

**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 Gulf Coast Fair Housing Center,)	
)	
Charging Party,)	FHEO No. 04-08-0004-8
)	
v.)	
)	
The Andrea Theresa Endris Revocable Living Trust a/k/a The Andrea Theresa Endris Family Trust a/k/a The Endris Trust, Andrea Theresa Endris, Dan Johnson and Opal Johnson,)	
)	
Respondents.)	
)	

CHARGE OF DISCRIMINATION

I. JURISDICTION

On October 1, 2007, Complainant Gulf Coast Fair Housing Center (Complainant), aggrieved person, filed a verified complaint with the U.S. Department of Housing and Urban Development (HUD), alleging that The Andrea Theresa Endris Revocable Living Trust a/k/a The Andrea Theresa Endris Family Trust a/k/a The Endris Trust, Andrea Theresa Endris, Dan Johnson and Opal Johnson (Respondents), violated the Fair Housing Act, as amended in 1988, 42 U.S.C. § 3601 *et seq.* (the Act), by denying and making housing unavailable and restricting housing choices and by making discriminatory statements in connection with the rental of a dwelling based on familial status in violation of 42 U.S.C. § 3604(a) and (c).

The Act authorizes the issuance of a Charge of Discrimination on behalf of an aggrieved person following an investigation and a determination that reasonable cause exists to believe that a discriminatory housing practice has occurred. 42 U.S.C. § 3610(g)(1) and (2). The Secretary has delegated to the General Counsel who has redelegated to the Regional Counsel, the authority to issue such a charge, following a determination of reasonable cause by the Assistant Secretary for the Office of Fair Housing and Equal Opportunity (FHEO) or his designee. 73 Fed. Reg. 68441, 68442 (Nov. 18, 2008).

The FHEO Region IV Director, on behalf of the Assistant Secretary for FHEO, has determined that reasonable cause exists to believe that discriminatory housing practices have

occurred because of race and/or color, and has authorized the issuance of this Charge of Discrimination.

II. SUMMARY OF THE ALLEGATIONS THAT SUPPORT THIS CHARGE

Based on HUD's investigation of the allegations contained in the aforementioned HUD Complaint and Determination of Reasonable Cause, Respondents The Andrea Theresa Endris Revocable Living Trust a/k/a The Andrea Theresa Endris Family Trust a/k/a The Endris Trust, Andrea Theresa Endris, Dan Johnson and Opal Johnson are all charged with violating 42 U.S.C. § 3604 (a) and (c) as follows:

1. It is unlawful to refuse to sell after the making of a bona fide offer, to refuse to negotiate for the sale or otherwise make unavailable or deny, a dwelling to any person because of familial status. 42 U.S.C. § 3604(a); 24 C.F.R. § 100.60(b)(2) and § 100.70(b).
2. It is unlawful to make, print, or publish, or cause to be made, printed, or published any notice, statement, or advertisement, with respect to the rental or sale of a dwelling that indicates any preference, limitation, or discrimination because of familial status or an intention to make any such preference, limitation, or discrimination. 42 U.S.C. § 3604(c); 24 C.F.R. §§ 100.75(a), (b), and (c)(1).
3. Complainant Gulf Coast Fair Housing Center (GCFHC) is a non-profit fair housing agency that has received federal funding through HUD's Fair Housing Initiatives Program to assist people who believe they have been victims of housing discrimination. GCFHC's stated mission is to eliminate housing discrimination and further equal housing opportunities through education, outreach, advocacy, and enforcement of fair housing laws. GCFHC is an "aggrieved person" within the meaning of the Fair Housing Act, 42 U.S.C. § 3602(i).
4. At all times relevant to this Charge, Respondent Andrea T. Endris (Endris) owned a single family home located at 173 Iberville Drive, Biloxi, Harrison County, Mississippi (subject property). Respondent Endris also owns three other single family homes which are located in Mississippi and California. All four of the homes are "dwellings" within the meaning of the Fair Housing Act, 42 U.S.C. 3602(b).
5. Respondent Endris established The Andrea Theresa Endris Revocable Living Trust a/k/a The Andrea Theresa Endris Family Trust a/k/a The Endris Trust (Endris Trust). She is the Trustor and Trustee of the Endris Trust.
6. Respondent Endris transferred ownership of the subject property by Warranty Deed, dated June 29, 2004, to the Endris Trust. On March 17, 2006, the Endris Trust instrument was filed and recorded with the Clerk in Chancery Court, First Judicial District, Harrison County, Mississippi.
7. At all times relevant to this Charge, Respondent Opal Johnson (Opal Johnson) lived in the house across the street from the subject property. She is also Dan Johnson's mother.

8. Respondent Dan Johnson (Dan Johnson) is a single adult male. At all times relevant to this Charge, Dan Johnson lived with his mother.
9. At all times relevant to this Charge and while acting as the manager of the subject property, Dan Johnson advertised the rental of the subject property, collected the rent for and mailed the rent to Respondent Endris' mother.
10. At all times relevant to this Charge and while acting with actual or apparent authority as Respondent Endris' agent and/or Dan Johnson's agent, Opal Johnson handled at least two telephone inquiries about the rental of the subject property.
11. On August 29, 2005, the subject property was damaged by Hurricane Katrina. While it was being repaired, Respondent Endris allowed some of the contractors, who were completing the repairs, to live there.
12. After Dan Johnson told Respondent Endris that he believed that the contractors who were living in the subject property were taking items from the property, Respondent Endris gave him permission to initiate eviction proceedings and asked him to oversee rental of the property. Dan Johnson accepted her offer and proceeded to act as a property management agent for Respondent Endris. Dan Johnson next rented the home to some contractors who were also evicted for allegedly allowing unauthorized individuals to reside with them.
13. During discussions following these incidents, Respondent Endris instructed Dan Johnson that he was not to rent the subject property to persons with pets or children.
14. In accordance with Respondent Endris' instruction and while acting within his authority as her rental agent, Dan Johnson made a rental sign and posted it in the yard of the subject property.
15. The sign stated: "-----¹. 3 BR/2BA. 1600 SF. All appliance [sic]. No Pets/No Children. \$1500.00 mo. \$1500.00 deposit." The telephone number posted on the sign was the number listed for the Johnsons' house. Dan and Opal Johnson were the only persons who answered the calls made to that number regarding rental of the subject property.
16. Both Dan and Opal Johnson received telephone inquiries about the rental of the subject property. During these inquiries, Dan and Opal Johnson represented themselves as agents for the owner of the subject property.
17. On or about October 5, 2006, Complainant was advised that a discriminatory sign was posted in the yard of the subject property.
18. Thereafter, Complainant's agents and/or employees drove by the subject property and saw the sign posted in the front yard. Complainant conducted further investigation

¹ Respondents' home number, which was listed on the sign at the time of the allegations in this Charge, is redacted.

regarding the sign and rental of the subject property through the use of a series of tests to evaluate the property owner's and rental agents' compliance with the fair housing laws.

19. Testing is a simulation of a housing transaction that compares responses given by housing providers and rental agents to different types of home-seekers in order to determine whether illegal discrimination is occurring.
20. From October 5-10, 2006, Complainant conducted a series of telephone tests. The GCFHC testers, one female and two males, posed as potential renters seeking to rent the subject property for a family with children.
21. GCFHC Test #1 was conducted on October 5, 2006 at approximately 2:09 p.m. by a female tester. The tester called the number listed on the sign posted in the yard of the subject property and a woman answered. The tester stated that she was calling about the home for rent on Iberville Drive and the woman asked her what she would like to know. The tester stated that it looked like a good place for her and her children. The woman interrupted and asked the tester how old the children were and the female tester stated: "They are 2 and 4." The woman stated: "No, no kids. No kids and no pets. Sorry, Hon, it's not my house." The tester said "OK" and "bye" and hung up the phone.
22. GCFHC Test #2 was conducted October 6, 2006 at approximately 11:10 a.m. by a male tester. The tester called the number on the sign and a woman answered. The tester told her his name and that he had seen the sign concerning the house for rent. He asked her if it was still available. The woman stated that it was and that it was a 3-bedroom and 2-bath house. The tester asked about any hurricane damage and the woman stated that a tree fell on it but it had been removed. The tester stated he was moving in the area and seeking housing for him and his family. The woman stated: "It is \$1500 per month, there is a \$1500 deposit, and no kids or pets are allowed." The tester stated: "I guess that would disqualify me from renting from you." And, the woman stated: "Yes" and hung up.
23. During HUD's investigation, Opal Johnson stated that she only remembered one call that she handled regarding an inquiry about renting the subject property and she told the inquirer that: "I told the person it was no pets and no children, but if it were my property I would rent to people with children and pets."
24. During HUD's investigation, Dan Johnson stated that he was sure that whomever called about renting the property was informed that there was a "no children's clause."
25. On October 23, 2006, Dan Johnson rented the subject property to several contractors who were working in Biloxi repairing a bridge destroyed by the hurricane. These contractors rented the house for several months.
26. In July 2007, Respondent Endris hired a professional realtor to rent the property. The realtor later rented the house to a family with children.


27. Respondent Endris and Respondent Endris Trust were engaged in housing practices that discriminate on the basis of familial status when Respondent Endris made and/or caused statements to be made, in connection with the rental of a dwelling, that indicated a preference, limitation or discrimination on the basis of familial status and otherwise refused to rent a dwelling to families with children.
28. Dan Johnson was engaged in housing practices that discriminate on the basis of familial status when he made and posted a rental sign indicating a preference, a limitation, or discrimination on the basis of familial status.
29. Opal Johnson was engaged in housing practices that discriminate on the basis of familial status when she made statements with respect to the rental of a dwelling indicating a preference, a limitation, or discrimination on the basis of familial status.
30. Respondents' actions injured Complainant GCFHC. Respondents' actions frustrated GCFHC's mission to ensure equal availability of housing and housing services. Complainant GCFHC has had to divert resources and attention away from other services, including but not limited to education, outreach and referrals in response to the actions of Respondents.
31. By telling Respondent Dan Johnson to exclude families with children from the subject dwelling, Respondent Endris violated 42 U.S.C. § 3604(a).
32. By advertising the rental of the subject property by use of a posted sign advertising that "no children" would be allowed, Respondent Endris and Respondent Dan Johnson violated 42 U.S.C. § 3604(a) and (c), and Respondent Endris and Respondent Endris Trust are jointly and severally liable for Respondent Dan Johnson's violation of the Act.
33. By telling a female tester when she inquired about renting the subject property that no children were allowed, Respondent Opal Johnson violated 42 U.S.C. § 3604(a) and (c), and Respondent Endris and Respondent Endris Trust are jointly and severally liable for Respondent Opal Johnson's violation of the Act.
34. By telling a male tester when he inquired about renting the subject property that no children were allowed, Respondent Opal Johnson violated 42 U.S.C. § 3604(a) and (c), and Respondent Endris and Respondent Endris Trust are jointly and severally liable for Respondent Opal Johnson's violation of the Act.

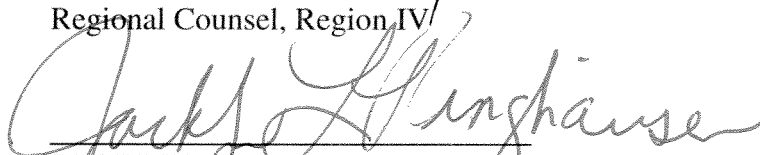
III. CONCLUSION

Wherefore, the Secretary of HUD, through the Office of General Counsel and pursuant to 42 U.S.C. § 3610(g)(2)(A), hereby charges Respondents The Andrea Theresa Endris Revocable Living Trust a/k/a The Andrea Theresa Endris Family Trust a/k/a The Endris Trust, Andrea Theresa Endris, Dan Johnson and Opal Johnson with engaging in discriminatory housing practices as set forth above, and prays that an order be issued that:

- A. Declares that Respondents' discriminatory housing practices, as set forth above, violate the Fair Housing Act, 42 U.S.C. §§ 3604 (a) and (c);
- B. Enjoins Respondents, their agents, employees, and successors, and all other persons in active concert or participation with them, from discriminating against any person because of race, color, sex, national origin, familial status, religion, and/or disability in any aspect of the rental, sale, occupancy, use or enjoyment of a dwelling;
- C. Awards such monetary damages as will fully compensate Complainant Gulf Coast Fair Housing Center, an aggrieved person, for its economic loss, diversion of resources and frustration of mission caused by Respondents' discriminatory conduct in violation of the Act;
- D. Accesses a civil penalty pursuant to 24 C.F.R. 180.671(a)(1) against each Respondent for each violation of the Act that each Respondent is liable for; and
- E. Awards appropriate relief under 42 U.S.C. § 3612(g)(3) to combat the effects of unlawful housing discrimination including a victim identification and compensation fund and a fair housing education and outreach fund.
- F. Awards any additional relief as may be appropriate under 42 U.S.C. 3612(g)(3).

Respectfully submitted,


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