

EXHIBIT 1

1 GREGORY A. BROWER
2 United States Attorney
3 District of Nevada

3 ROBERT R. EDELMAN
4 Assistant United States Attorney
5 Nevada State Bar No. 8438
6 333 Las Vegas Boulevard South, Suite 5000
7 Las Vegas, Nevada 89101
8 Telephone: (702)388-6336
9 Facsimile: (702)388-6787
10 Email: Robert.Edelman@usdoj.gov

11 Attorneys for the United States of America.

12 UNITED STATES DISTRICT COURT

13 DISTRICT OF NEVADA

14 UNITED STATES OF AMERICA,

15 Plaintiff,

16 v.

17 CASTLE MANAGEMENT & CONSULTING,
18 LLC; and LAKESIDE VILLAGE
19 HOMEOWNERS ASSOCIATION,

20 Respondents.

Case No.

21 **DECLARATION OF CHARLES E. HAUPTMAN**

22 1. I, Charles E. Hauptman, am employed as the Regional Director for the U.S.
23 Department of Housing and Urban Development's ("HUD") Office of Fair Housing and Equal
24 Opportunity - Region IX ("FHEO").

25 2. In my capacity as a Regional Director, I am familiar with the investigation of
26 Respondents, Castle Management & Consulting, LLC, and Lakeside Village Homeowners
27 Association (collectively the "Respondents"), involving unfair housing practices, falsely
28 publishing property as a designated senior complex, and failing to meet the statutory
requirements of housing for older persons as set forth in Section 807(b)(2), 42 U.S.C. §
3607(b)(2).

3. In furtherance of the above investigation and in accordance with the authority

1 contained in Section 811(a) of the Fair Housing Act, 42 U.S.C. § 3611(a), I issued a Subpoena on
2 November 20, 2008, to the Respondents to produce documents as directed in the Subpoena. A
3 copy of the Subpoena is attached to the Petition as Exhibit 2.

4 4. Castle Management & Consulting, LLC, was served with the Subpoena on
5 November 21, 2008, at 8859 W. Flamingo Rd., Las Vegas, Nevada, 89147. A copy of the
6 affidavit of service on Castle Management & Consulting, LLC, is attached to the Petition as
7 Exhibit 3.

8 5. Lakeside Village Homeowners Association was served with the Subpoena on
9 November 21, 2008, at 8859 W. Flamingo Rd., Las Vegas, Nevada, 89147. A copy of the
10 affidavit of service on Lakeside Village Homeowners Association is attached to the Petition as
11 Exhibit 4.

12 6. To date, the Respondents have not produced all the requested documents or
13 provided a formal response to the Subpoena. Additionally, the Respondents have refused to
14 respond to FHEO's telephone attempts to contact Respondents regarding these outstanding
15 documents.

16 7. The information sought by HUD in the Subpoena is not already in the possession
17 of HUD.

18 8. All administrative steps required by HUD for the issuance of a Subpoena have
19 been taken. I followed the administrative requirements of 42 U.S.C. § 3611(a) by issuing the
20 Subpoena requesting documents in aid of the inquiry into unfair housing practices, falsely
21 publishing property as a designated senior complex, and failing to meet the statutory
22 requirements of housing for older persons. I caused the Subpoena to be served upon the
23 Respondents in the manner evidenced in the affidavits of service. I set the date for compliance
24 with the Subpoena eighteen days from its date of issuance.

25 9. It is necessary to obtain the documents from the Respondents as sought by the
26 Subpoena in order to properly inquire into potential violations of the Fair Housing Act by the
27 Respondents.

28 10. Pursuant to 28 U.S.C. § 1746(2), I declare under penalty of perjury that the

1 foregoing is true and correct. *th*

2 Executed on this 27 day of March, 2009.

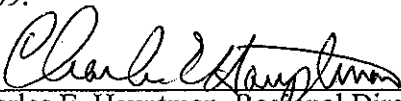
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4 
5 Charles E. Hauptman, Regional Director,
6 Office of Fair Housing and Equal Opportunity
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EXHIBIT 2



U.S. Department of Housing and Urban Development
Office of Fair Housing and Equal Opportunity - Region IX
600 Harrison Street, 3rd Floor
San Francisco, California 94107-1300
Voice: (800) 347-3739 (415) 489-6400
TTY: (415) 489-6564 Fax: (415) 489-6559
www.hud.gov
espanol.hud.gov

