsa of engaging in prostitution. *Id.* On July 25, 1993, during an argument outside his house, Respondent struck Efran. Charge ¶ 8. Nilsa, who had recently arrived at the house, was informed of the assault by a neighbor. Tr. 71. She then witnessed Respondent and his female friend repeatedly call Efran a "spic." Nilsa became so angered by the epithets that she struck Respondent, and was subsequently arrested and fined. Tr. 72.

18. In October 1993, Ms. Torres attempted to terminate her lease with Respondent. Tr. 40-41. He refused to sign the papers required by the Section 8 program to release Ms. Torres from her rental obligation. Charge ¶ 11. When Complainants presented the release papers to Respondent, he crumbled them, threw them on the floor, and told Complainants that he would release them only if they would pay the balance on the full term of the lease. Tr. 39-41; C.P. Ex. 2. Ms. Torres could not afford to make such a payment. Tr. 41. Nevertheless, she continued preparations to move. She sold several pieces of furniture to raise money for the security deposit and first month's rent at a new apartment. Tr. 44-45. Several times, Nilsa or Efran would locate an available

apartment, and Ms. Torres would again approach Respondent to ask him to sign the release papers. Tr. 40. Each time Respondent would refuse, and Complainants would have to forego the apartment. *Id.*

19. Complainants sought the advice of a local legal aid organization about a possible lawsuit against Respondent. Tr. 34-35. Upon learning that a complaint had been filed against him with HUD,[5] Respondent interrupted Complainants' water and electricity service. Charge ¶ 12. On September 21, 1993, Respondent whispered menacingly through Complainants' door "I have a key, I kill, kill," and "[d]on't let my age fool you, let's go a few rounds." Charge ¶ 13.

20. In November 1993, the Section 8 administrators authorized Ms. Torres to find a new apartment in advance of the expiration of Ms. Torres' lease with Respondent in December 1993. Tr. 42. Efran located an apartment in Ventnor City, New Jersey, and Ms. Torres begged and convinced the landlord to rent it to her. Tr. 42, 117. The Section 8 administrators approved the new lease terms, and Complainants immediately prepared to move. Tr. 42; C.P. Ex. 3.

21. Complainants moved to the new apartment on November 28, 1993. Tr. 42. They used a van belonging to one of Efran's friends, and Ms. Torres paid $30.00 to four of Efran's friends for their assistance.[6] Tr. 117-18.

22. The new apartment is "comfortable" but smaller than the Jackson Avenue apartment. Tr. 56. For the period December 1993 through November 1994, Ms. Torres was to pay $10.00 more for gas each month than she did at the Jackson Avenue apartment. Tr. 52; C.P. Exs. 3 and 4.

23. Complainants' familial relationship has vastly improved since moving to a new apartment. Ms. Torres feels more secure. Tr. 56. Nilsa is much happier and feels that her relationship with her mother has improved. Tr. 74. She spends more time with her mother and is able to accompany her on outings. *Id.* Efran also feels that he has regained the close relationship that he had with his mother prior to moving to the Jackson Avenue apartment. Tr. 110.

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[5]Ms. Torres filed a complaint with HUD on July 22, 1993. On October 26, 1993, that complaint was amended to include Nilsa and Efran Roldan as complainants.

[6]Ms. Torres thought the money was for rental of a truck. However, Efran Roldan testified that the family borrowed a truck and paid the money to friends who facilitated the move. I credit Efran's testimony which was more detailed and precise.

Discussion

The Act provides that when a respondent has been found to have engaged in a discriminatory housing practice, the Administrative Law Judges ("ALJ") shall issue an order for "such relief as may be appropriate, which may include actual damages suffered by the aggrieved person and injunctive or other equitable relief." 42 U.S.C. § 3612(g)(3). The Act also provides that to "vindicate the public interest," the ALJ may also assess a civil penalty. *Id.* The Charging Party seeks to compensate Complainants for their actual and intangible injuries.[7] The Charging Party also prays for injunctive relief and the imposition of a civil penalty against Respondent.

1. Out-of-Pocket Losses

Ms. Torres is entitled to compensation in the amount of $120.00 for the higher gas utility costs incurred at the new apartment from December 1993 through November 1994. ($10.00 per month for 12 months). Ms. Torres is also entitled to $30.00 in moving expenses.

