

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA,)
SAMARIA WRIGHT, and LEADERSHIP)
COUNCIL FOR METROPOLITAN OPEN)
COMMUNITIES,)

Plaintiffs,)

v.)

ALICE CALEK, CAMILLE ZATOPA, and)
RAYMOND NEMECEK,)

Defendants.)

No. 00 C 2832

Judge Guzman

Magistrate Judge Levin

CONSENT DECREE

Plaintiff United States filed this action against defendants Alice Calek ("Calek"), Camille Zatopa ("Zatopa"), and Raymond Nemecek ("Nemecek"), on May 10, 2000, pursuant to Title VIII of the Civil Rights Act of 1968, 42 U.S.C. §§ 3601 *et seq* ("the Fair Housing Act"). Plaintiffs Samaria Wright ("Wright") and the Leadership Council for Metropolitan Open Communities ("Leadership Council") subsequently moved to intervene, and were permitted to do so on July 14, 2000. All plaintiffs allege that defendants, as owners of a 24-unit apartment building in Cicero, Illinois, violated the Fair Housing Act by: (1) failing to rent an apartment to Wright because of her race (African-American); (2) making racially discriminatory comments to testers and an investigator from the Leadership Council; (3) discouraging the rental of apartments based on race; and (4) expressing and implying a limitation, preference, and restriction for renting based on race. Defendants deny any and all wrongdoing.

In order to avoid protracted and costly litigation, the parties have agreed that this action should be resolved without further litigation, and agreed to the entry of this consent decree.

Accordingly, without a trial or adjudication on the merits, it is hereby **ORDERED, ADJUDGED,**
and **DECREED:**

A. INJUNCTION

1. Defendants, their employees, agents, successors, and assigns, and all those acting in concert or participation with defendants (except for *bona fide* purchasers of property from defendants where defendants retain no interest in or control over the property), are permanently enjoined from violating the Fair Housing Act, or any other fair housing law or regulation barring discrimination on a prohibited basis in the sale or rental of property.

B. MONETARY RELIEF

2. Within thirty days from the entry of this consent decree, defendants shall pay the sum of \$56,000 to Samaria Wright. This payment shall be made in the form of a certified or cashier's check, made payable to the law firm of Seyfarth Shaw, and shall be sent by certified or personal delivery to Stephen Stern, Litigation Director for the Leadership Council for Metropolitan Open Communities, 111 W. Jackson Blvd., 12th Floor, Chicago, Illinois 60604.

3. Within thirty days from the entry of this consent decree, defendants shall pay the sum of \$44,000 to the Leadership Council. This payment shall be made in the form of a certified or cashier's check, made payable to the Leadership Council for Metropolitan Open Communities, and shall be sent by certified or personal delivery to Stephen Stern, Litigation Director for the Leadership Council for Metropolitan Open Communities, 111 W. Jackson Blvd., 12th Floor, Chicago, Illinois 60604.

C. TRAINING AND CERTIFICATION

4. Within ten days from the entry of this consent decree, defendants shall provide a copy of this consent decree to all persons currently involved in the sale or rental of property owned or

operated by defendants, and shall instruct each such person of his or her obligations under this consent decree. In addition, defendants shall provide a copy of this consent decree and give the same instruction to all persons who subsequently become involved in the sale or rental of property owned or operated by defendants during the duration of this consent decree, within ten days after their involvement begins.

5. Defendants have advised plaintiffs that they have engaged First Service Realtors, LLC, and one of its employees Laura Sechen ("Sechen"), to manage all rental properties currently owned or operated by defendants. Within thirty days from the entry of this consent decree, Sechen and all other persons currently involved in the sale or rental of property owned or operated by defendants, shall attend a training session provided by the Leadership Council regarding the requirements of the Fair Housing Act, other fair housing laws and regulations, and this consent decree. In addition, each person who subsequently becomes involved in the sale or rental of property owned or operated by defendants during the duration of this consent decree, shall attend the same training, within thirty days after their involvement begins. The cost of this training is already provided for in the monetary relief awarded to the Leadership Council by this consent decree. At the conclusion of each training session, each person required to undergo training shall sign a certification – substantially equivalent to the certification attached hereto as Exhibit A – stating that they have been instructed in, and understand the requirements of, the Fair Housing Act, other fair housing laws and regulations, and this consent decree.

