

STATE OF SOUTH CAROLINA )  
 )  
 COUNTY OF Horry )  
 )  
South Carolina Human Affairs Commission, )  
 Plaintiff, )  
 vs. )  
 )  
Maddington Place Property Owners' )  
Association, Inc., et. al. )  
 Defendant. )

IN THE COURT OF COMMON PLEAS  
 FIFTEENTH JUDICIAL CIRCUIT  
 CASE NO.: 14-CP-26-6046  
 MOTION AND ORDER INFORMATION  
 FORM AND COVERSHEET

Plaintiff's Attorney: R. Alexander Pate, II, Bar No. 101967 Address: Post Office Box 4490 Columbia, South Carolina 29240 Phone: 803-737-1131 Fax 803-253-4191 E-mail: larice@schac.sc.gov Other: _____	Defendant's Attorney: J. Ryan Oates, Bar No. _____ Address: 140 Stoneridge Drive, Suite 650, Columbia, SC 29221 Phone: 803-724-5000 E-mail: ryan.oates@mccabetrotter.com Other: _____
--	---

MOTION HEARING REQUESTED (attach written motion and complete SECTIONS I and II)  
 FORM MOTION, NO HEARING REQUESTED (complete SECTIONS II and III)  
 PROPOSED ORDER/CONSENT ORDER (complete SECTIONS II and III)

FILED  
 Horry County  
 2015 OCT 28 AM 11:36  
 CLERK OF COURT  
 JENNIFER JUGGINS-WARD  
 Fax

**SECTION I: Hearing Information**  
 Nature of Motion: \_\_\_\_\_  
 Estimated Time Needed: \_\_\_\_\_ Court Reporter Needed:  YES /  NO

**SECTION II: Motion/Order Type**  
 Written motion attached  
 Form Motion/Order  
 I hereby move for relief or action by the court as set forth in the attached proposed order.  
*R. Alexander Pate* 10/25/16  
 Signature of Attorney for  Plaintiff /  Defendant Date submitted

**SECTION III: Motion Fee**  
 PAID - AMOUNT: \$ \_\_\_\_\_  
 EXEMPT: (check reason)
 

<input type="checkbox"/> Rule to Show Cause in Child or Spousal Support
<input type="checkbox"/> Domestic Abuse or Abuse and Neglect
<input type="checkbox"/> Indigent Status <input type="checkbox"/> State Agency v. Indigent Party
<input type="checkbox"/> Sexually Violent Predator Act <input type="checkbox"/> Post-Conviction Relief
<input type="checkbox"/> Motion for Stay in Bankruptcy
<input type="checkbox"/> Motion for Publication <input type="checkbox"/> Motion for Execution (Rule 69, SCRCP)
<input type="checkbox"/> Proposed order submitted at request of the court; or, reduced to writing from motion made in open court per judge's instructions
Name of Court Reporter: _____
<input type="checkbox"/> Other: _____

**JUDGE'S SECTION**  
 Motion Fee to be paid upon filing of the attached order.  
 Other: \_\_\_\_\_ JUDGE CODE \_\_\_\_\_  
 Date: \_\_\_\_\_

**CLERK'S VERIFICATION**  
 Collected by: \_\_\_\_\_ Date Filed: \_\_\_\_\_  
 MOTION FEE COLLECTED: \$ \_\_\_\_\_  
 CONTESTED - AMOUNT DUE: \$ \_\_\_\_\_

STATE OF SOUTH CAROLINA )  
 )  
 COUNTY OF Horry )  
 )  
 South Carolina Human Affairs )  
 Commission. )  
 )  
 Plaintiff. )  
 )  
 )  
 vs. )  
 )  
 Maddington Place Property Owners' )  
 Assoc. Inc., Smith & Smith )  
 Properties, LLC, SE Smith )  
 Construction Co., Inc., and Gold )  
 Crown Management, Inc., )  
 )  
 Defendants. )  
 )  
 \_\_\_\_\_ )

IN THE COURT OF COMMON PLEAS  
 FOR THE FIFTEENTH JUDICIAL CIRCUIT

CASE No.: 2014-CP-26-6046

CONSENT ORDER

FILED  
 Horry County  
 2016 OCT 28 AM 11:36  
 MELANIE HUGGINS-WARD  
 CLERK OF COURT

WHEREAS the Aggrieved Party owns a condominium within the complex governed by Defendant POA and managed by Defendant Gold Crown; and

WHEREAS, Aggrieved Party filed a complaint with Plaintiff and alleged that the Defendants were discriminating against him, and based on these allegations, the Plaintiff undertook an investigation into the matters as set forth by the Aggrieved Party;

