IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF ALABAMA

UNITED STATES OF AMERICA,	)	
Plaintiff,	)	
	)	Case No.
v.	)	
BEAULAH L. STEVENS,	)	**COMPLAINT**
Defendant.	)	

The United States of America alleges as follows:

NATURE OF ACTION

1. This is a civil action brought by the United States to enforce Title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Act Amendments of 1988, 42 U.S.C. §§ 3601-3619 (the "Fair Housing Act"). It is brought on behalf of Michele Jones and her minor child, Mikayla R. Jones, pursuant to Section 812(o) of the Fair Housing Act, 42 U.S.C. § 3612(o), and pursuant to Section 814(a) of the Fair Housing Act, 42 U.S.C. § 3614(a).

JURISDICTION & 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) and 3614.

3. Venue is proper in this judicial district under 28 U.S.C. § 1391(b), in that the events

giving rise to this action occurred in this judicial district.

PARTIES

4. Defendant Beaulah L. Stevens ("Defendant Stevens"), owns and manages approximately 19 rental properties in Saraland, Mobile County, Alabama.

5. At all relevant times herein, Defendant Stevens was the owner and lessor of a single-family house located at 146 Bayou Sara Avenue, Saraland, Mobile County, Alabama ("146 Bayou Sara Avenue").

6. Complainant Michele Jones ("Ms. Jones") is a Caucasian female, who, from March 2002 until June 2002, rented a residence from Defendant Stevens at 146 Bayou Sara Avenue. Complainant Mikayla R. Jones ("Mikayla") is Ms. Jones' minor, biracial (African-American/Caucasian descent) daughter, who resided with Ms. Jones from March 2002 until June 2002, at 146 Bayou Sara Avenue.

7. Defendant Stevens' rental properties in Saraland, Mobile County, Alabama, including the house located at 146 Bayou Sara Avenue, are "dwellings" within the meaning of the Fair Housing Act, 42 U.S.C. § 3602(b).

FACTUAL ALLEGATIONS

8. In February 2002, Ms. Jones' friend, Ms. Angela Buenrostro-Macon ("Ms. Macon"), a resident of Defendant Stevens' mobile home park, informed Ms. Jones that Defendant Stevens owned the vacant subject property. Ms. Jones asked her friend to inquire of Defendant Stevens whether the house was available to be rented.

9. In February 2002, without meeting Ms. Jones, Defendant Stevens agreed to rent the subject property to Ms. Jones for $350.00 per month, plus a $300.00 security deposit.

10. In mid-March 2002, Ms. Jones and her daughter moved into the subject property.

11. In late-March 2002, approximately two weeks later, Ms. Jones' African-American male friend and Asian male co-worker assisted her, on the same day, with moving additional pieces of furniture into her new residence. Later that day, Defendant Stevens asked Ms. Jones about her African-American visitor, using a racial epithet and stating that she did not want any trouble with the neighbors.

12. In late-March 2002, Defendant Stevens asked Ms. Macon to inquire whether Ms. Jones dated African-American men, invited people over to spend the night, or had parties. Ms. Macon informed Defendant Stevens that Ms. Jones had African-American friends and that her daughter was biracial. Defendant Stevens stated that she did not want African-Americans in that house and that African-Americans knew they were not supposed to be in the mobile park after 5:00 p.m.

13. On or about April 13, 2002, Defendant Stevens visited Ms. Jones to inform her that she was aware that Defendant Stevens' African-American yardman had visited Ms. Jones, despite Defendant Stevens' having warned him not to visit. Defendant Stevens used a racial epithet and profane language to describe the yardman, stating words to the effect that she was going to fire him. She further stated that everyone knew that she did not allow African-Americans to visit the area and that if she had known that Ms. Jones had a biracial child, she would not have allowed Ms. Jones to rent the house. Defendant Stevens also stated that she did not want to see any more African-Americans at Ms. Jones' house.

14. Defendant Stevens continued to harass Ms. Jones regarding her African-American guests. On or about April 15, 2002, Defendant Stevens told Ms. Jones that she needed to move

out and began showing the property to prospective buyers, causing Ms. Jones and her daughter to vacate the subject property on or about May 31, 2002.

15. On or about June 2, 2002, Ms. Jones, on behalf of herself and her minor child, timely filed a complaint with the Department of Housing and Urban Development ("HUD"), pursuant to the Fair Housing Act, as amended, 42 U.S.C. § 3610(a), alleging discrimination on the basis of race and familial status.

16. On or about October 1, 2003, the Mobile Fair Housing Center, a not-for-profit fair housing advocacy organization, located in Mobile, Alabama, conducted two fair housing tests by having individuals pose as Caucasian and African-American prospective tenants and inquire about the availability of rental properties owned by Defendant Stevens. Tester Family #1 consisted of an African-American male, his Caucasian "wife," and their biracial African-American/Caucasian minor daughter. Tester Family #2 consisted of a Caucasian male, his Caucasian "wife," and their Caucasian daughter. During the tests, Defendant Stevens denied any information to Tester Family #1 regarding the price, availability, lease requirements, application fee, or deposit amount for properties within Defendant Stevens' mobile park and refused to show any of her mobile park properties, while showing several available mobile park lots and discussing their price and availability to Tester Family #2. Defendant Stevens also made statements to Tester Family #2 indicating a preference not to rent to African-Americans.

