

NEW JERSEY DEPARTMENT OF LAW & PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL
NEW JERSEY DIVISION ON CIVIL RIGHTS
DOCKET NO. HQ10QO-65839

JOY FENDER, : NEW JERSEY OFFICE OF
 : ADMINISTRATIVE LAW
 :
Complainant, :
 : DOCKET NO. CRT 17935-2017 S
 v. :
 :
RAYMOND MCCAN, :
 : CONSENT ORDER
Respondent. :

Pursuant to the authority granted to the Director of the New Jersey Division on Civil Rights (the "Director") by the New Jersey Law Against Discrimination, N.J.S.A. 10:5-1 et seq. (the "LAD"), and with the consent of Complainant Joy Fender ("Complainant" or "Fender"), who filed a verified complaint (the "Verified Complaint") with the New Jersey Division on Civil Rights (the "Division") against Respondent Raymond McCann ("Respondent" or "McCann") on March 16, 2016, alleging discrimination on the basis of source of lawful income, the Director has agreed with the parties to resolve all issues in controversy in this matter on the terms set forth in this Consent Order. The parties agree that it is in their mutual interest to avoid the uncertainty and expense of litigation by reaching a settlement without any admission of law or fact. Each of the parties understands that the settlement provided for herein is intended to compromise disputed claims and defenses

and that this Settlement Agreement shall not be construed or viewed as an admission by any party of liability or wrongdoing, such liability being expressly denied. Without admitting any of the allegations set forth in the Verified Complaint or the Division's March 20, 2017 Finding of Probable Cause, and for the purpose of avoiding further litigation, Respondent consents to the form and entry of this Consent Order.

IT IS, THEREFORE, ON THIS 22ND DAY OF JUNE 2018,
ORDERED AND AGREED:

LAD COMPLIANCE AND POLICY

1. Respondent agrees that all of his policies and decisions affecting persons who seek housing in New Jersey shall comply in full with the LAD. Respondent agrees not to implement any policy or carry out any act that has the purpose or effect of discriminating against a person because of race, creed, color, national origin, ancestry, marital status, civil union status, domestic partnership status, pregnancy or breastfeeding, sex, gender identity or expression, affectional or sexual orientation, familial status, disability, liability for service in the Armed Forces of the United States, nationality, or source of lawful income used for rental or mortgage payments.

2. Within fifteen (15) days of the date this Consent Order is fully executed, Respondent agrees to provide verification to the Division of a written nondiscrimination policy (the "Policy")

reflecting the agreement herein to practice compliance with all provisions of the LAD. The Policy will apply to all real property that is located in New Jersey and subject to the provisions of the LAD, including Respondent's current rental properties located at 301 Webster Avenue, Seaside Heights, New Jersey, 413 Barnegat Avenue, Seaside Heights, New Jersey, and 66 Oak Knoll Road, Waretown, New Jersey. The Policy will specifically provide that valid rental assistance vouchers will be accepted from otherwise qualified tenants. Respondent will deliver a copy of the Policy to counsel for the Division, Deputy Attorney General Megan Harris, New Jersey Department of Law & Public Safety, 124 Halsey Street, P.O. Box 45029, Newark, New Jersey 07101. Within thirty (30) days of the date this Consent Order is fully executed, Respondent will provide a copy of the Policy to all current tenants. Respondent will provide a copy of the Policy to all new tenants upon execution of each first lease.

EVICTION AND JUDGMENT RECORDS

3. Respondent agrees to withhold objection or affirmatively provide consent (as needed) to all lawful measures Complainant will take to vacate and clear from court records the eviction actions filed against her on January 9, 2015, New Jersey Superior Court Docket No. OCN-LT-000111-15, and September 21, 2015, New Jersey Superior Court Docket No. OCN-LT-3759-15, as well as all lawful measures Complainant will take to clear records of those eviction

proceedings with credit reporting agencies, tenancy and background reporting agencies, or others platforms with license to receive such information and report it publicly or upon request from any person. Such measures will include, but not necessarily be limited to, filing of a motion in New Jersey Superior Court to vacate the eviction judgment entered on November 20, 2015, with a request to accept the motion as within time.

4. Respondent further agrees to withhold objection or affirmatively provide consent (as needed) to all lawful measures Complainant will take to vacate the July 10, 2016 judgment entered in New Jersey Superior Court, Special Civil Part, Docket No. OCN-DC-011903-15, in the amount of \$4,525.00 plus court costs, awarded to Respondent for rent arrears and repair costs. The parties agree the judgment has been monetarily satisfied. Complainant agrees that if the judgment is vacated, she hereby releases any claim to reimbursement of money paid on the judgment, in consideration for Respondent's fulfillment of the terms of this Consent Order.

5. Contact with Respondent for the purpose of service of court filings and orders, requests for consent, or other communications necessary to assist in clearing the records described above will be through Respondent's counsel. In the event Respondent no longer has counsel in this matter, Respondent agrees to accept service of court papers related to Paragraphs 3 and 4 of this Consent Order via mail or hand delivery to his home or

business address and provide consent to the measures described above directly to Complainant.

