

**STATE OF CONNECTICUT
COMMISSION ON HUMAN RIGHTS AND OPPORTUNITIES
OFFICE OF PUBLIC HEARINGS**

Commission on Human Rights and Opportunities ex rel. Tatiana Sellers - Bullock, <i>Complainant</i>	: : :	CHRO No. 2340028 Office of Public Hearings Received: <u>4/24/2024</u> Time: <u>2:56 p.m.</u> Rcvd by: <u>KDM</u>
v.	:	
Eric Stefan, Michael Stefan, and Richard Stefan, <i>Respondents</i>	: : :	April 24, 2024

FINAL DECISION

The Complainant named Tatiana Sellers – Bullock (“Complainant”) resides at 159 Clay Street in New Haven CT 06513. The Complainant appeared pro se. Respondent Richard Stefan, Michael Stefan, and Eric Stefan are respectively located at 8 Arbor Drive in Norwalk Connecticut 06854, 14 Arbor drive in Norwalk CT 06854, and 62 Adams Ave in Port Chester in New York 105732. Respondents are also self-represented. The Commission on Human Rights and Opportunities (“Commission”) is located at 450 Columbus Blvd Suite 2 South in Hartford Connecticut 06103 and was represented by human rights attorney Libby Reinish.

PROCEDURAL BACKGROUND

Ms. Sellers-Bullock filed a complaint with the Commission on Human Rights and Opportunities (“Commission”) on December 21, 2021, against Eric Stefan a/k/a Rich Stefan and

Michael Stefan. Investigation resulted in a finding that there was reasonable cause to believe discrimination had occurred as alleged. The complaint and amended complaint were certified to the Office of Public Hearings (“OPH”) on November 21, 2022. The Commission decertified the complaint on July 18, 2023 to correct the names of the two (2) Respondents. The complaint was subsequently amended to correct the names of the respondents to “Eric Stefan, Michael Stefan, and Richard Stefan.” The amended complaint was duly served on all three (3) respondents. Exh. CHRO–1. None of the respondents answered the complaint. Exh. CHRO–1, 2, 3.

The Commission served a pre-default notice on Respondents on February 14, 2024. Exh. CHRO–1. On September 6, 2024, the Commission’s staff filed a Request for Default Order and Notice of Hearing in Damages. Exh. CHRO–2. On November 7, 2024, Commission counsel recommended default in a memorandum to the Commission’s Executive Director. Exh. CHRO–3. On November 15, 2024, a default order was entered against the Respondents. Exh. CHRO–4.

A hearing in damages was held on January 7, 2025, before Presiding Referee Komla Mtrevi. Eric Stefan and Michael Stefan failed to appear. Testimony was heard from Ms. Sellers-Bullock and Respondent Richard Stefan. The Commission filed their final brief on February 26, 2025. The Respondents didn’t file a formal legal objection brief. Instead, the Respondents filed several statements in opposition to Complainant and Commission arguments on March 4, 2025. In reply to these statements, the Commission filed a reply brief on April 17, 2025.

FINDINGS OF FACTS

1. At the time the discrimination occurred, Ms. Sellers-Bullock was living in a two-bedroom apartment in New Haven. She was seeking better housing for herself and her two daughters, who were six and four at the time, using her HCV. Tr. 9.

2. At the time the discrimination occurred, Ms. Sellers-Bullock was a City Carrier Assistant for the United States Postal Service in Norwalk, which required a 45-minute to one-hour commute from her New Haven apartment.

3. The Respondents' discrimination against Ms. Sellers-Bullock has had significant physical, psychological, and emotional impacts on her. These negative impacts include: Causing Ms. Sellers-Bullock to feel "less than." Tr. 17;

a. Causing Ms. Sellers-Bullock to experience stress, anxiety, and depression. Tr. 24;

b. Ms. Sellers-Bullock's pregnancy, which she discovered just days after the discrimination took place, became high risk the following month. Tr. 20. Her blood pressure was too high, and the baby was putting pressure on her abdomen. Tr. 17, 20, 21. The pregnancy required Ms. Sellers-Bullock to be put on bed rest. She also developed prediabetes and delivered the baby via C-section due to her pregnancy complications. Tr. 18, 21;

c. Ms. Sellers-Bullock could not drive for one hour to get to work because of her high-risk pregnancy, and she lost her job at the United States Postal Service in February of 2022. Tr. 17, 20, 29;

d. Ms. Sellers-Bullock's two prior pregnancies were not high-risk. Tr. 18.

