

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

PEOPLE OF THE STATE OF NEW YORK, by ELIOT
SPITZER, ATTORNEY GENERAL OF THE STATE OF
NEW YORK,

Plaintiffs,

CONSENT DECREE

-against-

05 Civ. _____

PATRICIA FORGIONE'S REALTY
NETWORK, INC.,

Defendant.

This Consent Decree ("Decree") is entered into by and between plaintiffs, the People of the State of New York, by Eliot Spitzer, Attorney General of the State of New York, and defendant, Patricia Forgione's Realty Network, Inc. ("Forgione").

WHEREAS, Forgione is a real estate agency subject to the requirements of 42 U.S.C. § 3601 *et seq.*, 42 U.S.C. §§ 1981 and 1982, New York Executive Law § 296(5), New York Civil Rights Law § 40-c, and Westchester County Human Rights Law § 700.05(e);

WHEREAS, the Office of the Attorney General ("OAG") has commenced an action alleging that Forgione has violated 42 U.S.C. § 3601 *et seq.*, 42 U.S.C. §§ 1981 and 1982, New York Executive Law § 296(5), New York Civil Rights Law § 40-c, and Westchester County Human Rights Law § 700.05(e);

WHEREAS, Forgione has denied any wrongdoing or liability in this action; and

WHEREAS, the OAG and Forgione desire to avoid incurring any further time, costs and expenses and the uncertainty of litigation and seek to resolve all matters embraced in this action as between the OAG and Forgione without resort to further litigation; and

WHEREAS, in consideration of the covenants and undertakings set forth herein and

intending to be legally bound thereby, the OAG and Forgione, and each of them, agree to the terms of this Decree;

NOW, THEREFORE, it is hereby ORDERED, ADJUDGED, AND DECREED as follows:

PART ONE: DEFINITIONS

Throughout this Decree, the following terms shall have the following meanings:

- 1.1 “Decree” means this Consent Decree.
- 1.2 “Effective Date” means the date that this Decree is entered by the Court.
- 1.3 “Court” means the United States District Court for the Southern District of New York, which shall have jurisdiction over this Decree and the parties to this Decree.
- 1.4 “Forgione” means Patricia Forgione’s Realty Network, Inc., a corporation organized under the laws of the State of New York, with its principal place of business located at 207 Main Street, Eastchester, New York. For purposes of this Decree, the term “Forgione” as used herein includes all Employees.
- 1.5 “Employee” means any owner, shareholder, partner, officer, employee, broker, agent, associate, independent contractor, or representative of Forgione.
- 1.6 “Client” means any person who inquires about, or seeks Forgione’s services in, renting or purchasing an apartment or other residential dwelling.
- 1.7 “Including” means including but not limited to.
- 1.8 The terms “all” and “each” shall mean all and each.
- 1.9 The use of the singular form of any word includes the plural and vice versa.

PART TWO: PERMANENT INJUNCTIVE RELIEF

- 2.1 Forgione is hereby permanently enjoined to comply fully with the obligations, terms and conditions of 42 U.S.C. § 3601 *et seq.*, 42 U.S.C. §§ 1981 and 1982, New York Executive Law § 296(5), New York Civil Rights Law § 40-c, and Westchester County Human Rights Law § 700.05(e).

PART THREE: MONETARY RELIEF

- 3.1 Plaintiffs shall recover from Forgione the sum of thirty thousand dollars (\$30,000) as damages, attorneys' fees, and costs of investigation. Forgione shall pay fifteen thousand dollars (\$15,000) within 30 days of the Effective Date, and the remaining fifteen thousand dollars (\$15,000) within 60 days of the Effective Date.
- 3.2 Payment will be in the form of certified or official bank checks made out to the New York State Department of Law and forwarded to the Office of Attorney General, Civil Rights Bureau, 120 Broadway, New York, New York 10271, Attention: Dennis D. Parker, Bureau Chief, Civil Rights Bureau.

PART FOUR: CLIENT INFORMATION FORMS

- 4.1 Forgione shall use the client information form annexed as Exhibit A to record information about (a) Clients and their housing needs and (b) the residential properties shown to such Clients. Forgione shall not make any changes to the application without the OAG's prior written consent, which shall not be unreasonably withheld.
- 4.2 Forgione shall instruct its Employees that a client information form must be completed for each Client and that every property shown to a Client, along with the initials of the Employee who showed the property, must be noted on the form.

