

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA,	)	
	)	NO.
Plaintiff	)	
	)	COMPLAINT AND
v.	)	DEMAND FOR JURY TRIAL
SUMMERHILL PLACE, LLC,	)	
GRAN, INC., and RITA LOVEJOY,	)	
	)	
Defendants.	)	

The United States of America alleges as follows:

1. The United States brings this action pursuant to 42 U.S.C. §§ 3612(o) and 3614(a) to enforce the Fair Housing Act, as amended, 42 U.S.C. §§ 3601-3631.
2. This Court has jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1345 and 42 U.S.C. §§ 3612(o) and 3614(a).
3. Venue is proper in the District Court for the Western District of Washington pursuant to 28 U.S.C. § 1391(b), as all Defendants reside in this District, a substantial part of the events or

Complaint-1

United States Department of Justice  
Civil Rights Division  
Housing and Civil Enforcement Section  
950 Pennsylvania Ave., N.W.- G Street  
Washington, D.C., 20530  
202-307-6275

1 omissions giving rise to the claims asserted in this action occurred in this District and the  
2 property that is the subject of this action is located in this District.

3 4. Summerhill Place Apartments (“Summerhill”) is a 268-unit apartment complex located at  
4 10415 SE 174<sup>th</sup> Street, Renton, Washington 98055. Summerhill consists of five separate  
5 buildings. Buildings 1-4 each have approximately 55 apartments. Building 5 has  
6 approximately 48 apartments. Summerhill, and the 268 apartments located therein, are  
7 “dwellings” within the meaning of 42 U.S.C. § 3602(b).  
8

9 5. Defendant Summerhill Place, LLC is a limited liability company licensed in Washington.  
10 Defendant Summerhill Place, LLC does business in the Western District of Washington. Since  
11 2001, and continuing to the present, Defendant Summerhill Place, LLC has owned and  
12 operated Summerhill. Since 2002, and continuing to the present, Defendant Summerhill Place,  
13 LLC has retained GRAN, Inc., a property management company, to manage Summerhill on its  
14 behalf.  
15

16 6. Defendant GRAN, Inc. (“GRAN”) is a corporation incorporated in Washington that manages  
17 multifamily residential property. Defendant GRAN does business in the Western District of  
18 Washington. Since 2002, and continuing to the present, Defendant GRAN has managed  
19 Summerhill for Summerhill Place, LLC.  
20

21 7. From 2002, until approximately November 2008, Defendant Rita Lovejoy (“Lovejoy”) was  
22 employed by GRAN as the onsite manager for Summerhill. Defendant Lovejoy resided in  
23 Building 5 during this time.

24 8. In the spring of 2007, two Summerhill employees contacted the King County Office of Civil  
25 Rights (“KCOCR”) and complained about discriminatory housing practices at Summerhill.

1 9. Thereafter, KCOCR contracted with the Fair Housing Council of Washington ("FHCW") to  
2 conduct testing at Summerhill.

3 10. On various occasions between April 2007 and June 2008, FHCW performed testing at  
4 Summerhill and provided the results to KCOCR. Those tests revealed evidence of  
5 discrimination on the basis of race, color, national origin and familial status including, but not  
6 limited to, quoting different rental rates to African American, Hispanic and Caucasian testers,  
7 discouraging African Americans, Hispanics and families with children from renting at  
8 Summerhill and making statements indicating discrimination against African Americans.

10 11. In the spring of 2008, KCOCR referred the matter to the Department of Housing and Urban  
11 Development ("HUD").

12 12. On June 6, 2008, the HUD Assistant Secretary for Fair Housing and Equal Opportunity, on  
13 behalf of the Secretary of HUD, filed a timely housing discrimination complaint, as authorized  
14 by 42 U.S.C. § 3610(a)(1)(A)(i), alleging that the Defendants had discriminated on the basis of  
15 race, color, national origin and familial status in violation of 42 U.S.C. §§ 3601-3631.

17 13. Pursuant to 42 U.S.C. § 3610(a) and (b), the Secretary of HUD conducted and completed an  
18 investigation of the complaint, attempted conciliation without success and prepared a final  
19 investigative report. Based on the information gathered in the investigation, the Secretary  
20 determined, pursuant to 42 U.S.C. § 3610(g)(1), that reasonable cause existed to believe that  
21 illegal discriminatory housing practices had occurred. Therefore, on April 1, 2010, the  
22 Secretary issued a Charge of Discrimination, pursuant to 42 U.S.C. § 3610(g)(2)(A), charging  
23 the Defendants with engaging in discriminatory practices on the bases of race, color, national  
24 origin and familial status.

