

STATE OF CONNECTICUT
COMMISSION ON HUMAN RIGHTS AND OPPORTUNITIES

COMPLAINT AFFIDAVIT OF ILLEGAL DISCRIMINATORY PRACTICE

CASE NO: 1952085

DATE: NOVEMBER 20, 2018

For CHRO use

The Complainant's name is **Tatiana Sellers** with a mailing address of: c/o Attorney Tucker McWeeny, Szilagyi & Daly, 118 Oak Street, Hartford, Connecticut, 06106. Complainant is filing this Complaint through her attorney, Tucker McWeeny of Szilagyi & Daly, 118 Oak Street, Hartford, CT 06106.

The Respondents are **Allyn Dodd and Marilyn Dodd**. The Respondents own real property in Stamford, Connecticut located at: 9 Hackett Circle North, Stamford, CT 06906. The Stamford Assessor Office lists the mailing address for the Respondents as 66 Glendale Circle, Stamford, CT 06906. The Stamford Assessor lists multiple properties in Stamford owned by Respondents.

On or about **November 15, 2018**, Complainant was discriminated against when the Respondent refused to negotiate with the Complainant solely because of Complainant's **Lawful Source of Income** (Section 8 Voucher) in violation of Conn. Gen. Stat. § 46a-64c(a) et seq., Title VIII of the Civil Rights Act of 1968, as enforced through Conn. Gen. Stat. § 46a-58(a). The following theories are claimed by the Complainant: refusal to rent and refusal to negotiate; discriminatory statement of preference.

I provide the following particulars:

1. Complainant's name is **Tatiana Sellers** and her mailing address is: c/o Attorney Tucker McWeeny, Szilagyi & Daly, 118 Oak Street, Hartford, CT 06106.
2. The Respondents are: **Allyn Dodd and Marilyn Dodd**. The Respondent's mailing address is: 66 Glendale Circle, Stamford, CT 06906. The Respondents are the owners of real property located at 9 Hackett Circle North, Stamford, CT 06906.
3. Complainant has received from the U.S. Department of Housing and Urban Development Office of Public and Indian Housing a Section 8 voucher.
4. In November 2018 the Complainant was actively looking for a rental home in the Stamford area.
5. On or about November 16, 2018, Complainant saw an advertisement on craigslist.org for a three bedroom rental in Stamford, CT. "\$2300 /3BR – 1400 ft (sq) – 3 BR – Strawberry Hill (Stamford)."
6. Upon information and belief Strawberry Hill is a nice neighborhood in Stamford. The advertised rent could have worked with Complainant's voucher.
7. The ad offered further, "3BR, 1.5 BATH, LR, DR, EIK, DECK, CLOSE TO TULLY, BUS & RAIL, 1,400 SF \$2,300". The ad indicated that it was being listed by Cashel Financial Services LLC.
8. Complainant contacted the Respondent on or about November 16th, "Hello Im

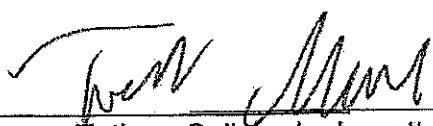
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9. Respondent answered, "Would you like to see it tomorrow? If so, what time???"
10. Complainant answered, "Hello my name is Tatiana Sellers, how about you? And yes tomorrow great around 5 pm"
11. Respondent answered, "How about 9 am? It is 9 Hackett Circle North. You have a map and the picture. Yes?? Allyn"
12. Complainant responded, "No how about 4? How much is deposit? Is it oil or gas?"
13. Respondent answered, "4 o'clock is good. \$4,600. Natural gas. Allyn."
14. After arranging a time to view the unit with Respondent, Complainant added, "Ok. I have a voucher."
15. Respondent immediately ended the discussion and stated, " We do not accept Section 8. Best regards."
16. The Respondent did not respond to any of the Complainants correspondence after stating directly that he illegally discriminated against applicants based upon a lawful source of income.
17. Upon information and belief, the subject property remained vacant after the Respondent refused to negotiate, and the Complainant was rejected because the Respondents had a policy against accepting applicants with Section 8 vouchers in violation of State law prohibiting discrimination against lawful source of income.
18. The Respondent articulated a discriminatory statement of preference against individuals with Section 8 vouchers.
19. Respondent has discriminated against the Complainant solely because of her lawful source of income (Section 8). She was denied a valuable housing opportunity and suffered emotional distress.