Whereas, based on its investigation, Plaintiff filed a Complaint of Housing Discrimination on September 11, 2014 fashioned *South Carolina Human Affairs Commission v. Maddington Place Properties Owners' Association, Smith & Smith Properties, LLC, SE Smith Construction Company, Inc., and Gold Crown Management, Inc.*, alleging violations of the *South Carolina Human Affairs Law*, S.C. Code § 31-21-70, *et seq.*(the "Lawsuit"); and

WHEREAS, the Defendants POA and Gold Crown timely Answered and denied any wrongdoing; and

WHEREAS, SCHAC, the Aggrieved Party, and Defendants POA and Gold Crown have resolved the claims brought against them by SCHAC in the Lawsuit; and

WHEREAS, SCHAC, the Aggrieved Party, and Defendants wish to dispose of all claims which Aggrieved Party or SCHAC may have against Defendants POA and Gold Crown, and any claims that the Defendants may have against the Aggrieved Party or the South Carolina Human Affairs Commission; and

WHEREAS, the Commissioner finds the remedies in this Consent Order both appropriate and in the public interest, for the protection of the citizens and the public interest of the State of South Carolina;

1  
 MKC

NOW, THEREFORE, it is hereby ORDERED, and Defendants POA and Gold Crown expressly consent and agree that:

1. Defendant POA will pay to Aggrieved Party the total of \_\_\_\_\_, to be paid on or before December 31, 2019.
2. Additionally, Defendant POA will make the following design changes to the condominium complex known as Maddington Place and located on Cross Gate Blvd., Surfside Beach, South Carolina. These changes will be completed by December 31, 2018.
  - i. Restripe the parking lot to insure appropriate handicapped parking exists pursuant to the accessibility standards set out under the American National Standards Institute (ANSI) specifications;
  - ii. Mount all handicapped parking signs at an appropriate height under ANSI;
  - iii. Have paved an accessible sidewalk from a centrally located part of the complex parking lot to the pool and picnic area, pursuant to ANSI specifications; and
  - iv. Provide a dumpster that can be accessed by disabled residents pursuant to ANSI specifications.
  - v. Have paved an accessible ramp from the parking lot to the mailbox kiosks located at the complex, pursuant to ANSI specifications;
  - vi. Install a grab bar(s) in the pool bathrooms pursuant to ANSI specifications;
  - vii. Adjust the threshold of the doors to the pool bathrooms pursuant to ANSI specifications; and
  - viii. Adjust fixtures in the pool bathrooms (sink, mirrors) pursuant to ANSI specifications.
3. Defendants POA and Gold Crown will adopt a policy of accommodation and nondiscrimination for residents with disabilities within Three (3) months of this Order and agents for both Defendants will attend training that will be provided by SCHAC in Horry County regarding the duties and obligations under the Fair Housing Law. Defendants agree that they will comply with all aspects of the Fair Housing Law, Fair Housing Act, and Americans with Disabilities Act of 1990, as amended.

2  
MAC

4. In consideration of the payment and design changes described in paragraphs 1 and 2 herein, the Aggrieved Party, on his behalf, and on the behalf of his dependents, heirs, executors, administrators, assigns, and successors, and each of them, and South Carolina Human Affairs Commission on its behalf and on behalf of its members, directors, officers, attorneys, employees, agents, insurers, and other representatives, hereby covenant not to sue and fully release, acquit, and forever discharge. Defendants POA and Gold Crown, their members, directors, officers, attorneys, employees, agents, insurers, and other representatives, and their heirs, executors, administrators, and assigns, from any and all claims, demands, actions, causes of actions, suits, damages, losses, expenses, and attorney's fees related to the matters raised in the Complaint filed by Aggrieved Party through SCHAC (referenced above herein), or by SCHAC against the Defendants (referenced above herein).
5. The Defendants will provide all payments to Aggrieved Party with the previously agreed upon amounts at the Aggrieved Party's address
6. The provisions of Order may be used in any action or proceeding instituted or undertaken by the undersigned and/or her or their heirs, successors or assigns. This Agreement will be governed under the laws of the State of South Carolina.
7. The provisions of this Order may only be amended, modified, or waived with the prior written consent of the parties hereto and appropriate authorization from this Court.
8. This Order is binding upon and inures to the benefit of the parties hereto and their successors, legal representative, and assigns.
9. The Aggrieved Party and/or SCHAC or the Defendants, reserve the right to commence, or recommence the complaint in court if the terms of this Order are not met by any party.

IT IS SO ORDERED this 24<sup>th</sup> day of October, 2016.



The Honorable Benjamin H. Culbertson  
Court of Common Pleas, 15<sup>th</sup> Judicial Circuit

WE CONSENT:

Columbia, South Carolina

Date: 10/24/16

4  
/MHC