

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA**
CASE NO.

**FAIR HOUSING CENTER OF THE
GREATER PALM BEACHES, INC.**

Plaintiff

vs.

TIEMKAIR K. [REDACTED]
[REDACTED]
[REDACTED]

Defendants

**COMPLAINT FOR DECLARATORY JUDGMENT,
PERMANENT INJUNCTIVE RELIEF, AND DAMAGES**

1. This is an action initiated for the denial of federally secured rights of fair housing. It seeks declaratory and injunctive relief as well as damages for the denial of equal housing opportunities based on familial status.

JURISDICTION AND VENUE

2. Jurisdiction is conferred on this Court by 42 U.S.C. §3613, and §3617, 28 U.S.C. §1331, 28 U.S.C. §2201-2202, and 28 U.S.C. §1343. Pendent claims are asserted pursuant to 28 U.S.C. §1367.

3. Venue is proper in this District under 28 U.S.C. § 1391 as this is the district in which the events giving rise to the Plaintiff's claims occurred and as this is an action which is not founded solely on diversity of citizenship.

PARTIES

PLAINTIFF

4. Plaintiff, Fair Housing Center of the Greater Palm Beaches, Inc. (hereinafter "Fair Housing Center" or "FHC") is a non-profit corporation organized under the laws of the State of Florida with its place of business at 1300

West Lantana Road, Suite 200, Lantana Florida 33462. The FHC is dedicated to ensuring equal housing opportunities for all persons regardless of race, color, national origin, religion, sex, familial status, disability, marital status, age or sexual orientation and to promoting cultural diverse communities through fair housing and the elimination of discriminatory housing practices.

5. Throughout Florida the FHC engages in activities to identify barriers to fair housing practices, including practices that discriminate against persons because of the presence of children.

6. The FHC partners and collaborates with federal, state and local agencies, such as the Florida Commission on Human Relations, Florida Condominium Ombudsman, U.S. Department of Justice, Florida Attorney General, HUD, Palm Beach Office of Equal Opportunity, State Attorney's Office-Civil Rights Unit, Florida Rural Legal Services, as well as the Office of Thrift Supervision, Florida Department of Business and Professional Regulations.

7. In support of its goals, the FHC engages in a variety of educational, counseling and referral services, as well as community monitoring activities. The Education and Outreach Program offers to housing industry providers, condominium and home owner associations, public housing authorities and not-for-profit community development corporations, the most current information and technical assistance necessary to fully comply with fair housing laws, consent decrees, enforcement agreements, Community Reinvestment Act regulations and affirmative marketing requirements.

8. The FHC's housing counseling program provides mobility counseling, information on available opportunities in the housing market, complaint intake, mediation, referral, First Time Home Buyers seminars, anti-predatory lending program, and continuum services.

9. The FHC's time and scarce resources have been severely diverted and its mission frustrated in order to address the allegations outlined in this complaint, and has resulted in expenditures which should have been used to affirmatively further fair housing without the cost of litigation.

10. The FHC has been, and continues to be, adversely affected by the acts, policies, and practices of the defendants.

DEFENDANTS

11. Upon information and belief, at all times relevant to this Complaint, Defendant, [REDACTED] (a/k/a [REDACTED] owns, operates and manages five investment rental buildings in Lake Worth, Palm Beach County, FL, comprising 32 residential units, including the subject four unit apartment building, located at 115 South Golfview Road, Lake Worth, Florida.
12. Upon information and belief, Defendant [REDACTED] and her son, [REDACTED] are responsible for the formulation and implementation of all policies, practices, acts, conduct and Fair Housing Compliance with respect to marketing, rental terms and conditions as well as all other facets of ownership and property management with respect to the apartment units located at [REDACTED], Lake Worth, Florida.
13. Upon information and belief, at all times relevant to this Complaint, Defendant [REDACTED]'s residential address is [REDACTED] Lake Worth, Florida 33460.
14. Defendant [REDACTED] is the leasing agent for [REDACTED] [REDACTED] owns and leases two 3-unit buildings in Palm Beach County, in addition to leasing his mother's properties.

FACTUAL BACKGROUND

15. On June 6, 2006, Defendants posted on the classifieds website craigslist.org an advertisement listing as available for rent one of the units owned by Defendant [REDACTED] and located at [REDACTED], Lake Worth, Florida 33462. The craigslist.org classifieds website is a medium which provides national exposure to millions of families with children seeking housing.

16. The posted advertisement read:

“\$1500/2br – Intracoastal
Reply to: [REDACTED]
Date: 2006-06-06, 8:01PM EDT

2 bed, 2 bath, newly remodeled apt, wood laminate floors, intracoastal view, sliding glass doors, dishwasher, off street parking. Across from boat ramp in Bryant Park. Rear upper apartment.

Water and cable included; electric included with cap at \$100.

Move-in \$3600.

Application fee \$75. Full background check required. No past evictions

accepted.

