

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

|                                |   |                                   |
|--------------------------------|---|-----------------------------------|
| UNITED STATES OF AMERICA,      | ) |                                   |
|                                | ) |                                   |
| Plaintiff,                     | ) |                                   |
|                                | ) |                                   |
| v.                             | ) | Civil Action No. 1:09-cv-2459-WBH |
|                                | ) |                                   |
| GEORGIAN MANOR CONDOMINIUM     | ) |                                   |
| ASSOCIATION, INC.; JENNIFER    | ) |                                   |
| SHERROUSE; HN REAL ESTATE      | ) |                                   |
| GROUP, LLC, d/b/a HARRY NORMAN | ) |                                   |
| REALTORS; JOHN BRANCH, JR.;    | ) |                                   |
| and the ESTATE OF JEAN BRANCH, | ) |                                   |
|                                | ) |                                   |
| Defendants.                    | ) |                                   |
| <hr/>                          |   |                                   |

**CONSENT ORDER BETWEEN PLAINTIFF UNITED STATES AND DEFENDANTS  
HARRY NORMAN REALTORS AND JENNIFER SHERROUSE**

1. Plaintiff, United States of America, initiated this action on September 8, 2009, on behalf of Complainant Fair Metro Fair Housing Services pursuant to Section 812, and on behalf of other aggrieved persons pursuant to Section 814(a) of the Fair Housing Act, as amended 42 U.S.C. §§ 3612(o) and 3614(a), respectively. The complaint alleges that Defendants engaged in discrimination because of familial status in the sale or the rental of dwellings at 3648 Peachtree Road, Atlanta, Georgia (the “subject property”), in violation of the Fair Housing Act, as amended, 42 U.S.C. §§ 3601 *et seq.*

2. The United States and Defendants Harry Norman Realtor and Jennifer Sherrouse have agreed to the entry of this Consent Order to resolve all claims of the United States against Defendants Harry Norman Realtor and Jennifer Sherrouse (collectively “the Real Estate

Defendants”) and to avoid further litigation.<sup>1</sup>

### **I. GENERAL INJUNCTION**

3. The Real Estate Defendants, their agents, employees, successors, and all persons in active concert or participation with them are hereby enjoined, with respect to the sale or rental of dwellings, from:

- a. Refusing to sell or rent after the making of a bona fide offer, or refusing to negotiate for the sale or rental of, or otherwise making unavailable or denying, a dwelling to any person because of familial status; or
- b. Making, printing, or publishing, or causing to be made, printed, or published any notice, statement, or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on familial status, or an intention to make any such preference, limitation, or discrimination.

### **II. INJUNCTIVE RELIEF AGAINST DEFENDANTS HARRY NORMAN REALTORS AND JENNIFER SHERROUSE**

4. Within thirty (30) days after the date of entry of this Consent Order, the Real Estate Defendants shall take the following steps to notify the public that they do not discriminate:

- a. Continue to prominently display at all offices where the Real Estate Defendants and/or their agents or employees currently or subsequently use for the sale of dwellings or otherwise do business a fair housing sign no smaller than ten (10) inches by fourteen (14) inches that indicates that all properties are available on a nondiscriminatory basis. A poster that comports with 24 C.F.R. Part 110 will satisfy this requirement;

<sup>1</sup> On April 8, 2010, the Court entered a consent order resolving the United States’ claims against Defendants John Branch, Jr. and the Estate of Jean Branch.

