

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION

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FILED  
MIDDLE DISTRICT OF FLORIDA  
TAMPA, FLORIDA

United States of America, )  
 )  
Plaintiff )  
 )  
v. )  
 )  
Compton Place Associates, )  
Sheldon Road Associates, )  
Cypress Meadows Associates, )  
and Raymond Leon d/b/a )  
RJ Leon & Associates, )  
 )  
Defendants )  
\_\_\_\_\_ )

8:03-cv-659-T-26TGW

COMPLAINT

The United States of America alleges:

1. This action is brought by the United States to enforce the Fair Housing Act, 42 U.S.C. §§ 3601-3619, and Title III of the Americans with Disabilities Act ("the ADA"), 42 U.S.C. §§ 12181-12189.

Jurisdiction and Venue

2. This court has jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1345, 42 U.S.C. § 3614(a), and 42 U.S.C. § 12188(b)(1)(B).

3. Venue is proper in that the claims alleged herein arose in the Middle District of Florida.

Subject Properties

4. Compton Place at Tampa Palms ("Compton Place") is located at 6000 Compton Estates Way in Tampa, Florida. It

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consists of 17 buildings with a total of 384 dwelling units, of which 136 units are on the ground floor.

5. Compton Place was designed and constructed for first occupancy after March 13, 1991. Each building at Compton Place is a dwelling within the meaning of 42 U.S.C. § 3602(b).

6. Each of the ground-floor apartments at Compton Place is a "covered multifamily dwelling" within the meaning of 42 U.S.C. § 3604(f)(7)(A). Accordingly, the ground floor apartments and the public and common use areas at Compton Place are subject to the design and construction requirements at 42 U.S.C. § 3604(f)(3)(C).

7. The public and common use areas at Compton Place, including the rental office, were designed and constructed for first occupancy after January 26, 1993.

8. The rental office at Compton Place is a place of public accommodation within the meaning of 42 U.S.C. § 12181(7).

9. The Landings at Cypress Meadows, ("Cypress Meadows") is located at 3605 Landings Way Drive in Tampa, Florida. It consists of 22 buildings with a total of 470 dwelling units, of which 176 units are on the ground floor.

10. Cypress Meadows was designed and constructed for first occupancy after March 13, 1991. Each building at Compton Place is a dwelling within the meaning of 42 U.S.C. § 3602(b).

11. Each of the ground-floor apartments at Cypress Meadows

is a "covered multifamily dwelling" within the meaning of 42 U.S.C. § 3604(f)(7)(A). Accordingly, the ground floor apartments and the public and common use areas at Cypress Meadows are subject to the design and construction requirements at 42 U.S.C. § 3604(f)(3)(C).

12. The public and common use areas at Cypress Meadows, including the rental office, were designed and constructed for first occupancy after January 26, 1993.

13. The rental office at Cypress Meadows is a place of public accommodation within the meaning of 42 U.S.C. § 12181(7).

14. Sheldon Palms Apartments ("Sheldon Palms") is located at 8802 Brennan Circle in Tampa, Florida. It consists of 13 buildings with a total of 312 dwelling units, of which 104 units are on the ground floor.

15. Sheldon Palms was designed and constructed for first occupancy after March 13, 1991. Each building at Sheldon Palms is a dwelling within the meaning of 42 U.S.C. § 3602(b).

16. Each of the ground-floor apartments at Sheldon Palms is a "covered multifamily dwelling" within the meaning of 42 U.S.C. § 3604(f)(7)(A). Accordingly, the ground floor apartments and the public and common use areas at Sheldon Palms are subject to the design and construction requirements at 42 U.S.C. § 3604(f)(3)(C).

17. The public and common use areas at Sheldon Palms,

including the rental office, were designed and constructed for first occupancy after January 26, 1993.

18. The rental office at Sheldon Palms is a place of public accommodation within the meaning of 42 U.S.C. § 12181(7).

#### Defendants

19. Defendant Compton Place Associates is incorporated in the State of New Jersey and has its principle place of business in Tampa, Florida. Defendant Compton Place Associates built Compton Place and hired defendant Raymond Leon, doing business as RJ Leon & Associates, to design the complex.

20. Defendant Cypress Meadows Associates is incorporated in the State of New Jersey and has its principle place of business in Tampa, Florida. Defendant Cypress Meadows Associates built Cypress Meadows and hired defendant Raymond Leon, doing business as RJ Leon & Associates, to design the complex.

