



### Mission Statement

The mission of the Civil Rights Division is to reduce discrimination in employment and housing through education and enforcement.

### Vision

The vision of the Civil Rights Division is to help create an environment in which the people of the State of Texas may pursue and enjoy the benefits of employment and housing that are free from discrimination.

### Texas Workforce Commission Commissioners

**Ruth R. Hughs - Chair**  
*Commissioner Representing Employers*

**Julian Alvarez**  
*Commissioner Representing Labor*

**Vacant**  
*Commissioner Representing the Public*



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## CRD Introduces State's Fair Housing Program to Texas-based Troops

*By: Edward J. Hill, CRD Trainer and Outreach Coordinator*

While traveling and teaching Fair Housing courses throughout the state, I am encountering many current and former troops who possess extensive knowledge of military housing programs and regulations, some familiarity with the U.S. Department of Housing and Urban Development (HUD), but very little knowledge of the TWC Civil Rights Division (CRD) or the state's Fair Housing Program.

The Department of Defense (DoD) does an excellent job of ensuring that the troops receive equal opportunities to apply for and occupy military housing. Additionally, the DoD provides housing briefings for troops as they arrive at each military base that focus on military housing opportunities, pet

policies, expectations, community programs, and housing referrals for realtors and available rentals in neighboring communities.

As a U.S. Army veteran, former military housing consumer on three different bases and landlord, I can recall the 20 to 30-minute housing briefings concerning military housing. These briefings were comprehensive, yet failed to include information on housing consumer rights and provider responsibilities for troops residing in off-base rentals. Many troops elect to purchase homes but often re-sell or lease the property due to permanent changes of station (PCS)/moves that require them to relocate to other duty stations.

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**Let's Work Together  
for Fair Housing**

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Approximately 16-months after purchasing my first house in Texas, I received military orders for a three-year tour to Hawaii followed by a two-year tour to Arizona. After terminating rental management contracts with three realtors, I decided to rent my house independently without a firm understanding of federal or state Fair Housing Laws. Through trial and error and a lot of luck, I maintained good tenants and the value of my property.

While reflecting on these experiences, I identified a need to reach out to current and former troops who reside or own homes in Texas to ensure that they receive the necessary information to provide a basic knowledge of housing consumer rights and provider responsibilities as defined by the federal *Fair Housing Act* and *Chapter 301 of the Texas Property Code*. Although neither the state nor federal Fair Housing Act includes specific provisions for military personnel, some may encounter housing discrimination

due to membership in one or more of its protected classes, which include race, color, national origin, sex, religion, disability, and familial status.

As part of our outreach program, CRD offers a free *Fair Housing Overview* course in a self-paced, Computer-Based Training format for housing consumers and providers to familiarize them with applicable federal and state fair housing laws and establishes a state-level reporting channel for inquiries, complaints, as well as free mediation services for complaint resolution. CRD is partnering with multiple agencies such as HUD, Texas Veterans Leadership Program, Texas Veterans Commission, Joint Base San Antonio Housing Office, Fair Housing Council of Greater San Antonio, City of Austin Fair Housing Office, and Warrior Transition Units at Fort Hood and Joint Base San Antonio, to spread the word and protect our veterans from housing discrimination.

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## Article Correction

**By: Edward J. Hill, CRD Trainer and Outreach Coordinator**

The June 2018 edition of the Civil Rights Reporter article titled, *Dallas Company Takes Proactive Stance Against Sexual Harassment*, contained a numerical error concerning the size of the company's workforce. After publishing the article, the owners of Bella Vista Management LP,



advised us of our typographical error. The company's diverse workforce is comprised of 50-plus employees, rather than 30.

# DIRECTOR'S CORNER

## CHANGES IN LEADERSHIP

By: Lowell A. Keig, CRD Director

As we flow into Fiscal Year 2019, the executive leadership of the Texas Workforce Commission (TWC) has changed and the management of the Civil Rights Division (CRD) has shifted.

There are two important reasons why I'm informing you of changes to our three-member commission.

First, when we have a determination of reasonable cause, the parties have the option to have the case go to a proceeding before the TWC Office of Special Hearings or to elect to have the case proceed in court. If the case proceeds to a Special Hearing, the hearings officer will render a recommendation to the commissioners, which they can accept, reject or modify, in a posted public meeting.

Second, if a potential violation is brought to CRD's attention without an actual complainant to file a complaint, the commissioners may approve the filing of a complaint by TWC, commonly referred to as a "commission complaint," for investigation in the same manner as other complaints.

