

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

Secretary, United States Department of)	
Housing and Urban Development, on behalf of)	
Loretha Brooks)	
)	OHA No. 24-JM-0391-FH-026
Charging Party,)	
)	FHEO No. 04-23-5173-8
v.)	
)	
Macon MF, LLC,)	November 6, 2024
Active Property Management, LLC, and)	
Michael Bailey,)	
)	
Respondents.)	
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INITIAL DECISION AND CONSENT ORDER

I. BACKGROUND

On September 30th, 2024, the United States Department of Housing and Urban Development (“Charging Party” or “HUD”) filed a Charge of Discrimination (“Charge”) alleging Macon MF, LLC (“Macon”), Active Property Management, LLC (“Active”), and Michael Bailey (“Bailey”) (collectively “Respondents”) discriminated against Complainant Loretha Brooks on the basis of disability in violation of the Fair Housing Act (the “Act”), 42 U.S.C. §§ 3601-3619. Specifically, the Charge alleges that the Respondents made housing unavailable and imposed discriminatory terms and conditions of tenancy in violation of the Act.

Complainant, Respondents, and Charging Party have agreed to resolve this matter without the need for a hearing before a HUD Administrative Law Judge. Nothing contained in this Consent Order is deemed an admission of wrongdoing on the part of Respondents. The parties have consented to the entry of this Initial Decision and Consent Order (“Consent Order”) as indicated by their signatures below.

II. GENERAL PROVISIONS

1. The parties acknowledge that this Consent Order is a voluntary and 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 agree to fully comply with their obligations hereunder.

2. The parties agree that, after this Consent Order is executed by all parties, the Charging Party shall file with the Office of Hearing and Appeals a Joint Motion for Entry of an Initial Decision and Consent Order.
3. This Consent Order is binding upon Respondents, successors, agents, and assigns as it relates to the operation and management of 4144 Ayers Road, Macon, GA 31210 (“Subject Property”).
4. In consideration of the execution of this Consent Order, Complainant hereby forever waives, releases, and covenants not to sue HUD or Respondents, their heirs, executors, successors, assigns, 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 HUD FHEO No. 04-23-5173-8, or which could have been filed in any action or suit arising from said subject matter.
5. In consideration of the execution of this Consent Order, Respondents hereby forever waive, release, and covenant not to sue HUD or Complainant, their heirs, executors, successors, assigns, 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 HUD FHEO No. 04-23-5173-8, or which could have been filed in any action or suit arising from said subject matter.
6. The parties and their counsel agree that if a party to this agreement needs an extension of time in order to satisfy a deadline provided herein, such extension must be obtained in writing by mutual agreement of the parties.
7. Pursuant to 24 C.F.R. § 180.680, the parties understand that this Consent Order shall be a public document.
8. The signature of the parties to this Consent Order constitute a waiver of any right to apply for additional 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.
9. Each of the signatories represents and warrants that he or she is duly authorized to execute this Consent Order on behalf of the indicated Party, that no further corporate or other action is necessary to authorize such execution, and that no other entity or person is a necessary party to this Consent Order.
10. Although the contents of this Consent Order are public records, the Respondent and Complainant shall agree not to proactively disclose the nature, amount, or terms of the Consent Order, the discussions leading to this Consent Order. Complainant may make proactive disclosures as are strictly necessary to his tax/financial advisors and his immediate family members, and Respondents may also make such proactive disclosures as are strictly necessary to its tax/financial advisors and to its insurance carrier.

III. INDIVIDUAL RELIEF

11. Within twenty (20) business days of the effective date of this Consent Order, Respondents shall pay to Complainant the sum of \$15,500.00, in full settlement of their claims for damages arising out of the allegations presented in the Charge. Such payments shall be by check paid to the order of Loretha Brooks and shall be sent to the following address:

Loretha Brooks


IV. ACTIONS IN THE PUBLIC INTEREST

12. Education and Training

- a. Within one hundred and eighty days (180) days of the effective date of this Consent Order, Macon MF, LLC, Active Property Management, LLC, Michael Bailey, and any employees of Respondent Macon and Respondent Active and individuals acting under their direction who receive, process, review or make determinations with regard to any reasonable accommodation request (“covered employee”) shall attend a minimum of four (4) hours of training pertaining to their obligations under the Act and applicable state and local housing non-discrimination laws. Respondent must seek approval of the trainer from the Charging Party. All costs of the training shall be borne by Respondents.
- b. During the term of this Consent Order, any new covered employee for Respondent Macon and Respondent Active must receive at least four (4) hours of fair housing training within thirty (30) days of starting employment. Respondent Macon and Respondent Active shall maintain records of evidence of the completion of fair housing training throughout the term of this Consent Order.

13. Adoption and Implementation of Reasonable Accommodation Policy

- a. Within sixty (60) days of the effective date of this Consent Order, Respondent agrees to adopt and implement a “Reasonable Accommodation Policy” that complies with the Fair Housing Act. Respondent agrees to submit the Policy to HUD for approval within thirty (30) days of the issuance of this Consent Order.
- b. Within fifteen (15) calendar days of the receipt of Respondent’s Reasonable Accommodation Policy, HUD agrees to notify Respondent of its approval or disapproval. In the event of disapproval, HUD shall provide suggested revisions to the Policy. If revisions are required, Respondent agrees to submit a revised Policy within fifteen (15) days of receipt of HUD’s notice of disapproval.
- c. Upon obtaining HUD approval, Respondent agrees to implement the Reasonable Accommodation Policy immediately.