4. The Arbor Drive apartment ("the subject property") was a "better opportunity" for Ms. Sellers-Bullock and her family than the apartment she lived in at the time. Tr. 23. The reasons the subject property was a better opportunity include:

a. The subject property was only 5 to 10 minutes from Ms. Sellers-Bullock's job at the United States Postal Service in Norwalk, compared with a 45-minute to 1-hour commute from her apartment at the time;

- b. The subject property was nicer than her apartment at the time. Ms. Sellers-Bullock thought it had a beautiful kitchen, had bigger room sizes, and had been recently remodeled; Tr. 11;
 - c. Ms. Sellers-Bullock was familiar with the area because she delivered mail there, and thought it was gorgeous; Tr. 11;
 - d. Ms. Sellers-Bullock believed the schools in Norwalk to be better than the schools her children had access to in New Haven; Tr. 11;
 - e. Ms. Sellers-Bullock believed it was a “safer and better environment” in Norwalk. Tr. 10.
- 5. Respondents Eric Stefan and Michael Stefan did not appear for the hearing in damages.
 - 6. Respondent Richard Stefan did not testify credibly. For example, he testified that his reason for the denial was that he assumed Ms. Sellers-Bullock was lying about having a HCV; Tr. 35; but Exhibit CHRO–7 clearly shows that he told Ms. Sellers-Bullock he did not accept vouchers. Tr. 35; CHRO–7.
 - 7. Respondent Richard Stefan testified that the person he subsequently rented the subject property to did not have a Section 8 voucher. Tr. 41. He did not provide any testimony that he has ever rented to a tenant with Section 8 or any other housing subsidy.
 - 8. Respondent Richard Stefan testified that he does not think he did anything wrong by telling Ms. Sellers-Bullock that he does not accept Section 8. Tr. 37.

APPLICABLE STATUTES

CONN. GEN. STAT. § 46a-64c:

(a) It shall be a discriminatory practice in violation of this section:

(1) To refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person because of race,

creed, color, national origin, ancestry, sex, gender identity or expression, marital status, age, lawful source of income, familial status, status as a veteran or status as a victim of domestic violence.

(2) To discriminate 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 therewith, because of race, creed, color, national origin, ancestry, sex, gender identity or expression, marital status, age, lawful source of income, familial status or status as a veteran.

CONN. GEN. STAT. § 46a-63:

As used in this chapter:

(3) “Lawful source of income” means income derived from Social Security, supplemental security income, housing assistance, child support, alimony or public or state-administered general assistance.

CONN. GEN. STAT. §46a-86:

(a) If, upon all the evidence presented at the hearing conducted pursuant to section 46a-84, the presiding officer finds that a respondent has engaged in any discriminatory practice, the presiding officer shall make written findings of fact and file with the commission and serve on the complainant and respondent an order requiring the respondent to cease and desist from the discriminatory practice and to take such affirmative action as is necessary to achieve the purpose of this chapter.

© In addition to any other action taken under this section, upon a finding of a discriminatory practice prohibited by section 46a-58, 46a-59, 46a-64, 46a-64c, 46a-81b, 46a-81d or 46a-81e, the presiding officer shall determine the damage suffered by the complainant, which damage shall include, but not be limited to, the expense incurred by the complainant for obtaining alternate housing or space, storage of goods and effects, moving costs and other costs actually incurred by

the complainant as a result of such discriminatory practice and shall allow reasonable attorney's fees and costs. The amount of attorney's fees allowed shall not be contingent upon the amount of damages requested by or awarded to the complainant.

DISCUSSION

In a hearing in damages following the entry of default, the liability of Respondents is assumed based on the order of default. The purpose of the hearing in damages is solely to determine applicable damages.

1. Respondents are Liable for Discrimination Due to the Commission's Order of Default.

“A default admits the material facts that constitute a cause of action... and entry of default, when appropriately made, conclusively determines liability of a defendant.” (Internal citations and internal quotation marks omitted.) *Argentinis v. Fortuna*, 134 Conn. 538, 545-46 (2012). “In a hearing in damages, the factual allegations of the complaint are deemed proven by the entry of the default. *Murray v. Taylor*, 65 Conn. App.300,33, (2001).” See, Commission on Human Rights and Opportunities, ex rel. , *Lidia Cornish v. Angel Care, LLC*, CHRO Nos. 1940133 &1940234 (2022).

