

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

UNITED STATES OF AMERICA,)	Civil Action No. 14-129-JPG-SCW
)	
Plaintiff,)	
)	
v.)	
)	
LORRAINE WALLSCHLAEGER,)	
BARBARA CRUBAUGH, and DAVID)	
CRUBAUGH,)	
)	
Defendants.)	
)	

COMPLAINT

The United States of America alleges as follows:

1. This action is brought by the United States to enforce Title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988, 42 U.S.C. §§ 3601-3619 (“the Fair Housing Act”).

2. This Court has jurisdiction over this action under 28 U.S.C. §§ 1331 and 1345, and 42 U.S.C. § 3614(a).

3. Venue is proper under 28 U.S.C. § 1391(b), because (1) all Defendants reside in Illinois and two of the three Defendants reside in the Southern District of Illinois; and (2) the claims alleged herein arose in the Southern District of Illinois.

4. Four Seasons Estates Mobile Home Park (“Four Seasons”), a 126-space mobile home community, is located at 92 Four Seasons in Effingham, Illinois, in the

Southern District of Illinois. Individuals with mobile homes may rent a space at Four Seasons, place their mobile home on that space, and live there.

5. Defendant Lorraine Wallschlaeger (“Wallschlaeger”) is a resident of Illinois. Since at least May 2005, Defendant Wallschlaeger has been the owner of Four Seasons. At all times relevant to the Complaint, Defendant Wallschlaeger has employed Defendants Barbara Crubaugh and David Crubaugh as her agents to manage Four Seasons. Defendant Wallschlaeger is liable for all discriminatory conduct alleged herein that was carried out by her agents.

6. Defendant Barbara Crubaugh (“B. Crubaugh”) resides in the Southern District of Illinois at Four Seasons. At all times relevant to this Complaint, Defendant B. Crubaugh has been employed by Defendant Wallschlaeger as the on-site manager and rental agent for Four Seasons and has been responsible for all aspects of the management of Four Seasons. As on-site manager and rental agent, Defendant B. Crubaugh’s duties include staffing the rental office at Four Seasons, providing information on available spaces to prospective tenants, and arranging for and taking prospective tenants on inspections of available spaces.

7. Defendant David Crubaugh (“D. Crubaugh”) resides in the Southern District of Illinois at Four Seasons. At all times relevant to this Complaint, Defendant D. Crubaugh has been employed by Defendant Wallschlaeger to assist in the management of Four Seasons. Defendant D. Crubaugh’s duties have included providing information on available spaces at Four Seasons to prospective tenants, taking prospective tenants on inspections of available spaces, and performing maintenance services at Four Seasons.

8. The spaces, mobile homes, and appurtenant common and public use areas at Four Seasons are dwellings within the meaning of Section 802(b) of the Fair Housing Act, 42 U.S.C. § 3602(b).

9. In 2011, James Tieffel (“Tieffel”), a white resident of Four Seasons, allowed his niece, Shannon Finfrock (“Finfrock”), who is white, and her boyfriend, Lorenzo Townsend (“Townsend”), who is African American, to move into his mobile home. Defendants gave permission for Finfrock to live with her uncle and be registered as a resident, but refused permission for Townsend to live with Tieffel and Finfrock or be registered as a resident. Defendants threatened Tieffel and Finfrock with eviction if Townsend continued to live there. In conversations with Finfrock and Townsend, Defendants made offensive references to Townsend’s race and indicated that they did not want African Americans to live at Four Seasons. Tieffel, Finfrock, and Townsend all moved out of Four Seasons because of Defendants’ discriminatory conduct.

10. The residents referred to above in paragraph 9 complained to HOPE Fair Housing Center (“HOPE”) about their experience at Four Seasons. HOPE, a non-profit organization in West Chicago, Illinois, has as its mission creating greater housing opportunities for all and helping to end housing discrimination. To this end, HOPE counsels home seekers and housing providers on their rights and responsibilities under fair housing laws, provides consultation and training to housing providers, and provides outreach and education to the community regarding fair housing. HOPE diverted resources from its educational, outreach, and client counseling activities in order to investigate the allegations of the residents of Four Seasons and bring them to the attention of the Civil Rights Division

of the United States Department of Justice (“DOJ”).

11. Between April and September 2012, DOJ conducted testing to evaluate Defendants’ compliance with the Fair Housing Act. Testing is a simulation of a housing transaction that compares responses given by housing providers to different types of home-seekers to determine whether illegal discrimination is occurring.