- 4.3. On a quarterly basis, Forgione shall review the client information forms to ensure that they are being completed fully and properly. To the extent any omissions or other problems are found during such review, Forgione shall take appropriate corrective action.

PART FIVE: SIGNAGE

- 5.1 Forgione shall post in at least 2 conspicuous locations in its office(s) the signs annexed as Exhibits B and C.

PART SIX: ADVERTISING

- 6.1 Any printed media advertisements must display the Equal Housing Opportunity logo in the form set forth in Exhibit D.
- 6.2 In the event that Forgione operates a website, or employs one in the future, Forgione shall post the “Equal Housing Opportunity” logo set forth in Exhibit D in a conspicuous place on the home page of such website.

PART SEVEN: TRAINING

- 7.1 Within 60 days of the Effective Date, all Employees shall attend a fair housing training program conducted by Westchester Residential Opportunities, Inc. (“WRO”). The training program, which will cover, among other things, the requirements of federal, state and local fair housing laws, will be developed by WRO in consultation with the OAG. Forgione shall ensure that new Employees receive this fair housing training within 60 days of their start date. All Employees who have attended WRO’s fair housing program shall acknowledge in writing that they have done so, using the acknowledgment form annexed as Exhibit E.
- 7.2 Forgione shall provide all Employees with a copy of the Equal Housing Opportunities Training Manual annexed as Exhibit F. All Employees shall acknowledge in writing that

they have read and understood the Manual, and agree to comply with its instructions. Forgione shall not continue to employ or otherwise use any Employee who refuses to execute such an acknowledgment within 10 days of receiving the Equal Housing Opportunities Training Manual unless such failure is due to administrative error or Employee unavailability. Any such failure shall be corrected as soon as practicable.

- 7.3 Any Employee who violates the policies set forth in the Training Manual or otherwise engages in discriminatory housing practices prohibited by 42 U.S.C. § 3601 *et seq.*, 42 U.S.C. §§ 1981 and 1982, New York Executive Law § 296(5), New York Civil Rights Law § 40-c, and Westchester County Human Rights Law § 700.05(e) shall be subject to appropriate disciplinary action, up to and including termination.

PART EIGHT: COMPLAINTS

- 8.1 Within 14 days after Forgione receives any complaint, whether written or oral, alleging discriminatory treatment by any Employee, Forgione shall investigate the complaint and complete and provide to the OAG the Complaint Form annexed as Exhibit G. Forgione shall not make any changes to the Complaint Form without the OAG's prior written consent, which shall not be unreasonably withheld.
- 8.2 The investigation shall be conducted by one of Forgione's owners, and all documents relating to the complaint shall be provided to the OAG.

PART NINE: RECORDKEEPING

- 9.1 For the duration of this Decree, Forgione shall maintain
- (a) all client information forms and any materials supplied by Clients;

- (b) a list reflecting the properties rented or purchased through Forgione, the dates the properties were rented or purchased, and the name of the Clients who rented or purchased such properties;
- (c) copies of all advertisements placed by Forgione; and
- (d) the executed acknowledgments described in paragraphs 7.1 and 7.2.

9.2 The OAG, upon reasonable notice to Forgione, shall have access at a reasonable time and place to any documents Forgione is required to maintain under the terms of this Decree and any documents the OAG believes relate to Forgione's compliance with this Decree. This Decree does not in any way impair or affect the right of the OAG to obtain documents from Forgione pursuant to subpoena.

PART TEN: JURISDICTION AND OTHER PROVISIONS

- 10.1 This Decree, when fully executed and performed by Forgione to the reasonable satisfaction of plaintiffs, will resolve all claims against Forgione that were raised in the complaint filed by plaintiffs in this action. However, nothing in this Decree is intended to, nor shall, limit the OAG's investigatory or compliance review powers otherwise provided by law.
- 10.2 The Court shall retain jurisdiction over the parties and this matter for the term of 3 years from the Effective Date. At the end of the three-year period, Forgione may make a motion seeking to dismiss this action with prejudice, so long as Forgione has complied fully with the Decree during the three-year period.
- 10.3 The Court shall retain all equitable powers necessary to enforce the terms of this Decree and remedy any violations thereof, including the power to hold Forgione in contempt and

to award damages, restitution, or monetary penalties, as well as the power to extend the duration of the decree upon a finding of noncompliance.

