

RECEIVED

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF FLORIDA  
FORT MYERS DIVISION

2015 SEP 30 AM 10:01  
U.S. DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
FORT MYERS, FLORIDA

UNITED STATES OF AMERICA, )  
 )  
Plaintiff, )  
 )  
v. ) Civil Action No. \_\_\_\_\_  
 )  
SOUTHWIND VILLAGE, LLC, )  
and CARL BRUCKLER, )  
 )  
Defendants. )  
\_\_\_\_\_ )

2:15-CV-591-FtM-29CM

**COMPLAINT**

The United States of America alleges as follows:

**NATURE OF 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, 42 U.S.C. §§ 3601-3619 (the Fair Housing Act).

**JURISDICTION AND VENUE**

2. This Court has jurisdiction over this action under 28 U.S.C. §§ 1331 and 1345, and 42 U.S.C. § 3614(a).

3. Venue is proper under 28 U.S.C. § 1391(b), because (1) all Defendants reside in the Middle District of Florida; and (2) the claims alleged herein arose in the Middle District of Florida.

### **PARTIES**

4. Plaintiff is the United States of America.
5. Defendant Southwind Village, LLC is the owner of Southwind Village Mobile Home Park ("Southwind").
6. Defendant Southwind Village, LLC, was formed in April 2007 and has its principal place of business at 1269 River Road in North Fort Myers, Florida.
7. Defendant Carl Bruckler is a resident of North Fort Myers, Florida.
8. Defendant Carl Bruckler serves as the property manager at Southwind. As the property manager, his duties include providing information on available recreational vehicle lots to prospective renters, taking prospective renters to view the mobile home park and available lots, and securing renters for Southwind.
9. Defendant Southwind Village, LLC has authority to control the actions of its agent Defendant Carl Bruckler.

### **FACTUAL ALLEGATIONS**

10. Southwind is a mobile home and recreational vehicle community with approximately 70 mobile home and recreational vehicle lots located at 1269 River Road in North Fort Myers, Florida.
11. Individuals with recreational vehicles may rent a lot at Southwind, locate their recreational vehicle on that lot, and reside there.
12. Recreational vehicle lots at Southwind are typically rented on a monthly basis.

13. Some recreational vehicle owners at Southwind reside there full-time; others live at Southwind on a seasonal basis. Some recreational vehicle owners return on an annual basis.

14. Recreational vehicle owners at Southwind engage in activities of daily living in their recreational vehicles, such as sleeping, cooking, cleaning, and socializing. They typically return to their vehicles on a daily basis while at Southwind.

15. Recreational vehicle owners at Southwind have access to their own mailbox and address, and are billed directly for certain utilities.

16. Southwind provides recreational vehicle owners with water, electricity, sewage removal, lawn care, and garbage collection services while they are residing at the mobile home park.

17. The recreational vehicle lots at Southwind, and the recreational vehicles located thereon, are dwellings within the meaning of Section 802(b) of the Fair Housing Act, 42 U.S.C. § 3602(b).

18. Between September and November 2014, the United States conducted testing to evaluate Defendants' compliance with the Fair Housing Act. Testing is a simulation of a housing transaction that compares responses given by housing providers to different types of home-seekers to determine whether illegal discrimination is occurring.

19. The testing revealed that Defendants treat African-Americans who visit Southwind and inquire about renting a recreational vehicle lot differently and less favorably than similarly-situated white persons who visit Southwind for that purpose. Specifically, during the testing Defendant Carl Bruckler falsely told African-Americans that no



recreational vehicle lots were immediately available for rent, but told similarly-situated white persons that recreational vehicle lots were immediately available for rent.

20. The testing further revealed that while Defendant Carl Bruckler encouraged prospective white renters to consider residing at Southwind, he took actions to prevent or otherwise discourage similarly-situated African-Americans from residing at Southwind by, for example:

- a. Referring African-Americans to another mobile home park;
- b. Telling African-Americans not to "count on" future availability;
- c. Failing to advise African-Americans of the amenities available to Southwind residents;
- d. Falsely telling African-Americans that there is a waiting list; and
- e. Falsely telling African-Americans that there is a rental application process.