12. DOJ’s testing revealed that Defendants have engaged in discriminatory conduct on the basis of race and familial status against prospective tenants, including:

- a. Requiring African-American prospective renters to fill out rental applications and telling them that incomplete applications would result in the denial of housing, while not requiring similarly-situated white prospective renters to fill out an application;
- b. Requiring African-American testers to provide information regarding prior felony convictions but not requiring any information related to criminal history from white testers;
- c. Telling African-American prospective renters that their mobile homes must be inspected before they could move in, while not telling similarly-situated white prospective renters of any such requirement;
- d. Telling African-American prospective renters who were under age 55, even if they did not have children, that they could not live in or see spaces on Row Four, one of four rows with spaces at Four Seasons, which Defendants also referred to as “Seniors Row” and “Retirement Row,” and refusing to show spaces on Row Four to such persons, while telling

similarly-situated white prospective renters under age 55 that they could live on Row Four if they did not have children, and allowing them to see spaces and/or mobile homes on Row Four;

- e. Quoting to African-American prospective renters higher estimates for move-in charges than the estimates quoted to white prospective renters;
- f. Making statements to an African-American tester indicating that it would be difficult for an African-American individual to live at Four Seasons, including stating that the African-American tester would be “the first” to reside at Four Seasons, that other residents would “get used to it,” and that she would “have to have patience”; and
- g. Stating and maintaining a policy of not making the spaces and mobile homes on Row Four available to families with children and steering or otherwise directing families with children to other parts of Four Seasons, particularly to the spaces and mobile homes on Row One.

FAIR HOUSING ACT

13. The United States re-alleges and incorporates by reference the allegations set forth in paragraphs 1-12, above.

14. By the conduct described above, Defendants have:

- a. Refused to rent, refused to negotiate for the rental of, or otherwise made unavailable or denied dwellings to persons because of race and familial status, in violation of Section 804(a) of the Fair Housing Act, 42 U.S.C. § 3604(a);

- b. Discriminated in the terms, conditions or privileges of, or the provision of services or facilities in connection with the rental of a dwelling because of race and familial status, in violation of Section 804(b) of the Fair Housing Act, 42 U.S.C. § 3604(b);
 - c. Made, printed, or published statements or advertisements with respect to the rental of a dwelling that indicate a preference, limitation, or discrimination based on race and familial status in violation of Section 804(c) of the Fair Housing Act, 42 U.S.C. § 3604(c); and
 - d. Coerced, intimidated, threatened, and interfered with a person's exercise and enjoyment of a right granted in § 3604 in violation of Section 818 of the Fair Housing Act, 42 U.S.C. § 3617.
15. The conduct of Defendants as alleged in this complaint constitutes:
- a. A pattern or practice of resistance to the full enjoyment of rights granted by the Fair Housing Act, 42 U.S.C. §§ 3601, et seq.; and
 - b. A denial to a group of persons of rights granted by the Fair Housing Act, 42 U.S.C. §§ 3601, et seq., which denial raises an issue of general public importance.

16. There are persons who have been victims of Defendants' discriminatory housing practices, including the residents referred to above in paragraph 9, HOPE, and other victims that the United States may identify. Such persons are "aggrieved persons" as defined in Section 802(i) of the Fair Housing Act, 42 U.S.C. § 3602(i), and have suffered damages as a result of the conduct described above.

17. Defendants' conduct as alleged in this complaint was intentional, willful, and taken in disregard for the rights of others.

PRAYER FOR RELIEF

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

1. Declares that Defendants' policies and practices, as alleged herein, violate the Fair Housing Act;

2. Enjoins Defendants, their officers, employees, agents, successors, and all other persons in active concert or participation with any of them, from:

- a. Discriminating against any person on the basis of race or familial status in any aspect of the rental of a dwelling;
- b. Failing or refusing to notify the public that dwellings owned or operated by Defendants are available to all persons on a non-discriminatory basis;
- c. Failing or refusing to take such affirmative steps as may be necessary to restore, as nearly as practicable, the victims of Defendants' unlawful practices to the position they would have been in but for the discriminatory conduct; and
- d. Failing or refusing to take such affirmative steps as may be necessary to prevent the recurrence of any discriminatory conduct in the future and to eliminate, to the extent practicable, the effects of Defendants' unlawful practices;

3. Awards monetary damages to all persons harmed by Defendants' conduct, pursuant to Section 814(d)(1)(B) of the Fair Housing Act, 42 U.S.C. § 3614(d)(1)(B); and

4. Assesses a civil penalty against Defendants to vindicate the public interest in an amount authorized by Section 814(d)(1)(C) of the Fair Housing Act, 42 U.S.C. § 3614(d)(1)(C), and 28 C.F.R. § 85.3(b)(3).