10.4 This Decree shall become effective upon its execution by all parties and its entry by the Court.

10.5 The signatories to this Decree warrant and represent that they are duly authorized to execute this Decree and that they have the authority to take all appropriate action required or permitted to be taken pursuant to the Decree to effectuate its terms.

10.6 Forgione is hereby charged with knowledge of, and responsibility for, the actions of its Employees with respect to the requirements of this Decree.

10.7 This Decree is final and binding on the parties, including all Employees, principals, successors in interest, assigns, and legal representatives thereof. Each party has a duty to so inform any such successor in interest of the terms of this Decree. No assignment by any party hereto shall operate to relieve such party of its obligations herewith.

10.8 This Decree may be executed in one or more counterparts, each of which shall be deemed a duplicate original.

10.9 Notwithstanding any provision of this Decree to the contrary, plaintiffs may, in their sole discretion, grant written extensions of time for Forgione to comply with any provision of this Decree.

10.10 All of the terms of this Decree are contractual and not merely recitals, and none may be amended or modified except by a writing executed by all parties hereto approved by the Court, or with Court approval.

10.11 This Decree supersedes and renders null and void any and all written or oral prior undertakings or agreements between the parties regarding the subject matter hereof.

- 10.12 The parties hereby waive and shall not have any right to appeal any of the terms of this Decree or in any way challenge the validity of any of the terms of this Decree in any forum.
- 10.13 If any provisions, terms, or clauses in this Decree are declared illegal, unenforceable, or ineffective in a legal forum, those provisions, terms, and clauses shall be deemed severable, such that all other provisions, terms, and clauses of this Decree shall remain valid and binding on the parties.
- 10.14 The parties may seek to enforce this Decree by motion before the Court to the full extent of the law; however, in the event of a dispute among the parties regarding any issue arising hereunder, the parties shall attempt in good faith to resolve the dispute before seeking the Court's intervention.
- 10.15 All communications and notices regarding this Decree shall be sent by first-class mail and, if 25 pages or fewer in length, by facsimile, to:

Office of the Attorney General:

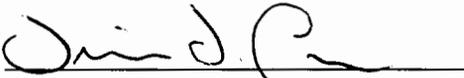
Dennis Parker, Bureau Chief
Office of the NYS Attorney General
Civil Rights Bureau
120 Broadway, 3rd Floor
New York, New York 10271
Tel. (212) 416-8240
Fax (212) 416-8074

Patricia Forgione's Realty Network, Inc.:

Darius P. Chafizadeh, Esq.
Thacher Proffitt & Wood LLP
50 Main Street
White Plains, New York 10606
Tel. (914) 421-4171
Fax (914) 421-4150

IN WITNESS WHEREOF, the parties hereto, intending to be legally bound hereby, have executed this Consent Decree on the date set forth below.

ELIOT SPITZER
New York State Attorney General
120 Broadway
New York, New York 10271

By: 
Dennis D. Parker
Bureau Chief
Civil Rights Bureau

Dated: August 17, 2005
New York, New York

PATRICIA FORGIONE'S REALTY NETWORK, INC.
207 Main Street
Eastchester, New York 10709

By: 
Patricia Forgione
President
Patricia Forgione's Realty Network, Inc.

Dated: July 28, 2005
~~New York~~, New York
White Plains

SO ORDERED:

UNITED STATES DISTRICT JUDGE

Dated: _____, 2005
New York, New York

EXHIBIT A

EXHIBIT B



**EQUAL HOUSING
OPPORTUNITY**

**We Do Business in Accordance With the Federal Fair
Housing Law**

(The Fair Housing Amendments Act of 1988)

**It is illegal to Discriminate Against Any Person
Because of Race, Color, Religion, Sex,
Handicap, Familial Status, or National Origin**

- In the sale or rental of housing or residential lots
- In the provision of real estate brokerage services
- In advertising the sale or rental of housing
- In the appraisal of housing
- In the financing of housing
- Blockbusting is also illegal

Anyone who feels he or she has been discriminated against may file a complaint of housing discrimination:

1-800-669-9777 (Toll Free)

1-800-927-9275 (TTY)

**U.S. Department of Housing and
Urban Development
Assistant Secretary for Fair Housing and
Equal Opportunity
Washington, D.C. 20410**



IGUALDAD DE OPORTUNIDAD EN LA VIVIENDA

Conducimos nuestros negocios de acuerdo a la Ley Federal de Vivienda Justa

(Acta de enmiendas de 1988 de la Ley Federal de Vivienda Justa)

Es ilegal discriminar contra cualquier persona por razon de su raza, color, religion, sexo, incapacidad fisica o mental, la presencia de niños menores de 18 años o de mujer embarazada en su familia o su origen nacional

- En la venta o renta de vivienda y terrenos residenciales
- En los servicios de corretaje que prestan vendedores de vivienda
- En los anuncios de venta o renta de vivienda
- En la valoracion de vivienda
- En la financiamiento de vivienda
- Tambien es ilegal forzarle a vender o rentar su vivienda diciendole que gente de otra raza, religion o grupo etnico se estan mudando en su vecindario
- Amenazar o interferir con la persona para que no registre su queja

Cualquier persona que sienta que fue discriminada debe de enviar su queja de discriminacion:

1-800-669-9777 (llamada gratis)
1-800-927-9275 (TDD llamada gratis)

U.S.Department of Housing
and Urban Development
Assistant Secretary for Fair Housing and
Equal Opportunity
Washington, D.C. 20410

EXHIBIT C

Complaints of discrimination may be brought to the attention of the New York State Attorney General's Office, Civil Rights Bureau, 120 Broadway, 3rd Floor, New York, New York 10271 or call (212) 416-8250.

**Para dar una queja de
discriminación por favor
comuníquese con el Departamento
de Derechos Civiles en la Oficina
del Procurador General al número
telefónico: (212) 416-8250 o
escriba al: New York State Attorney
General's Office, Civil Rights
Bureau, 120 Broadway, 3rd Floor,
New York, New York 10271**

EXHIBIT D



EQUAL HOUSING
OPPORTUNITY

EXHIBIT E

WRO Fair Housing Training Acknowledgment Form

I, _____, have attended the Westchester Residential Opportunities Fair Housing Training. I understand that I will be subject to discipline, including potential termination, for failure to comply with fair housing laws.

Signature

Date

EXHIBIT F

Equal Housing Opportunities Training Manual

Federal, state, and local law prohibit housing discrimination on the basis of age, race, creed, color, religion, sex, national origin, disability, familial status, marital status, or sexual orientation. The purpose of these laws is to ensure that all individuals have equal housing opportunities.

This training manual has been designed to provide you with helpful information in providing services to Forgiore clients in a nondiscriminatory manner.

What does the law provide?

The law prohibits housing discrimination on the basis of a person's:

- Race
- Color
- Creed
- National Origin
- Age
- Disability
- Sex
- Sexual Orientation
- Marital Status
- Familial Status (i.e. with children)
- Religion

What is prohibited?

It is illegal to discriminate in the sale, rental, or leasing of housing because of a person's race, color, creed, national origin, age, disability, sex, sexual orientation, marital status, familial status, or religion.

A real estate broker, agent, or associate may not discriminate in any of the following ways:

- *Refusing to negotiate for the sale, rental, or leasing of housing.*
You may never refuse to provide services or provide diminished services to a prospective client because of his or her race or any other proscribed factor. In addition, you may not in any way assist a landlord in obtaining tenants of particular races or preventing people of certain races from becoming tenants. Thus, for example, you may not honor a landlord's request to show an apartment only to whites. If a landlord makes such a request, you must advise him that such a preference is against the law; if the landlord insists, you must decline his business.
- *Representing that housing is not available for sale, rental, or lease.*
You may not decline to show or fail to mention an available property that meets a client's requirements because of that client's race, familial status, or any other proscribed factor. For instance, you may not refuse to show an African-American client an available property in a primarily white neighborhood because you believe he would not be comfortable living in that neighborhood. You must provide all clients complete and

accurate information concerning available properties. If the property meets the client's needs, it must be shown to the client.