- b. For any of the advertising produced after the date of this agreement, the Real Estate Defendants shall include the words "Equal Housing Opportunity" and the fair housing logo. Such advertising includes but is not limited to any website owned or operated by them; print advertising, including in newspapers, magazines, flyers, for sale or for rent signs, pamphlets, handouts, telephone directories, brochures, and other written and promotional literature; and radio, television or other media broadcasts. The words and logo shall be prominently placed and easily readable (or audible in the case of radio advertisement). This requirement does not compel the Real Estate Defendants to advertise in any of these media, but does require compliance with this provision whenever the Real Estate Defendants so advertise;
5. Within thirty (30) days after the date of entry of this Consent Order, the Real Estate Defendants shall include the following phrase in all listing contracts, exclusive or non-exclusive, and on their primary website(s), using letters of equal or greater size to those of the text in the body of the document:
- We are an equal housing opportunity provider. We do not discriminate on the basis of race, color, sex, national origin, religion, disability or familial status (having children under age 18).
6. Within one hundred twenty (120) days after the date of entry of this Consent Order, the Real Estate Defendants and all agents and employees of theirs involved in showing, listing, selling, promoting, or providing information about properties in the Atlanta metropolitan region shall undergo in-person training on the Fair Housing Act, with specific emphasis on discrimination because of familial status. The training shall be conducted by an independent, qualified third party, approved in advance by the United States, and any expenses associated with this training shall be borne by Defendants Harry Norman Realtors and Jennifer Sherrouse equally. The Real

Estate Defendants shall obtain from the trainer certifications of attendance, executed by each individual who received the training, confirming their attendance, in a form acceptable to the United States. This confirmation shall include the name of the course, the date the course was taken, and the length of the course and/or time within which the course was completed. Within one hundred twenty (120) days from the date of entry of this Consent Order, the Real Estate Defendants shall provide to all individuals covered by this paragraph a copy of this Consent Order and secure a signed statement from each agent or employee acknowledging that he or she has received and read the Consent Order, has had the opportunity to have questions about the Consent Order answered, and agrees to abide by the relevant provisions of the Consent Order. This statement shall be in the form of Exhibit A.

7. During the term of this Consent Order, within five (5) days after each new agent or employee becomes involved in showing, listing, selling, promoting or providing information about any property in the Atlanta metropolitan region, the Real Estate Defendants shall provide a copy of this Consent Order to said agent or employee and secure the signed statement (in the form of Exhibit A) from each agent or employee acknowledging that he or she has received and read the Consent Order, has had the opportunity to have questions about the Consent Order answered, and agrees to abide by the relevant provisions of the Consent Order.

8. During the term of this Consent Order, the United States may take steps to monitor the compliance by the Real Estate Defendants with this Consent Order including, but not limited to, conducting fair housing tests of Defendants and their agents or employees.

9. Within one hundred twenty (120) days after the date of entry of this Consent Order, and every six (6) months thereafter for the duration of this Order, the Real Estate Defendants shall deliver to counsel for the United States a report containing the following information about each

Defendant's compliance efforts during the preceding reporting period.

- a. All new signed statements of agents and employees of the Real Estate Defendants referred to in paragraphs 6 and 7 above;
  - b. Representative copies of standard advertising used by the Real Estate Defendants during the reporting period sufficient to verify that such advertisement complies with paragraphs 4(b);
  - c. Representative copies of the Real Estate Defendants' standard listing contract and the home page of its website sufficient to show that these documents comply with paragraph 5;
  - d. For the first report, photographs of the offices of the Real Estate Defendants showing the fair housing signs, pursuant to paragraph 4(a), and for subsequent reports, a sworn statement from Defendants Harry Norman Realtors and Jennifer Sherrouse that the signs mentioned in the previous report are still displayed along with photographs of signs at any new office not previously photographed in a report, if applicable; and
  - e. Copies of all new training certificates referred to in paragraphs 6 and 7.
10. The Real Estate Defendants shall preserve all records that are the source of, contain, or relate to any of the information pertinent to the obligations under this Consent Order, including, but not limited to, contracts for the sale or purchase of dwellings; listings of dwellings to which Defendants have access; and advertising literature. Upon reasonable notice to counsel for the Real Estate Defendants, representatives of the United States shall be permitted to inspect and copy all such records at any and all reasonable times or, upon request by the United States, the Real Estate Defendants shall provide copies of such documents.
11. The Real Estate Defendants shall notify counsel for the United States in writing within

fifteen (15) days of receipt of any written or oral complaint against either Defendant, or against either Defendant's agents or employees, regarding discrimination based on familial status. If the complaint is written, the Real Estate Defendants shall provide a copy of it with the notification. The notification shall include the full details of the complaint, including the complainant's name, address, and telephone number (if known). The Real Estate Defendants shall also promptly make available to the United States all relevant, non-privileged information the United States may request concerning any such complaint and shall inform the United States within fifteen (15) days of any resolution of such complaint.

