

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

UNITED STATES OF AMERICA, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
WEST SUBURBAN BOARD OF REALTORS, )  
et al., )  
 )  
Defendants. )  
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CONSENT DECREE

United States of America, plaintiff, filed this action on July 14, 1969, to enjoin defendants from alleged violations of Title VIII of the Civil Rights Act of 1968 (42 U.S.C. 3601 et seq.). Plaintiff and defendants, West Suburban Board of Realtors (hereinafter defendant Board); Kaine Realty, Inc.; Francis M. Davies d/b/a Davies Realty Shop; Frank Cerqua, Jr., d/b/a Cerqua Realty; William E. Gorey, d/b/a William E. Gorey Real Estate; Robert A. Hintze, d/b/a Hintze Realty; Frank T. Golz, d/b/a Golz Realty; John N. Giambrone, d/b/a Hillside Realty; Mary Ann Krowlik, d/b/a Meritage Realty Company;

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Frank Stein, d/b/a B. L. Carlsen Realty Company; and Peter E. Norton, d/b/a Proviso West Realty (hereinafter Broker defendants) have, individually and by their respective attorneys, stipulated and agreed as follows:

1. Defendant Board is an Illinois corporation not for profit doing business in the west suburban area of Chicago, Illinois, and is a real estate brokers' organization and a multiple listing service within the meaning of Section 806 of the Civil Rights Act of 1968, 42 U.S.C. 3606.

2. Defendant Kaine Realty, Inc., is a corporation, incorporated under the laws of the State of Illinois; and Defendants Francis M. Davies d/b/a Davies Realty Shop, Frank Cerqua, Jr., d/b/a Cerqua Realty; William E. Gorey, d/b/a William E. Gorey Real Estate; Robert A. Hintze, d/b/a Hintze Realty; Frank T. Golz, d/b/a Golz Realty; John N. Giambrone, d/b/a Hillside Realty; Mary Ann Krowlik, d/b/a Meritage Realty Company; Frank Stein d/b/a B. L. Carlsen Realty Company; and Peter E. Norton, d/b/a Proviso West Realty own and operate the indicated unincorporated companies. All of the aforementioned defendants are engaged in the business of selling dwellings in

the suburban area west of Chicago, Illinois, within the meaning of Section 803(c) of Title VIII of the Civil Rights Act of 1968, 42 U.S.C. 3603(c).

3. Defendant Board is a trade association. It is not licensed to, and does not, engage in the real estate business.

4. Defendant Board maintains and operates a multiple-listing service for the use of its members. Operation of the multiple-listing service and participation by members therein are governed by rules and regulations established by a committee of the defendant Board. The rules and regulations authorize cooperation with non-members on a different division of commission. Each of defendant Brokers is an active member of defendant Board and participates in its multiple-listing service.

5. The geographic boundaries of defendant Board include the villages of Westchester, Berkeley, Hillside, Broadview, Melrose Park, Maywood, Bellwood, Stone Park, and that part of Northlake Village lying south of the center line of North Avenue.

6. Each dwelling located within the geographic boundaries of defendant Board on which a member broker (who participates in the multiple-listing service) obtains a listing must be listed with the service in accordance with the rules and regulations of the multiple-listing service of the Board.



7. Qualifications for, and election to, active membership in defendant Board are governed by Article V of its By-Laws, which reads as follows:

"Article V - Qualification and Election"

Section 1. Application. Application for membership shall be made in such manner and form as may be prescribed by the Board of Directors.

Section 2. Qualification.

(a) An applicant for Active or Associate Membership shall supply evidence satisfactory to the Membership Committee that he has established in the community a favorable reputation and has a sound credit rating; shall complete a course of instruction covering the By-Laws and the Rules and Regulations of the Board, the By-Laws of the State Association and the Constitution and By-Laws and the Code of Ethics of the National Association of Real Estate Boards, and shall pass such examinations thereon as may be required by the Committee, and shall agree that if elected to membership he will abide by such Constitution, By-Laws, Rules and Regulations and Code of Ethics.

Section 3. Election. The procedure for election to membership shall be as follows:

(a) The Membership Committee shall determine whether the applicant is eligible, under Article IV, for the class of membership for which he is applying and, upon so determining, shall give written notice to the Active Members of all applications for membership and invite written comment thereon. If one or more Active Members submit objections to the approval of the application, basing such objection on lack of qualification as set forth in these By-Laws, the Committee shall invite the objectors to appear and substantiate their objections.



If the Committee finds the objections substantiated, it shall give the applicant an opportunity to appear and to establish their inaccuracy, and thereafter shall make a written record of its findings.

(b) Thereafter, within two months, the Membership Committee shall report its recommendation to the Board of Directors. If recommendation is adverse to the approval of the application, the reasons therefor shall be stated.

(c) The Board of Directors shall review the qualifications of the applicant and the recommendation of the Committee and then vote on his eligibility to membership. If applicant receives a majority vote of the Board of Directors, he shall be declared elected to membership."

8. Plaintiff has not alleged, and no evidence has been presented that any otherwise qualified applicant for active membership in defendant Board has been denied active membership therein, or participation in its multiple-listing service because of race or color.

Plaintiff alleged that the defendants are engaged in a pattern or practice of resistance to the full enjoyment of rights granted by Title VIII of the Civil Rights Act of 1968 in the manner set out in the various allegations of plaintiff's complaint. Defendants deny those allegations of plaintiff's complaint and state that they intend to continue to comply in good faith with the provisions of Title VIII of the Civil Rights Act of 1968.

