



STATE OF SOUTH CAROLINA

HUMAN AFFAIRS COMMISSION



Raymond Buxton, II
Commissioner

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December 30, 2015

VIA US MAIL AND EMAIL

Ms. Susanne Cooper
South Carolina Department of Administration
1200 Senate Street, Suite 104
Columbia, South Carolina 29201

Re: SCHAC v The Summit; SHAC #H-2-14-001

Dear Ms. Cooper:

You emailed me on December 18, 2015, and this letter serves to answer that email. In your correspondence, you attached an email from Ms. Suzanne Engelmann regarding the above-referenced matter. Ms. Engelmann alleges several complaints against our Agency and staff, and as set forth below these allegations simply have no merit.

For background, our Agency administers three laws: The Human Affairs Law, The Fair Housing Law, and the Equal Enjoyment and Privileges to Public Accommodations Law. Investigators within our office are assigned to thoroughly investigate and vet allegations of discrimination that fall under these laws.

If investigation exposes discrimination, two laws (the Human Affairs Law and the Fair Housing Law) provide our Agency with the authority to file a lawsuit against the discriminating entity or individual. In this matter, the Agency has filed such a lawsuit under the Fair Housing Law against The Summit POA.

Initially, Ms. Engelmann filed a complaint of discrimination with our Agency in January 2014, and our Agency determined that discrimination had indeed occurred against her by The Summit POA. As a result, our Agency filed a lawsuit against the discriminating entity. Where Ms. Engelmann finds fault with our Agency is in assessing monetary damages that are owed in light of the discrimination. After a thorough review and analysis, our Agency has determined that the settlement offer made by the Defendant in this litigation is fair, reasonable, consistent with applicable laws, and in the best interests of both Ms. Engelmann and the public at large. However, Ms. Engelmann is not satisfied with this settlement, and her complaint is the result of her dissatisfaction.

Under our Agency's regulations, "the Commission shall cause to be commenced and maintained a civil action seeking relief as provided by the Fair Housing Law on behalf of the aggrieved person in the appropriate Court of Common Pleas." Regulation 65-228 (emphasis added). Without identifying the specific relief being offered via this correspondence¹, the Commission believes that relief under the Fair Housing Law has been offered in this matter by The Summit POA, and the Agency has notified Ms. Engelmann of this belief. Given that the Agency is charged with administering the Fair Housing Law, the decision that full relief has been offered is a proper calculation for the Commission to assess when the facts known to the Commission are taken into account.

Importantly and repeatedly, Ms. Engelmann has been given the option in writing to find an attorney to represent her individual interest in the pending lawsuit, file her own lawsuit, or intervene *pro se* in the existing lawsuit if she is dissatisfied with the Agency's actions. Ms. Engelmann has not acted on this information to date. The Fair Housing Law clearly states that any Aggrieved Party may seek redress of a discriminatory act without using the Agency, or the Agency's attorney. If Ms.

¹ For purposes of confidentiality

Engelmann wishes to have her needs addressed, she is again encouraged to seek an attorney's assistance outside of an Agency attorney, or to otherwise engage in the pending litigation as a separate party.

I hope this letter addresses all concerns you may have regarding SCHAC and its handling of this matter. However, if you desire any further assistance or explanation, please do not hesitate to contact me, or Lee Ann W. Rice.

Sincerely,

A handwritten signature in blue ink, reading "Raymond Buxton, II". The signature is fluid and cursive, with the first name "Raymond" being more prominent and the last name "Buxton, II" following in a similar style.

Raymond Buxton, II
Commissioner