

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

Civil No. 17-\_\_\_\_\_

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	
	)	<b>COMPLAINT</b>
VP2, LLC, JenMar Management Inc.	)	<b>(Jury Trial Demanded)</b>
Jenny Meyer, and Pamela Sells,	)	
	)	
Defendants.	)	

The United States of America, for its complaint against Defendants VP2, LLC, JenMar Management Inc., Jenny Meyer, and Pamela Sells, alleges as follows:

**NATURE OF ACTION**

1. This is a civil action brought by the United States to enforce the Fair Housing Act of 1968, as amended by the Fair Housing Amendments Act of 1988, 42 U.S.C. §§ 3601, *et seq.* (the “Act”). It is brought on behalf of Yuetrice Jackson, Tramyra Jackson, and Tia Jackson (collectively “the Jackson Family” or “Complainants”) pursuant to 42 U.S.C. § 3612(o).

2. The United States alleges that Defendants discriminated against the Jackson Family by making the Value Place Extended Stay Hotel in Rochester, Minnesota unavailable to them, by denying them the provision of services or facilities in connection with the Value Place Extended Stay Hotel, by refusing to make a reasonable accommodation for an assistance animal that was necessary to afford the Jackson Family

equal opportunity to enjoy the Value Place Extended Stay Hotel, in violation of the Fair Housing Act, 42 U.S.C. §§ 3604(f)(1), (f)(2), and (f)(3)(B). The United States further alleges that Defendants retaliated against the Jackson Family by interfering with their enjoyment of the Value Place Extended Stay Hotel on account of their exercise of protected rights, in violation of the Fair Housing Act, 42 U.S.C. § 3617.

3. Yuetrice Jackson filed a complaint of discrimination with the United States Department of Housing and Urban Development (“HUD”), which complaint was later joined by her daughters Tramyra and Tia Jackson. After investigation, HUD charged Defendants with disability discrimination, failure to make reasonable accommodations, and retaliation in violation of the Fair Housing Act.

4. Under the Fair Housing Act, Complainants elected to have the claims asserted in the charge be decided in this civil action under 42 U.S.C. § 3612(a).

5. The United States, therefore, brings this action for injunctive relief and monetary damages on behalf of the Jackson Family pursuant to the Fair Housing Act, 42 U.S.C. § 3612(o).

### **JURISDICTION AND VENUE**

6. This Court has jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1345 and 42 U.S.C. § 3612(o).

7. Venue is proper in this District pursuant to 28 U.S.C. § 1391 because the alleged discrimination and retaliation occurred in this District and the dwelling at issue is located in this District.

**PARTIES**

8. Plaintiff is the United States of America.

9. The United States brings this action on behalf of Yuetrice Jackson, and her daughters Tramyra Jackson and Tia Jackson, all of whom resided at the Value Place Extended Stay Hotel, located at 3551 Commercial Drive, Rochester, MN 55902 (“Value Place” or “the subject property”), between approximately May 4, 2014 and July 3, 2014.

10. Tramyra Jackson has been diagnosed with mental impairments which substantially limit her major life activities of breathing, interacting and socializing with others, thinking clearly, concentrating and learning, which further impacts her ability to attend school and obtain employment. Tramyra Jackson is therefore a person with a disability within the meaning of 42 U.S.C. § 3602(h). Before his passing, Ms. Jackson’s assistance dog, Prince, ameliorated the effects of her disabilities by providing emotional support and helped her engage in major life activities.

11. At all times relevant to the Complaint Tramyra Jackson lived with her mother, Yuetrice Jackson, her sister, Tia Jackson, and her great-grandmother, Ruthie Griggs. Yuetrice Jackson and Tia Jackson are therefore persons associated with an individual with a handicap under the Act. All three are aggrieved persons under 42 U.S.C. § 3602(i).

12. Defendant VP2, LLC (“VP2”) is a dissolved limited liability company in the state of Kansas, located at 111 E Pine Meadow Ct, Andover, KS 67002-8845. At all times relevant to the Complaint, VP2 owned the subject property.

13. Defendant JenMar Management, Inc. (“JenMar”) is a for profit corporation in the state of Kansas. At all times relevant to the Complaint, JenMar handled the day-to-day management and operation of Value Place.

14. At all times relevant to the Complaint, Defendant Jenny Meyer was a co-owner of JenMar and oversaw the management of Value Place.

15. At all times relevant to the Complaint, Defendant Pamela Sells was an employee of Defendant JenMar and was the on-site manager of Value Place.

16. At all times relevant to the Complaint, Value Place was a dwelling within the meaning of the Fair Housing Act, 42 U.S.C. § 3602(b).

17. At all times relevant to the Complaint, Value Place had approximately 124 units which offered a bedroom with one or two double-sized beds, a bathroom, and a kitchen with a full size refrigerator, freezer, microwave, and stove-top. Value Place offered residents the use of a laundry room and a computer room. In order to use the kitchen, Value Place required its residents to use their own cookware, eating utensils and dishes and even sold said items on site.