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NOW, THEREFORE, without trial or adjudication of this cause upon the merits, upon consent of the parties and without admission by the defendants of the allegations of the Complaint, it is hereby ORDERED, ADJUDGED AND DECREED that the defendant brokers, together with their officers, employees, agents, and all those in active concert or participation with any of them, be and each is hereby permanently enjoined, in the operation of their respective real estate businesses and in the operation of and participation in the multiple-listing service of the Defendant Board, from:

1. Refusing to sell or rent after the making of a bona fide offer, or refusing to negotiate for the sale or rental of, or otherwise making unavailable or denying, a dwelling to any person because of race, color, religion, or national origin; (For the purposes of this paragraph, a bona fide offer is herein defined as one made by a prospective purchaser or tenant who in good faith is actually seeking housing accommodations, and who is financially ready, willing and able to purchase or lease a dwelling at a price or rent acceptable to the seller or lessor.);

2. 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 therewith, because of race, color, religion or national origin;

3. Making, printing, or publishing or causing to be made, printed, or published any notice, statement, or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on race, color, religion or national origin, or an intention to make any such preference, limitation or discrimination;

4. Representing to any person because of race, color, religion, or national origin that any dwelling is not available for inspection, sale or rental when such dwelling is in fact so available;

5. Failing and refusing to inform their agents and employees in writing that all listings shall be available for showing and shall be shown to all prospective purchasers regardless of race, color, religion or national origin and furnishing copies of such written instructions to the counsel for the plaintiff;

IT IS FURTHER ORDERED that the defendant Board together with its officers, employees, agents, and all of those in active concert or participation with it, be and each is hereby permanently enjoined from:

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6. Denying real estate brokers admission to membership in the Board and to participation in its multiple-listing service, or discriminating against real estate brokers in the terms and conditions of admission to membership therein and to participation in its multiple-listing service because of race, color, religion or national origin.

IT IS FURTHER ORDERED that the defendant Board:

7. Require its active members as a condition of membership, or continued membership, to post in their business premises for a period of two years from the date of entry of this decree, a sign or legend as follows:

"NOTICE

Federal law makes it unlawful for a seller to discriminate in the sale or rental of his real property, or for a real estate broker or salesman to discriminate on account of race, color, religion or national origin, against any bona fide purchaser or renter in the sale or rental of housing accommodations, and in the listing, showing or rendition of customary real estate brokerage services relating thereto."

8. Request local newspapers to publish, free of charge as a public service, in their real estate advertising sections a notice as set out in paragraph 7 above, and if a local

newspaper should refuse publication as a public service, failing to have the notice published at the Board's own expense;

9. Within 30 days after entry of this decree, publish in each of the newspapers, in which its members presently advertise their listings, an advertisement in essentially the same language as paragraph 7 above, followed by the legend, published as a public service by the West Suburban Board of Realtors;

10. Provide means of conference, education, conciliation and persuasion for the purpose of endeavoring to resolve any complaint of alleged discriminatory practices by active and associate members of the Board.

IT IS FURTHER ORDERED that representatives of the plaintiff shall be permitted, without further order of court, at six months intervals during a period of two years from the date of entry of this decree, after reasonable notice of 5 days and during normal business hours at their business offices, to examine pertinent records of defendant brokers, dating from January 1, 1969, exclusive of business accounting records and tax returns. In furtherance of this provision of the decree, the defendant brokers shall identify on their records the race of prospective purchasers, purchasers, and sellers of dwellings listed with their firms.

The Court shall retain jurisdiction of this action  
for all purposes.

ORDERED this 20 day of January, 1970.

/s/ Hubert With  
United States District Judge

CONSENTED TO:

For the Plaintiff:

JERRIS LEONARD  
Assistant Attorney General

THOMAS A. FORAN  
United States Attorney

Frank E. Schwelb  
FRANK E. SCHWELB  
Attorney  
Department of Justice

Thomas M. Keeling  
THOMAS M. KEELING  
Attorney  
Department of Justice

THOMAS N. TODD  
Assistant United States Attorney



For the Defendants:

1. West Suburban Board of Realtors

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THOMAS F. SCULLY  
Attorney

Approved:

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FRANK T. STEIN  
President

2. Kaine Realty, Inc.

Robert A. Hintze d/b/a Hintze Realty  
Mary Ann Krowlik d/b/a Meritage Realty Company  
Peter E. Norton d/b/a Proviso West Realty

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BERNARD M. KAPLAN  
Attorney

Approved:

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EUGENE KAINE  
President  
Kaine Realty, Inc.

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ROBERT A. HINTZE

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MARY ANN KROWLIK

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PETER E. NORTON

3. Frank Cerqua, Jr. d/b/a Cerqua Realty

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JOHN J. TURNER  
Attorney

Approved:

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FRANK CERQUA, JR.

4. Francis M. Davies d/b/a Davies Realty Shop

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MICHAEL COOPER  
Attorney

Approved:

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FRANCIS M. DAVIES

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5. John N. Giambrone d/b/a Hillside Realty

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JOSEPH MONTEGNA  
Attorney

Approved: \_\_\_\_\_

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JOHN N. GIAMBRONE

6. Frank T. Golz d/b/a Golz Realty

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BERNARD MOLTZ  
Attorney

Approved: \_\_\_\_\_

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FRANK T. GOLZ

7. William E. Gorey d/b/a William E. Gorey Real Estate

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JOHN MULDOON  
Attorney

Approved: \_\_\_\_\_

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WILLIAM E. GOREY



8. Frank Stein d/b/a B. L. Carlsen Realty Company

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FRANK STEIN