Here is a quick synopsis of leadership changes over the past few months.

### Chair Andres Alcantar Retires



Chairman and Commissioner Representing the Public Andres Alcantar retired from state service effective July 31. "The last ten years of service to the people of Texas through the Workforce Commission has been the highest honor and privilege of my professional life," Alcantar said.

Alcantar was appointed Commissioner by former Governor Rick Perry effective August 4, 2008. Chairman Alcantar previously served as deputy director to former Governor Perry's Budget, Planning, and Policy Division, advising the Governor on federal, state, and local issues and providing executive oversight to state boards and commissions. He also served as an adviser to former Governor George W. Bush in the Office of Budget and Planning and was a director for the Texas Health and Human Services Commission. Alcantar is a proud graduate of Texas Tech University. He holds both a Bachelor's and a Master's degree in public administration.

### Governor Abbott Names Ruth Ruggiero Hughs Chair



Governor Greg Abbott appointed Ruth Ruggiero Hughs Chair of the TWC effective August 1. Hughs has served as TWC Commissioner Representing Employers since being appointed by the Governor in July 2015. "I am honored to be appointed Chair of the Texas Workforce Commission," said Chair Hughs.

Prior to her appointment at TWC, Commissioner Hughs served in the private practice of law and was a small business owner. She has previously served in the Texas Attorney General's Office as the Director of Defense Litigation, advising on federal, state and local matters, and providing executive oversight for the civil litigation divisions. Hughs received a Bachelor of Arts from The University of Texas at Austin and a Juris Doctorate degree from Rutgers Camden School of Law. In 2018, she earned a Certificate in Leader Development at the U.S. Army War College's National Security Seminar. Raised in Corpus Christi, Hughs resides in Austin with her husband Greg and two children, Sophia and Hudson.

## Housing Manager Michelle Goodwine Leaving CRD



Fair Housing Manager, Michelle Goodwine, left the agency to spend more time with her family, work on her outside interests, and to start two new ventures – a diversity training and consulting firm and a nonprofit organization focused on assisting domestic violence survivors.

In addition, she plans to publish a book entitled, *Moving On: How to Live Victoriously After Leaving a Violent Relationship*. Goodwine said, “I believe that CRD plays a role in fulfilling my life purpose. However, what I have also come to realize is that the other aspects of my life deserve attention, too.” On behalf of the division, I want to thank Goodwine for her hard work and dedication to overseeing equal employment, and subsequently, fair housing, for the State of Texas.

## Betty Stanton Selected as New Fair Housing Manager



Betty Stanton was promoted to Fair Housing Manager effective August 1. Since 2016 Stanton has served as our EEO Manager. Betty earned a Master’s degree in public service administration in 2015 from the Bush School of Government and Public Service at Texas A&M University. Prior to the

Bush School, Betty worked as a senior analyst and recruitment manager in the public and private sector. Betty launched her career in the U.S. Navy, where she served for fourteen years in personnel management, earning awards in data analysis, program and case management, recruitment, and career counseling.

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# Recent Fair Housing Case Summary

By: Corra Dunigan, TWC Assistant General Counsel

## *Thames v. Focus Manor, Inc.*

**2018 U.S. Dist. LEXIS 95676  
2018 WL 2749569  
(N.D. Miss. June 7, 2018)**

Plaintiff Amos Thames (“Thames”) has paraplegia, requires full-time care, and is completely dependent on others for assistance. In the summer of 2015, he began searching for a place to live that could accommodate his physical and financial needs. During this search, he came across Defendant Focus Manor (“Manor”), a residential facility in Louisville, Mississippi. Thames claims that Defendant George Miller (“Miller”), Manor’s Executive Director, actively recruited Thames, and in doing so,

made certain representations about Manor’s relationship with the U.S. Department of Housing and Urban Development (HUD). Specifically, Thames alleges that he was told that the facility was approved by HUD and limited solely to individuals with disabilities. Thames also claims that Miller assured him that there would be no issue with him having a full-time caregiver, and that the on-site property manager, Defendant Joyce Roberson (“Roberson”), would be available to assist in an emergency.

Based on these representations, Thames entered into a HUD lease agreement on August 28, 2015. Thames resided at the facility

without incident until February 16, 2016, when he fell out of his wheelchair while home alone and needed emergency assistance. Thames contacted Roberson who allegedly refused not only to help him, but also refused to call 911. Because of this incident, Thames’ sister complained to Miller about Roberson, but Miller allegedly defended her. Thames’ sister then followed up with a written complaint; however, again Miller failed to take any action.