### **III. COMPENSATION OF AGGRIEVED PERSONS**

12. No later than fourteen (14) days after the date of entry of this Consent Order, the Real Estate Defendants shall send to counsel for the United States, via overnight delivery, a check made payable to Metro Fair Housing Services in the amount of five thousand dollars (\$5,000), for the purpose of compensating the Complainant.<sup>2</sup>

13. When counsel for the United States has received the check from the Real Estate Defendants payable to MFHS and a signed release in the form of Exhibit B from MFHS, counsel for the United States shall deliver the check to MFHS and the original, signed release to counsel for Defendants. MFHS shall not be paid until it has executed and delivered to counsel for the United States the release at Exhibit B.

14. Within fourteen (14) days after the date of entry of this Consent Order, the Real Estate Defendants shall deposit thirty thousand dollars (\$30,000) into an interest-bearing escrow account

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<sup>2</sup> The checks should be sent by overnight delivery to the following address: Chief, Housing and Civil Enforcement Section, Civil Rights Division, 1800 G Street, N.W. Suite 7002, Washington, DC 20006, Attn: DJ# 175-19-377.

for the purpose of paying damages to any aggrieved persons who may have suffered harm as a result of Defendants' alleged policy of not selling to families with children. Any interest that accrues to the Settlement Fund shall become part of the Settlement Fund and be utilized as set forth herein. In addition, within ten (10) business days of the establishment of the Settlement Fund, the Real Estate Defendants shall submit proof to the United States that this account has been established and the funds deposited.

15. Within thirty (30) days after the date of entry of this Consent Order, the Real Estate Defendants shall arrange and publish a Notice to Potential Victims of Housing Discrimination ("Notice") as attached hereto at Exhibit C, informing the public of this settlement and of the Settlement Fund. The Notice shall be no smaller than three columns by six inches and thereafter, shall be published on four occasions in the *Atlanta Journal-Constitution*. The publication dates shall be separated from one another by at least seven (7) days. The Real Estate Defendants shall provide proof to Counsel for the United States that the Notices have been published within fifteen (15) days after the last advertisement has been published.

16. The United States shall investigate the claims of the aggrieved persons and, within one hundred eighty (180) days after the date of entry of this Consent Order, shall make a preliminary determination of which persons are aggrieved and an appropriate amount of damages that should be paid to each such person. The United States will inform the Real Estate Defendants in writing of its preliminary determinations, together with a copy of a sworn declaration from each aggrieved person setting forth the factual basis of the claim. The Real Estate Defendants shall have thirty (30) days to review the declaration(s) and provide any documents or information that they believe may refute the claim to the United States.

17. After receiving the Real Estate Defendants' comments, the United States shall submit its

final recommendations to the Court for approval, identifying the aggrieved persons and an appropriate amount of damages that should be paid to each such person, together with a copy of the sworn declarations and any documents or information submitted by Defendants. Within ten (10) days of a Court order providing for the distribution of funds to aggrieved persons, the Real Estate Defendants shall deliver to counsel for the United States checks payable to the aggrieved persons in the amounts approved by the Court.

18. In no event shall the aggregate of all checks from the Real Estate Defendants to the aggrieved persons exceed the sum of thirty thousand dollars (\$30,000) plus accrued interest.

19. When counsel for the United States has received a check from the Real Estate Defendants payable to an aggrieved person and a signed release in the form of Exhibit B from the aggrieved person, counsel for the United States shall deliver the check to the aggrieved person and the original, signed release to the Real Estate Defendants. No aggrieved person shall be paid until he/she has signed and delivered to counsel for the United States the release at Exhibit B.

