

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
Civil No. 14-2935**

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.)
)
CHARLES J. BOCKES and)
TERESA A. BOCKES)
(d/b/a B & B RENTALS) and)
SANDY BOCKES,)
)
Defendants.)

COMPLAINT

The United States of America, for its complaint against Charles J. Bockes, Teresa A. Bockes, and Sandy Bockes, alleges as follows:

NATURE OF ACTION

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

2. The United States alleges that Defendants engaged in familial status discrimination at their rental property in Minneapolis, Minnesota, in violation of the Fair Housing Act, 42 U.S.C. § 3604(a), 3604(b), and 3604(c).

3. Mathilda E. Sabal filed a complaint of discrimination with the United States Department of Housing and Urban Development (HUD). After an investigation, HUD charged Defendants with discrimination in violation of the Fair Housing Act. Under the

Fair Housing Act, Ms. Sabal elected to have the claims asserted in the HUD charge determined in a civil action.

4. The United States, therefore, brings this action for injunctive relief and monetary damages on behalf of Mathilda E. Sabal and her minor son pursuant to the Fair Housing Act, 42 U.S.C. § 3612(o).

JURISDICTION AND VENUE

5. This Court has jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1345 and 42 U.S.C. § 3612(o).

6. Venue is proper in this District pursuant to 28 U.S.C. § 1391 and 42 U.S.C. § 3612(o).

PARTIES

7. Plaintiff is the United States of America.

8. Defendants Charles Bockes and Teresa Bockes are Minnesota residents and the owners of 3317 First Avenue South, Minneapolis, Minnesota 55408, a rental building with ten one-bedroom apartments and one two-bedroom apartment (“subject property”). The subject property is a “dwelling” within the meaning of the Fair Housing Act, 42 U.S.C. § 3602(b).

9. Defendant Sandy Bockes was a rental manager for the subject property. At all times relevant to these charges, Defendant Sandy Bockes acted on behalf of Defendants Charles and Teresa Bockes (d/b/a B & B Rentals).

10. Mathilda E. Sabal was a prospective tenant of the subject property. Ms. Sabal had a minor child at the time of the alleged discrimination, qualifying her for

protection under the act on the basis of her familial status, as defined by 42 U.S.C. § 3602(k).

FACTS

11. On or about December 11, 2012, Ms. Sabal saw a rental advertisement posted on the website craigslist.org for an available one-bedroom apartment at the subject property.

12. The same day, Ms. Sabal sent an e-mail expressing an interest in viewing the available apartment to the e-mail address listed with the advertisement. A woman identifying herself as Sandy Bockes called Ms. Sabal soon thereafter to schedule an apartment showing with Ms. Sabal for 4:30 p.m. the following day.

13. On or about December 12, 2012, Ms. Sabal and her two year old son met Defendant Sandy Bockes at the subject property for the scheduled viewing.

14. Defendant Sandy Bockes informed Ms. Sabal immediately upon the arrival of Ms. Sabal and her son, “we do not rent to people with children,” or similar words to that effect. When Ms. Sabal replied that she and her son would leave, Defendant Sandy Bockes insisted on showing Ms. Sabal the available unit, Unit 8. Ms. Sabal and her son accompanied Defendant Sandy Bockes to Unit 8.

15. During the showing of Unit 8, Ms. Sabal’s son, who was then a toddler, jumped on the kitchen floor. Defendant Sandy Bockes told Ms. Sabal “*This* is why we don’t rent to people with children,” or similar words to that effect.

16. Defendant Sandy Bockes did not offer Ms. Sabal a rental application, did not describe the application process, and did not inquire into Ms. Sabal’s rental

qualifications. Defendant Sandy Bockes told Ms. Sabal “I’m sorry that I cannot rent to you” or similar words to that effect. Ms. Sabal and her son then left the property.

17. Complainant contacted Mid-Minneapolis Legal Aid (MMLA) about her experience at the showing. MMLA decided to send “testers” posing as prospective renters to the subject property to view available units and record their experiences.

18. On or about December 18, 2012, Defendants posted an advertisement for Unit 8 on craigslist.org. The posting described the unit as a remodeled one bedroom apartment, immediately available, in a “quiet building.” Rent was advertised at \$670.

19. On or about December 29, 2012, an MMLA tester (“Tester 2”), representing herself as a single parent of a four-year-old child, met with Scott Bockes, who showed her Unit 8 at the subject property. Scott Bockes is Defendant Sandy Bockes’ son and the brother of Defendant Charles J. Bockes. Scott Bockes was an agent of Defendants when he showed Tester 2 Unit 8 at the subject property.

20. Tester 2 told Scott Bockes she planned to live in Unit 8 with her daughter and asked “how many people can live in a one bedroom?” He responded that because it was a one bedroom, it was for a single person or a married couple, adding “I think.” He added “You will have to ask CJ, I am just here to show the place.” Scott Bockes gave Tester 2 a rental application before she left.

21. Scott Bockes told Tester 2 that he would send “CJ” an email to let him know Tester 2 might be contacting him. On information and belief, “CJ” is Defendant Charles J. Bockes.

22. Acting at Scott Bockes’ direction, Tester 2 sent an e-mail to Defendant

Charles J. Bockes. The e-mail expressed her interest in renting Unit 8 for herself and her four-year-old daughter. Tester 2 asked Defendant Charles J. Bockes how many occupants were allowed. Defendant Charles J. Bockes responded via e-mail: "It's just a 1 bedroom unit. There really isn't enough space for a 4 year old to play in the unit and there is no yard to speak of either. Probably not a good space for you and your daughter."