V. REPORTING AND RECORDKEEPING

14. Within thirty (30) days of the payment required under Paragraph 11, Respondents shall send an electronic copy of the check sent to Complainant to the attention of Carlos Quijada, Trial Attorney, at Carlos.E.Quijada@hud.gov.
15. During the term of this Consent Order, Respondents shall notify HUD of any formal complaint filed against them with a local, state, or federal agency regarding equal opportunity or discrimination in housing within ten (10) days of receipt of any such complaint. Respondents shall provide a copy of the complaint with the notification to HUD. Respondents shall also promptly provide HUD with all information it may request concerning any such complaint and its actual or attempted resolution.
16. Within ten (10) days after the completion of the Fair Housing Training required pursuant to Paragraph 12, Respondents shall submit a certificate of attendance signed by the trainer to HUD.
17. All required notifications and documentation of compliance must be submitted to HUD as follows, unless otherwise indicated:

Antonette Sewell
Regional Counsel
U.S. Department of HUD
Office of General Counsel
MLK Federal Office Building
77 Forsyth Street SW
Atlanta, Georgia 30303
Antonette.D.Lettman-Sewell@hud.gov
Carlos.E.Quijada@hud.gov

Carlos Osegueda
Regional Director
U.S. Department of HUD
Office of Fair Housing and Equal Opportunity
MLK Federal Office Building
77 Forsyth Street SW
Atlanta, Georgia 30303
Carlos.Osegueda@hud.gov

VI. DISMISSAL OF CHARGE

18. In consideration of Respondents' payment to Complainant and compliance with the terms and conditions of this Consent Order, and all orders contained herein, the Charging Party agrees to the dismissal, without any admission of liability or wrongdoing, and without a formal determination, of the allegations that Respondents injured Complainant by violating

the Act. Therefore, as of the effective date of this Consent Order, the Charge against Respondents is hereby DISMISSED with prejudice. However, nothing in this paragraph should be construed to prevent any of the parties from taking action to enforce this Consent Order.

VII. COMPLIANCE

19. During the term of this Consent Order, HUD may review compliance with this Consent Order, subject to and in accordance with HUD regulations. As part of such review, HUD may, upon providing advance notice of said inspection, inspect Respondents' property, examine witnesses, and copy pertinent records of Respondents. Respondents agree to provide their full cooperation in any compliance review undertaken by HUD to ensure compliance with this Consent Order.
20. Upon 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 Eleventh Circuit to enforce the Consent Order and for any other appropriate relief in accordance with 42 U.S.C. § 3612(j).

VIII. ADMINISTRATION


21. This Consent Order shall remain in effect for a period of two (2) years from its effective date.
22. 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 affirmance by the Secretary within that time. 42 U.S.C. § 3612(h); 24 C.F.R. § 180.680(b)(2).
23. 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.
24. 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.
25. The parties and counsel agree that in the interest of a prompt conclusion of this matter, 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.

[SIGNATURE PAGES TO FOLLOW]

IX. CONSENT AND SIGNATURE PAGES

The undersigned parties have read the foregoing Consent Order, OHA No. 24-JM-0391-FH-026, and willingly consent to it with a full understanding of the rights it confers and the responsibilities it imposes on them as signified by their signature:

RESPONDENTS:



Henry Thomas Snellings III
Manager
Macon MF, LLC

10/29/24
Date



Michael Bailey
Property Manager
Active Property Management, LLC

10/30/24
Date



Michael Bailey

10/30/24
Date

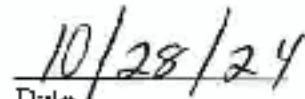
X. CONSENT AND SIGNATURE PAGES

The undersigned parties have read the foregoing Consent Order, OHA No. 24-JM-0391-F11-026 and willingly consent to it with a full understanding of the rights it confers and the responsibilities it imposes on them as signified by their signature:

COMPLAINANT:

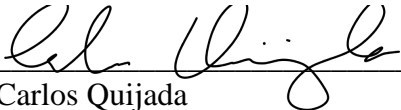


Loretha Brooks



Date

XI. COUNSEL FOR THE CHARGING PARTY, U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT:



Carlos Quijada
Trial Attorney

10/30/24
Date



Jake Gray
Trial Attorney

10/30/24
Date



Robert A. Zayac
Associate Regional Counsel

10/30/24
Date

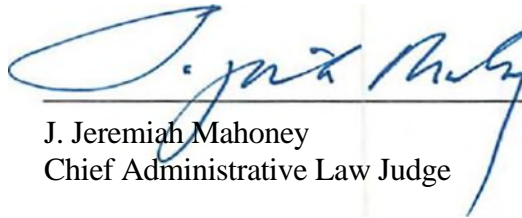
XII. ORDER OF THE COURT

The foregoing order was presented to the undersigned Administrative Law Judge for approval on October 31, 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 6th day of November, 2024.



J. Jeremiah Mahoney
Chief Administrative Law Judge