On behalf of Tatiana Sellers, we request the Connecticut Commission on Human Rights and Opportunities investigate this complaint, secure for her all her rights as guaranteed to me under the above-cited laws and secure for her any remedy to which she may be entitled.

Tucker McWeeny, states that he is the attorney representing the Complainant herein; that he has read the foregoing complaint and knows the content thereof; that the same is true to his own knowledge, except as to matters herein stated on information and belief and that as to these matters he believes the same to be true.

Dated this: 2018 / 11 / 20
Year Month Day

A handwritten signature in black ink, appearing to read "Tucker McWeeny". The signature is written in a cursive style with a large initial "T" and "M".

Tatiana Sellers, by her attorney Tucker McWeeny

RECEIVED

JAN 25 2019

STATE OF CONNECTICUT
COMMISSION ON HUMAN RIGHTS AND OPPORTUNITIES

COMPLAINT AFFIDAVIT OF ILLEGAL DISCRIMINATORY PRACTICE

CASE NO: 1950085

DATE: 01/25/19

Commission on Human Rights
& Opportunities Fair Housing

AMENDED 01/25/19 solely to include third respondent who appeared & answered
For CHRO use
565 PARAGRAPH # 20

The Complainant's name is Tatiana Sellers with a mailing address of: c/o Attorney Tucker McWeeny, Szilagyi & Daly, 118 Oak Street, Hartford, Connecticut, 06106. Complainant is filing this Complaint through her attorney, Tucker McWeeny of Szilagyi & Daly, 118 Oak Street, Hartford, CT 06106.

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18. The Respondent articulated a discriminatory statement of preference against individuals with Section 8 vouchers.
19. Respondent has discriminated against the Complainant solely because of her lawful source of income (Section 8). She was denied a valuable housing opportunity and suffered emotional distress.
20. Paragraph #20 is hereby added on 01/25/2019 to accurately reflect that there is a third owner of the subject property who was identified with specificity during a fact-finding on 01/25/2019 – Franklin C. Guildner is a third owner of the subject property at 9 Hackett Circle North, Stamford, CT 06906. As such he is properly a third Respondent in the original action. He has had an Appearance and Answer filed on his behalf by Attorney Thomas Lambert of Halloran and Sage (Westport Office) located at 315 Post Road West, Westport, CT 06880.

On behalf of Tatiana Sellers, we request the Connecticut Commission on Human Rights and Opportunities investigate this complaint, secure for her all her rights as guaranteed to me under the above-cited laws and secure for her any remedy to which she may be entitled.

Tucker McWeeny, states that he is the attorney representing the Complainant herein; that he has read the foregoing complaint and knows the content thereof; that the same is true to his own knowledge, except as to matters herein stated on information and belief and that as to these matters he believes the same to be true.

Dated this: 2019 / January / 25
Year Month Day

A handwritten signature in black ink, appearing to read 'Tucker McWeeny', written over a horizontal line.

Tatiana Sellers, by her attorney Tucker McWeeny



State of Connecticut

COMMISSION ON HUMAN RIGHTS AND OPPORTUNITIES

Housing Discrimination Unit – 450 Columbus Blvd., Suite 3, Hartford, CT 06103

Promoting Equality and Justice for all People

June 28, 2019

Tatiana Sellers &
Tucker McWeeny, Esq.
Szilagyi & Daly
118 Oak Street
Hartford, CT 06106

Certified Mail No. 7018 2290 0000 9002 6068

Thomas Lambert, Esq.
Halloran Sage, LLP
315 Post Road West
Westport, CT 06880

Allyn & Marilyn Dodd
Franklin Guildner
66 Glendale Circle
Stamford, CT 06906

7018 2290 0000 9002 6068

RE: FINAL INVESTIGATIVE REPORT - FINDING OF REASONABLE CAUSE

Case No. 1950085 Sellers v. Dodd & Guildner

Dear Parties:

Investigation of the above-entitled complaint pursuant to CONN. GEN. STAT. Section 46a-83 has led to a determination that there is reasonable cause for believing that a discriminatory practice has been or is being committed as alleged in the complaint. Enclosed is a final copy of the reasonable cause determination dated **June 28, 2019**. The investigator must now endeavor to eliminate the practice. **A conference has been scheduled at the Southwest Region Office located at 350 Fairfield Avenue, Bridgeport, CT 06604 for 9:30AM on Friday August 02, 2019** to discuss possible settlement. Failure to attend this conference will be deemed as failure of conciliation, and public hearing will follow.