6. Defendants agree that they shall have no involvement whatsoever in the sale or rental of property (other than the sale or purchase of a personal residence for themselves) for the duration of this consent decree. Should any of the defendants wish to become involved in the sale or rental of property, they shall notify the United States and the Leadership Council of said proposed

involvement and complete the training and certification required by the second paragraph of this section.

D. ADVERTISING AND OUTREACH

7. Defendants shall appraise the public that vacant or available units at their properties are available without discrimination on any prohibited basis. This shall be accomplished by:

- a. Conducting all advertising for the sale or rental of such units in accordance with the provisions of the regulations promulgated by the Department of Housing and Urban Development at 24 C.F.R. Part 109. The fair housing logo and slogan shall appear in all advertising for property owned or managed by defendants, and on all brochures, handouts, stationery, forms, and other writings that are routinely used to communicate with tenants, prospective tenants, or applicants concerning any aspect of the sale or rental of units, or are routinely provided by defendants to the public. Such logo and slogan shall be prominently placed and legible.
- b. Including in any broadcast advertising a statement that defendants adhere to the principle of equal housing opportunity and do not discriminate in the sale or rental of units.
- c. Posting in a conspicuous location on the grounds of any property owned or managed by defendants a sign no smaller than 11 inches by 14 inches, which indicates that all units are available for rental or purchase on a nondiscriminatory basis (a poster which comports with HUD regulations set forth in 24 C.F.R. Part 110 will satisfy this requirement).
- d. Sending written notice to the Leadership Council of all units for sale or rent within three days after such units become available for rent.

E. RECORD KEEPING

8. Beginning ten days after entry of this consent decree, and continuing throughout the duration of this consent decree, defendants shall create and maintain the following records:

- a. A Prospect Log containing a completed Prospect Equal Service Report for each and every person who inquires about purchasing or renting property owned or operated by defendants. Attached hereto as Exhibit B is a blank Prospect Equal Service Report.
- b. Representative samples (*i.e.*, copy of newspaper ad, photograph of sign) of all advertising used to promote the sale or rental of property owned or managed by defendants, including the date and medium of the communication in which such advertising was published or broadcast.
- c. Defendants are not required under this consent decree to utilize a waiting-list procedure for applicants seeking units. However, if a waiting list is utilized at any time, full and complete records of all such lists and any use made of them shall be maintained.
- d. All other records or documents pertaining to the sale or rental of units including, but not limited to, all submitted application forms (whether accepted or rejected), waiting lists, correspondence, results of credit or other reference checks, or notes.

F. INSPECTION OF RECORDS

9. Upon reasonable notice to defendants, the United States and the Leadership Council shall have the right to inspect and have defendants copy, at defendants' expense, any of the records described in Section E of this consent decree, or any other documents relevant to defendants'

compliance with this consent decree. The United States and the Leadership Council shall attempt to minimize any inconvenience to defendants during the inspection and copying of such records.

G. REPORTING REQUIREMENTS

10. Each person required to undergo training and certification pursuant to Section C of this consent decree shall provide a copy of his or her certification to both the United States and the Leadership Council within ten days after completion of the training.

11. Every six months (commencing with the period beginning on the first day of the first full month after the date of entry of this consent decree), defendants shall, no later than ten days after the close of each period, provide to both the United States and the Leadership Council a copy of the Prospect Log that has been maintained during that period, representative samples of all advertising during that period, and any waiting lists used during that period.

12. The documents required to be provided by defendants to the United States under this consent decree shall be sent to the Office of the United States Attorney, Civil Division, 219 south Dearborn Street, Chicago, Illinois 60604, Attn: Civil Rights. The documents required to be provided to the Leadership Council shall be sent to the Leadership Council for Metropolitan Open communities, 111 West Jackson Boulevard, 12th Floor, Chicago, Illinois 60604, Attn: Stephen Stern, Litigation Director.

