

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Case No. 11-cv-738
)	
DOVENBERG INVESTMENTS, LLC, and)	
DARLENE DOVENBERG,)	
)	
Defendants.)	

COMPLAINT

The United States of America, by John W. Vaudreuil, United States Attorney for the Western District of Wisconsin, by Assistant United States Attorney Barbara L. Oswald, alleges as follows:

NATURE OF ACTION

1. This action is brought by the United States of America on behalf of Linda K. Short and her minor child to enforce Sections 804(a) and 804(c) of the Fair Housing Act, Title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988, 42 U.S.C. §§ 3601-3631.

JURISDICTION AND VENUE

2. This Court has jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1345 and 42 U.S.C. § 3612(o). Venue is proper in this judicial district pursuant to 28 U.S.C. § 1391(b) and 42 U.S.C. § 3612(o), as defendants are located in this judicial district and the events or omissions giving rise to the claim occurred in this judicial district.

PARTIES

3. At all relevant times, Defendant Dovenberg Investments, LLC, was the owner of the property located at N2268 County Road I, Bangor, La Crosse County, Wisconsin 54614 (“subject property”). The subject property is a two-bedroom, modular single family house located on a cattle farm. Dovenberg Investments, LLC offers the subject property for rent. The property is a dwelling within the meaning of the Fair Housing Act, 42 U.S.C. § 3602(b).

4. Dovenberg Investments, LLC is a limited liability corporation with its principal place of business at N4771 Dovenberg Road, West Salem, Wisconsin, 54669.

5. At all relevant times, Defendant Darlene Dovenberg was a principal of and had an ownership interest in Dovenberg Investments, LLC. Mrs. Dovenberg manages the rental of the subject property.

FACTUAL ALLEGATIONS

6. On or about October 12, 2010, Linda Short saw an advertisement for the subject property on the Internet website craigslist.org. The advertisement read, “2br – Secluded Country Home (Irish Coulee/Barre Mills). . . New 2 bedroom modular country home for rent 15 miles from La Crosse. Secluded country setting with a creek in the backyard. \$695/month. Call 608-786-1826 or 608-792-6165.” The posting date of the advertisement is also listed as October 12, 2010.

7. On or about October 16, 2010, Ms. Short called the number listed in the craigslist advertisement to inquire about renting the subject property. Her call was

answered by Defendant Darlene Dovenberg. Defendant Dovenberg asked Ms. Short the number of people in her family who would be residing at the subject property, to which Ms. Short responded that it would just be herself and her child. Defendant Dovenberg replied that she could not rent to Ms. Short because Ms. Short did not have a man "to shovel the snow and stuff," or similar words to that effect, after which Defendant Dovenberg abruptly terminated the telephone call.

8. In or around October 2010, Defendants rented the subject property to two young male tenants.

9. During an investigation conducted by the United States Department of Housing and Urban Development (HUD) described below, Defendant Dovenberg made statements indicating that she did not want to rent to Ms. Short because she was a single mother of a young child.

HUD ADMINISTRATIVE PROCESS

10. On or about December 3, 2010, Ms. Short timely filed a verified complaint with HUD, alleging discrimination on the basis of sex and familial status.

11. Pursuant to 42 U.S.C. § 3610(a) and (b), the Secretary of HUD conducted and completed an investigation of the complaint, attempted conciliation without success, and prepared a final investigative report. Based upon the information gathered in the investigation, the Secretary, pursuant to 42 U.S.C. § 3610(g)(1), determined that reasonable cause existed to believe that illegal discriminatory housing practices had occurred because of sex and familial status. As a result, on September 2, 2011, the

Secretary issued a Charge of Discrimination, pursuant to 42 U.S.C. § 3610(g)(2)(A), charging that Defendants had engaged in discriminatory practices, in violation of 42 U.S.C. § 3604(a) and (c).

12. On September 14, 2011, Ms. Short elected to have the claims asserted in HUD's Charge of Discrimination decided in a civil action pursuant to 42 U.S.C. § 3612(a).

13. On September 14, 2011, an Administrative Law Judge issued a Notice of Election to Proceed in United States Federal District Court and terminated the administrative proceedings on the complaint filed with HUD by Ms. Short.

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

FAIR HOUSING ACT VIOLATIONS

15. Plaintiff re-alleges and incorporates by reference the allegations set forth in paragraphs 1 through 14, above.

16. By the actions and statements set forth above, Defendants have:

- a. Refused to rent, refused to negotiate for the rental of, or otherwise made unavailable or denied a dwelling to a person on the basis of sex, in violation of Section 804(a) of the Fair Housing Act, 42 U.S.C. § 3604(a);
and
- b. Made statements with respect to the rental of a dwelling indicating a preference, limitation, or discrimination based on sex, and an intention to make such a preference, limitation, or discrimination based on sex, in

violation of Section 804(c) of the Fair Housing Act, 42 U.S.C. § 3604(c).

17. Ms. Short and her minor child are “aggrieved persons” within the meaning of 42 U.S.C. § 3602(i).

18. As a result of Defendants’ discriminatory conduct, Ms. Short and her child have suffered damages.

19. Defendants’ discriminatory actions and statements as set forth above were intentional, willful, and taken in disregard of the federally-protected rights of Ms. Short and her child.

RELIEF REQUESTED

WHEREFORE, the United States of America requests the following relief:

- a. A declaration that the discriminatory conduct of Defendants, as set forth above, violates the Fair Housing Act, as amended, 42 U.S.C. §§ 3601-3631.
- b. An injunction against Defendants and their officers, their agents, employees, and successors, and all other persons in active concert or participation with any of them, from:
 - i. discriminating on the basis of sex or familial status in violation of the Fair Housing Act, in violation of the Fair Housing Act, as amended, 42 U.S.C. §§ 3601-3631;
 - ii. 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 their unlawful practices; and

- iii. failing or refusing to take such affirmative steps as may be necessary to restore, as nearly as practicable, Ms. Short and her minor child to the position they would have been in but for the discriminatory conduct.
- c. An award of monetary damages to Ms. Short and her child, pursuant to 42 U.S.C. §§ 3612(o)(3) and 3613(c)(1).
- d. The United States further requests such additional relief as the interests of justice may require.

Dated this 28th day of October, 2011.

Respectfully submitted,

JOHN W. VAUDREUIL
United States Attorney

By:

s/ Barbara L. Oswald
BARBARA L. OSWALD
Assistant United States Attorney
P.O. Box 1585
Madison, Wisconsin 53701-1585
(608) 264-5158
TTY (608) 264-5006