2. Emotional Distress

The Charging Party seeks compensatory damages for the intangible injuries Complainants suffered because of Respondent's unlawful discrimination. The Charging Party seeks damages for emotional distress in the amount of $15,850.00 for Ivette Torres, $4,000.00 for Efran Roldan, and $2,500.00 for Nilsa Roldan.

Although "courts do not demand precise proof to support a reasonable award of damages [for emotional distress]," *Block v. R.H. Macy & Co.*, 712 F.2d 1241, 1245 (8th Cir. 1983), such damages may be inferred from the circumstances of the discrimination as well as established by testimony. *See Seaton v. Sky Realty Co.*, 491 F.2d 634, 636 (7th Cir. 1974); *HUD v. Blackwell*, 2 Fair Housing-Fair Lending (P-H) ¶ 25,001 at 25,011 (HUDALJ Dec. 21, 1989), *aff'd*, 908 F.2d 864 (11th Cir. 1990). Moreover, "[t]he more inherently degrading or humiliating the defendant's action is, the more reasonable it is to infer that a person would suffer humiliation or distress from that action; consequently, somewhat more conclusory evidence of emotional distress will be acceptable to support an award for emotional distress." *United States v. Balistrieri*, 981 F.2d 916, 932 (7th Cir. 1992).

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[7] At the hearing, Respondent argued that any damage award should be offset by certain amounts purportedly owed to him by Complainants. However, this is not the proper forum in which to make such a claim.

Where a complainant shows an unusual susceptibility to mental distress, a respondent will be fully liable for the damage caused by the discriminatory conduct even if an ordinary person exposed to the same conduct would have suffered much less. *HUD v. Nelson Mobile Home Park*, 2 Fair Housing-Fair Lending (P-H) ¶ 25,063 at 25,612 (HUDALJ Dec. 2, 1993), *appeal docketed*, No. 93-5378 (11th Cir. 1994). Ivette Torres is such a complainant. When she moved to Jackson Avenue, she was under the care of a mental health counselor for feelings of anxiety associated with the pressures of single motherhood. This anxiety, in large part, stemmed from a profound concern for the safety and well-being of her children and her strong desire to sustain their family unit. Because of that concern and desire, she moved her family to the Jackson Avenue apartment, which she believed provided a safer and more stable environment.

The Jackson Avenue apartment, however, was not the safe haven Ms. Torres first believed it to be. Through a campaign of threats, intimidation, and harassment, waged relentlessly over a period of nine months, Respondent preyed upon Ms. Torres, invading her privacy and diminishing every aspect of her life and persona. As a result, she became so overwhelmed with fear and anxiety that she experienced great difficulty functioning as the head of her household and as a parent.

Fearful for her own safety and that of her children, Ms. Torres developed a sleep disorder which necessitated psychiatric treatment including the prescription of medication. In the process of rejecting Respondent's unwanted sexual advances, she was stripped of her pride and dignity. She became reclusive, argumentative, and overprotective of both children. Her family was torn apart when Nilsa felt compelled to move out of the apartment. She was trapped by Respondent's repeated refusal to permit her to terminate the lease, and when she filed a complaint with HUD, he retaliated by shutting off her electricity and water service and threatening her with physical violence. In sum, Ms. Torres lived in a constant state of fear, degradation, and despondency until she was finally able to move from the Jackson Avenue apartment.

Respondent's conduct had a severe effect on Efran Roldan's relationship with his mother and his self-esteem. Formerly close, he and his mother began to argue frequently. His need for independence and association with friends clashed with her concern for his safety in light of the tension created by Respondent's racial and ethnic slurs against the family and their friends. Grounded for his own protection in the apartment, he became even more frustrated because, although he considered himself to be the "man" of the house whose duty it was to protect his mother and sister, he realized that he was not powerful enough to fulfill that responsibility. He was indignant and angry when Respondent struck him and accused him of thievery, but he was reduced to tears by the realization that he could do nothing to prevent Respondent's indecent conduct towards his

mother.