In the present case, the Respondents failed to answer the Amended Complaint. The Commission properly entered a default order against the Respondents pursuant to General Statutes § 46a-83(1). The factual allegations in the complaint are therefore deemed proven. The complaint stated claims that the Complainant was denied a housing opportunity because of her lawful source of income and that the Respondent made a discriminatory statement of preference in writing. Complaint, ¶¶ 13–15. Therefore, each of the three Respondents have been found to have violated General Statutes §§ 46a-64c(a)(1)1 and 46a-64c(a)(3)2, respectively.

Now that Respondents' liability has been established, Complainant is entitled to receiving damages.

2. Complainant is Entitled To Receiving Damages and Affirmative Relief.

Pursuant to statute, an individual plaintiff aggrieved by a violation of § 46a-64c is entitled to both compensatory damages, including but not limited to, expenses incurred in obtaining alternate housing, emotional distress, and other costs actually incurred as a result of such discriminatory practices as well as punitive damages including reasonable attorney's fees.

a. Emotional Distress Damages

“The evidence of mental suffering is generally limited to the testimony of the plaintiff, who describes his or her injury in vague or conclusory terms, without relating either the severity or consequences of the injury.... Such claims typically [lack] extraordinary circumstances and are not supported by any medical corroboration.” (Citations omitted; internal quotation marks omitted.)” *Oral Care Dental Group II, LLC v. Pallet*, 213 Conn. App. 389 (2022) citing *Olsen*, 615 F. Supp. 2d, at 46.

Here, Complainant provided a compelling testimony at the hearing in damages to show that she suffered emotional suffering, humiliation, and stress. She testified that the Respondent's conduct made her feel “less than” and she experienced stress, anxiety, and depression. See Tr. 23-24. She further explains that her emotional suffering was particularly severe due to her pregnancy. See Tr. 17-18,20. While she testified that he ended up being diagnosed with prediabetes, and had to undergo a C-section procedure, his is not relevant for the purpose of determining garden variety emotional distress. The fact that she testified that she was stressed, anxious, and felt humiliated due to the Respondent's conduct is enough to satisfy the requirement for a garden-variety emotional distress and this tribunal found her testimony to be compelling. With regard to the

degree of offensiveness of Respondent's conduct, I find that Respondent's conduct was so egregious and offensive that it was meant to hurt and humiliate Respondent. In fact, Respondent exhibited the similar conduct at the hearing in damages where he insisted "*this is a scam....a government scam that I have uncovered.*" See Tr. 25-9, 10. Respondent also testified that "*I never heard of a government employee having a section 8 voucher in my life. So, I just assumed she was lying or maybe committing welfare fraud.*" The Tribunal finds that the fact that Respondent was assuming that Complainant was lying or committing welfare fraud by simply saying that she benefits from section 8 voucher program is enough to make his overall discriminatory conduct extremely offensive. He then continued and testified that after refusing to rent the property to Complainant on the basis of the section 8 voucher program, he rented the property to non-section 8 voucher recipient, thereby reinforcing his discriminatory animus towards Complainant and causing more emotional distress.

Based on all these facts, I find that Complainant is entitled to collecting emotional distress damages. However, unlike the Complainant in *CHRO ex rel. Dianna Pele v. JFA Management LLC*, CHRO No. 2050120, 21 (Aug. 3, 2023) where the Referee awarded \$150,000 in emotional distress damages award, Complainant Sellers, in this case, did not have any preexisting disability that was exacerbated by the discrimination conduct of Respondents. The pregnancy of Complainant was not caused by the discriminatory act, and the argument that the discriminatory conduct alone caused Complainant's diabetes and her pregnancy to become high risk has not been established by any supportive evidence other than the verbal testimony of the Complainant herself, which I find to be insufficient to establish causation between the discriminatory conduct and her diabetes and high-risk pregnancy.

Therefore, taking all the facts into account, the Tribunal will award appropriate damages in compensation for the emotional distress suffered by the Complainant due to Respondents' egregious discriminatory conduct.

b. **Complainant Should Be Compensated for Loss of Housing Opportunities.**

The Tribunal agrees with the Commission that Complainant suffered loss of housing opportunities due to Respondents' refusal to rent property to Complainant on the basis that Complainant is a beneficiary of the section 8 Housing program. When evaluating damages for loss of housing opportunity, tribunals compare relevant aspects of the lost housing with the housing the Complainant subsequently obtained (or the housing they remained in if they did not subsequently relocate). For example, tribunals have awarded damages where the lost housing opportunity was in a neighborhood the Complainant testified was "nicer and safer" than the neighborhood she sought to leave. *HUD v. French*, HUDALJ 09-93-1710-8, at *41-42 (Sept. 12, 1995). Courts have also considered factors including proximity to the Complainant's workplace, proximity to and quality of schools for the Complainant's children, and the size and quality of the dwellings themselves.

