

**UNITED STATES OF AMERICA
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
OFFICE OF HEARINGS AND APPEALS**

The Secretary, United States Department of Housing and Urban Development,)	
Charging Party,)	
On behalf of Stephanie Dugan and her minor child,)	
Complainants,)	HUDOHA No. 23-AF-0182-FH-014
v.)	FHEO No. 02-22-0432-8
Lakeview Avenue, LLC, Artur Pengu, and Elsaz Pengu,)	January 26, 2024
Respondents.)	

INITIAL DECISION AND CONSENT ORDER

I. BACKGROUND

On September 15, 2023, The U.S. Department of Housing and Urban Development (“HUD”, the “Charging Party”, or the “Department”) filed a Charge of Discrimination (the “Charge”) alleging Lakeview Avenue, LLC, Artur Pengu, and Elszaz Pengu (collectively, “Respondents”) violated the Fair Housing Act, as amended, 42 U.S.C. § 3601 *et seq.* (the “Act”), by discriminating based on disability and retaliating against Stephanie Dugan and her minor child (“Complainants”) (together with Respondents, the “Parties”).

Respondents deny that they violated the Act as alleged in the Charge. However, to avoid the additional cost, expense, and uncertainty of litigation, the Parties agree to settle the claims in the underlying action by entering into this Initial Decision and Consent Order (“Consent Order”). The entry of this Consent Order shall not be deemed an admission or finding of any fault or liability on the part of Respondents.

II. GENERAL PROVISIONS

1. The Parties acknowledge that this Consent Order is voluntarily entered into in full resolution of the disputed Complaint. No party has been coerced, intimidated, threatened, or in any way forced to become a party to this Consent Order. The Parties acknowledge that they have read and fully understand the significance of the provisions of this Consent Order and their

obligations under it.

2. The Parties agree that the Charging Party shall file with the Office of Hearings and Appeals a Motion for Entry of an Initial Decision and Consent Order, along with this Consent Order, after this document is executed by all Parties.

3. This Consent Order is binding upon Respondents, its members, principals, owners, employees, successors, agents, assignees, and all others in active concert with them in the management of the Subject Property, as defined in the Charge. In the event the Subject Property is transferred or sold prior to full performance of all the provisions of this Consent Order, Respondents will remain liable for the financial compensation described herein, Section IV.

4. Pursuant to 24 C.F.R. § 180.680(a), the parties understand that this Consent Order is a public document.

III. MUTUAL RELEASE

5. In consideration of the execution of this Consent Order, the Charging Party and Complainants, their successors, assignees, agents, employees, and attorneys hereby forever waive, release, and covenant not to sue Respondents, its heirs, executors, assignees, agents, employees, or attorneys with regard to any and all claims, damages and injuries of whatever nature whether presently known or unknown, arising out of the subject matter of HUDOHA No. 23-AF-0182-FH-014 and FHEO No. 02-22-0432-8, or which could have been filed in any action or suit arising from said subject matter, except where necessary to enforce this agreement. Nothing in this release will be construed to prevent HUD from investigating other complaints filed against Respondents or taking appropriate enforcement action thereon. Complainants and Respondents will no longer intentionally transact, do business, review, or interact with one another or their businesses.

6. In consideration of the execution of this Consent Order, Respondents, its successors, assignees, agents, employees, and attorneys hereby forever waive, release, and covenant not to sue HUD or Complainants, their heirs, executors, assignees, agents, employees, or attorneys with regard to any and all claims, damages and injuries of whatever nature whether presently known or unknown, arising out of the subject matter of 23-AF-0182-FH-014 and FHEO No. 02-22-0432-8, or which could have been filed in any action or suit arising from said subject matter, except where necessary to enforce this agreement. Nothing contained in this release will be construed to prevent Respondents from bringing and maintaining a proceeding for an alleged violation or breach not arising out of the subject matter of the Charge. Complainants and Respondents will no longer intentionally transact, do business, review, or interact with one another or their businesses.