MONETARY PAYMENT

6. Respondent agrees to pay to Complainant the sum of \$20,800.00 as reimbursement of rent for the breach of a residential lease the parties entered on April 12, 2014, and the additional sum of \$7,200.00 as reimbursement of rent for the breach of a residential lease the parties entered on April 12, 2015. Within 5 days of the date this Consent Order is fully executed, a check made payable to "Joy Fender" in the amount of \$28,000.00 (twenty-eight thousand dollars) will be delivered to Deputy Attorney General Megan Harris, New Jersey Department of Law & Public Safety, 124 Halsey Street, P.O. Box 45029, Newark, New Jersey 07101, for forwarding to Complainant. The payment, together with all other terms of this Consent Order, will resolve the allegations of the Verified Complaint and any other potential claims arising out of Complainant's tenancy at 301 Webster Avenue, Seaside Heights New Jersey.

7. Upon full execution of this Consent Order, Respondent is liable for the full amount of \$28,000.00. This Consent Order may be enforced as a judgment against Respondent for the full amount plus interest and the costs of enforcement if payment is not made within the time set forth herein.

8. Complainant agrees to accept sole responsibility for the

payment of any taxes on the above payment. Further, Complainant acknowledges that neither the Division nor Respondent have made representations regarding the taxability of the above payment or provided tax advice in connection with the terms of this Consent Order.

GENERAL PROVISIONS

9. Nothing in this Consent Order shall in any manner be construed to limit or affect the rights of any persons, other than the parties to this Consent Order, who may have a claim against Respondent or any individual or entity involved in this matter.

10. The parties to this Consent Order acknowledge that for the purpose of enforcement of this Consent Order, New Jersey law shall govern the terms and provisions herein.

11. As used in this Consent Order, the plural shall include the singular and the singular shall include the plural. In addition, "or" and "and" shall be interpreted conjunctively.

12. The parties to this Consent Order represent that a person authorized to sign a document legally binding each party to its terms has signed this Consent Order with full knowledge, understanding, and acceptance of its terms.

13. This Consent Order constitutes the entire agreement between the Director, Complainant, and Respondent, with respect to its subject matter. Any addition, deletion, or change to this Consent Order must be in writing and signed by all parties to be

bound by such addition, deletion, or change.

14. The parties to this Consent Order have negotiated and fully reviewed its terms. Uncertainty or ambiguity shall not, therefore, be construed against the drafter.

15. This Consent Order is executed in settlement of the allegations made by Complainant against Respondent in the above-captioned matter, and shall not be construed to otherwise limit the authority of the New Jersey Attorney General or the Director of the New Jersey Division on Civil Rights to protect the interests of the State of New Jersey or the people of the State of New Jersey. For consideration of the payment set forth above, Complainant, on behalf of herself, members of her family who resided with her during 2014 and 2015, and her agents, hereby releases Respondent and any of his agents, predecessors, and successors from any and all claims, known or unknown, arising out of Complainant's tenancy at 301 Webster Avenue, Seaside Heights, New Jersey.

16. If any portion of this Consent Order is held invalid or unenforceable by operation of law, the remaining terms of this Consent Order shall not be affected.

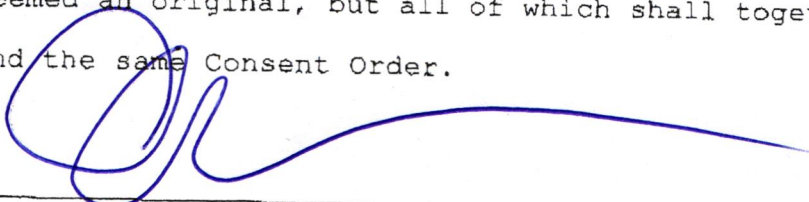
17. This Consent Order shall be binding upon the parties to this agreement and their successors. In no event shall assignment of any right, power or authority avoid compliance with the terms of this Consent Order.

18. In the event that Respondent defaults on any provision of

this Consent order, Respondent consents to the entry of this Consent Order in New Jersey Superior Court for the purpose of enforcement.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

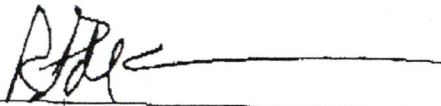
19. Any signature required for the entry of this Consent Order may be executed in counterparts, each of which shall be deemed an original, but all of which shall together constitute one and the same Consent Order.



Craig Sashihara
Director, New Jersey Division on Civil Rights

RESPONDENT HEREBY CONSENTS TO THE FORM, CONTENT, AND ENTRY OF THIS ORDER:

Signature: _____



Print name: _____

RAYMOND P. McCANN

Dated: _____

6/18/18

COMPLAINANT HEREBY CONSENTS TO THE FORM, CONTENT, AND ENTRY OF THIS ORDER:

Signature: _____

Print name: _____

Dated: _____

19. Any signature required for the entry of this Consent Order may be executed in counterparts, each of which shall be deemed an original, but all of which shall together constitute one and the same Consent Order.

Craig Sashihara
Director, New Jersey Division on Civil Rights

RESPONDENT HEREBY CONSENTS TO THE FORM, CONTENT, AND ENTRY OF THIS ORDER:

Signature: _____

Print name: _____

Dated: _____

COMPLAINANT HEREBY CONSENTS TO THE FORM, CONTENT, AND ENTRY OF THIS ORDER:

Signature: Joy Fender _____

Print name: Joy Fender _____

Dated: 6/20/18 _____