17. On information and belief, Defendant Stevens has rented out her properties to only one African-American family since 1996.

18. As required by the Fair Housing Act, 42 U.S.C. §§ 3610(a) and (b), the Secretary of HUD conducted an investigation of Ms. Jones' complaint, attempted conciliation without

success, and prepared a final investigative report. Based on the information gathered in this investigation, the Secretary, pursuant to 42 U.S.C. § 3610(g), determined that reasonable cause exists to believe that illegal discriminatory housing practices had occurred. Therefore, on or about March 28, 2005, the Secretary issued a Determination of Reasonable Cause and Charge of Discrimination pursuant to 42 U.S.C. § 3610(g), charging Defendant Stevens with discrimination on the basis of race in violation of the Fair Housing Act, as amended, 42 U.S.C. §§ 3604(a), (b), (c), and 3617.

19. On April 21, 2005, Defendant Stevens elected to have the claims asserted in HUD's Charge of Discrimination resolved in a federal civil action pursuant to 42 U.S.C. § 3612(a). On April 22, 2005, Ms. Jones also elected, on behalf of herself and her minor child, to have the claims asserted in HUD's Charge of Discrimination resolved in a federal civil action pursuant to 42 U.S.C. § 3612(a).

20. On April 22, 2005, the Chief Administrative Law Judge issued a Notice of Election and terminated the administrative proceeding on the HUD complaint filed by Ms. Jones.

21. 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).

COUNT I

22. By her actions and statements referred to in the foregoing paragraphs, Defendant Stevens has:

(a) Made unavailable or denied a dwelling because of race or color, in violation of 42 U.S.C. § 3604(a);

(b) Discriminated in the terms, conditions or privileges of the rental of a

dwelling, or in the provision of services or facilities in connection therewith, on the basis of race or color, in violation of 42 U.S.C. § 3604(b);

(c) Made statements with respect to the rental of a dwelling that indicate a preference, limitation, or discrimination based on race or color, in violation of 42 U.S.C. § 3604(c); and

(d) Coerced, intimidated, threatened or interfered with persons in the exercise or enjoyment of, or on account of their having exercised or enjoyed, their rights under the Fair Housing Act, in violation of 42 U.S.C. § 3617.

23. Ms. Jones and her minor child are "aggrieved persons" as defined in 42 U.S.C. § 3602(i), and suffered injuries as a result of Defendant Stevens' discriminatory conduct.

24. Defendant Stevens' actions and statements described in the preceding paragraphs were intentional, willful, and taken in disregard for the rights of Ms. Jones and her minor child.

COUNT II

25. Plaintiff re-alleges and herein incorporates by reference the allegations set forth in paragraphs 1-23, above.

26. Defendant Stevens' conduct 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; or

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

27. In addition to Ms. Jones and her minor child, there may be other victims of Defendant Stevens' discriminatory actions and practices who are "aggrieved persons" as defined in 42 U.S.C. § 3602(i). These persons may have suffered actual injury and damages as a result of Defendant Stevens' discriminatory conduct.

28. Defendant Stevens' actions and statements were intentional, willful, and taken in disregard for the rights of others.

PRAYER FOR RELIEF

WHEREFORE, the United States prays that the Court enter an ORDER that:

a. Declares that Defendant Stevens' conduct as set forth above violates the Fair Housing Act;

b. Enjoins Defendant Stevens and her agents, employees, and successors, and all other persons in active concert or participation with her, from discriminating on the basis of race or color in violation of the Fair Housing Act;

c. Awards monetary damages to Ms. Jones and her minor child and to all other persons harmed by Defendant Stevens' discriminatory practices, pursuant to 42 U.S.C. §§ 3612(o)(3), 3613(c)(1), and 3614(d)(1)(B);

d. Assesses a civil penalty against Defendant Stevens in an amount authorized by 42 U.S.C. § 3614(d)(1)(C), to vindicate the public interest.

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

Dated: 5/18/05

DAVID P. YORK
United States Attorney

By: CHARLES BAER
Assistant United States Attorney
Southern District of Alabama
Riverview Plaza
63 S. Royal Street, Suite 600
Mobile, Alabama 36602
Phone: (251) 415-7161
Fax: (251) 441-5051
Email: Charles.Baer@usdoj.gov

ALBERTO R. GONZALES
Attorney General

R. ALEXANDER ACOSTA
Assistant Attorney General
Civil Rights Division

STEVEN H. ROSENBAUM
Chief, Housing and
Civil Enforcement Section
Civil Rights Division

MICHAEL S. MAURER
Deputy Chief
SHENNIE PATEL, Attorney
Housing and Civil Enforcement Section
Civil Rights Division
U.S. Department of Justice
950 Pennsylvania Avenue, N.W.
Northwestern Building, 7th Floor
Washington, D.C. 20530
Phone: (202) 616-2606
(202) 514-3812
Fax: (202) 514-1116
Email: Shennie.Patel@usdoj.gov