21. Defendant Southwind Village, LLC is liable for the discriminatory conduct of its agent, Defendant Carl Bruckler.

#### **CLAIMS FOR RELIEF**

22. By the conduct described above, Defendants have:

- a. Refused to negotiate for the rental of, or otherwise made unavailable or denied dwellings to persons because of race or color, in violation of Section 804(a) of the Fair Housing Act, 42 U.S.C. § 3604(a);
- b. Represented, because of race or color, that dwellings were not available for rental when such dwellings were in fact so available, in violation of Section 804(d) of the Fair Housing Act, 42 U.S.C. § 3604(d);

23. By the conduct described above, Defendants have:

- a. Engaged in a pattern or practice of resistance to the full enjoyment of rights granted by the Fair Housing Act, 42 U.S.C. § 3601, et seq.; or
- b. Denied to a group of persons rights granted by the Fair Housing Act, 42 U.S.C. § 3601, et seq., in a manner that raises an issue of general public importance.

24. There are persons who have been victims of Defendants' discriminatory housing practices, including any victims that the United States may identify. Such persons are "aggrieved persons" as defined in Section 802(i) of the Fair Housing Act, 42 U.S.C. § 3602(i), and have suffered damages as a result of the conduct described above.

25. Defendants' conduct described above was 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:

1. Declares that Defendants' policies and practices, as alleged herein, violate the Fair Housing Act;
2. Enjoins Defendants, their officers, employees, agents, successors, and all other persons in active concert or participation with any of them, from:
  - a. Discriminating against any person on the basis of race or color in any aspect of the rental of a dwelling;
  - b. Failing or refusing to take such affirmative steps as may be necessary to restore, as nearly as practicable, the victims of Defendants' unlawful

practices to the position they would have been in but for the discriminatory conduct; and

- c. Failing or refusing to take such affirmative steps to prevent the recurrence of any discriminatory conduct in the future and to eliminate, to the extent practicable, the effects of Defendants' unlawful practices;

3. Awards monetary damages to all persons harmed by Defendants' conduct, pursuant to Section 814(d)(1)(B) of the Fair Housing Act, 42 U.S.C. § 3614(d)(1)(B); and

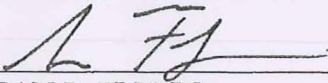
4. Assesses a civil penalty against each Defendant to vindicate the public interest in an amount authorized by Section 814(d)(1)(C) of the Fair Housing Act, 42 U.S.C. § 3614(d)(1)(C), and 28 C.F.R. § 85.3(b)(3).



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

Dated: September 30, 2015

A. LEE BENTLEY, III  
United States Attorney  
Middle District of Florida

  
SEAN P. FLYNN  
Deputy Chief, Civil Division  
Assistant United States Attorney  
USAO No. 111  
United States Attorney's Office  
400 North Tampa Street, Suite 3200  
Tampa, FL 33602  
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Fax: (813) 274-6200  
[Sean.Flynn2@usdoj.gov](mailto:Sean.Flynn2@usdoj.gov)

LORETTA E. LYNCH  
Attorney General

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VANITA GUPTA  
Principal Deputy Assistant Attorney General  
Civil Rights Division

s/Steven H. Rosenbaum  
STEVEN H. ROSENBAUM  
Chief

s/Ronald H. Lee  
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Housing and Civil Enforcement Section  
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## CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

## I. (a) PLAINTIFFS

UNITED STATES OF AMERICA

(b) County of Residence of First Listed Plaintiff \_\_\_\_\_  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)  
Sean P. Flynn, Assistant U.S. Attorney  
U.S. Attorney's Office, 400 N Tampa St., Ste 3200  
Tampa, FL 33602 | Tel: (813) 274-6000

## DEFENDANTS

SOUTHWIND VILLAGE, LLC, and CARL BRUCKLER

County of Residence of First Listed Defendant Lee  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)  
Charles Greene, Esq.  
55 East Pine Street, Orlando, FL 32801  
Tel: (407) 648-1700

## II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☒ 1 U.S. Government Plaintiff  
☐ 2 U.S. Government Defendant  
☐ 3 Federal Question (U.S. Government Not a Party)  
☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

## III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One for Defendant)

- |   |                            |                            |   |                            |                            |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
|   | PTF                        | DEF                        |   | PTF                        | DEF                        |
| Citizen of This State                   | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in This State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

## IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<b>PERSONAL INJURY</b> <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input checked="" type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	<b>PRISONER PETITIONS</b> <b>Habeas Corpus:</b> <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <b>Other:</b> <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

## V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding  
☐ 2 Removed from State Court  
☐ 3 Remanded from Appellate Court  
☐ 4 Reinstated or Reopened  
☐ 5 Transferred from Another District (specify)  
☐ 6 Multidistrict Litigation

## VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):  
Title VIII of the Civil Rights Act of 1968, 42 U.S.C. §§ 3601-3619 (the Fair Housing Act)  
Brief description of cause:  
Fair Housing Act violations - racial discrimination with aspect to rental of dwellings

## VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$ \_\_\_\_\_  
CHECK YES only if demanded in complaint:  
JURY DEMAND: ☐ Yes ☐ No

## VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE \_\_\_\_\_

DOCKET NUMBER \_\_\_\_\_

DATE 9/30/15 SIGNATURE OF ATTORNEY OF RECORD [Signature]

FOR OFFICE USE ONLY

RECEIPT # \_\_\_\_\_ AMOUNT \_\_\_\_\_ APPLYING IFP \_\_\_\_\_ JUDGE \_\_\_\_\_ MAG. JUDGE \_\_\_\_\_



# UNITED STATES DISTRICT COURT

for the

Middle District of Florida

UNITED STATES OF AMERICA,

*Plaintiff(s)*

v.

SOUTHWIND VILLAGE, LLC,  
and CARL BRUCKLER,

*Defendant(s)*

Civil Action No. 2:15-cv-591-FEM-29 CM

## SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* Southwind Village, LLC  
c/o Charles Greene, Esq.  
55 East Pine Street  
Orlando, FL 32801

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are: Sean P. Flynn, Assistant U.S. Attorney  
Deputy Chief, Civil Division  
U.S. Attorney's Office  
400 N Tampa Street, Suite 3200  
Tampa, FL 33602

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: 09/30/2015

R. M. Sherry

Signature of Clerk or Deputy Clerk

Civil Action No. 2:15-cv-

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* \_\_\_\_\_  
was received by me on *(date)* \_\_\_\_\_.

☐ I personally served the summons on the individual at *(place)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* \_\_\_\_\_  
\_\_\_\_\_, a person of suitable age and discretion who resides there,  
on *(date)* \_\_\_\_\_, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* \_\_\_\_\_, who is  
designated by law to accept service of process on behalf of *(name of organization)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I returned the summons unexecuted because \_\_\_\_\_; or

☐ Other *(specify)*:

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ 0.00 .

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc:



# UNITED STATES DISTRICT COURT

for the

Middle District of Florida

UNITED STATES OF AMERICA,

*Plaintiff(s)*

v.

SOUTHWIND VILLAGE, LLC,  
and CARL BRUCKLER,

*Defendant(s)*

Civil Action No. 2:15-cv-591-FM-29 CM

## SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* Carl Bruckler  
23 Fletcher Drive  
North Fort Myers, FL 33903

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are: Sean P. Flynn, Assistant U.S. Attorney  
Deputy Chief, Civil Division  
U.S. Attorney's Office  
400 N Tampa Street, Suite 3200  
Tampa, FL 33602

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: 09/30/2015

R.M. Jhy

*Signature of Clerk or Deputy Clerk*

Civil Action No. 2:15-cv-

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was received by me on (date) \_\_\_\_\_.

☐ I personally served the summons on the individual at (place) \_\_\_\_\_  
on (date) \_\_\_\_\_; or

☐ I left the summons at the individual's residence or usual place of abode with (name) \_\_\_\_\_  
\_\_\_\_\_, a person of suitable age and discretion who resides there,  
on (date) \_\_\_\_\_, and mailed a copy to the individual's last known address; or

☐ I served the summons on (name of individual) \_\_\_\_\_, who is  
designated by law to accept service of process on behalf of (name of organization) \_\_\_\_\_  
on (date) \_\_\_\_\_; or

☐ I returned the summons unexecuted because \_\_\_\_\_; or

☐ Other (specify): \_\_\_\_\_

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ 0.00 .

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

\_\_\_\_\_  
Server's signature

\_\_\_\_\_  
Printed name and title

\_\_\_\_\_  
Server's address

Additional information regarding attempted service, etc: