

STATE OF SOUTH CAROLINA)
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South Carolina Human Affairs)
Commission,)
Complainant,)
)
vs.)
)
Dale Bishop & Pebble Springs, LLC,)
Respondents.)
_____)

HUMAN AFFAIRS COMMISSION

FILE NO.: H-4-17-027

FINAL ORDER

This matter came before the Commission Panel on or about December 6, 2018, upon the filing of the Complaint on behalf of the Commission by Commissioner Raymond Buxton, II. All parties were present for the hearing, with Complainant represented by Sarah M. Gable, Esq., and Respondents represented by W. Christopher Castro, Esq. Aggrieved Party, Rosalind Wadler, was not present for the hearing.

Having heard the case, reviewed the exhibits, and weighed the testimony of all witnesses, the Commission Panel has made the following determinations:

BACKGROUND

1. "Aggrieved Party" Rosalind Wadler filed a Charge of Discrimination against Respondents with Complainant on or about December 3, 2017, which was based on her sex.
2. On or about January 30, 2018, the Charge of Discrimination was Amended to include allegations of retaliation, which were of a continuing nature.
3. The Commission investigated and determined that reasonable cause existed that Respondents had engaged in unlawful discriminatory practices, which violates South Carolina Fair Housing Law at S.C. Code Ann. §31-21-80; however, the

Commission determined that no reasonable cause existed that Respondents had engaged in unlawful discriminatory practices under S.C. Code Ann. §31-21-40(2).

4. The Commission attempted to conciliate this matter prior to filing suit but was unsuccessful.
5. The Commission issued its Complaint for Hearing, Determination, Notice of Hearing, and Right of Election to the Aggrieved Party and Respondents on or about March 19, 2018.
6. The Complainant alleged that Respondents subjected Aggrieved Party to retaliation through threatening eviction after filing a Charge of Discrimination with the Complainant.
7. Subsequently, on or about April 4, 2018, the Complainant issued an Amended Complaint based on the Respondents' filing of an eviction against the Aggrieved Party in retaliation for the Aggrieved Party's Charge of Discrimination.
8. Respondent, Dale Bishop, submitted an email in response to the Amended Complaint (hereinafter "Answer") on May 1, 2018, asserting that the Aggrieved Party was evicted because she did not follow the community's rules.
9. An administrative hearing was held on Thursday, December 6, 2018, at the Greenville County Courthouse, located at 305 East North Street, Courtroom Number 3, in Greenville, South Carolina.
10. By agreement of the parties, Respondent Dale Bishop, LLC, was dismissed as a Respondent just prior to the hearing on December 6, 2018.

11. The Commission is under a duty to immediately file a Complaint before a panel of Commissioners when a reasonable cause determination has been issued, and Complainant has timely filed this action. S.C. Code Reg. § 65-227(A)(1)(a)(i).
12. The Commission has jurisdiction over Respondent pursuant to S.C. Code Ann. § 31-21-30 (9), and S.C. Code Reg. §§ 65-220(C)(1-2) and 65-210(B)(1-2).

FINDINGS OF FACT

13. Respondent Dale Bishop (“Bishop”) is the sole member of Pebble Springs, LLC, (“Pebble Springs”) and acts as an agent and property manager for Pebble Springs, LLC, d/b/a Pebble Springs Manufactured Housing Community (“PSMHC”).
14. Respondents Bishop and Pebble Springs are jurisdictional pursuant to the requirements of the South Carolina Fair Housing Law.
15. The Aggrieved Party owned a 2006 Clayton mobile home and was a resident of PSMHC prior to Bishop’s eviction of her in April 2018.
16. The Aggrieved Party moved into PSMHC in September 2010, and, until her eviction, paid lot fees each month to Bishop as representative of PSMHC.
17. The Aggrieved Party developed community ties in and around the PSMHC, to include volunteering with a local food pantry, and the attendance of sewing classes and Sunday morning worship at a nearby church.
18. The Aggrieved Party also sought medical treatment from providers near her home in the PSMHC during the seven years of her residency there.
19. The Aggrieved Party filed a Charge of Discrimination (“Charge”) with Complainant on December 3, 2017, after she perceived Bishop was providing

tree trimming services to male neighbors, but refused to provide the same to her as a woman. Plaintiff's/Complainant's Exhibit 5.

