

1
2
3
4
5
6
7
8 **BEFORE THE ADMINISTRATIVE LAW JUDGE
FOR A HUMAN RIGHTS COMMISSION HEARING**

9 WASHINGTON STATE HUMAN
10 RIGHTS COMMISSION, presenting
11 the case in support of the complaint
12 filed by SUNSHINE LEON ANDREW
13 HARMON, LANA CHANEY-
14 HARMON, and AIDAN CHANEY-
15 DRINARD

16 Complainant,

17 v.

18 BENJAMIN A. THOMAS, JR., LINDA
19 FERRIS, and the BENJAMIN A.
20 THOMAS, SR. CREDIT SHELTER
21 TESTAMENTARY TRUST

22 Respondents.
23
24
25
26

WSHRC Case No.08HCNRZ-0537-15-6 &
08HCNRZ-0536-15-6

OAH Docket No. 12-2018-HRC-00004

CONSENT DECREE

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 0
- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 0
- 1
- 2
- 3
- 4
- 5
- 6

2
3
4
5
6

7
8
9
0
.
1

2
3
4

5
6
7

18
19
20
21

22
23
24

1 **Wherefore, it is ORDERED, ADJUDGED, and DECREED:**

2 **II. INJUNCTION**

3 2.1. Respondents and their agents, managers, employees, representatives, successors,
4 assigns, and all other persons in active concert or participation with Respondents, are
5 permanently enjoined with respect to the sale or rental of dwellings, or enforcement of any rules
6 or restrictions against property owners to whom they have sold property, from:

7 2.1.1. Discriminating by refusing to engage in a real estate transaction with a
8 person or persons because of their race, creed, color, national origin,
9 citizenship or immigration status, sex, marital status, honorably
10 discharged veteran or military status, sexual orientation, the presence of
11 any sensory, mental, or physical disability, their status as a family with
12 children, or the use of a trained dog guide or service animal by a person
13 with a disability;

14 2.1.2. Discriminating against a person or persons in the terms, conditions, or
15 privileges of a real estate transaction or in the furnishing of facilities or
16 services because of their race, creed, color, national origin, citizenship or
17 immigration status, sex, marital status, honorably discharged veteran or
18 military status, sexual orientation, the presence of any sensory, mental, or
19 physical disability, their status as a family with children, or the use of a
20 trained dog guide or service animal by a person with a disability;

21 2.1.3. Discriminating in the sale or rental of a property or otherwise making
22 housing unavailable or denying a dwelling to a person or persons because
23 of their race, creed, color, national origin, citizenship or immigration
24 status, sex, marital status, honorably discharged veteran or military status,
25 sexual orientation, the presence of any sensory, mental, or physical
26

1 disability, their status as a family with children, or the use of a trained dog
2 guide or service animal by a person with a disability;

3 2.1.4. Making statements to prospective tenants that indicate directly or
4 indirectly an intent to make a limitation, specification, or discrimination
5 with respect to real estate transactions based on their race, creed, color,
6 national origin, citizenship or immigration status, sex, marital status,
7 honorably discharged veteran or military status, sexual orientation, the
8 presence of any sensory, mental, or physical disability, their status as a
9 family with children, or the use of a trained dog guide or service animal
10 by a person with a disability; or

11 2.1.5. Intimidating, threatening, and/or otherwise interfering with any
12 individuals' exercise or enjoyment of rights regarding real estate
13 transactions.

14 **III. NONDISCRIMINATION TRAINING**

15 3.1. Respondent Benjamin A. Thomas, Jr., will attend Fair Housing training, whether
16 in-person or via remote presentation. The training shall be conducted by an independent,
17 qualified third party, approved in advance by the Office of the Attorney General. Respondent
18 shall obtain confirmation of attendance including the date, name of the course, length of the
19 course, and name of the instructor. A copy of this certificate, in the form of **Appendix A**, shall
20 be submitted to the Office of the Attorney General. Respondent Thomas shall bear any expenses
21 associated with this training and provide proof of participation in this training within ninety
22 (90) days of entry of the Consent Decree.

23 **IV. PAYMENT**

24 4.1. Respondent Benjamin A. Thomas, Jr., shall pay the total sum of Five Thousand
25 dollars (\$5,000.00) in general damages in full settlement of any and all claims by the Harmon
26 family arising out of the events complained of in the Second Amended Complaint.

4.2. Respondent Benjamin A. Thomas, Jr., shall pay the settlement amount by certified check, cashier's check, or electronic transfer made payable to Sunny Harmon and Lana Chaney-Harmon, with the payment due within twenty one (21) days of the entry of this Consent Decree.

4.3. Payment by check or cashier's check shall be sent to Lane Polozola, Civil Rights Division, Office of the Attorney General, 800 Fifth Avenue, Suite 2000, Seattle, WA 98104. If payment is by electronic transfer, instructions for such transfer shall be provided to Respondents by the Office of the Attorney General. Proof of payment when made shall be provided to the Office of the Attorney General.

4.4. Failure to timely pay these funds shall be a material breach of this Consent Decree and the Commission may seek relief from the Administrative Law Judge, if necessary.

V. ENFORCEMENT

5.1. The parties agree that, pursuant to WAC 162-08-298(1), the Administrative Law Judge shall retain jurisdiction of this Consent Decree for a period of two (2) years to enforce its terms.