18. At all times relevant to the Complaint, residents could rent units at Value Place on a weekly or monthly basis, pay in advance and return each night to the same unit, receive mail, and extend their stay in the same unit for lengthy periods of time, including months or even years. Value Place offered cheaper monthly rates to encourage residents to stay for longer periods of time. Value Place referred to itself as an “extended-stay” hotel. Its Rules & Policies state that there are no refunds for an unused portion of a weekly stay.

19. When the Jackson Family began its 62-day residence at Value Place on May 5, 2014, at least 21 of the 43 other rented units had residents who already occupied or were scheduled to occupy their units for over sixty days, including 9 units for over one year.

**FACTUAL ALLEGATIONS**

20. In early May 2014, the Jackson Family did not have a stable residence and was in immediate need of housing in Rochester, Minnesota. Yuetrice Jackson chose to rent a unit at Value Place because it offered a kitchen where she could prepare meals for her family and because it was near her daughters' schools. Value Place also had internet which would allow her daughters to complete their homework. Ms. Jackson and her family intended to stay at Value Place until they were in a secure position to obtain a more stable residence.

21. On May 4, 2014, Yuetrice Jackson registered for a studio double room at Value Place and was rented unit #223. Ms. Jackson signed a Value Place registration form which indicated that there was a minimum stay of 7 consecutive days at Value Place. The Jackson Family agreed to rent unit #223 at Value Place's weekly rate of \$55.04 per day. Value Place's Rules and Policies provided that there would be "[n]o refunds for unused portion of weekly stay."

22. Unit #223 was furnished with two double sized beds, a bathroom, and a kitchen with a refrigerator, freezer, microwave and a stove-top. In order to use the kitchen, Ms. Jackson subsequently purchased cookware, utensils and dishes from Value Place's on-site store.

23. During registration on May 4, 2014, Yuetrice Jackson spoke with an employee of Defendant JenMar, and informed the employee that her daughter Tramyra had a companion animal to assist with her disabilities. Ms. Jackson offered to send paperwork for the companion animal by facsimile.

24. Pursuant to the registration, Yuetrice Jackson, Tia Jackson, Ruthie Griggs, Tramyra Jackson and her companion animal Prince moved into unit #223 that same day.

25. On May 5, 2014, Yuetrice Jackson's legal representative, Southern Minnesota Regional Legal Services ("SMRLS"), sent by facsimile to Value Place a letter from a clinical psychologist, supporting Tramyra's need for a companion animal, a dog, named "Prince." Neither Defendants nor their representatives objected to Prince's presence in the Jackson Family's unit at Value Place.

26. In or around mid-June 2014, Defendant Pamela Sells gave Yuetrice Jackson a note stating that Prince needed to be removed from Value Place.

27. On or about June 16, 2014, Defendants VP2 and JenMar received and adopted a policy from Value Place Franchise Services, LLC, titled "ADA/Service Animal Policy-Value Place Brand Standards." The policy prohibited pets of any kind with an exception for service animals, as defined by the Americans with Disabilities Act.

28. On or about June 19, 2014, Mary Vrieze, a paralegal with SMRLS, spoke with Defendant Pamela Sells at Value Place about Tramyra Jackson's need for a companion animal. Defendant Sells stated that Value Place only accepted ADA approved "service dogs" and directed her to contact Defendant Jenny Meyer.

29. On June 19, 2014, Ms. Vrieze sent an e-mail to Defendant Meyer which stated, in relevant part:

[w]e have a client who is residing at Value Place in Rochester, MN. It is our understanding that her reasonable accommodation request has been denied. I spoke with Pam, the manager, and she told me to contact you to get your attorney contact information.

30. On June 19, 2014, Defendant Meyer responded, stating, in relevant part:

The Value Place brand doesn't accept pets unless it is an ADA registered Dog per the ADA guidelines. My understand [sic] from her doctor's note that we have on file, is [sic] this a companion dog. Is your position to prove [sic] the dog is an ADA dog; therefore we would not be able to ask her to remove the dog. Please clarify before I send anything further to our attorney as we have the right to refuse service and the right to refuse non service animals.

31. On June 20, 2014, an attorney from SMRLS, Laura Jelinek, responded to Defendant Meyer, stating their position that the applicable law is the Fair Housing Act 42 U.S.C. § 3604 and the Minnesota Human Rights Act and that neither make a distinction between service animals and companion animals.

32. On June 20, 2014, at 4:31 p.m., Defendant Meyer responded to Ms. Jelinek's e-mail, stating: "As a Hotel we have the right to non renew any hotel guest for any reason or no reason which we are exercising that right on Monday, June 23, 2014. We are not evicting her, we are non renewing her stay."