20. In the event that less than the total amount in the Settlement Fund including accrued interest is distributed to aggrieved persons, the remainder shall be distributed to qualified organization(s) mutually agreed upon by the United States and the Real Estate Defendants, subject to approval of the Court, for the purpose of conducting fair housing enforcement or educational activities in the Atlanta metropolitan area.

#### **IV. CIVIL PENALTY**

21. Within thirty (30) days after the entry of this Consent Order, the Real Estate Defendants shall pay a total of twenty-five thousand dollars (\$25,000) to the United States as a civil penalty, pursuant to 42 U.S.C. § 3614(d)(1)(C). This payment shall be delivered to counsel for the United States in the form of a cashier's check payable to the "United States Treasury."

**V. SCOPE AND DURATION OF CONSENT ORDER**

22. The provisions of this Consent Order shall apply to the Real Estate Defendants, their employees, agents, successors, and all persons acting in active concert or participation with them.
23. This Consent Order is effective immediately upon its entry by the Court and shall remain in effect for three (3) years.
24. The Court shall retain jurisdiction for the duration of this Consent Order to enforce the terms of the Order, after which time the case shall be dismissed with prejudice.
25. All parties shall be responsible for their own attorney's fees and court costs, except as provided for in Section VII below.

**VI. REMEDIES FOR NON-COMPLIANCE, TIME FOR PERFORMANCE, AND MODIFICATIONS**

26. The United States may move the Court to extend the period in which this Consent Order is in effect if either of the Real Estate Defendants violates one or more terms of the Order or if the interests of justice otherwise require an extension of the terms of the Order.
27. Any time limits for performance imposed by this Consent Order may be extended by mutual written agreement of the parties.
28. The parties to this Consent Order shall endeavor in good faith to resolve informally any differences regarding interpretation of and compliance with this Order prior to bringing such matters to the Court for resolution. However, in the event the United States contends that there has been a failure by either of the Real Estate Defendants, whether willful or otherwise, to perform in a timely manner any act required by this Order or otherwise to comply with any provision thereof, the United States may move this Court to impose any remedy authorized by law or equity, including, but not limited to, an order requiring performance of such act or deeming such act to

have been performed, and an award of any damages, costs, and attorney's fees which may have been occasioned by the Defendant's or Defendants' violation or failure to perform.

29. The parties agree that in the event that either of the Real Estate Defendants engages in any future violation of the Fair Housing Act, such violation shall constitute a "subsequent violation" pursuant to 42 U.S.C. § 3614(d).

**IT IS SO ORDERED:**

This 12 day of November, 2010.

  
\_\_\_\_\_  
WILLIS B. HUNT  
UNITED STATES DISTRICT COURT JUDGE

The terms of this Consent Order have been agreed to by the Plaintiff United States of America and Defendants Harry Norman Realtors and Jennifer Sherrouse, as indicated by the signatures below, as well as by the Complainant, Metro Fair Housing Services, and the parties request the entry of this Consent Order:

FOR THE UNITED STATES:

SALLY Q. YATES  
United States Attorney  
Northern District of Georgia

THOMAS E. PEREZ  
Assistant Attorney General  
Civil Rights Division

/s/ Mina Rhee  
MINA RHEE  
Assistant United States Attorney  
75 Spring Street, SW  
Suite 600  
Atlanta, GA 30303  
Tel: (404) 581-6302  
Fax: (404) 581-6163  
Mina.Rhee@usdoj.gov

/s/ Dana Mulhauser  
STEVEN H. ROSENBAUM  
Chief  
MICHAEL S. MAURER  
Deputy Chief  
DANA MULHAUSER  
Trial Attorney  
United States Department of Justice  
Civil Rights Division  
Housing and Civil Enforcement Section  
950 Pennsylvania Avenue, N.W.  
Northwestern Building, 7th Floor  
Washington, DC 20530  
Tel: (202) 305-0007  
Fax: (202) 514-1116  
Dana.Mulhauser@usdoj.gov