26 Complaint-3

United States Department of Justice  
Civil Rights Division  
Housing and Civil Enforcement Section  
950 Pennsylvania Ave., N.W.- G Street  
Washington, D.C., 20530  
202-307-6275

28

1 14. On April 16, 2010, the Defendants made a timely election to have the claims resolved in federal  
2 court, pursuant to 42 U.S.C. § 3612(a).

3 15. On April 22, 2010, the Administrative Law Judge issued a Notice of Election and terminated  
4 the administrative proceeding.

5 16. Following this Notice of Election, the Secretary of HUD authorized the Attorney General to  
6 commence a civil action, pursuant to 42 U.S.C. § 3612(o).

7  
8 17. Defendants have engaged in discriminatory housing practices against African Americans,  
9 Hispanics, people from India, and families with children at Summerhill apartments. Such  
10 practices have included:

- 11 a. Instructing staff to not show vacant apartments in Building 5 or newly renovated  
12 apartments to Indians, African Americans and families with children.
- 13 b. Failing to inform Indians, African Americans and families with children of available  
14 apartments in Building 5 or available renovated apartments, while showing and  
15 informing white prospective tenants without children of such apartments.
- 16 c. Steering Indian prospective tenants into Buildings 1 through 4 and away from Building  
17 5.
- 18 d. Discouraging Hispanic prospective tenants from renting apartments by asking Hispanic  
19 prospective tenants, but not other prospective tenants, about whether they are legal  
20 residents of the United States, whether they have a social security number and, on at  
21 least one occasion, instructing a prospective tenant and bilingual employee not to speak  
22 Spanish to each other.
- 23  
24  
25

26 Complaint-4

27 United States Department of Justice  
28 Civil Rights Division  
Housing and Civil Enforcement Section  
950 Pennsylvania Ave., N.W.- G Street  
Washington, D.C., 20530  
202-307-6275

1 e. Discouraging African American prospective tenants from renting apartments by telling  
2 African American prospective tenants, but not others, that there are strict rules on tenant  
3 conduct and suggesting they will be evicted if they violate them, telling African  
4 American prospective tenants, but not others, that they should not even bother applying  
5 unless they have "pristine credit" or "squeaky clean" credit and, on one occasion, telling  
6 an African American prospective tenant to pull up his pants.

7  
8 f. Discouraging prospective tenants with children from renting by falsely telling them that  
9 their children would not be allowed to play anywhere on the complex.

10 g. Discriminating against Indian tenants by not replacing their carpet or their broken  
11 appliances, while providing such services to other similarly situated tenants, telling one  
12 or more Indian tenants that their children cannot play outside and that they should take  
13 them to a park to play, telling Indian tenants to "go back to India" if they cannot learn  
14 how to work their appliances and making other derogatory comments to such persons  
15 about their national origin.  
16

17 18. The Defendants' discriminatory conduct or actions as set forth above was intentional, willful,  
18 and taken in disregard for the rights of others.

19 19. Summerhill Place, LLC has, at all times relevant to this Complaint, had the authority to control  
20 and direct GRAN's management and operation of Summerhill.

21 20. GRAN has, at all times relevant to this Complaint, had the authority to control and direct the  
22 actions of its agents and employees concerning the management and operation of Summerhill.  
23  
24  
25

COUNT I

1  
2 21. Plaintiff, United States of America, realleges and incorporates by reference the allegations set  
3 forth in paragraphs 1 through 20 above.

4 22. The conduct set forth above constitutes:

5 a. A refusal to rent, a refusal to negotiate for the rental of, and conduct otherwise making  
6 unavailable or denying dwellings to persons because of race, color, national origin and  
7 familial status, in violation of 42 U.S.C. § 3604(a);

8  
9 b. Discrimination in the terms, conditions, or privileges, of rental of dwellings on the basis  
10 of race, color, national origin and familial status, in violation of 42 U.S.C. § 3604(b);

11 c. Statements of preference or limitation on the basis of race, color, national origin and  
12 familial status in connection with the rental of dwellings, in violation of 42 U.S.C. §  
13 3604(c); and

14  
15 d. Misrepresentations regarding the availability of units on the basis of race, color,  
16 national origin and familial status, in violation of 42 U.S.C. § 3604(d).

