

IN THE UNITED STATES COURT OF APPEALS  
FOR THE EIGHTH CIRCUIT

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No. 23-\_\_\_\_\_

THE SECRETARY, UNITED STATES DEPARTMENT OF HOUSING AND  
URBAN DEVELOPMENT, ON BEHALF OF LAWRENCE J. CHRUM  
AND HIS MINOR CHILDREN,

Petitioner

v.

FELDER PETER KING ESTATE OF WARD PROTECTEE, DANIEL J.  
FELDER, ANDREA WILLIAMS, AND ERIC FELDER,

Respondents

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THE SECRETARY'S APPLICATION FOR ENFORCEMENT  
OF THE FINAL AGENCY ORDER

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Petitioner, the Secretary of the United States Department of Housing and Urban Development (HUD), pursuant to Section 812(j) of the Fair Housing Act, 42 U.S.C. 3612(j), and Rule 15(b)(1) of the Federal Rules of Appellate Procedure, files this Application for Enforcement of the Final Agency Order entered on January 6, 2023. Respondents are Felder Peter King Estate of Ward Protectee; Daniel J. Felder, as Co-Guardian and Conservator of the Felder Peter King Estate of Ward Protectee; Andrea Williams, as Co-Guardian and Conservator of the Felder Peter King Estate of Ward Protectee (collectively, Estate); and Eric Felder.

The final agency order, which is attached to this application, requires respondents to pay damages and civil penalties. See Order on Secretarial Review (Jan. 6, 2023) (Secretarial Order), Att. A.

This Court has jurisdiction over this application under 42 U.S.C. 3612(j)(1), which provides that the Secretary may petition for enforcement of an order of an administrative law judge in “any United States court of appeals for the circuit in which the discriminatory housing practice is alleged to have occurred or in which any respondent resides or transacts business.” The discriminatory housing practice in this case took place in this circuit, in St. Charles, Missouri. Secretarial Order 2. The Estate owned, and Eric Felder was responsible for managing, the subject property during the time in question. Secretarial Order 2. Federal Rule of Appellate Procedure 15(b)(1) also provides that “[a]n application to enforce an agency order must be filed with the clerk of a court of appeals authorized to enforce the order.”

## **PROCEEDINGS**

On August 30, 2021, HUD filed a Charge of Discrimination on behalf of Lawrence J. Chrum and two of his minor children against respondents, alleging violations of the Fair Housing Act (FHA), 42 U.S.C. 3601 *et seq.* Secretarial Order 2. Specifically, the Charge alleged that (1) respondents Eric Felder and Estate refused to rent to Chrum because of his familial status, in violation of

Section 804(a) of the FHA, 42 U.S.C. 3604(a); (2) respondents Eric Felder and Estate discriminated against Chrum in the terms, conditions, or privileges of rental of a dwelling because of his familial status, in violation of Section 804(b) of the FHA, 42 U.S.C. 3604(b); and (3) respondent Eric Felder made discriminatory statements relating to Chrum's familial status on behalf of respondent Estate by refusing to rent an apartment to Chrum based on his familial status, in violation of Section 804(c) of the FHA, 42 U.S.C. 3604(c). Secretarial Order 2.

On March 1, 2022, an administrative law judge (ALJ) issued an order granting HUD's motion for summary judgment in part, finding that respondents violated 42 U.S.C. 3604(a) and (c). Secretarial Order 2-3. On December 9, 2022, the ALJ ordered them to jointly and severally pay Chrum \$10,200 in damages, consisting of \$7200 for his alternative housing costs and \$3000 in emotional distress damages for himself and his two minor children. Secretarial Order 1, 3, 5. The ALJ also assessed civil penalties against respondents Estate and Eric Felder in the amounts of \$5000 and \$500, respectively. Secretarial Order 1, 3, 5.

Respondent Eric Felder sought review of the Initial Decision under 24 C.F.R. 180.675. Secretarial Order 3-4. On January 6, 2023, the Secretary issued an Order on Secretarial Review affirming the ALJ's Initial Decision and denying Felder's request for review. Secretarial Order 1-6. The Secretarial Order is the final agency order under 24 C.F.R. 180.680(b)(1). Because respondents did not

petition this Court for review of the Secretary's final decision within 45 days of its issuance, the HUD ALJ's findings of fact and the Secretary's final decision are conclusive in connection with this application. See 42 U.S.C. 3612(l); 24 C.F.R. 180.710(b).

