

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 3:16-cv-210
)	
ROBERT KORMANIK and)	Filed electronically
KINAMROK, INC.,)	
)	
Defendants.)	
)	

COMPLAINT

The United States of America 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, 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 the claims alleged herein arose in the Western District of Pennsylvania.

FACTUAL ALLEGATIONS

4. Kinamrok Apartments, which includes a two-story, twenty unit apartment building comprised of two-bedroom, one-bedroom, and efficiency units, located at 400 Luray Avenue; thirteen

one-bedroom single-story and townhouse style units located at 1001 Tener Street, and four two-bedroom duplexes located at 1010 Tener Street and 105 Kinamrok Avenue, is in Johnstown, Pennsylvania.

5. Defendant Robert Kormanik, a resident of Pennsylvania, is the rental agent for Kinamrok Apartments.

6. Defendant Kinamrok, Inc. is a corporation licensed to do business in Pennsylvania. Defendant Kinamrok, Inc. owns Kinamrok Apartments.

7. The units at Kinamrok Apartments are dwellings within the meaning of Section 802(b) of the Fair Housing Act, 42 U.S.C. § 3602(b).

8. Between March and July 2015, the United States Department of Justice 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.

9. The testing undertaken by the United States revealed that Defendant Kormanik was engaged in housing practices that discriminate on the basis of familial status at Kinamrok Apartments, including refusing to negotiate with a tester with a child for the rental of apartments and making statements that he would not rent, or preferred not to rent, apartments to families with children.

10. Illustrations of the Defendants' discriminatory housing practices include, but are not limited to, the following incidents, as revealed by the testing conducted by the United States:

a. On April 29, 2015, Defendant Kormanik told one of the United States' testers, "I don't advertise the two-bedrooms. People sometimes want a two. If I say two bedrooms sometimes people come in say I've six kids and we can sleep on the couch.... You don't have children do you?"

- b. On April 29, 2015, Defendant Kormanik told one of the United States' testers, "you can't put children or pets" in a one-bedroom apartment.
- c. On June 8, 2015, Defendant Kormanik told one of the United States' testers that "Yeah, [the two bedroom is] worth it. I don't say much about it because I don't want children in the second bedroom."
- d. On July 15, 2015, Defendant Kormanik told one of the United States' testers, "Yeah two adults, that's fine. Yeah, no children, no pets."
- e. On July 16, 2015, Defendant Kormanik told one of the United States' testers that he would not rent a one-bedroom unit to the tester who sought a unit for herself and her eight-year old daughter because, "federal law requires the child has their own bedroom."

CLAIMS FOR RELIEF

- 11. The conduct of Defendant Kormanik described above constitutes:
 - a. A refusal to negotiate for the rental of, or otherwise making unavailable or denying, dwellings to persons because of familial status, in violation of Section 804(a) of the Fair Housing Act, 42 U.S.C. § 3604(a); and
 - b. Making statements with respect to the rental of a dwelling that indicated a preference, a limitation, or discrimination based on familial status, and an intention to make such a preference, limitation or discrimination based on familial status, violation of Section 804(c) of the Fair Housing Act, 42 U.S.C. § 3604(c).

* * * * *

12. Kinamrok, Inc. is liable for the discriminatory conduct of its agent, Defendant Kormanik, described above.

13. The conduct of Defendants described above constitutes:

- a. 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. A denial to a group of persons of rights granted by the Fair Housing Act, 42 U.S.C. §§ 3601, et seq., which denial raises an issue of general public importance.

14. Persons who may have been victims of Defendants' discriminatory housing practices 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.

15. 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 familial status in any aspect of the rental of a dwelling;
 - b. Failing or refusing to notify the public that dwellings owned or operated by Defendants are available to all persons on a non-discriminatory basis;
 - c. 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

d. Failing or refusing to take such affirmative steps 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 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 Defendants 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 28, 2016

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