- *Setting different terms, conditions, or privileges in the sale, rental, or leasing of housing.*
You may not, for example, require Latino clients to submit to a credit check before showing them apartments if that is not Forgione's standard practice for all clients.
- *Publishing, displaying, or expressing a preference for a particular race, color, creed, national origin, age, disability, sex, sexual orientation, marital status, familial status, or religion in connection with the sale, rental, or leasing of housing.*
Forgione does not and will not advertise racial, ethnic, familial status or other such restrictions on any property it seeks to rent or sell. You may not suggest to a client in any way that a property owner prefers tenants of particular races, ages, religions, etc.
- *Soliciting information about a client's race, color, creed, national origin, age, disability, sex, sexual orientation, marital status, familial status, or religion, or any preferences in this regard with respect to particular rental properties or neighborhoods.*
You must not ask clients any questions designed to solicit information about their race, familial status, or any other proscribed factor.
- *Steering individuals to neighborhoods or properties.*
Steering occurs when an agent directs a client to particular neighborhoods or buildings because of the client's race, ethnicity, or some other prohibited factor. You may not engage in steering even if the client requests that you do so. Thus, for example, if you receive a request from a Latino client who asks that you identify and only show him apartments in areas with significant numbers of Latinos, you must politely inform the client that you cannot, by law, classify neighborhoods in that manner.

Can I encourage or discourage a client from living in certain buildings or neighborhoods?

You may never steer clients towards or away from a certain building or neighborhood based on their race or any other proscribed factor. For instance, you may not show minority clients available properties in more racially mixed neighborhoods simply because you think they will be more comfortable living there. You must always show all available properties that meet a client's expressed criteria, including the client's neighborhood preferences. However, you can and should provide clients with relevant information about the relative advantages and disadvantages of particular properties.

Am I allowed to provide information about the racial or ethnic makeup of a neighborhood or building?

You are not permitted to provide racial, ethnic, or other such demographic information about particular buildings, neighborhoods, or landlords, even upon the client's request. If asked for such information, you must politely decline to provide it and explain to the client that the law prohibits such disclosure.

Can I refuse to show available apartments to a client that I would otherwise show to a client who expressed similar requirements but who was a different race, ethnicity, etc.?

In selecting properties to show, you may not exclude particular available apartments because of the client's race, familial status, or any other proscribed factor. This of course does not mean that you need to show apartments for which the client is not financially qualified or apartments that you are no longer showing to anyone (i.e. apartments with pending applications, etc.). You must simply treat all clients equally.

Are there any questions that I may not ask a landlord seeking to rent housing?

Yes. You may not ask a prospective landlords whether they have a preference or requirement regarding the race, color, creed, national origin, age, disability, sex, sexual orientation, marital status, familial status, or religion of a prospective tenant.

You also may not ask questions that indirectly solicit whether landlords have a preference or requirement regarding race, color, creed, national origin, age, disability, sex, sexual orientation, marital status, familial status, or religion of a prospective tenant. The following questions are some examples of the type of questions that you may not ask:

- Would you accept the application of a client of a particular race?
- Would a minority feel comfortable living in the building or neighborhood?

I, _____, have been given a copy of the Equal Housing Opportunities Training Manual, and I have fully read and understood its contents. I understand that I will be subject to discipline for failure to comply with these requirements.

Signature

Date

EXHIBIT G

FORGIONE COMPLAINT FORM

Instructions:

1. Please TYPE or print clearly in dark ink.
 2. You must complete the entire form.
 3. Make sure copies (not originals) of all relevant papers concerning the complaint are attached.
-

A. Complainant

Name: _____
Address: _____

Phone: (Home) _____

B. Broker(s), Agent(s), Associate(s), Independent Contractor(s) or Employee(s) Involved in Complaint

Name: _____
Position: _____

C. Witness(es)

Name: _____
Address: _____

Phone: (Home) _____
(Work) _____

D. Nature of Complaint

(Attach additional pages if necessary) _____

E. Status/Results of Investigation

(Attach additional pages if necessary) _____

F. Description of Action Taken on Complaint

(Attach additional pages if necessary) _____

I ACKNOWLEDGE THAT THE ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE:

Signature: _____
Name/Position

Date: _____

Copy to: State of New York
Office of the Attorney General
Civil Rights Bureau
120 Broadway, 3rd Floor
New York, New York 10271
Attn.: Dennis Parker