

STATE OF RHODE ISLAND  
COMMISSION FOR HUMAN RIGHTS

RICHR NO. H10 HAO 617

HUD No. 01-10-0054-8

In the matter of

Salvador I. Pellerano, Ivonne Martinez,  
Ivonne Torres and Adalberto Torres  
Complainants

v.

DECISION ON MOTION TO  
REOPEN

Oleg E. Kuznetsov  
Respondent

**INTRODUCTION**

On October 28, 2009, Salvador I. Pellerano, Ivonne Martinez and Ivonne Torres filed a charge with the Rhode Island Commission for Human Rights (hereafter referred to as the Commission) against Oleg Kuznetsov (hereafter referred to as the Respondent). On October 29, 2009, Adalberto Torres joined in the charge against the Respondent. Salvador I. Pellerano, Ivonne Martinez, Ivonne Torres and Adalberto Torres are hereafter referred to as the Complainants. On February 9, 2010, a Notice of Hearing and Complaint issued. The Complaint alleged that the Respondent discriminated against the Complainants with respect to harassment, coercion, intimidation and threats on the basis of their ancestral origin and that this interfered with the exercise of their rights under the Fair Housing Practices Act, Title 34, Chapter 37 of the General Laws of Rhode Island (hereafter referred to as the FHPA). Hearings on the Complaint were held before Commissioner John Susa on July 13, 2010 and September 8, 2010. The Decision and Order was on the verge of being issued, when the Respondent stated in a letter: "It is reasonably anticipated that the RICHR will obtain the ORDER of the Providence Housing Court ...." Counsel wrote to the Respondent and told him that he could move to reopen the proceedings to submit further evidence and submit that evidence on or before April 16, 2012. On April 13, 2012, the Respondent filed a Motion for Reopening the Proceeding to Receive Further Evidence along with a Providence Housing Court Order dated January 4, 2012.

**DISCUSSION**

Commission Procedural Rules and Regulations, Rule 10.07 provides that: "At any time after a hearing has been closed but prior to filing of the decision, the Commission may ... upon motion by any party, reopen the proceeding to receive further evidence..."

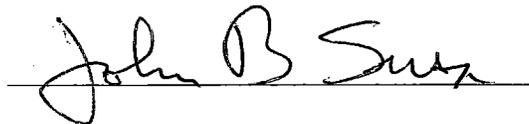
The Commission has reviewed the evidence which the Respondent seeks to have the Commission consider. It appears to be a Housing Court Order in which the City of Providence is the Plaintiff and Complainants Salvador Pellerano and Ivonne Martinez are the Defendants. The Order is dated January 4, 2012 and states that it relates to property at 330 Veazie Street in Providence. The Order provides that the Court has reviewed the case for Defendants' compliance with an Order of November 30, 2011, that the Defendants have failed to abate Count 1 and that they will be fined until the outstanding counts are abated. The Defendants are ordered to allow an interior inspection in February 2012 and are directed to appear in Court in February 2012 to demonstrate that violations have been corrected. The Order does not state when the violation occurred or what the violation was. Without this information, the Commission is unable to find that the Order is relevant evidence for the instant case, which concerns events occurring up until 2010. The Commission declines to reopen the proceedings at this late date to admit evidence when the evidence does not appear to have relevance to the instant case. *See DeMelo v. Zompa*, 844 A.2d 174 (R.I. 2004) (in a non-jury case, it is up to the factfinder's sound discretion whether to reopen to allow for further evidence) and *McFarland v. Brier*, 1999 WL 551158 (R.I. Super.), 1 (R.I. Super. 1999) (a case should not be reopened for further evidence "except for good reasons and in proper showing").

The Respondent's Motion to Reopen is denied and the Decision and Order will issue shortly.

**ORDER**

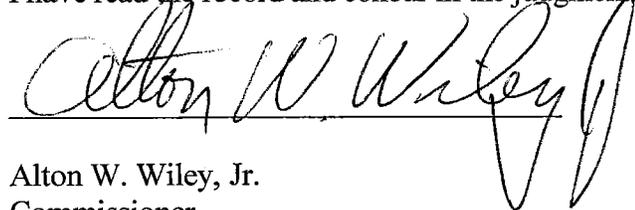
The Respondent's Motion to Reopen is denied.

Entered this 16<sup>th</sup> day of May, 2012

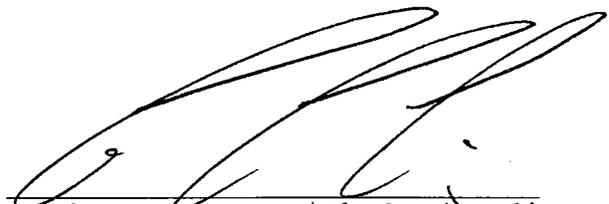


John B. Susa  
Hearing Officer

I have read the record and concur in the judgment.



Alton W. Wiley, Jr.  
Commissioner



ALBERTO APONTE CARDONA,  
Alberto Aponte Cardona  
Commissioner

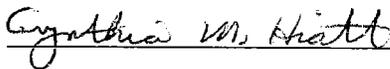
CERTIFICATION

I hereby certify that on May 16, 2012, I mailed a true copy of the attached Decision on Motion to Reopen in the case of Salvador I. Pellerano, Ivonne Martinez, Ivonne Torres and Adalberto Torres v. Oleg E. Kuznetsov, Commission File No. H10 HAO 617, HUD No. 01-10-0054-8, postage prepaid to:

Oleg E. Kuznetsov, M.D.  
322 Veazie Street  
Unit 2B  
Providence, RI 02904-2100

and hand-delivered it to:

Francis Gaschen, Esq.  
Civil Prosecutor  
R.I. Commission for Human Rights  
180 Westminster Street, 3<sup>rd</sup> Floor  
Providence, RI 02903

  
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Cynthia M. Hiatt