SUBPOENA TO PRODUCE DOCUMENTS

Case Number: 09-07-1380-8

Complainant: Roberta Jean Leong

Respondents: Castle Management & Consulting LLC
Lakeside Village Homeowners Association

TO: Custodian of Records
Castle Management & Consulting LLC
8859 W. Flamingo Road
Las Vegas, NV 89147

Custodian of Records
Lakeside Village Homeowners Association c/o
Castle Management & Consulting LLC
8859 W. Flamingo Road
Las Vegas, NV 89147

Pursuant to Section 811(a) of the Fair Housing Act (Act), 42 U.S.C. 3611(a), you are hereby commanded to produce the documents requested below and mail to Janice McConico, a duly authorized investigator of the Department of Housing and Urban Development at 600 Harrison Street, 3rd Floor, San Francisco, CA 94107 no later than December 8, 2008.

DEFINITIONS

The word "document" as used in this subpoena is used in the broadest sense permitted by the Federal Rules of Civil Procedure and means:

- (i) the original, all nonidentical copies, and drafts of writing of any kind, including, but not limited to, notes, correspondence, memoranda, reports, minutes, pamphlets, letters, telegrams, messages (including reports, notes, and memoranda of telephone conversations and conferences), calendar and diary entries, records, data, computerized documents, compilations, drawings, graphs, charts, data compilations, telephone logs, emails, and signs.
- (ii) photographs, audio tapes, films, videotapes, sound recordings, and similar means of reproduction from which information can be obtained.

All attachments or enclosures to a document are deemed to be part of such document.

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Subpoena

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The words "dwelling," "premises," "unit," "units," "property" or "properties" as used in this subpoena shall have the same meaning as that provided in Section 802(b) of the Fair Housing Act [42 U.S.C. 3602(b)], which is:

"any building, structure or portion thereof which is occupied as, or designed or intended for occupancy as, a residence for one or more families, and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure, or portion thereof."

The word "agent" means any employee or representative of the respondents or any of its affiliates, subsidiaries, or franchises, who are owners, managers, or employees of the respondents.

DOCUMENTS REQUESTED

1. Provide copies of documents used by respondents, after the November 1, 2005 vote regarding age-restrictions on occupancy at Lakeside Village (aka Brookview), to establish that the property meets the requirements of an age-restricted community.
2. Provide all written communications from respondents regarding votes and proxies, including ballots and special proxies, for the November 1, 2005 vote regarding age-restrictions on occupancy at the property, and for any other vote regarding age-restrictions on occupancy at the property that may have been held from July 1, 2003 to present.
3. Provide any documents provided by respondents from July 1, 2003 to present, to potential renters, buyers, real estate agents, and current owners indicating that Lakeside Village (aka Brookview) is an age-restricted community.
4. Provide any communications between respondents and the complainant's potential buyers, Rona Zimmerman and Dan Simion, and the buyers' representatives, and any communications between respondents and the complainant in connection with the purchase of her unit by Rona Zimmerman and Dan Simion, indicating that Lakeside Village (aka Brookview) is an age-restricted community.
5. Provide a list of all occupants of Lakeside Village (aka Brookview) who were residing in the property in June 2007. The list shall identify (if available):
 - a. Unit number or space/pad number,
 - b. Name of lease holding tenant or owner,
 - c. Name and date of birth of any occupant aged 55 or older in the unit,
 - d. Date of the occupant's first occupancy in the unit or space, and
 - e. Telephone number of the lease holding tenant or owner.

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6. Provide a list of all occupants of Lakeside Village (aka Brookview) who were residing in the property in November 2005. The list shall identify (if available):
 - a. Unit number or space/pad number,
 - b. Name of lease holding tenant or owner,
 - c. Name and date of birth of any occupant aged 55 or older in the unit,
 - d. Date of the occupant's first occupancy in the unit or space, and
 - e. Telephone number of the lease holding tenant or owner.
7. Provide copies of Lakeside Village's (aka Brookview) current resident applications, leases, rental contracts, sales contracts, and any other documentation that clearly establishes the date of the current occupant's initial occupancy in that unit or space.
8. Provide a copy of the complex or park's published Rules and Regulations, or other applicable notice(s), which set forth the complex or park's intention to provide housing for older persons.
9. Provide copies of any other legal documents, such as conditional use or zoning permits, if any, which establish minimum age criteria for the complex or park during its history of existence. Please state the dates these documents became effective.
10. Provide photostatic copies of age verification documentation (e.g., drivers license, birth/baptismal certificate, passport, etc.) which was used by management to establish the age(s) of a qualifying member of each household. State the date that these documents were obtained by management.
11. Provide Lakeside Village Homeowner Association Board of Directors' minutes from July 2003 through June 2007.

PROTECTIONS AND DUTIES

Under the Federal Rules of Civil Procedure Persons Subject to Subpoenas have a Number of Protections and Duties

Protection of Persons Subject to Subpoenas

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

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(2) (A) A person commanded to produce and permit inspection and copying of designated books, papers, documents, or tangible things or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing, or trial.

(B) Subject to paragraph (d) (2) of Rule 45 of the Federal Rules of Civil Procedure, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designed materials or of the premises. If objections are made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3) (A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it:

- (i) fails to allow reasonable time for compliance;
- (ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (3)(B)(iii), such a person may in order to attend trial be contended to travel from any such place within the state in which the trial is held;
- (iii) requires disclosure of privileged or other protected matter and no exception or waiver applies; or
- (iv) subjects a person to undue burden.

(B) If a subpoena:

- (i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or
- (ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

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Respondents: Castle Management & Consulting LLC & Lakeside Village Homeowners Association

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- (iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a party subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

Federal Rules of Civil Procedure 45(c).

Duties in Responding to Subpoena

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things withheld that is sufficient to enable the demanding party to contest the claim.

Federal Rules of Civil Procedure 45(d).

PENALTY

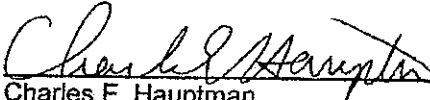
Section 811(c) of the Fair Housing Act (42 USC §3611(c)) provides that any person who willfully fails or neglects to attend and testify, or to answer any lawful inquiry, or produce records, documents, or other evidence, if it is in such person's power to do so, in disobedience of the subpoena or lawful order to the Secretary, shall be fined not more than \$100,000 or imprisoned not more than one year, or both.

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Respondents: Castle Management & Consulting LLC & Lakeside Village Homeowners Association

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In testimony thereof, I affixed my signature at San Francisco, California, this 20th day of November, 2008.


Charles E. Hauptman
Regional Director
Office of Fair Housing and Equal Opportunity (FHEO)

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Respondents: Castle Management & Consulting LLC & Lakeside Village Homeowners Association

Subpoena

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Notice of Service

Received the subpoena at _____ on
_____, 2008, and on _____, 2008 at
_____ served it on the within named _____ by delivering a
copy personally.

Signature

EXHIBIT 3

AFFIDAVIT OF SERVICE

STATE OF NEVADA)
)
COUNTY OF CLARK)

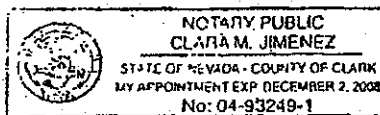
MARIE A SCHEIB, being duly sworn deposes and says: that at all times herein affiant was and is a citizen of the United States, over 18 years of age, licensed to serve civil process in the state of Nevada under license #389, and not a party to or interested in the proceeding in which this affidavit is made. The affiant received on Thursday November 20 2008; 1 copy(ies) of the:

SUBPOENA TO PRODUCE DOCUMENTS

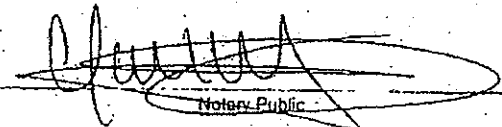
I served the same on Friday November 21 2008 at 01:40PM by:

Serving the Witness; CUSTODIAN OF RECORDS, CASTLE MANAGEMENT & CONSULTING LLC

Substituted Service, by leaving the copies with or in the presence of: CHARLES MAHULA, COMMUNITY ASSOCIATION MANAGER Authorized Agent. at the Witness's Business located at 8859 W. FLAMINGO RD., Las Vegas, NV. 89147.