In April 2016, Defendants (including Miller) held a “safe meeting” where they allegedly harassed Thames about the incidents and his complaints. On June 3,

2016, Thames was notified of a lease violation for having an “unauthorized occupant” staying at his apartment, and was threatened with eviction if that person did not vacate. Thames claims that that person was his caregiver, and that the defendants were aware that he would have a daily caregiver before signing the lease agreement; in fact, he claims that it was never an issue until his sister submitted the written complaint about the mistreatment.

On June 10, 2016, Defendants met with Thames and re-certified his HUD lease agreement for another year; during this meeting there was no discussion about his previous complaints or the alleged lease violation. On August 2, 2016, Roberson called the police and reported possible drug activity at Thames’ apartment. Based on this report, the police obtained and executed a search warrant at Thames’ residence; no drugs were found, resulting in no arrests. Thames claimed this was a false report made to embarrass and harass him.

On August 5, 2016, Defendants filed an eviction against Thames; however, in doing so, they failed to provide the requisite notice to terminate the lease prior to filing the action. The court entered an order dismissing the eviction action on September 28, 2016. Thames continued to reside at Manor, and alleged that the defendants’ harassment escalated. On January 25, 2017, Thames was issued a “Notice of Termination of Lease Thirty (30) Day Notice.” Thames

then received two new lease violations, which allegedly occurred nearly a year earlier in the Spring of 2016. Thames claimed he had “had enough” of the Defendants’ harassment and filed this lawsuit, asserting, among other things, discrimination based on a Fair Housing Act protected class.

Miller filed a motion to dismiss for failure to state a claim, asserting that he was “at all times acting as an agent and representative of corporate defendant Manor.” It is well settled under Mississippi law that a corporation is “an entity separate and distinct from its stockholders.” Thus, officers or directors (such as Miller in this case) “cannot be held responsible for the torts of the corporation.” However, when a corporate officer “...participates in, or authorizes the commission of a tort, *even on behalf of the corporation*”, he may be personally liable. With respect to Thames’ discrimination claims, “courts...have routinely imposed individual liability for discriminatory actions under the FHA [Fair Housing Act]”; this is because FHA actions

are “essentially actions in tort,” for which general principles of agency apply.

Here, the court found that Thames sufficiently stated a claim against Miller in his individual capacity. Thames alleged that Miller personally recruited him, made certain representations to entice him to sign a lease with Manor, defended Roberson’s failure to act when Thames requested emergency assistance from her, participated in the harassment of Thames during his tenancy, and played a role in attempting to evict Thames without good cause. Thus, the court denied Miller’s motion to dismiss for failure to state a claim.

It should be noted that while this is a case from Mississippi, the Fifth Circuit and Texas courts follow these same principles of liability as applied to corporate representatives; in fact, this court cited a Texas federal court case, *Chavez v. Aber*, 122 F. Supp. 3d 581, 593 (W.D. Tex. 2015) in its analysis.



Photo courtesy of Getty Images

# CRD Education, Training & Outreach

The Texas Workforce Commission Civil Rights Division (CRD) is committed to providing training, technical assistance, outreach and education to assist housing providers, consumers, and other stakeholders in understanding and preventing discrimination. We believe that discrimination can be averted if everyone knows their rights and responsibilities.

## Fair Housing Computer Based Training

CRD offers a Fair Housing Overview Computer-Based Training (CBT) module for housing providers, consumers, realtors, and lenders. This CBT enables participants to learn about fair housing at their own pace and location, using personal computers. The course is available and free of charge. For registration information, send an e-mail to [CRDTraining@twc.state.tx.us](mailto:CRDTraining@twc.state.tx.us).

## Fair Housing Outreach and Education Programs

CRD representatives are available on a limited basis at low to no cost to make presentations and participate in meetings with housing consumers and housing providers, and their representative groups, as well as community organizations and other members of the public. For more information, contact CRD at (888) 452-4778 or by email at [CRDTraining@twc.state.tx.us](mailto:CRDTraining@twc.state.tx.us).

## Upcoming Fair Housing Events in Texas

2018 American Planning Association Conference hosted by the Texas Chapter (APATX18) October 17-19, 2018 in Galveston, TX.

For more information, go to <http://www.apatx18.com>.



Photo courtesy of Civil Rights Division