IV. RELIEF FOR COMPLAINANT

7. Upon full execution of this Consent Order, Respondent Artur Pengu, will pay to Complainant Stephanie Dugan the sum three thousand dollars (\$3,000) by certified check.

- a. At the execution of this Consent Order, Respondents shall send the certified check for \$3,000 to the Charging Party at HUD's Office of Regional Counsel for New York/New

Jersey attention:

Brittini C. Lucas, Esq., Trial Attorney
Office of Regional Counsel
U.S. Department of Housing and Urban Development
26 Federal Plaza, Room 3500
New York, New York 10278.

- b. Respondents acknowledge that if the check is not received by HUD within ten (10) calendar days of the execution of this Consent Order, that would constitute a breach of the settlement agreement.
- c. Upon issuance of this Consent Order by the Administrative Law Judge, Counsel for HUD will send the check to Complainant Stephanie Dugan.
- d. If the Administrative Law Judge does not approve this Consent Order, HUD will return the certified check to Respondents within 10 business days of the triggering event.
- e. Complainant Stephanie Dugan acknowledges that she has not relied on any representations by HUD as to the tax consequences of this agreement or any payments made hereunder. Complainant Stephanie Dugan will be responsible for all applicable taxes, if any, on the foregoing payments.

V. ACTIONS IN THE PUBLIC INTEREST

8. Injunction from Discrimination. Respondents, their agents, employees, successors, or assignees, and all other persons in active concert or participation with any of them, are hereby enjoined from:

- a. Discriminating against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection with such dwelling, because of disability, as prohibited by the Act, 42 U.S.C. § 3604(f)(2);
- b. Refusing to make reasonable accommodations in rules, policies, practices, or services, when such accommodations may be necessary to afford persons with disabilities equal opportunity to use and enjoy a dwelling, as prohibited by the Act, 42 U.S.C. § 3604(f)(1), (f)(2), and (f)(3)(B); and
- c. Retaliating against Complainants or any other person who participated in the investigation of this complaint, as prohibited by the Act, 42 U.S.C. § 3617.

9. Adoption and Implementation of Reasonable Accommodation Policy. Respondents agree to immediately implement the "Reasonable Accommodation Policy" attached hereto for all rental properties.

VI. COMPLIANCE

10. HUD may review compliance with this Consent Order at any time during its term, subject to and in accordance with HUD regulations.

11. The Parties shall endeavor, in good faith, to resolve any differences regarding interpretation of and compliance with this Consent Order informally.

12. In the event of a breach of any provision of this Consent Order, HUD may refer this matter to the Department of Justice to petition the United States Court of Appeals for the Second Circuit to enforce the Consent Order and for any other appropriate relief in accordance with 42 U.S.C. § 3612(j).

VII. ADMINISTRATION

13. This Consent Order is entered pursuant to 42 U.S.C. § 3612(g)(3) and 24 C.F.R. § 180.450. The effective date of the Consent Order shall be the date it becomes final, *i.e.*, upon the expiration of thirty (30) days from the date of its issuance, or earlier affirmance by the Secretary. 42 U.S.C. § 3612(h); 24 C.F.R. § 180.670(b)(2).

14. This Consent Order shall remain in effect for three (3) years from its effective date or until compliance with all the terms and specific time periods set forth in Section IV, whichever is later.

15. All required notification and documentation of compliance must be submitted to HUD as follows, unless otherwise indicated:

Jay Golden
Director, Region II
Office of Fair Housing and Equal Opportunity
U.S. Department of Housing and Urban Development
26 Federal Plaza, Room 3532
New York, NY 10278

Brittini C. Lucas, Esq.
Trial Attorney
Office of Regional Counsel, Region II
U.S. Department of Housing and Urban Development
26 Federal Plaza, Room 3500
New York, NY 10278

16. This Consent Order does not in any way limit or restrict HUD's authority to investigate any other complaints involving Respondents made pursuant to the Act, or any other complaints within HUD's jurisdiction.

17. The Parties agree that any party to this agreement seeking an extension of time to satisfy a deadline provided herein, must obtain such extension in writing from counsel for the

Charging Party.