21. Defendant Sheldon Road Associates is incorporated in the State of New Jersey and has its principle place of business in Tampa, Florida. Defendant Sheldon Road Associates built Sheldon Palms and hired defendant Raymond Leon, doing business as RJ Leon & Associates, to design the complex.

22. Defendant Raymond Leon, doing business as RJ Leon & Associates, designed Compton Place, Cypress Meadows, and Sheldon Road.



conditions or privileges of rental of a dwelling, or in the provision of services or facilities in connection with a dwelling, because of handicap, in violation of 42 U.S.C. § 3604(f)(2); and

c. Failed to design and construct dwellings in compliance with the accessibility and adaptability features mandated by 42 U.S.C. § 3604(f)(3)(C).

25. The conduct of the defendants described above constitutes:

a. A pattern or practice of resistance to the full enjoyment of rights granted by the Fair Housing Act, 42 U.S.C. §§ 3601-3619; and

b. A denial to a group of persons of rights granted by the Fair Housing Act, 42 U.S.C. §§ 3601-3619, which denial raises an issue of general public importance.

26. Persons who may have been the victims of the defendants' discriminatory housing practices are aggrieved persons as defined by 42 U.S.C. § 3602(i) and may have suffered injuries as a result of the defendants' conduct described above.

27. The defendants' conduct described above was intentional, willful, and taken in disregard for the rights of others.

Americans With Disabilities Act Claim

28. The defendants have failed to design and construct

Compton Place, Cypress Meadows, and Sheldon Road so that the rental offices are readily accessible to and usable by individuals with disabilities, as required by 42 U.S.C. § 12183(a)(1) and the Department of Justice's regulations implementing Title III of the ADA, 28 C.F.R. Part 36, including the Standards for Accessible Design, 28 C.F.R. Part 36, Appendix A ("the Standards"). See 28 C.F.R. §§ 36.401, 36.406.

29. The conduct of the defendants described above in the preceding paragraph constitutes:

- a. a pattern or practice of discrimination within the meaning of 42 U.S.C. § 12188(b)(1)(B)(i) and 28 C.F.R. § 36.503(a); and
- b. unlawful discrimination that raises an issue of general public importance within the meaning of 42 U.S.C. § 12188(b)(1)(B)(ii) and 28 C.F.R. § 36.503(b).

30. Persons who may have been the victims of the defendants' discriminatory practices are aggrieved persons within the meaning of 42 U.S.C. § 12188(b)(2)(B) and may have suffered injuries as a result of the defendants' conduct described above.

Prayer For Relief

WHEREFORE, the United States prays that the court enter an order that:

1. Declares that the defendants' policies and practices, as alleged herein, violate the Fair Housing Act and the Americans with Disabilities Act;

2. Enjoins the defendants, their officers, employees, agents, successors and all other persons in active concert or participation with any of them, from:

a. Failing or refusing to bring the ground floor units and public use and common use areas at Compton Place, Cypress Meadows, and Sheldon Road into compliance with 42 U.S.C. § 3604(f)(3)(C);

b. Failing or refusing to bring the rental office and any other public accommodations and commercial facilities at Compton Place, Cypress Meadows, and Sheldon Road into compliance with the requirements of Title III of the ADA and the Department of Justice's regulations implementing Title III, including the Standards for Accessible Design;

c. Failing or refusing to take such affirmative steps as may be necessary to restore, as nearly as practicable, the victims of the defendants' unlawful practices to the position they would have been in but for the discriminatory conduct;

d. Designing or constructing covered multifamily dwellings in the future that do not contain the

accessibility and adaptability features required by 42 U.S.C. § 3604(f)(3)(C); and

e. Designing or constructing commercial facilities or public accommodations in the future that are not readily accessible to and usable by individuals with disabilities, as required by Title III of the ADA and the Department of Justice's regulations implementing Title III, including the Standards for Accessible Design.

3. Awards such damages as would fully compensate each person aggrieved by the defendants' discriminatory practices for his or her injuries resulting from the defendants' discriminatory conduct, pursuant to 42 U.S.C. § 3614(d)(1)(B) and 42 U.S.C. § 12188(b)(2)(B);

4. Awards punitive damages to each person aggrieved by the defendants' discriminatory housing practices because of the intentional and willful nature of the defendants' conduct, pursuant to 42 U.S.C. § 3614(d)(1)(B); and

5. Assesses a civil penalty against each defendant in an amount authorized by 42 U.S.C. § 3614(d)(1)(C), and in an amount authorized by 42 U.S.C. § 12188(b)(2)(C), in order to vindicate the public interest.

The United States further prays for such additional relief as the interests of justice may require.

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