The United States further prays for such additional relief as the interests of justice may require.

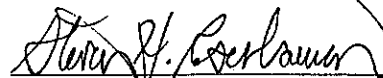
Dated: *February 4*, 2014


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JS 44 (Rev. 12/12)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

<p>I. (a) PLAINTIFFS United States of America</p> <p>(b) County of Residence of First Listed Plaintiff _____ <i>(EXCEPT IN U.S. PLAINTIFF CASES)</i></p> <p>(c) Attorneys (Firm Name, Address, and Telephone Number) Jeffrey Knishkowsky, U.S. Department of Justice, 950 Pennsylvania Avenue, NW, Northwestern Building, 7th Floor, Washington, DC 20530, 202-353-6196 (see attachment)</p>	<p>DEFENDANTS Lorraine Wallschlaeger; Barbara Crubaugh; David Crubaugh</p> <p>County of Residence of First Listed Defendant <u>Winnebago</u> <i>(IN U.S. PLAINTIFF CASES ONLY)</i></p> <p>NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.</p> <p>Attorneys (If Known): Ronald E. Fuhr, Siemer, Austin & Fuhr, 307 North Third Street, Post Office Box 607, Effingham, Illinois 62401-0607, 217-342-9291</p>
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<p>II. BASIS OF JURISDICTION (Place an "X" in One Box Only)</p> <p><input checked="" type="checkbox"/> 1 U.S. Government Plaintiff</p> <p><input type="checkbox"/> 2 U.S. Government Defendant</p> <p><input type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)</p> <p><input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)</p>	<p>III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)</p> <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <th></th> <th>PTF</th> <th>DEF</th> <th></th> <th>PTF</th> <th>DEF</th> </tr> <tr> <td>Citizen of This State</td> <td><input type="checkbox"/> 1</td> <td><input type="checkbox"/> 1</td> <td>Incorporated or Principal Place of Business In This State</td> <td><input type="checkbox"/> 4</td> <td><input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td><input type="checkbox"/> 2</td> <td><input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business In Another State</td> <td><input type="checkbox"/> 5</td> <td><input type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td><input type="checkbox"/> 3</td> <td><input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td><input type="checkbox"/> 6</td> <td><input type="checkbox"/> 6</td> </tr> </table>		PTF	DEF		PTF	DEF	Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4	Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5	Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6
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IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<p>PERSONAL INJURY</p> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<p>PERSONAL INJURY</p> <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <p>PERSONAL PROPERTY</p> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other <p>LABOR</p> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act <p>IMMIGRATION</p> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <p>PROPERTY RIGHTS</p> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <p>SOCIAL SECURITY</p> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <p>FEDERAL TAX SUITS</p> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes

V. ORIGIN (Place an "X" in One Box Only)

1 Original Proceeding 2 Removed from State Court 3 Remanded from Appellate Court 4 Reinstated or Reopened 5 Transferred from Another District (specify) 6 Multidistrict Litigation

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
 42 U.S.C. 3604(a), (b) and (c); 42 U.S.C. 3617

Brief description of cause:
 Housing discrimination based on race and familial status

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$ injunctive relief, damages CHECK YES only if demanded in complaint: JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY (See instructions):

JUDGE _____ DOCKET NUMBER _____

DATE: 02/04/2014 SIGNATURE OF ATTORNEY OF RECORD: *Jeffrey Knishkowsky*

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

CIVIL COVER SHEET ATTACHMENT

United States v. Lorraine Wallschlaeger, Barbara Crubaugh, and David Crubaugh

I. (c) – Attorneys for Plaintiff

Eric. H. Holder, Jr. – U.S. Dept. of Justice

Jocelyn Samuels - U.S. Dept. of Justice

Steven H. Rosenbaum – U.S. Dept. of Justice

Timothy J. Moran - U.S. Dept. of Justice

Emily Savner – U.S. Dept. of Justice