20. Complainant assigned the Charge to Fair Housing Investigator Alyssa Barker ("Barker") thereafter.
21. During the course of her investigation, Barker contacted Bishop to secure position statements on behalf of the Respondents.
22. On January 15, 2018, in an email to Barker, Bishop stated "If this becomes too complicated maybe I should just evict her... maybe you can advise me." Plaintiff's/Complainant's Exhibit 2.
23. In response, on January 17, 2018, Barker replied by stating "Please be aware that evicting Ms. Wadler based on her filing this claim would be retaliatory and would be a violation of the law." Plaintiff's/Complainant's Exhibit 3.
24. The next day, on January 18, 2018, Bishop threatened eviction of Ms. Wadler, stating "[y]ou have 30 days to vacate the property." Plaintiff's/Complainant's Exhibits 4 and 7.
25. The Aggrieved Party then filed an Amended Charge of Discrimination ("Amended Charge") with Complainant, which included retaliation and a continuing violation of the South Carolina Fair Housing Law. Plaintiff's/Complainant's Exhibit 6.
26. Bishop then filed an action for eviction against the Aggrieved Party with the Chick Springs Summary Court on or about March 8, 2018.

27. Complainant issued its Determination on or about March 19, finding reasonable cause regarding retaliation, and no reasonable cause regarding disparate terms and conditions on the basis of sex.
28. During proceedings in summary court, Bishop admitted that the Aggrieved Party's eviction was, in part, a result of the Human Affairs Commission investigation. Plaintiff's/Complainant's Exhibit 15.
29. During discovery with the Complainant, in his response to its Requests for Admission, Bishop stated "Did [Aggrieved Party's] filing a complaint with Human Affairs have some effect on me eviction her?, [sic] of course it did." Plaintiff's/Complainant's Exhibit 16.
30. During the course of the administrative hearing on December 6, 2018, Bishop further indicated to during questioning that the reason for evicting the Aggrieved Party was in part based on the Charge.
31. After proceedings in the Chick Springs Summary Court, the Aggrieved Party was ordered to vacate the PSMHC by April 30, 2018.
32. The Aggrieved Party quickly acted to advertise her mobile home for sale, and signed over a Bill of Sale to Billy and Ruth Bailey on or about April 30, 2018. Defendant's/Respondents' Exhibit 6.
33. The Aggrieved Party was required to find emergency housing and place certain belongings in emergency storage, which resulted in additional expenses to her. Plaintiff's/Complainant's Exhibits 8 & 9.

34. The Aggrieved Party also suffered from panic attacks, high blood pressure, and heightened anxiety and stress due to the eviction. Plaintiff's/Complainant's Exhibits 10, 11 & 12, as well as deposition testimony of Rosalind Wadler.
35. The Aggrieved Party sought medical treatment in light of her exacerbated condition following the retaliatory actions by Bishop. Plaintiff's/Complainant's Exhibits 13 & 14.
36. The Aggrieved Party found emergency housing in Marietta, South Carolina, which is approximately fourteen miles from downtown Greenville.
37. Since her move to Marietta, the Aggrieved Party no longer participates with her church community, sewing classes, or food bank activities, and has difficulty driving to her medical providers.
38. The Aggrieved Party continues to have medical issues, including exacerbated anxiety and stress, which have been evidenced through her medical records. Plaintiff's/Complainant's Exhibits 10-14 and deposition testimony of Rosalind Wadler.

CONCLUSIONS ON LAW

39. Complainant alleged that Respondents violated S.C. Code § 31-21-80 by threatening to evict, and subsequently evicting, Aggrieved Party after she filed a Charge of Discrimination with Complainant. .
40. The Complainant has the burden of proof in cases brought under S.C. § Code 31-21-10, et seq.
41. The Complainant must prove a violation under this law by a preponderance of the evidence. S.C. Code §§ 31-21-130(k) and 1-23-600(A)(5).