Nilsa Roldan not only suffered the indignity of Respondent's racial and ethnic slurs, but she also endured his accusations of stealing and engaging in prostitution. Her social life was disrupted when her friends were prevented from visiting in her home. She became angry and frustrated as she witnessed Respondent's conduct toward her mother and brother and the effect that conduct had on their family unity. As her mother became withdrawn and uncommunicative, their relationship became more strained. Unable even to persuade her mother to leave the apartment long enough to have a conversation out of Respondent's earshot, this teenager moved out of the apartment when she could no longer tolerate the tension.

The Charging Party asserts, and I conclude, that by virtue of Respondent's discriminatory conduct, Complainants suffered compensable damage in the amount of $22,350.00 as follows: $15,850.00 for Ivette Torres, $4,000.00 for Efran Roldan, and $2,500.00 for Nilsa Roldan. The damage Complainants suffered was significant and the amount awarded reflects the severity of the injury. *See Blackwell*, 2 Fair Housing-Fair Lending (P-H) at 25,011-13.

3. Civil Penalty

Under the Act when "a respondent has engaged. . .in a discriminatory housing practice" the ALJ may assess a civil penalty "against the respondent. . .in an amount not exceeding $10,000.00 if the respondent has not been adjudged to have committed any prior discriminatory housing practice. . . ." 42 U.S.C. § 3612(g)(3)(A). Assessment of a civil penalty is not automatic. *See* H. Rep. No. 711, 100th Cong., 2d Sess. at 37 (1988). In addition to any history of prior violations, the nature and circumstances of the violation, the degree of culpability, the financial circumstances of the respondent, the goal of deterrence, and other matters are considered as justice may require. *Id.* There is no evidence that Respondent has been adjudged to have committed any prior discriminatory housing practice. I therefore turn to a consideration of the other required factors.

The Charging Party requests that I assess a civil penalty against Respondent in the amount of $2,500.00. Considering the persistence and egregiousness of Respondent's conduct, imposition of a civil penalty is appropriate. Respondent offers no justification for his conduct, nor does he show any remorse for the psychic injury suffered by Complainants. Accordingly, there is need to deter such conduct in the future. Last, although Respondent claims an inability to pay a civil penalty, he has presented no evidence to support that contention. Accordingly, upon consideration of all the relevant factors, I assess a civil penalty against Respondent in the amount of $2,500.00.

4. Injunctive Relief

Once a determination of discrimination has been made, injunctive relief may be ordered to remove the lingering effects of prior discrimination and to insure that a respondent does not violate the Act in the future. *Blackwell,* 2 Fair Housing-Fair Lending (P-H) at 25,014. The relief, however, is to be tailored to the facts of the particular situation. The provisions of the Order set forth below meet the objectives of the Act.

ORDER

Having concluded that Respondent Theodore DiCosmo has discriminated against Ivette Torres, Nilsa Roldan, and Efran Roldan in violation of Section 818 of the Fair Housing Act, as amended (42 U.S.C. § 3617), and the regulations codified at 24 C.F.R. §§ 100.400(b), 100.400(c)(2), and 100.400(c)(5), it is hereby **ORDERED** that:

1. Respondent is permanently enjoined from discriminating against Ivette Torres, Nilsa Roldan, and Efran Roldan, or any other person, visitor, or associate of such person with respect to housing because of national origin or sex. Prohibited actions include, but are not limited to, those enumerated in 24 C.F.R. Part 100. Such prohibited actions include coercion, intimidation, threats, or interference with any person in the exercise or enjoyment of, or an account of that person having exercised or enjoyed any right granted or protected by the Act.

2. Within ten (10) days of the date on which this Order becomes final, Respondent shall pay damages in the amount of $16,000.00 to Ivette Torres, $4,000.00 to Efran Roldan, and $2,500.00 to Nilsa Roldan.

3. Within ten (10) days of the date on which this Order becomes final, Respondent shall pay a civil penalty of $2,500.00 to the Secretary, United States Department of Housing and Urban Development.

This Order is entered pursuant to 42 U.S.C. § 3612(g)(3) and 24 C.F.R. § 104.910, and will become final upon the expiration of thirty (30) days or the affirmance, in whole or in part, by the Secretary within that time.

ALAN W. HEIFETZ
Chief Administrative Law Judge