H. RELEASES

13. In consideration for the mutual promises, covenants, and agreements contained in this consent decree, Samaria Wright and the Leadership Council shall execute releases substantially equivalent to the releases attached hereto as Exhibit C. Stephen Stern shall tender these releases to defendants upon receipt of the payments set forth in Section B of this consent decree.

14. In consideration for the mutual promises, covenants, and agreements contained in this consent decree, defendants shall execute releases substantially equivalent to those set forth in Exhibit D to this consent decree. Defendants shall tender these releases to Stephen Stern at the same time as, and together with, the payments set forth in Section B of this consent decree.

I. DURATION

15. Sections C, D, E, F, G, and H of this consent decree shall remain in effect for three years from the date of entry of this consent decree. These same sections shall terminate, and be dismissed with prejudice, after the expiration of this three year period.

J. DISMISSAL AND RETENTION OF JURISDICTION

16. This action shall be dismissed without prejudice to the rights of any party to bring this matter before the court for enforcement of this consent decree. The court shall retain jurisdiction over the parties and this case for purposes of enforcing this consent decree, and for entering such orders as may be necessary and appropriate, including awards of future attorneys' fees and costs incurred in compelling compliance with this consent decree. The parties to this consent decree shall endeavor to resolve informally any differences that arise regarding interpretation of and compliance with this consent decree prior to bringing such matters to the court for resolution.

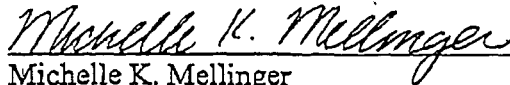
ENTERED THIS 24th DAY OF January, 2001.



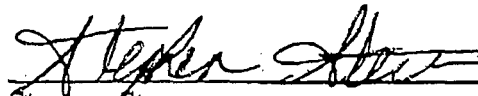
Judge Ronald Guzman
United States District Judge

THIS CONSENT DECREE IS AGREED TO BY THE PARTIES AS INDICATED BY THE SIGNATURE OF THE PARTIES OR THEIR COUNSEL BELOW:

For Samaria Wright:


Michelle K. Mellinger
Seyfarth Shaw
55 East Monroe Street, Suite 4200
Chicago, Illinois 60603
(312) 346-8000

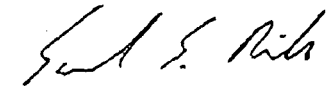
For The Leadership Council For
Metropolitan Open Communities:


Stephen Stern
Leadership Council for Metropolitan
Open Communities
111 West Jackson Blvd., 12th Floor
Chicago, IL 60604-3502
(312) 341-5678

For The United States of America:

SCOTT R. LASSAR
United States Attorney

By:


SAMUEL S. MILLER
Assistant United States Attorney
219 South Dearborn Street
Chicago, Illinois 60604
(312) 886-9083

For Alice Calek, Camille Zatopa,
and Raymond Nemecek:

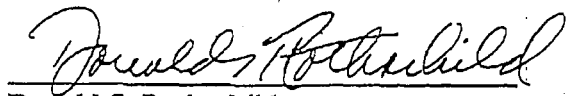

Donald S. Rothschild
Goldstine, Skrodzki, Russian, Nemecek and Hoff, Ltd.
The Praire Building
835 McClintock Drive
Burr Ridge, Illinois 60521
(630) 655-6000

Exhibit A

CERTIFICATION

I have attended the fair housing seminar conducted by or for the Leadership Council for Metropolitan Open Communities ("Leadership Council") regarding my responsibilities as a sales or rental agent or owner of property owned or controlled by Alice Calek, Camille Zatopa, or Raymond Nemecek, and the requirements of the Fair Housing Act, other federal and state fair housing laws and regulations, and the consent decree between the Leadership Council and Alice Calek, Camille Zatopa, or Raymond Nemecek. I fully understand my responsibilities under, and agree to comply with, the Fair Housing Act, other federal and state fair housing laws and regulations, and the aforementioned consent decree.

Signature of Sales or Rental Agent or Owner

Date

Printed or Typed Name

Address

Telephone Number