

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW HAMPSHIRE**

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	Civil No.
v.	)	
	)	
LOTHAR RIBA,	)	
	)	
Defendant.	)	
_____	)	

**COMPLAINT**

The United States of America (“United States”) alleges as follows:

**NATURE OF THE ACTION**

1. This action is brought by the United States to enforce Title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988 (“Fair Housing Act”), 42 U.S.C. §§ 3601-3631. It is brought on behalf of Brenda Santana, pursuant to 42 U.S.C. §§ 3612(o).

**JURISDICTION AND VENUE**

2. This Court has jurisdiction over this action under 28 U.S.C. §§ 1331 and 1345 and 42 U.S.C. § 3612(o).

**PARTIES AND THE SUBJECT PROPERTY**

3. Defendant Lothar Riba is the owner and manager of a four-unit apartment building at 53 Main Street, Monroe, New Hampshire. Defendant has owned and managed the property since at least 2008.

4. Fifty-three Main Street, Monroe, New Hampshire (the “subject property”), is a “dwelling” within the meaning of 42 U.S.C. § 3602(b).

5. Brenda Santana resided at the subject property with her husband and children from approximately October 15, 2008, to July 31, 2009. Ms. Santana is white; her husband, Robert Santana, is Hispanic; and her two minor children are biracial (African-American and white).

**FACTUAL ALLEGATIONS**

6. On or about October 11, 2008, Mr. and Ms. Santana signed a lease for apartment No. 21 at the subject property.

7. On or about October 11, 2008, Ms. Santana asked Defendant for permission to have her husband's sister stay at the property for 3-4 weeks. Defendant refused, telling Ms. Santana that, "if one comes, they all start coming like a bunch of cockroaches."

8. While the Santanas were living at the subject property, Mr. Santana approached Defendant and asked him, in English, about having satellite television installed at the apartment in order to watch Spanish-language programs. Defendant responded, "we speak English here in America, buddy." Defendant did not permit Mr. and Ms. Santana to obtain satellite television service at the subject property.

9. In or about fall 2008, Defendant began watching Ms. Santana and her family for extended periods of time from behind windows of the subject property. Around the same time, Defendant began entering the Santanas' apartment without permission or notice.

10. In or about spring 2009, Defendant began hiding behind bushes on or around the subject property and watching Ms. Santana and her family.

11. On or about May 27, 2009, Ms. Santana sent Defendant a letter informing him that the Santanas wished to move out by July 1, but that they would continue to pay rent until Defendant found a replacement tenant. The letter asked Defendant to provide 24 hours notice if he wished to enter the apartment in order to show it to a prospective tenant.

12. On or about June 30, 2009, Ms. Santana sent Defendant a letter informing him that she would pay the July rent on approximately July 16, 2009. Defendant agreed to the extension.

13. On or about July 2, 2009, Defendant sent the Santanas a letter informing them that he had found new tenants for the unit starting August 1, 2009. The letter also stated that the walls needed to be repainted and the carpets needed to be professionally cleaned.

14. On or about July 4, 2009, the Santanas were moving some of their belongings out of the apartment when they witnessed Defendant standing behind a utility pole and taking photographs of them.

15. On or about July 21, 2009, Defendant entered the Santanas' apartment without their permission and removed the handles from their windows, rendering the windows inoperable. Later that same day, he reentered the apartment, again without the Santanas' permission, and opened their drawers, refrigerator, and closets.

16. On or about July 25, 2009, Ms. Santana went to Defendant's apartment to recover the window handles. Defendant told Ms. Santana to "take you and your monkey family off my property." He also began jumping around in imitation of a monkey, and he made monkey noises. During this interaction, Defendant injured Ms. Santana's finger and arm. Ms. Santana went to the hospital, where it was determined that her finger was fractured.

17. On or about July 25, 2009, Ms. Santana called the police and obtained an emergency order of protection against Defendant. On or about July 27, 2009, the state of New Hampshire issued a warrant for Defendant's arrest. Defendant later pleaded nolo contendere to a charge of assault and was fined \$400.

18. On or about July 27, 2009, the Santanas finished cleaning the apartment and removing their personal property. They were unable to remove certain items locked in the basement storage unit of the subject property because Defendant denied them access to the storage unit.

19. On December 29, 2009, Ms. Santana filed a timely complaint against Defendant with the United States Department of Housing and Urban Development, pursuant to the Fair Housing Act.

20. Pursuant to 42 U.S.C. §§ 3610(a) and (b), the Secretary of the United States Department of Housing and Urban Development 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. Therefore, on June 11, 2010, the Secretary issued a Charge of Discrimination, pursuant to 42 U.S.C. § 3610(g)(2)(A), charging Defendant with engaging in discriminatory practices, in violation of 42 U.S.C. §§ 3604(c) and 3617 of the Fair Housing Act.

21. On June 17, 2010, Defendant elected to have the claims asserted in the United States Department of Housing and Urban Development's Charge of Discrimination resolved in a civil action pursuant to 42 U.S.C. § 3612(a).

22. On June 17, 2010, the Administrative Law Judge issued a Notice of Election of Judicial Determination and terminated the administrative proceeding on Ms. Santana's complaint.

23. Following this Notice of Election, the Secretary of the United States Department of Housing and Urban Development authorized the Attorney General to commence a civil action, pursuant to 42 U.S.C. § 3612(o).

**FAIR HOUSING ACT VIOLATIONS**

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

25. Defendant, through the above-referenced actions, has:

- a. Made statements with respect to the rental of a dwelling that indicated a preference, limitation or discrimination based on race, color, or national origin, in violation of 42 U.S.C. § 3604(c); and
- b. Coerced, intimidated, threatened, or interfered with a person in the exercise or enjoyment of, or on account of her having exercised or enjoyed, or on account of her having aided or encouraged any other person in the exercise or enjoyment of, a right granted or protected by section 804 of the Fair Housing Act.

26. Ms. Santana is an “aggrieved person” within the meaning of 42 U.S.C. § 3602(i).

27. As a result of the Defendant’s discriminatory conduct, Ms. Santana has suffered and continues to suffer damages.

28. The discriminatory actions of the Defendant were intentional, willful, and taken in disregard of the federally protected rights of Ms. Santana.

**WHEREFORE**, the United States of America prays for relief as follows:

1. A declaration that the discriminatory conduct of Defendant as set forth above violates the Fair Housing Act, 42 U.S.C. §§ 3601, *et seq.*;
2. An injunction against Defendant, his agents, employees, successors, and all other persons in active concert or participation with him from discriminating because of race, color, or national origin, in violation of the Fair Housing Act, 42 U.S.C. §§ 3601, *et seq.*; and

3. Awards of compensatory and punitive damages to Ms. Santana pursuant to 42 U.S.C. §§ 3612(o)(3) and 3613(c)(1).

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

Dated: July 19, 2010.

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