Sorry, no pets and no children.

golfview road at 2nd avenue south

this is in or around Lake Worth

no – it's NOT ok to contact this poster with services or other commercial interests”
(emphasis added)

In addition, the Defendants included in the posting on the craigslist.org website several photographs further identifying the available property along with the for rent listing. (See Exhibit “A” attached hereto).

17. In keeping with its mission to monitor fair housing compliance throughout Palm Beach County, a Fair Housing Center investigator was sent over to South Golfview Road to see if the property advertised could be located. The investigator did locate the property described in the discriminatory advertisement and confirmed the address as [REDACTED]

18. The FHC further investigated, and found that public records identified the owner of the unit for rent as Defendant [REDACTED], and that Defendant [REDACTED] also owned the apartment complex/building located at [REDACTED] which consists of four units.

19. The FHC investigation found direct evidence that Defendant [REDACTED] and her agent violated the Fair Housing Act based on familiar status by informing all who read the craigslist.org advertisement that families with children could not apply.

20. On November 17, 2006 a complaint was filed with the Palm Beach County Office of Equal Opportunity (PBOEO) and dual-filed with HUD on November 29, 2006. The complaint was based on direct evidence of discriminatory advertising, statements and notices that discriminate against families with children.

21. During the PBOEO investigation, Mario Wilmath stated that he is the leasing agent for [REDACTED]

22. Palm Beach County Office of Equal Opportunity also conducted an extensive investigation of the allegations.

23. On February 14, 2007, PBOEO issued its Final Investigative Report. (See Exhibit “B” attached hereto).

24. On February 15, 2007, PBOEO issued a Notice of Determination of Reasonable Grounds under Section 804c of Title VIII of the Civil Rights Act of 1968 as amended by the Fair Housing Act of 1988 and Palm beach County's Fair Housing Ordinance, Chapter 15, et seq. (See Exhibit “C” attached hereto).

25. On March 21, 2007, the PBOEO issued a Notice of Failure of Conciliation. In order to mitigate its damages, the FHC attempted to conciliate with the Defendant [REDACTED] Defendant [REDACTED] refused to conciliate. (See Exhibit “D” attached hereto).

INJURY TO PLAINTIFF

26. The FHC has made substantial efforts and expended considerable resources to ensure equal housing opportunities for families with children. Defendants’ discriminatory actions have (1) interfered with the efforts and programs of the FHC which are intended to bring about equality of opportunity for families and others in housing; (2) forced the FHC to devote scarce resources to identify and counteract Defendant’s unlawful housing practices and to otherwise divert those same resources from its education, counseling, and referral services; (3) interfered with the right of the Fair Housing Center’s constituents to enjoy the benefits of living in a community which does not discriminate against families with children; and, (4) frustrated the FHC’s mission and purpose of promoting the equal availability of housing to all persons without regard to race, color, religion, sex, national origin, familial status, disability, marital status, age, and sexual orientation.

27. The discriminatory actions of the Defendants were and are intentional, willful, and implemented with callous and reckless disregard for the federally protected rights of Plaintiff as well as families with children at large.

CAUSE OF ACTION

28. Plaintiff repeats the allegations contained in paragraphs 1 through 27 as if fully set forth herein.

29. Defendants are liable for the violation of Plaintiff’s rights under the Fair Housing Act, as amended, 42 U.S.C. § 3604(a) and (c) through Defendants’ direct actions:

(a) ...to refuse to negotiate for the ... rental of, or otherwise make unavailable or deny, a dwelling to any person because of ... familial status.

...

(c) To make, print or publish or cause to be made, printed, or published any notice, statement, or advertisement, with respect to the rental of a dwelling that indicates any preference, limitation, or discrimination based on ... familial status ... or an intention to make any such preference, limitation, or discrimination.

30. Prohibited actions covered under § 3604(a) include the use of words or phrases which convey that a dwelling is not available to a particular group of persons because of familial status and by expressing to prospective

renters or any other persons, by written word or statement, a preference or a limitation on any renter because of familial status. The denial or discouragement of prospective home seekers, by written word or statement, from applying for a rental unit based on familial status is prohibited action under § 3604(a).

31. Prohibited actions covered under § 3604(c) include all written notices or statements by a person engaged in the rental of a dwelling that indicate a preference, limitation of discrimination because of familial status.

Prayer for Relief

WHEREFORE, Plaintiff prays:

- (a) That the Court declares that the actions of Defendants complained of herein are in violation of the Fair Housing Act of 1968, as amended, 42 U.S.C. § 3604(a), (c);
- (b) That Defendants are ordered to take affirmative action to ensure that the activities complained of above never again are engaged in by them or any of their agents;
- (c) That Defendants, their agents, employees, and successors are permanently enjoined from discriminating on the basis of familial status against any persons in violation of the Fair Housing Act;
- (d) That appropriate compensatory and punitive damages are awarded to Plaintiff and against Defendants;
- (e) That Plaintiff is awarded its costs and reasonable attorneys' fees in this action; and
- (f) That Plaintiff is awarded such other and further relief as the Court deems just and proper.

Jury Demand

Pursuant to Fed. R. Civ. P. 38, Plaintiff hereby demands trial by jury on all issues.

Respectfully submitted,

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