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IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF FLORIDA  
U.S. DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
FORT MYERS, FLORIDA

UNITED STATES OF AMERICA,	)	Civil Action No.
	)	
Plaintiff,	)	
	)	
v.	)	
	)	
THOMAS MERE,	)	
	)	
Defendant.	)	
_____	)	

2:16-cv-163-FTM-38MRM

**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) the Defendant resides 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 Thomas Mere ("Mere") is the sole proprietor of Mere's Mobile Home and RV Park ("Mere's Park").

6. Mere's Park was established in May 1972 and has its principal place of business at 1555 North Tamiami Trail in North Fort Myers, Florida. Mere's Park was registered by the Defendant as a fictitious name on November 24, 2003, with the Florida Department of State, Division of Corporations.

7. The Defendant is a resident of North Fort Myers, Florida.

8. The Defendant is the property manager at Mere's Park. His duties include providing information on available mobile homes, recreational vehicles, and recreational vehicle lots to prospective renters, taking prospective renters to view the park and available units and lots, and securing renters for Mere's Park.

### **FACTUAL ALLEGATIONS**

9. Mere's Park is a mobile home and recreational vehicle community that rents mobile homes, recreational vehicles, and recreational vehicle lots. It is located at 1555 North Tamiami Trail in North Fort Myers, with additional units and lots for rent at 1051 North Tamiami Trail and 1699 Ixora Drive in North Fort Myers.

10. Mobile home units, recreational vehicles, and recreational vehicle lots are rented on a monthly and annual basis.

11. Individuals with recreational vehicles may rent a lot at Mere's Park, locate their recreational vehicle on that lot, and reside there.

12. Mere's Park residents engage in activities of daily living in their recreational vehicles, such as sleeping, cooking, cleaning, and socializing. They typically return to their units on a daily basis while at Mere's Park.

13. Mere's Park residents have access to their own mailbox and address while at Mere's Park, and are billed directly for certain utilities.

14. Mere's Park provides water and sewage removal services and other amenities to residents. Electricity is provided for select units.

15. Mere's Park residents include some who live there full-time and others who live there on a seasonal basis. Some seasonal residents return to Mere's Park on an annual basis.

16. The mobile homes, recreational vehicles, and recreational vehicle lots at Mere's Park, 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).

17. Between June and November 2014, the United States conducted testing to evaluate the Defendant's 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.

18. The testing revealed that the Defendant treats African Americans who visit Mere's Park and inquire about renting a mobile home, recreational vehicle, or recreational vehicle lot differently and less favorably than similarly-situated white persons who visit Mere's Park for that purpose. Specifically, the testing revealed that the Defendant falsely told African Americans that no mobile homes, recreational vehicles, or recreational vehicle

lots were immediately available for rent, but told similarly-situated white persons that they were, in fact, available for rent.

19. The testing further revealed that while the Defendant encouraged prospective white renters to consider residing at Mere's Park, he took actions to prevent or otherwise discourage similarly-situated African-Americans from residing at Mere's Park by, for example:

- a. Referring African Americans to another mobile home and RV park;
- b. Failing to advise African Americans about future availability;
- c. Making discouraging comments about the units available for rent; and
- d. Failing to provide African Americans complete and accurate information about available units and/or lots.

#### **CLAIMS FOR RELIEF**

20. By the conduct described above, the Defendant has:

- 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); and
- 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).

21. By the conduct described above, the Defendant has 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 denied to a group of persons rights granted by the Fair Housing Act, 42 U.S.C. §§ 3601, et seq., which denial raises an issue of general public importance.

22. There are persons who may have been victims of the Defendant's 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 may have suffered damages as a result of the conduct described above.

23. The Defendant's 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 the Defendant's policies and practices, as alleged herein, violate the Fair Housing Act;
2. Enjoins the Defendant, his, 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 the Defendant's 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 the Defendant's unlawful practices;

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

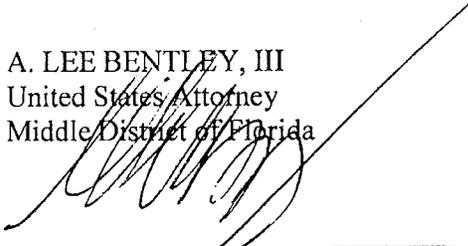
4. Assesses a civil penalty against the Defendant to vindicate the public interest in an amount authorized by Section 814(d)(1)(C) of the Fair Housing Act, 42 U.S.C. § 3614(d)(1)(C), and 28 C.F.R. § 85.3(b)(3).

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

Dated: February 29, 2016

LORETTA E. LYNCH  
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