

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

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UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.)
)
CHANDI BISWAS, KENNETH R. SCOTT,)
and FRANKIE L. ROBERSON,)
)
Defendants.)
_____)

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W. A. R. HACKETT, CLK
U.S. DISTRICT COURT
MIDDLE DISTRICT ALA

Civil Action No.

COMPLAINT

The United States of America alleges:

1. This action is brought to enforce the Fair Housing Act, Title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988, 42 U.S.C. §§ 3601 *et seq.*
2. This Court has jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1345 and 42 U.S.C. § 3614. Venue is proper under 28 U.S.C. § 1391(b) as the claims alleged herein arose in the Middle District of Alabama.
3. Rolling Oaks Apartments consists of apartments in nine buildings located on North 8th Street in Clanton, Alabama, in the Middle District of Alabama. These apartments are dwellings within the meaning of the Fair Housing Act, 42 U.S.C. § 3602(b).
4. Defendant Chandi Biswas owns and operates the real property identified above, known as Rolling Oaks Apartments.
5. Defendant Biswas resides within the Middle District of Alabama.
6. Defendant Kenneth R. Scott is an agent of Chandi Biswas and serves as the Resident

Manager of Rolling Oaks Apartments.

7. While acting within the scope of his authority as an agent, Defendant Scott is responsible, among other things, for the rental of apartments at Rolling Oaks Apartments.
8. Defendant Scott resides in the Middle District of Alabama.
9. Defendant Frankie L. Roberson is an agent of Chandi Biswas and performs, among other functions, maintenance work at Rolling Oaks Apartments.
10. While acting with actual or apparent authority as agent of Chandi Biswas, Defendant Roberson showed apartments to prospective tenants at Rolling Oaks Apartments.
11. Defendant Roberson resides in the Middle District of Alabama.
12. The United States Department of Justice conducted a series of tests in 2008 and 2009 to evaluate the 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 in order to determine whether illegal discrimination is occurring. The testing undertaken by the United States revealed that Defendants Scott and Roberson engaged in housing practices that discriminate on the basis of race or color at Rolling Oaks Apartments by making statements with respect to the rental of dwellings indicating a preference, a limitation, or discrimination on the basis of race or color.
13. Defendants Scott and Roberson made these statements as agents for Defendant Biswas.
14. Defendants, through actions including those describe above, have discriminated by making, or causing to be made, statements with respect to the rental of a dwelling that indicate a preference, a limitation, or discrimination based on race or color, or an intention to make any such preference, limitation, or discrimination, in violation of

42 U.S.C. § 3604(c).

15. The conduct of the 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.
16. There may be persons who have been the victims of discriminatory housing practices by the Defendants. Such persons are aggrieved persons as defined in 42 U.S.C. § 3602(i), and may have suffered injuries as a result of the Defendants' conduct described above.
17. The Defendants' conduct described above was intentional, willful, and taken in disregard for the rights of others.

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

1. Declares that the Defendants' policies and practices, as alleged herein, violate the Fair Housing Act;
2. Enjoins the Defendants, their officers, employees, and agents, 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 notify the public that dwellings owned, operated, or managed by any of the Defendants are available to all persons on a nondiscriminatory basis;
 - c. Making statements with respect to the rental of a dwelling that indicate any

preference, limitation, or discrimination based on race or color;


3. Awards monetary damages to each person injured by the Defendants' conduct, pursuant to 42 U.S.C. § 3614(d)(1)(B); and
4. Assesses a civil penalty against the Defendants in the amount authorized by 42 U.S.C. § 3614(d)(1)(C), to vindicate the public interest.


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

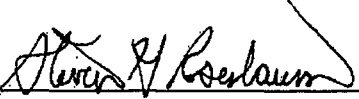
Dated: July 21, 2009


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