23. On or about January 5, 2013, an MMLA tester ("Tester 1"), representing herself as a single occupant with no child, met with Defendant Sandy Bockes at the subject property. Defendant Sandy Bockes showed Tester 1 Unit 8 at the property. Several times during the showing, Defendant Sandy Bockes told Tester 1 that the building was "very quiet." Defendant Sandy Bockes stated that Defendants were seeking a "nice, young professional" as a tenant for the unit.

24. During the showing, Defendant Sandy Bockes told Tester 1 that a couple with an infant had called to inquire about the available unit and disclosed that when she heard a baby crying in the background, she discouraged the couple from renting the unit. Defendant Sandy Bockes gave Tester 1 a rental application and encouraged her to apply.

25. Unit 8 at the subject property remained available until February 15, 2013, when a single woman without a minor child signed a one-year lease to rent the unit.

26. During the investigation conducted by the Department of Housing and Urban Development ("HUD"), Defendant Charles J. Bockes represented to HUD that the subject property was not suitable for children, stating that Unit 8 and the other one-bedroom units were small and would not offer space for a child to play, and that the building is on a busy street with no parks.

27. Upon information and belief, prior to receiving notice of Ms. Sabal's complaint to HUD, Defendants had not rented an apartment at the subject property to a family with a minor child as a tenant.

PROCEDURAL BACKGROUND

28. As required by the Fair Housing Act, 42 U.S.C. § 3610(a) and (b), the Secretary of HUD conducted an investigation of the complaint made by Ms. Sabal, attempted conciliation without success, and prepared a final investigative report.

29. Based on the information gathered in his investigation, the Secretary, pursuant to 42 U.S.C. § 3610(g), determined that reasonable cause exists to believe that illegal discriminatory housing practices occurred. Therefore, on June 17, 2014, the Secretary issued a Determination of Reasonable Cause and Charge of Discrimination pursuant to 42 U.S.C. § 3610(g), charging the Defendants with discrimination under the Fair Housing Act under 42 U.S.C. § 3604(a), 3604(b), and 3604(c).

30. On June 18, 2014, Ms. Sabal timely elected to have the claims asserted in HUD's Charge of Discrimination resolved in a federal civil action pursuant to 42 U.S.C. § 3612(a).

31. On June 19, 2014, a HUD Administrative Law Judge issued a Notice of Election and terminated the administrative proceedings on the HUD complaint filed by Ms. Sabal. Following the Notice of Election, the Secretary of HUD authorized the Attorney General to commence a civil action pursuant to 42 U.S.C. § 3612(o).

32. The United States now timely files this Complaint pursuant to the Fair Housing Act, 42 U.S.C. § 3612(o).

FAIR HOUSING ACT VIOLATIONS

33. The United States incorporates by reference the preceding paragraphs of this Complaint.

34. Defendants discriminated against Ms. Sabal and her minor child based on their familial status through refusing to negotiate for the rental of a dwelling by intentionally discouraging Ms. Sabal from renting because she had a minor child, in violation of 42 U.S.C. § 3604(a).

35. Defendants discriminated against Ms. Sabal and her minor child based on their familial status in offering discriminatory terms, conditions, or privileges of rental of a dwelling by stating that individuals with minor children would not be allowed to rent, in violation of 42 U.S.C. § 3604(b).

36. Defendants made statements with respect to the dwelling that indicated discrimination on the basis of Ms. Sabal's and her minor child's familial status, in violation of 42 U.S.C. § 3604(c).

37. As a result of Defendants' conduct, Ms. Sabal and her minor child are aggrieved persons as defined in 42 U.S.C. § 3602(i) and have suffered injuries as a result of Defendants' actions.

38. Defendants' discriminatory actions were intentional, willful, and taken in disregard of the rights of Ms. Sabal and her minor child.

REQUEST FOR RELIEF

WHEREFORE, the United States requests that this Court:

1. Declare that Defendants' discriminatory housing practices as set forth above violate the Fair Housing Act;
2. Enjoin and restrain Defendants, their officers, employees, agents, successors, and all other persons or corporations in active concert or participation with Defendants, from:
 - A. Discriminating in the sale or rental, refusing to negotiate the sale or rental, or otherwise making unavailable or denying, a dwelling to any buyer or renter because of familial status, in violation of 42 U.S.C. § 3604(a);
 - B. Discriminating against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection with such dwelling, because of familial status, in violation of 42 U.S.C. § 3604(b);
 - C. Making statements with respect to a dwelling that indicate discrimination or an intent to discriminate on the basis of familial status, in violation of 42 U.S.C. § 3604(c).
3. Order Defendants to take such affirmative steps as may be necessary to restore, as nearly as practicable, Ms. Sabal and her minor son to the position they would have been in but for the discriminatory conduct;

4. Order Defendants to take such actions 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 their unlawful conduct, including implementing policies and procedures to ensure that no applicants or residents are discriminated against because of familial status;

5. Award monetary damages to Ms. Sabal and her minor son pursuant to 42 U.S.C. §§ 3612(o)(3) and 3613(c)(1); and

6. Order such additional relief as the interests of justice require.

DATE: July 17, 2014

ANDREW M. LUGER
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