18. The signatures of the Parties constitute a waiver of any right to apply for attorney's fees or costs pursuant to 24 C.F.R. § 180.705. Each party is responsible for its own attorney's fees and costs.

19. In the interest of a prompt conclusion of this matter, the Parties and counsel agree that the execution of this Consent Order may be accomplished by the Parties' signatures on separate pages of this Consent Order, with the individual signature pages to be attached to the body of the Consent Order to constitute one document to be filed with the Office of Hearings and Appeals. Signatures of the Parties to this Consent Order may be executed by way of facsimile or electronic transmission.

20. The signatures of the Parties to this Consent Order constitute a waiver of any right to withdraw their consent during the thirty (30)-day Secretarial review period, and a waiver of any right to challenge the validity of the Consent Order at any time.

VIII. AGREEMENT OF THE PARTIES

RESPONDENTS:

Artur Pengu
Artur Pengu

1-11-24
Date

RESPONDENTS:

ELZA PENGU
Elsaz Pengu

1-11-2024
Date

VIII. AGREEMENT OF THE PARTIES

COMPLAINANT:



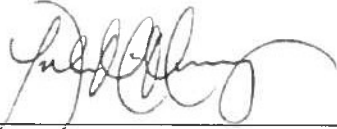
Stephanie Dugan

11/10/2024

Date

VIII. AGREEMENT OF THE PARTIES

COUNSEL FOR THE CHARGING PARTY, UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT:



Júlia Murray, Acting for
Erica Levin,
Regional Counsel, Region II
U.S. Department of Housing and Urban Development
26 Federal Plaza, Room 3500
New York, NY 10278

01/24/2024

Date



Valerie Daniele
Associate Regional Counsel for
Program Enforcement and Litigation
Office of Regional Counsel, Region II
U.S. Department of Housing and Urban Development
26 Federal Plaza, Room 3500
New York, NY 10278

01/24/2024

Date

Brittini C. Lucas
Trial Attorney
U.S. Department of Housing and Urban Development
26 Federal Plaza, Room 3500
New York, NY 10278

Date

VIII. AGREEMENT OF THE PARTIES


COUNSEL FOR THE CHARGING PARTY, UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT:

Erica Levin
Regional Counsel, Region II
U.S. Department of Housing and Urban Development
26 Federal Plaza, Room 3500
New York, NY 10278

Date

Valerie Daniele
Associate Regional Counsel for
Program Enforcement and Litigation
Office of Regional Counsel, Region II
U.S. Department of Housing and Urban Development
26 Federal Plaza, Room 3500
New York, NY 10278

Date



Brittni C. Lucas
Trial Attorney
U.S. Department of Housing and Urban Development
26 Federal Plaza, Room 3500
New York, NY 10278

1/24/2024

Date

IX. ORDER OF THE COURT

The foregoing order was presented to the undersigned Administrative Law Judge (“ALJ”) for approval on January 24, 2024. In accord with 24 C.F.R. § 180.450, the ALJ shall accept a settlement agreement agreed to by the parties if he finds the agreement to be in the public interest, by issuing an Initial Decision and Consent Order.

After considering the record in its entirety, the undersigned ALJ has independently determined that the agreement between the parties does not offend the public interest and is approved. All parties have given their consent and signed the agreement incorporated in the foregoing Consent Order, which is hereby accepted and issued.

This Consent Order carries no precedential weight, as the matter has been reviewed solely to determine that the parties’ settlement does not offend the public interest. No opinion is expressed on legal or policy statements contained herein, nor the form and quantum of the agreed relief.

So **ORDERED** this 26th day of January 2024

**ALEXANDER
FERNANDEZ-
PONS**

Digitally signed by: ALEXANDER
FERNANDEZ-PONS
DN: CN = ALEXANDER FERNANDEZ-
PONS C = US O = U.S. Government
OU = Department of Housing and Urban
Development, Office of the Secretary
Date: 2024.01.26 10:48:45 -05'00'

Alexander Fernández-Pons
Administrative Law Judge