5.2. The Commission may move the Office of Administrative Hearings at any time to enforce the Consent Decree in the event of material noncompliance with any of its terms, or if it believes the interests of justice so require. The Commission, in its sole discretion, may first endeavor, in good faith, to resolve informally any differences regarding interpretation of and compliance with this Consent Decree prior to bringing such matters to the Administrative Law Judge for resolution.

5.3. Nothing shall prevent the Commission from seeking relief from this Administrative Law Judge for alleged violations of this Consent Decree. The Administrative Law Judge may impose any remedy authorized by law or equity, including the imposition by the Administrative Law Judge of injunctions, civil penalties, and costs, including reasonable attorneys' fees incurred by the Commission in enforcing this Consent Decree.

5.4. This Consent Decree resolves all claims the Commission may have under the Washington Law Against Discrimination, RCW 49.60, against Respondents arising out of the facts described in the Second Amended Complaint filed in this action, except that Respondents' failure to comply with this Consent Decree shall permit the Commission to take such further action against them as provided in this Consent Decree, or otherwise allowed by law.

VI. ADDITIONAL PROVISIONS

6.1. The Commission and Respondents agree that, as of the date of the entry of this Consent Decree, litigation is not “reasonably foreseeable” concerning the matters described above. To the extent that either party previously implemented a litigation hold to preserve documents, electronically stored information, or things related to the matters described above, the party is no longer required to maintain such litigation hold, except to the extent such materials are necessary to comply with this Consent Decree. Nothing in this paragraph relieves either party of any other obligations imposed by this Consent Decree.

Approved on this 11th day of September, 2023.

Joni Reinfield
Administrative Law Judge

1 Presented by:

2 ROBERT W. FERGUSON
3 Attorney General

4 

5 LANE M. POLOZOLA, WSBA # 50138
6 Assistant Attorney General
7 Wing Luke Civil Rights Division
8 Office of the Attorney General
9 800 Fifth Avenue, Suite 2000
10 Seattle, WA 98104
11 (206) 464-7744
12 Lane.Polozola@atg.wa.gov

13 *Attorney for Washington State Human Rights*
14 *Commission*

Agreed to and approved for entry by:

WILLIAMS, KASTNER & GIBBS PLLC



Evan L. Loeffler, WSBA # 24105
601 Union Street, Suite 4100
Seattle, WA 98101
(206) 628-6600
eloeffler@williamskastner.com

Attorney for Respondents Benjamin A. Thomas,
Jr., Linda Ferris, and the Benjamin A. Thomas,
Sr., Credit Shelter Testamentary Trust

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

APPENDIX A
TRAINING ACKNOWLEDGMENT

I acknowledge that on _____, 20____, I received _____ minutes of in-person fair housing training.

BENJAMIN A. THOMAS, JR.

Job Title/Position

Date

CERTIFICATE OF SERVICE FOR OAH DOCKET NO. 12-2018-HRC-00004

I certify that true copies of this document were served on those listed below, from Tacoma, Washington via Consolidated Mail Services by one of the following: First Class Mail, Certified Mail, Hand Delivery via Messenger, Campus Mail, Facsimile, or by email:

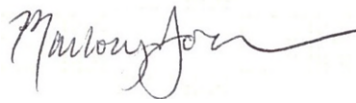
<p>Lane Polozola, AAG Marsha Chien, AAG Office of the Attorney General MS: TB-14 800 5th Ave Ste 2000 Seattle, WA 98104 <i>Agency Representatives</i></p>	<p><input type="checkbox"/> First Class Mail <input type="checkbox"/> Certified Mail, Return Receipt <input type="checkbox"/> Campus Mail <input checked="" type="checkbox"/> E-mail: lane.polozola@atg.wa.gov marsha.chien@atg.wa.gov</p>
<p>Sunshine Harmon, Laura Chaney-Harmon, & Aidan Chaney-Harmon 446 Hansen Rd Woodland, WA 98674 <i>Complainants</i></p>	<p><input checked="" type="checkbox"/> First Class Mail <input type="checkbox"/> Certified Mail, Return Receipt <input type="checkbox"/> Campus Mail <input type="checkbox"/> E-mail</p>
<p>Jeana K. Poloni Loeffler Law Group, PLLC 2611 Northeast 113th Street, Suite 300 Seattle, WA 98125 <i>Respondent Representative</i></p>	<p><input checked="" type="checkbox"/> First Class Mail <input type="checkbox"/> Certified Mail, Return Receipt <input type="checkbox"/> Campus Mail <input type="checkbox"/> E-mail: jpoloni@loefflerlegal.com</p>
<p>Benjamin A. Thomas Jr. & Linda K. Ferris 261 Hansen Rd Woodland, WA 98674 <i>Respondents</i></p>	<p><input checked="" type="checkbox"/> First Class Mail <input type="checkbox"/> Certified Mail, Return Receipt <input type="checkbox"/> Campus Mail <input type="checkbox"/> E-mail</p>

Gary W. Manca
Philip A. Talmadge
Talmadge/Fitzpatrick
2775 Harbor Avenue SW
Third Floor, Suite C
Seattle, WA 98126
Respondent Representatives

☒ First Class Mail
☐ Certified Mail, Return Receipt
☐ Campus Mail
☐ E-mail:
gary@tal-fitzlaw.com
phil@tal-fitzlaw.com

Date: Tuesday, September 12, 2023

OFFICE OF ADMINISTRATIVE HEARINGS



Mallory Jordan
Legal Assistant 2