SUBSCRIBED AND SWORN to before me on this
Saturday November 22 2008


Notary Public


Affiant: MARIE A SCHEIB
LEGAL WINGS, INC. - NV LIC #389
1118 FREMONT STREET
Las Vegas, NV 89101
(702) 384-0305, FAX (702) 384-8638

4896716,237713

EXHIBIT 4

AFFIDAVIT OF SERVICE

STATE OF NEVADA)
)
COUNTY OF CLARK)

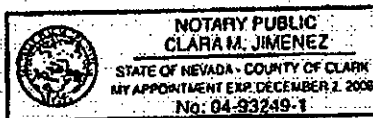
MARIE A SCHEIB, being duly sworn deposes and says: that at all times herein affiant was and is a citizen of the United States, over 18 years of age, licensed to serve civil process in the state of Nevada under license #389, and not a party to or interested in the proceeding in which this affidavit is made. The affiant received on Thursday November 20 2008; 1 copy(ies) of the:

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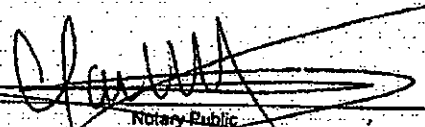
I served the same on Friday November 21 2008 at 01:40PM by:

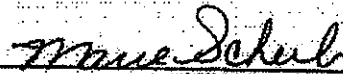
Serving the Witness, CUSTODIAN OF RECORDS, LAKESIDE VILLAGE HOMEOWNERS ASSOCIATION C/O CASTLE MANAGEMENT & CONSULTING LLC

Substituted Service, by leaving the copies with or in the presence of: CHARLES MAHULA, COMMUNITY ASSOCIATION MANAGER Authorized Agent. at the Witness's Business located at 8859 W. FLAMINGO RD., Las Vegas, NV 89147.



SUBSCRIBED AND SWORN to before me on this
Saturday November 22 2008


Notary Public



Affiant: MARIE A SCHEIB
LEGAL WINGS, INC. - NV LIC #389
1118 FREMONT STREET
Las Vegas, NV 89101
(702) 384-0305, FAX (702) 384-8638

4896716.237715

EXHIBIT 5

1 GREGORY A. BROWER
 2 United States Attorney
 District of Nevada

3 ROBERT R. EDELMAN
 Assistant United States Attorney
 4 Nevada State Bar No. 8438
 333 Las Vegas Boulevard South, Suite 5000
 5 Las Vegas, Nevada 89101
 Telephone: (702)388-6336
 6 Facsimile: (702)388-6787
 Email: Robert.Edelman@usdoj.gov

7 Attorneys for the United States of America.
 8

9 UNITED STATES DISTRICT COURT
 10 DISTRICT OF NEVADA

11 UNITED STATES OF AMERICA,

12 Plaintiff,

13 v.

14 CASTLE MANAGEMENT & CONSULTING,
 15 LLC; and LAKESIDE VILLAGE
 HOMEOWNERS ASSOCIATION,

16 Respondents.
 17

Case No.

18 **[PROPOSED] ORDER TO SHOW CAUSE**

19 Upon the Petition of the United States, and the declaration and summons attached thereto,

20 IT IS HEREBY ORDERED that Respondents, Castle Management & Consulting, LLC,
 21 and Lakeside Village Homeowners Association, appear before the United States District Court
 22 for the District of Nevada in that branch thereof presided over by the Honorable

23 _____, the undersigned, in the Lloyd D. George United States

24 Courthouse, 333 Las Vegas Boulevard South, Las Vegas, Nevada 89101 at _____

25 on the _____ day of _____, _____, in Courtroom _____, to show cause
 26 why Respondents should not be compelled to comply with the U.S. Department of Housing and
 27 Urban Development subpoena to produce documents served on each Respondent on November
 28 21, 2008.

1 IT IS FURTHER ORDERED that a copy of this Order, together with the Petition and
2 Exhibits thereto, be personally served on Respondents within thirty (30) days of the date of this
3 Order.

4 IT IS FURTHER ORDERED within 5 days of service of copies of this Order, the Petition
5 and Exhibits thereto, the Respondents shall file and serve written responses to the Petition. If
6 Respondents have any defenses to present or motions to make in opposition to the Petition, such
7 defenses or motions shall be made in writing and filed with the Court, and copies served on the
8 United States Attorney at least five (5) business days prior to the date of the show cause hearing.
9 Only those issues raised by motion or brought into controversy by responsive pleadings shall be
10 considered by the Court, and any uncontested allegations in the Petition shall be deemed
11 admitted.

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13
14 UNITED STATES DISTRICT JUDGE

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16 DATED: _____
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