Alternately, pursuant to Conn. Gen. Stat. § 46a-83(g)(2), the Complainant or the Respondent have twenty (20) days **from the date of this letter** to elect a civil action in Superior Court instead of an administrative hearing pursuant to Conn. Gen. Stat. § 46a-84. If either the Complainant or the Respondent requests a civil action, the Commission, through the Attorney General or the Commission Counsel, shall commence an action pursuant to subsection (b) of § 46a-89 of the Conn. Gen. Stat. within ninety (90) days of receipt of the Complainant's or the Respondent's notice of election of a civil action. It is the responsibility of the party making the request to ensure that notice is timely received by this office.

If you prefer to have your case heard at an administrative hearing, you do not need to take any action. Under the provisions of Conn. Gen. Stat. § 46a-84(a), if conciliation is unsuccessful, the investigator will certify the complaint for an administrative hearing before an impartial hearing officer within fifty (50) days of the finding of reasonable cause. Should you have any questions, call **Robin Trepanier at 860-541-4703**.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert J. Zamlowski". The signature is fluid and cursive, with a horizontal line extending from the end of the name.

Robert J. Zamlowski, HRAIII
Supervisor, HDU

STATE OF CONNECTICUT
COMMISSION ON HUMAN RIGHTS AND OPPORTUNITIES

FINAL INVESTIGATIVE REPORT

Under State Law:

PURSUANT TO CONNECTICUT GENERAL STATUTES § 46a-64c(a).

concerning:

Tatiana Sellers

v.

Allyn Dodd, Marilyn Dodd & Franklin Guildner

CHRO CASE NUMBER: # 1950085

Prepared by: Robin N. Trepanier
Investigator

**STATE OF CONNECTICUT
COMMISSION ON HUMAN RIGHTS AND OPPORTUNITIES**

Tatiana Sellers

v.

Allyn Dodd and Marilyn Dodd

**FINDING OF REASONABLE
CAUSE AND SUMMARY**

CHRO CASE NUMBER: # 1950086

DATE FILED: 11/20/18

SECTION I FINAL INVESTIGATIVE REPORT

I. JURISDICTION

A. Bases for Jurisdiction:

The complaint was filed with the Connecticut Commission on Human Rights and Opportunities (hereinafter "CHRO") on **November 20, 2018** and amended on **January 25, 2019** (solely to include third Respondent Franklin Guildner) under CONNECTICUT GENERAL STATUTES § 46a-64c(a).

The alleged violation occurred on or about **November 15, 2018**. The complaint was filed with the CHRO 5 days following **November 15, 2018**, which was within one hundred eighty (180) days of the alleged violation and/or Complainant's knowledge of the alleged discrimination as required by CONN. GEN. STAT. §46a-82(f).

The Complainant is a person as defined by CONN. GEN. STAT. §46a- 51(14) and is claiming to be aggrieved by an alleged discriminatory act under CONN. GEN. STAT. §46a-82. The Respondents are alleged to have committed an unlawful discriminatory act.

SECTION II PARTIES AND AGGRIEVED PERSONS

A. Complainant:

Tatiana Sellers
c/o: Tucker McWeeny, Esq.
118 Oak St.
Hartford, CT 06106

Complainant's Representative:
Tucker McWeeny, Esq.

Szilagyi & Daly
118 Oak St.
Hartford, CT 06106

1. Complainant's Allegations:

Complainant alleges that Respondents discriminatorily refused to negotiate with Complainant solely because of her Lawful Source of Income (Section 8 Voucher). The Complainant claims Respondents refused to rent and negotiate with her and made a discriminatory statement of preference.

B. Respondents:

Allyn Dodd,
Marilyn Dodd &
Franklin Guildner
66 Glendale Circle
Stamford, CT 06906

Respondents' Representative:

Thomas Lambert, Esq.
Halloran Sage LLP
315 Post Rd West
Westport, CT 06880

Respondents' Position:

Respondents deny that they discriminated against Complainant and defend that they were unaware of the law. Respondents claim that the text communication between the parties is "not evidence of discrimination," but rather that Respondents declined to accept a voucher (see Respondents' Answer #19).