33. On June 20, 2014, at 5:15 p.m., Ms. Jelinek responded by e-mail to Defendant Meyer, asking that her e-mail be forwarded to an attorney and that Value Place is violating Minnesota law and the Fair Housing Act by not allowing Tramyra Jackson's companion animal to remain at Value Place and by making the Jackson Family leave.

34. On June 23, 2014, Yuetrice Jackson signed a Value Place “24-hour Check Out Notice,” which stated “I, Yuetrice Jackson will be departed from the Value Place on the 3<sup>rd</sup> of July ... P.S. Prince will be staying with a friend until we leave town.”

35. After Defendants did not renew the Jackson Family’s stay at Value Place, Yuetrice Jackson, Tramyra Jackson, Tia Jackson and Ruthie Griggs became homeless, staying at hotels, friends’ residences, at least one shelter, and at one point in their car.

### **PROCEDURAL BACKGROUND**

36. As required by the Fair Housing Act, 42 U.S.C. § 3610(a) and (b), the Secretary of HUD conducted an investigation of the complaint made by Yuetrice Jackson, Tramyra Jackson and Tia Jackson, attempted conciliation without success, and prepared a final investigative report.

37. Based on the information gathered in his investigation, the Secretary, pursuant to 42 U.S.C. § 3610(g), determined that reasonable cause exists to believe that illegal discriminatory housing practices occurred. On January 27, 2017, the Secretary issued a Determination of Reasonable Cause and Charge of Discrimination pursuant to 42 U.S.C. § 3610(g), charging the Defendants with discrimination under the Fair Housing Act under 42 U.S.C. §§ 3604(f)(1), (f)(2), (f)(3)(B) and 3617.

38. On February 3, 2017, Yuetrice Jackson, Tramyra Jackson and Tia Jackson, through counsel, timely 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)

39. On February 7, 2016, a HUD Administrative Law Judge issued a Notice of Election and terminated the administrative proceedings on the HUD complaint. Following



the Notice of Election, the Secretary of HUD authorized the Attorney General to commence a civil action pursuant to 42 U.S.C. § 3612(o).

40. The United States now timely files this Complaint pursuant to the Fair Housing Act, 42 U.S.C. § 3612(o).

**FAIR HOUSING ACT VIOLATIONS**

41. The United States incorporates by reference the preceding paragraphs of this Complaint.

42. Defendants discriminated against Yuetrice Jackson, Tramyra Jackson, and Tia Jackson in the rental of a dwelling by denying them the opportunity to renew their stay at the Value Place Extended Stay Hotel because of Tramyra Jackson's disabilities, in violation of 42 U.S.C. § 3604(f)(1).

43. Defendants discriminated against Yuetrice Jackson, Tramyra Jackson, and Tia Jackson in the terms, conditions, or privileges of rental of a dwelling because of Tramyra Jackson's disabilities, in violation of 42 U.S.C. § 3604(f)(2).

44. Defendants refused to make a reasonable accommodation in rules, policies, practices, or services, when such an accommodation was necessary to afford a person with a disability equal opportunity to use and enjoy a dwelling, in violation of 42 U.S.C. § 3604(f)(3)(B).

45. Defendants terminated Yuetrice Jackson, Tramyra Jackson, and Tia Jackson's tenancy in retaliation for their exercise of Tramyra Jackson's right to a reasonable accommodation in the form of a companion animal, in violation of 42 U.S.C. § 3617.

46. As a result of Defendants' conduct, Yuetrice Jackson, Tramyra Jackson, and Tia Jackson are aggrieved persons as defined in 42 U.S.C. § 3602(i) and have suffered injuries as a result of Defendants' actions.

47. Defendants' actions and statements were intentional, willful, and taken in disregard for the rights of Yuetrice Jackson, Tramyra Jackson, and Tia Jackson.

### **PRAYER FOR RELIEF**

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

- A. Declares that the discriminatory housing practices of Defendants as set forth above violate the Fair Housing Act, as amended, 42 U.S.C. § 3601, *et seq.*;
- B. Enjoins Defendants, their agents, employees, and successors and all other persons in active concert or participation with them from discriminating on the basis of disability, in violation of the Act;
- C. Orders Defendants to take such affirmative steps as may be necessary to restore, as nearly as practicable, the Complainants to the position they would have been in but for the discriminatory conduct;
- D. Orders Defendants to take such actions as may be necessary to prevent the recurrence of any discriminatory conduct in the future and to eliminate, to the extent practicable, the effects of their unlawful conduct, including implementing policies and procedures to ensure that no applicants or residents are discriminated against because of disability; and

E. Awards monetary damages to Yuetrice Jackson, Tramyra Jackson, and Tia Jackson, pursuant to 42 U.S.C. §§ 3612(o)(3) and 3613(c)(1).

Dated: March 6, 2017

ANDREW M. LUGER  
United States Attorney

*s/ Bahram Samie*

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