Pursuant to the Secretary's final decision, respondents were required to pay the ordered damages and civil penalties by March 7, 2023. See Initial Decision and Order 13 (Dec. 9, 2022) (Initial Decision), Att. B; Secretarial Order 6; see also 24 C.F.R. 180.715(b) (providing that "any person entitled to relief under the final decision" may petition the federal court of appeals for the decision's enforcement if HUD has not sought enforcement and no petition for review has been filed within 60 days of the decision's issuance). On March 21, 2023, having not received respondents' payments, HUD sent respondents a notice informing them that they had not complied with the March 7, 2023 deadline and requesting payment by March 31, 2023. Notice on Payment of Civil Penalties and Judgment 1-2 (Mar. 21, 2023) (Notice on Payment), Att. C. The notice further informed respondents that if payment was not received by March 31, 2023, the case would be referred to the Department of Justice for enforcement. Notice on Payment 2. As of the date of this application, respondents have neither responded to HUD's Notice Requesting Payment nor submitted payment.

## **FACTS UPON WHICH VENUE IS BASED**

Respondent Estate was the owner of two duplexes, with the addresses of 612, 614, 616, and 618 Tompkins Street in St. Charles, Missouri. Secretarial Order 2. Respondent Eric Felder was responsible for managing the properties. Secretarial Order 2. On February 2, 2020, Felder advertised on Craigslist a two-bedroom rental dwelling located at 618 Tompkins Street. Secretarial Order 2. That same day, Chrum replied to the advertisement and exchanged text messages with Felder concerning the property. Secretarial Order 2. Felder informed Chrum the next day that he was renting unit 618 to another individual who was the first to apply to rent the property, but that Chrum would have “first dibs for sure” on unit 614, which would become available in March or April 2020. Secretarial Order 2 (citation omitted).

Felder and Chrum exchanged text messages throughout February and March concerning unit 614. Secretarial Order 2. On March 18, Felder asked Chrum to confirm that he had one daughter. Secretarial Order 2. Chrum replied that he had four children, but that only two would be staying at the subject property “a couple nights a week.” Secretarial Order 2 (citation omitted). Felder told Chrum that he would have to run Chrum’s desire to rent the subject property by his mother, then subsequently informed Chrum that his mother said no and “is against little kids in such a small place.” Secretarial Order 2 (citation omitted).

Felder's rejection of Chrum's interest in unit 614 left Chrum frustrated and "a little dishearten[ed]." Initial Decision 8 (internal quotation marks omitted; brackets in original). Chrum had told his minor twins that they would be moving into the subject property before he viewed it and even before it became available. Initial Decision 8. Chrum testified that when he told them of Felder's denial, his son shut down and stayed quiet while his daughter cried and asked why they were not good enough to live there. Initial Decision 8. Both children had been looking forward to attending the same school as their friends. Initial Decision 8. Chrum subsequently rented a nearby unit for \$300 per month more than the subject property. Initial Decision 8.

**RELIEF REQUESTED**

This Court should enforce the January 6, 2023, final agency order.

Respectfully submitted,

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Assistant Attorney General

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## CERTIFICATE OF COMPLIANCE

I certify that the foregoing THE SECRETARY’S APPLICATION FOR ENFORCEMENT OF THE FINAL AGENCY ORDER:

(1) complies with the typeface requirements of Federal Rule of Appellate Procedure 32(a)(5) and the type-style requirements of Federal Rule of Appellate Procedure 32(a)(6) because it has been prepared in a proportionally spaced typeface using Microsoft Office Word 2019 in Times New Roman, 14-point font; and

(2) complies with the requirements of Local Rule 28A(h) that the electronic version of this application is a single document file, prepared for submission via ECF, and has been scanned with the most recent version of Windows Defender (Version 1.2.3412.0) and is virus-free according to that program.

s/ Christopher C. Wang  
CHRISTOPHER C. WANG  
Attorney

Date: April 19, 2023

## CERTIFICATE OF SERVICE

I certify that on April 19, 2023, I electronically filed the foregoing THE SECRETARY'S APPLICATION FOR ENFORCEMENT OF THE FINAL AGENCY ORDER with the Clerk of the Court for the United States Court of Appeals for the Eighth Circuit using the appellate CM/ECF system.

Pursuant to Federal Rules of Appellate Procedure 3(d) and 15(c), below is a list of individuals upon whom the circuit clerk may serve the Application:

Eric Felder  
Felder Peter King Estate of Ward Protectee  
701 Tompkins Street  
St. Charles, MO 63301

Daniel J. Felder, Co-Guardian and Conservator  
Felder Peter King Estate of Ward Protectee  
407 S. Sixth Street  
St. Charles, MO 63301

Andrea Williams, Co-Guardian and Conservator  
Felder Peter King Estate of Ward Protectee  
10 Austin Terrace Court  
St. Charles, MO 63303

s/ Christopher C. Wang \_\_\_\_\_  
CHRISTOPHER C. WANG  
Attorney