SECTION III EVIDENTIARY SECTION

TABLE OF CONTENTS

- A. CHRO Complaint #: 1950085
- B. Notification Letter to Respondent dated 11/21/18
- C. Amended Complaint dated 1/25/19
- D. Amended Complaint Notification Letter to Respondent dated 1/25/19
- E. Documents and Records:
 - 1. Complainant's Evidence
 - A. Text Message Communication & Advertisement emailed to Attorney

McWeeny on 11/18/18 and forwarded to Investigator Diane Carter on 12/27/18

- B. Email with attached Text Messages received on 1/25/19
- C. Email from Attorney McWeeny dated 4/24/19
- D. Email from Attorney McWeeny dated 5/1/19
- E. Email from Attorney McWeeny dated 5/14/19

2. Respondents' Evidence:

- A. Verified Answer dated 12/13/18 received on 12/18/18
- B. Schedule A Responses dated 12/13/18 received on 1/25/19 with attached exhibits:
 - i. Craig's List advertisement; and
 - ii. Rental Application Requirements
- C. Verified Answer to Amended Complaint dated 2/11/19 received on 2/11/19 and 5/7/19
- D. **Comments to Draft of Final Investigative Report received on 6/25/19**

3. Other Evidence

- A. Fact Finding Conference held on 1/25/19 with testimony from Complainant and Respondent Allyn Dodd

F. 100 Day Letter: – February 26, 2019

G. Factual Observations/Site Visit – none

SECTION IV WORKING PAPERS/DELIBERATIVE SECTION

I. INTRODUCTION

Pursuant to CT GEN. STAT. §46a-82, the Commission has a duty to receive, investigate and issue determinations upon the merits of discriminatory practice complaints. Complaints filed pursuant to CT GEN. STAT. §46a-82 are assigned to an investigator for the purpose of conducting an investigation into the facts relevant to the complaint.

In accordance with the Commission's Rules and Regulations, the complaint, answer and case evidence were reviewed for the purpose of determining the Commission's jurisdiction. As a result thereof, the investigator concluded that the Commission has jurisdiction to receive, investigate and issue a determination upon the merits of the complaint.

Thereafter, in accordance with CT GEN. STAT. §46a-83, the investigator proceeded to conduct a thorough and complete investigation into the facts of the complaint and upon completing the same, notified the parties of their statutory rights to review and comment

upon all the case evidence. **A preliminary draft of the investigator's findings of fact was issued on June 11, 2019. The parties were advised of their right to provide comments on those findings and evidence in the case file. Respondents submitted comments received on June 25, 2019. Comments were considered prior to the issuance of these final findings which include appropriate inferences and credibility determinations. Any additions to the investigative report are bold, italicized and underlined.**

In addition, the investigator has a duty to determine "if there is reasonable cause for believing that a discriminatory practice has been or is being committed as alleged in the complaint." [See, CT GEN. STAT. §46a-83(c)].

Pursuant to statutory and case authority, reasonable cause is defined as: "a bona fide belief that the material issues of fact are such that a person of ordinary caution, prudence, and judgement could believe the facts alleged in the complaint." [See, CT GEN. STAT. §46a-83(c)]. Therefore, the Commission concludes that the reasonable cause standard requires that the investigation be thorough and complete; that the investigator consider all reliable and probative proof, irrespective of whom it supports; that the investigator make findings with respect to all material issues of fact, including disputed facts; and that the investigator ultimately determine if there is reasonable cause for believing that a discriminatory practice has been or is being committed as alleged in the complaint.

Consequently, as a result of the application of these principles to the facts of this complaint, the investigator must determine whether the facts are such that a person of ordinary caution, prudence, and judgment could believe that a discriminatory practice has been or is being committed as alleged in the complaint.

II. CASE ANALYSIS

Complainant alleges that Respondents discriminatorily refused to negotiate with Complainant solely because of her Lawful Source of Income (Section 8 Voucher). The Complainant claims Respondents refused to rent and negotiate with her and made a discriminatory statement of preference.

1. **Complainant is member of a group protected against discrimination:**

Complainant is a participant in the Section 8 program. Section 8 is a protected lawful source of income under Connecticut Fair Housing Laws.

2. **Complainant contacted Respondent and made an inquiry to an available unit:**

Complainant alleges she saw an advertisement online for an available apartment in Stamford with a telephone number of (203) 240-1877. Complainant texted the

telephone number and communicated with Respondent Allyn Dodd stating that she was "interested in the half double." The parties agreed to meet at 4:00 p.m. the following day so Complainant could see the unit.

3. Respondents rejected or passed over the Complainant:

After some additional messages, Complainant texts Respondent, "I have a voucher." Respondent Allyn Dodd replied via text, "I am sorry. We do not [a]ccept Section 8. Best regards." Respondents admit sending this text.