17 23. Upon information and belief, there are victims of Defendants' discriminatory conduct or  
18 actions that are aggrieved persons within the meaning of 42 U.S.C. § 3612(o).

19 COUNT II

20 24. Plaintiff, United States of America, realleges and incorporates by reference the allegations set  
21 forth in paragraphs 1 through 23 above.

22  
23 25. By the conduct set forth above, the Defendants have engaged in:

24 a. A pattern or practice of resistance to the full enjoyment of rights granted by the Fair  
25 Housing Act, in violation of 42 U.S.C. § 3614(a); and

26 Complaint-6

United States Department of Justice  
Civil Rights Division  
Housing and Civil Enforcement Section  
950 Pennsylvania Ave., N.W.- G Street  
Washington, D.C., 20530  
202-307-6275

27  
28

1 b. A denial to a group of persons rights granted by the Fair Housing Act, which denial  
2 raises an issue of general public importance, in violation of 42 U.S.C. § 3614(a).

3 26. Upon information and belief, there are victims of Defendants' discriminatory conduct or  
4 actions that are aggrieved persons within the meaning of 42 U.S.C. § 3614(d)(1)(B).

5 **WHEREFORE**, the United States prays that the Court enter an order that:

6 A. Declares that Defendants' policies and practices, as alleged herein, violate the Fair Housing  
7 Act, as amended, 42 U.S.C. §§ 3601 *et seq.*;

8 B. Enjoins the Defendants, their agents, employees, and successors, and all other persons in  
9 active concert or participation with them from:

10 (1) Discriminating on account of race, color, national origin, and familial status against  
11 any person in any aspect of the rental of a dwelling; and

12 (2) Interfering with any person in the exercise or enjoyment of rights granted or  
13 protected by the Fair Housing Act.

14 C. Awards monetary damages to each person aggrieved by Defendants' discriminatory  
15 housing practices, pursuant to 42 U.S.C. § 3614(d)(1)(B); and

16 E. Assesses a civil penalty against each Defendant in order to vindicate the public interest,  
17 pursuant to Section 814(d)(1)(C) of the Fair Housing Act, 42 U.S.C. § 3614(d)(1)(C).

18 The United States further prays for such additional relief as the interests of justice may require.  
19  
20  
21  
22  
23  
24  
25

26 Complaint-7

United States Department of Justice  
Civil Rights Division  
Housing and Civil Enforcement Section  
950 Pennsylvania Ave., N.W.- G Street  
Washington, D.C., 20530  
202-307-6275

28

1 Pursuant to Rule 38 of the Federal Rules of Civil Procedure, the United States of America  
2 hereby demands a trial by jury of this action of all issues triable of right to a jury.  
3

4 DATED this 16th day of July, 2010  
5

6 Respectfully Submitted,  
7

8 ERIC H. HOLDER, Jr.  
9 ATTORNEY GENERAL

10 /s Jenny A. Durkan  
11 JENNY A. DURKAN  
12 UNITED STATES ATTORNEY

/s Thomas E. Perez  
THOMAS E. PEREZ  
ASSISTANT ATTORNEY GENERAL  
Civil Rights Division

/s Steven H. Rosenbaum  
STEVEN H. ROSEBAUM  
Chief, Housing and Civil Enforcement Section  
Civil Rights Division

13  
14  
15  
16 /s Patricia D. Gugin  
17 PATRICIA D. GUGIN  
18 PABA #54927  
19 Assistant United States Attorney  
1201 Pacific Avenue, Suite 700  
Tacoma, Washington 98402  
20 Phone: 253-428-3832  
21 Fax: 253-428-3826  
22 E-mail: [pat.gugin@usdoj.gov](mailto:pat.gugin@usdoj.gov)

/s Julie Allen  
TIMOTHY J. MORAN  
Deputy Chief  
JULIE ALLEN  
VABA #41578  
Trial Attorney  
Housing and Civil Enforcement Section  
Civil Rights Division  
U.S. Department of Justice  
950 Pennsylvania Ave., N.W. – G Street  
Washington, D.C. 20530  
E-mail: [julie.allen@usdoj.gov](mailto:julie.allen@usdoj.gov)  
Phone: 202-307-6275  
Fax: 202-514-1116

23  
24  
25  
26 Complaint-8

United States Department of Justice  
Civil Rights Division  
Housing and Civil Enforcement Section  
950 Pennsylvania Ave., N.W.- G Street  
Washington, D.C., 20530  
202-307-6275

27  
28