FOR DEFENDANTS HARRY NORMAN REALTORS AND JENNIFER SHERROUSE:

/s/ Monica K. Gilroy  
Monica K. Gilroy  
Dickenson Gilroy LLC  
3780 Mansell Road Suite 140  
Alpharetta, Georgia 30022  
(678) 280-1922  
mkg@dickensongilroy.com

**Exhibit A**

**Employee/Agent Acknowledgment of Receiving and Reviewing Consent Order**

I have received a copy of the Consent Order entered in *United States v. Georgian Manor Condominium Association, et al.*, Civil Action No. 1:09-cv-2459 (N.D. Ga.). The Consent Order was explained to me by my employer, and all questions concerning these documents were answered. I have read and understood the Consent Order.

\_\_\_\_\_  
DATE

\_\_\_\_\_  
EMPLOYEE/AGENT NAME (PRINT)

\_\_\_\_\_  
EMPLOYEE/AGENT SIGNATURE

**Exhibit B**

Release

In consideration for the parties' agreement to the terms of the Consent Order as to Defendants Harry Norman Realtors and Jennifer Sherrouse entered in *United States v. Georgian Manor Condominium Association, et al.*, Civil Action No. 1:09-cv-2459 (N.D. Ga.), and Defendants' payment to me of \$ \_\_\_\_\_, pursuant to the Consent Order, I hereby release and forever discharge all claims related to the facts at issue in the litigation referenced above, or in any way related to that litigation, and any other claims arising from the housing discrimination alleged in that litigation up to and including the date of entry of the Consent Order in this case, that I may have against any of the Defendants, all related entities, parents, predecessors, successors, subsidiaries and affiliates, and all of their past and present directors, officers, agents, managers, supervisors, shareholders and employees and their heirs, executors, administrators, successors or assigns.

Executed this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
[Print Name]

\_\_\_\_\_  
[Signature]

**Exhibit C**

**NOTICE TO POTENTIAL VICTIMS OF HOUSING DISCRIMINATION  
BECAUSE OF FAMILIAL STATUS (HAVING CHILDREN UNDER  
AGE 18) AT GEORGIAN MANOR CONDOMINIUMS,  
3648 PEACHTREE ROAD, ATLANTA, GEORGIA**

On \_\_\_\_\_, 2010, the United States District Court for the Northern District of Georgia entered a Consent Order resolving a housing discrimination lawsuit brought by the United States. The lawsuit alleged that Defendants engaged in a pattern or practice of housing discrimination because of familial status (having children under age 18) at the Georgian Manor Condominiums, 3648 Peachtree Road, Atlanta, Georgia, in violation of the federal Fair Housing Act.

Under the Consent Order, a Settlement Fund has been established to compensate persons whose rights may have been violated. You may qualify to recover from this Settlement Fund if you asked about renting or buying an apartment at Georgian Manor and, – *because of your familial status or the familial status of someone who resided or would have resided with you* – you were denied an opportunity to rent an apartment. You may also qualify to recover from this Settlement fund if – *because of your familial status or the familial status of someone who resided or would have resided with you* – you were discouraged from applying to live at Georgian Manor you asked about renting or buying and were not informed of or offered all available apartments, or were otherwise discriminated against in connection with attempt to buy or rent a unit.

*If you believe you have been discriminated against because of familial status in connection with the above-listed property, please contact the United States Department of Justice at:*

***1-800-896-7743, mailbox 9998.***

*You may also write to:*

***United States Department of Justice, Civil Rights Division Housing and Civil  
Enforcement Section, 950 Pennsylvania Ave. N.W. -G St, Washington, DC 20530. Attn:  
DJ # 175-69-39***

**You must call or write on or before** [no more than 180 days after \_\_\_\_\_, 2010,] **and your message or letter must include your name, address, and, if possible, at least TWO telephone numbers where you may be reached.**