4. The unit remained available thereafter:

The unit remained available until Respondents received notice of the present Complaint. Respondent Allyn Dodd claimed during the Fact Finding Conference on January 25, 2019 that the unit was taken off the market because of the pending CHRO matter.

Respondents' Defense:

Respondents deny that they discriminated against Complainant and defend that they were unaware of the law. Respondents claim that the text communication between the parties is "not evidence of discrimination," but rather that Respondents declined to accept a voucher (see Respondents' Answer #19).

Respondent Allyn Dodd further explained during the Fact Finding Conference that Respondent and co-owner Franklin Guildner is a Libertarian with very *libertarian* views and works actively to not engage with government entities, federal, state or local. Additionally, Respondent Allyn Dodd explained how he grew up in an apartment in Stamford and housing projects were put up across the street, and due to mismanagement by the City and/or HUD the apartments became run down and eventually were demolished. After seeing that occur, Respondent Allyn Dodd said he did not "disagree" with Respondent Guildner's stance *of* not wanting to deal with the government or third party in a rental agreement.

Also noted by Respondent Allyn Dodd during the Fact Finding Conference was that the protection for Lawful Source Income was not implemented until 1999 and to his knowledge, there was no public announcement or publication of the law to put landlords on notice.

Attorney Lambert stated in his closing comments that:

1. Respondents were unaware of the law;
2. The law requires more than just a "tester";
3. To Complainant this seemed more like an "exercise" rather than really seeking the

- unit; and
4. The unit was still available.

Attorney Lambert closed by stating that Complainant did not articulate how she was damaged by Respondents actions and at best, there may be liability but no damages.

There is evidence to support that Complainant was acting as a tester, rather than truly seeking a new apartment. Complainant moved from Pennsylvania to New Haven and began a one-year lease in March of 2018. At the time that Complainant contacted Respondent in November of 2018, she still had four months left on her lease. When this Investigator asked Complainant to explain why she was seeking an apartment with four months left on her lease, she said she wanted to be closer to her mom and knew finding a new unit could take time. However, when asked whether she was still seeking an apartment as of the date of the Fact Finding Conference on January 25, 2019, she responded, "yes and no," said she did not have time to look and, said that she wanted to get a three bedroom so her children did not have to share a room any longer.

In addition, Complainant had a two bedroom voucher and Respondents' unit was a three bedroom listed on Craig's list for \$2,300 per month (see Craig's List advertisement). According to Stamford's Charter Oak Communities, a two-bedroom voucher will pay \$2,073.00 per month with utilities. Be that as it may, it is unlawful to refuse to negotiate or rent to someone because they have a Section 8 voucher. Complainant may have been approved for a three bedroom with her family size and/or with the utility exemption, \$2,300 a month for a three-bedroom unit may have been approved by Section 8. Additionally, contrary to Attorney Lambert's assertion, being a tester is sufficient for purposes of filing a discrimination complaint. Respondents' policy of refusing to rent to individuals with a Section 8 voucher is unlawful as is Respondents requirement that renters be employed. An employment requirement could preclude other lawful sources of income such as alimony, child support and/or Social Security Disability.

Liability in this matter is clear. Lack of knowledge or ignorance of the law is not a defense. It is the responsibility of housing providers to be knowledgeable in landlord tenant laws, which encompasses fair housing laws. Whether or not Complainant suffered damage as a result of this matter far exceeds the scope of investigation.

Discriminatory statement of preference:

Connecticut State Law contains a prohibition against making of statements of preference:

Conn. Gen. Stat. § 46a-64c (a): "It shall be discriminatory practice in violation of this section:

Conn. Gen. Stat. § 46a-64c (3): "To make, print or publish, or cause to be made, printed or published any notice, statement, or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on race, creed, color, national origin, ancestry, sex, marital status, age, lawful source of income, familial status, learning disability or physical or mental disability, or an intention to make any such preference, limitation or discrimination."

Respondent Allyn Dodd's text message stated, "I am sorry. We do not accept Section 8. Best regards," which clearly is a statement of preference.

III Conciliation Efforts:

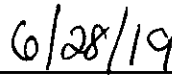
Conciliation efforts failed.

IV Conclusion:

Consequently, the undersigned determines that the facts are such that a person of ordinary caution, prudence, and judgement **could** conclude that there is reasonable cause for believing that a discriminatory practice has been or is being committed as alleged in the complaint.



Robin N. Trepanier, Investigator



Date