

**BEFORE THE MONTGOMERY COUNTY
COMMISSION ON HUMAN RIGHTS**

**Office of Zoning and Administrative Hearings
Stella B. Werner Council Office Building
100 Maryland Avenue
Rockville, Maryland 20850
(240) 777-6660**

Rhonda Austin,

*

*

Complainant,

*

v.

*

OZAH No. HR-23-01

*

(OHR No. REH-06516)

North Potomac Village Board of Directors *

(Gopalakrishnan Janardanan, President), *

Summit Management Services, Inc.,

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Respondents.

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**HEARING EXAMINER REPORT
TO COMMISSION ON HUMAN RIGHTS
RECOMMENDING DISMISSAL OF APPEAL**

This appeal can finally be dismissed because the parties have agreed to settle this case, almost five years after the complaint was filed.

While the parties are to be commended in settling their disputes, they missed many earlier opportunities. Ms. Austin filed her complaint with the Office of Human Rights (OHR) on July 10, 2018, alleging she had been a victim of housing discrimination, including having been “treated differently than other residents because of her race.” (Docket entry 3). OHR issued its determination over two years later, concluding that “evidence indicates that a practice of racially motivated discrimination was directed at the Complainant,” in probable violation of the County’s Human Rights Act. Docket entry 6, at 6).

After “several” unsuccessful “conciliation sessions by OHR, and “protracted post-conciliation efforts” over almost two years, OHR referred the case to the Commission on August 5, 2022. In turn, the Commission’s Case Review Board referred the case to the Office of Zoning and Administrative Hearings for hearing of the dispute and for its recommendations to the Board for resolution. (Docket entry 2).

I scheduled a telephone conference with the parties on August 12 of this year. (Docket entry 7). During the conference with counsel for the parties, I was told they were in settlement discussions. As a result I deferred issuing an Order scheduling discovery for several days. When settlement hadn’t occurred, I issued the Order on September 27. (Docket entry 9).


The parties asked for further delay on October 13. (Docket entry 11). I granted the request the following day “with some misgiving” because of the age of the case and previous unsuccessful opportunities to settle. (Docket entry 12). I warned the parties that “while an extension is willingly granted, it will be the last one unless there are extraordinary intervening circumstances.” (*Id.*)

It took the parties more than another month (until December 5) finally to come to an agreement and to move to dismiss this case. (Docket entry 17),

Despite the length of time it took, the parties’ agreement to resolve their disputes is commendable because they will each likely benefit more than they would have by continued litigation.

In light of the parties’ agreement I recommend that the Board dismiss this case.

Respectfully submitted,



LUTZ ALEXANDER PRAGER
Hearing Examiner

December 15, 2022

Serve:

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