Ms. Sellers-Bullock testified that she wanted to move to Norwalk because her job at the United States Postal Service was located there, and her commute would have been shortened from 45 minutes to 5-10 minutes. Tr. at 10, 12. She also testified that the community was "gorgeous," that she believed it to be a safer and better environment for her and her children, and that the schools in the area were significantly better compared to those where she was living at the time. Tr. at 9-11. With respect to the apartment itself, Ms. Sellers-Bullock testified that the subject property had a beautiful kitchen and appeared to be newly remodeled. Tr. at 11. She testified that the subject property was nicer than the one she was living in at the time because it was more

modern, the room sizes were bigger, and the environment surrounding the subject property was nicer. Tr. at 11–12. Ms. Sellers-Bullock also testified that when she found out she was pregnant after the housing denial, she was forced to delay her planned move to Norwalk, which negatively impacted on her ability to find better living conditions and educational opportunities for at least the duration of her high-risk pregnancy. Tr. at 22.

Based on this testimony, I find that Complainant is entitled to \$15,000 in compensation for her loss of housing opportunities.

c. Affirmative Reliefs Are Necessary to Prevent Further Discrimination.

Pursuant to Conn. Gen. Stat. § 46a-86(a), “if, upon all the evidence presented at the hearing... the presiding officer finds that a respondent has engaged in any discriminatory practice, the presiding officer shall... [issue] an order requiring the respondent to cease and desist from the discriminatory practice and to take such affirmative action as is necessary” to eliminate discrimination. “The term ‘shall’ refers to a mandatory requirement.” *McIlwain v. Moser Farms Dairy, Inc.*, 40 Conn. Supp. 230, 232 (Conn. Super. Ct. Jan. 2, 1985).

Here, as the Commission pointed out in their brief, the Respondents have each shown blatant disregard for the law. Eric Stefan and Michael Stefan have failed to participate in the proceedings at all. Richard Stefan’s testimony and proffered exhibits make clear that he still does not believe that his actions were discriminatory. In addition, Richard Stefan put his intent to discriminate against Ms. Sellers-Bullock because of her HCV in writing and boasted at the hearing in damages that he had never rented a property to a person with HCV in 50 years, and that 27 other people had asked about renting from him with a voucher before Ms. Sellers-Bullock inquired about

the subject property. Respondents' brazenness and lack of contrition indicates that serious affirmative action is necessary to eliminate discrimination in this case.

I find the Commission's position to be relevant because Respondent Richard Stephan seemed to think improperly that discrimination based on lawful source of income is some kind of "scam" as he screamed at the hearing in damages that "*this is a scam....a governmental scam that I uncovered.*"

CONCLUSION

In summary, Respondents are all collectively liable for discrimination and are hereby ordered to cease and desist from engaging in further discriminatory conduct against all tenants including current and prospective tenants. Additionally, Respondents shall pay the following damages:

- \$50,000.00 in Emotional Distress and,
- \$15,000.00 in Compensation for Loss of Housing Opportunities.

Furthermore, the Tribunal hereby enters the following relief:

- Respondents are ordered to take a CHRO - approved training course on housing discrimination within one year following the service of this decision.
- Respondents shall unconditionally submit to monitoring by the Commission on Human Rights and Opportunities to ensure that they are abiding by the anti-discriminatory laws of the State of Connecticut.
- Respondents shall include affirmative non-discriminatory language determined or pre-approved by the CHRO in all their advertisements and application forms for any rental property they own or control.

- Respondents shall send the Commission any advertisement material they plan to publish on any platform for review and approval prior to publication for at least three (3) years.
- Respondents shall create and adopt a non-discriminatory tenant selection policy for the Commission's review and approval prior to its effective date.
- Respondents shall unconditionally submit to frequent inspection by the Commission to ensure that they are abiding by the anti-discriminatory laws and regulations of the State for a period of three (3) years.
- Respondents must produce all documents or materials related to their rental property requested by the Commission including but not limited to executed leases to the Commission on a quarterly basis.

So ordered.

/s/Komla Matrevi
Hon. Komla Matrevi
Presiding Human Rights Referee