42. The Complainant acts as the United States Department of Housing and Urban Development (“HUD”) Fair Housing Assistance Program (“FHAP”) for the State of South Carolina and relies on the Fair Housing Act, and HUD guidance and regulations in conjunction with the South Carolina Code of Laws to investigate and adjudicate Fair Housing violations. See S.C. Code Ann. § 31-21-100, et seq.
43. The South Carolina Code states that “[i]t is unlawful to coerce, intimidate, threaten, or interfere with any person in the exercise of, or on account of his having aided or encouraged any other person in the exercise of, any right granted under this chapter.” S.C. Code Ann. § 31-21-80.
44. The South Carolina Code of Regulations provides examples of violations under §31-21-80, including that unlawful conduct encompasses “[r]etaliating against any person because that person has made a complaint, testified, assisted, or participated in any manner in a proceeding under the Fair Housing Law.” S.C. Code Regs. §65-219(3)(e), which is consistent with HUD’s Federal Regulation at 24 CFR 100.400(c)(6).
45. In order to preserve its status as a FHAP, Complainant must maintain substantial equivalency with HUD and enforce laws equivalent to the federal Fair Housing Act. See 24 CFR 115.204.
46. Based on the foregoing Findings of Facts, the Complainant presented direct evidence that Respondents violated S.C. Code § 31-21-80 by threatening to evict, and subsequently evicting Aggrieved Party due to her exercise of her right to file a Charge with Complainant.

47. The Complainant and Aggrieved Party are entitled to relief as a matter of law and damages shall be awarded. S.C. Code 31-21-130(k).
48. Relief for Fair Housing Law violations may include equitable relief, an Order that the unlawful discriminatory practice be discontinued, damages to the Aggrieved Party (including damages caused by humiliation and embarrassment), civil penalties which may not be greater than civil penalties established by the federal Fair Housing Act in Section 3612, and reasonable attorney's fees. S.C. Code § 31-21-130(L) & S.C. Code Regs. § 65-235(D)(2)(b).
49. The Complainant submitted evidence that Aggrieved Party suffered economic loss by way of emergency storage and medical expenses in the amount of \$7,889.00, and embarrassment, humiliation, emotional distress, substantial inconvenience and other damages as described in Aggrieved Party's testimony, which this panel of Commission Board Members ("Panel") finds to be valued at \$10,000.00.
50. Pursuant to S.C. Code § 31-21-130(L), the Panel has the authority to issue civil penalties, if it finds that doing so advances the public interest, in the amount set forth in Fair Housing Act § 3612, up to \$20,111, for a first offense.
51. In making this determination, the Panel has adopted the principles set forth regarding the Fair Housing Act, and these factors for consideration include, but are not limited to, whether that respondent has previously been adjudged to have committed unlawful housing discrimination; that respondent's financial resources; the nature and circumstances of the violation; the degree of that

respondent's culpability; the goal of deterrence; and other matters as justice may require. 24 CFR 180.671.

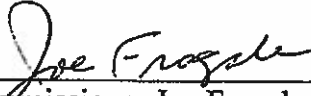
52. Based on these factors, the Panel determines that a civil penalty in the amount of \$10,000.00 is appropriate.

53. Finally, the Panel has the authority to issue injunctive relief and may retain jurisdiction of a case until it is satisfied of the compliance of the same.

WHEREFORE, IT IS THEREFORE ORDERED THAT

1. Respondents shall require that every employee or agent of Pebble Springs, including Bishop, undergo the Commission's Fair Housing training, or an alternate Fair Housing training accepted by the Commission, within ninety (90) days of the date of this Order.
2. The Aggrieved Party is awarded \$17,889.00 in damages, to be paid to Aggrieved Party through the Commission by Respondents (pursuant to joint and several liability) within fourteen (14) days of this Order.
3. Respondents shall pay a civil penalty to the Commission in the amount of \$10,000.00, to be paid through the Commission within fourteen (14) days of this Order.

AND IT IS SO ORDERED!



Commissioner Joe Fragale,
Presiding Hearing Officer

December 12, 2018
Columbia, South Carolina