

FILED
IN OPEN COURT

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION

APR 6 2006
Crowood
U.S. DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS

UNITED STATES OF AMERICA
RAQUEL RIOS, FERNANDO RIOS, BRENDA RIOS
V.
CASE NO. 4:04CV01290 WRW

PLAINTIFF
PLAINTIFF/INTERVIEWEES

DONALD L. RAPP AND E. JANE RAPP,
AND THE DONALD L. AND E. JANE RAPP
LIVING TRUST

DEFENDANTS

CONSENT ORDER

The United States initiated this action against the defendants on November 1, 2004, on behalf of Raquel Rios, her adult son Fernando Rios and her minor daughter Brenda Rios. The complaint alleged that the defendants had discriminated against the Rioses on the basis of national origin when the defendants refused to rent 604 S. Fairway, Sherwood, Arkansas, to them in violation of the Fair Housing Act, 42 U.S.C. § 3604.

The Parties have agreed to the entry of this Consent Order to resolve all claims of the United States against the defendants and to avoid the further expenses and the uncertainties of litigation. By entering into this Consent Order, the defendants do not admit to any violation of the Fair Housing Act, 42 U.S.C. §§ 3601, *et seq.*

I. GENERAL INJUNCTION

The defendants, their officers, agents, employees, successors, and all persons in active concert or participation with them are enjoined, with respect to the sale or rental of any dwellings as defined by 42 U.S.C. §3602(b), from:

a. refusing to sell or rent after the making of a bona fide offer, refusing to negotiate for the sale or rental of, or otherwise making unavailable or denying a dwelling to any person because of national origin in violation of 42 U.S.C. § 3604(a); and

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 national origin, or an intention to make any such preference, limitation, or discrimination in violation of 42 U.S.C. § 3604(c).

II. AFFIRMATIVE RELIEF

A. Defendants shall post and prominently display in the sales/rental office and in any other office where there is sales or rental activity and/or personal contact with applicants for the sale or rental of dwellings from the defendants, a poster no smaller than 11 inches by 14 inches that indicates that all dwellings are available for sale and rent on a nondiscriminatory basis. The poster(s) shall comply with the requirements set out in 24 C.F.R. Part 110.

B. Defendants shall within 30 days of the entry of this Order include the words "Equal Housing Opportunity" or the fair housing logo in all advertising conducted by the defendants in newspapers, telephone directories, radio or other media, and on all signs,

pamphlets, brochures, and other promotional literature. The words or logo should be prominently placed and easily legible.

III. MANDATORY EDUCATION AND TRAINING

A. Within 30 days of the entry of this Order, defendants shall provide a copy of this Order to all their agents and employees involved in the sale, rental or management of dwellings and secure the signed statement from each agent or employee acknowledging that he or she has received and read the Order and had an opportunity to have questions about the Order answered. This statement shall be substantially in the form of Attachment A.

B. During the term of this Order, within 30 days after the date he or she commences an employment or agency relationship with the defendants, each new agent or employee involved in the rental or management of dwellings shall be given a copy of this Order and be required to sign a statement acknowledging that he or she has received and read the Order and had an opportunity to have questions about the Order answered.

C. Defendant E. Jane Rapp shall undergo training on the provisions of the Fair Housing Act pertaining to discrimination on the basis of national origin. The training shall be conducted by a qualified third party unconnected to defendants or their employees, agents, or counsel. Defendants shall provide to the United States, within 30 days after the training, the name(s), address(es) and telephone number(s) of the trainer(s)

and certifications executed by the trainers confirming the attendance of the trainee. This training shall take place not later than 90 days after the entry of this Order.

IV. COMPENSATION OF AGGRIEVED PERSONS

The defendants shall pay the total sum of 15,500.⁰⁰ to Raquel Rios,

Fernando Rios and Brenda Rios as aggrieved persons within the meaning of the Fair

by Friday, April 7, 2006. TBG SFC SMC.

Housing Act. Before the money is paid, the Rioses shall execute written releases of all

claims, legal or equitable, that they might have against the defendants relating to the

claims asserted in this lawsuit (Attachment B). The defendants shall send the check to the

Rioses' attorney, Tammy Gattis, *TBG SFC SMC.* ~~within 15 days after entry of this Order.~~

V. RECORD KEEPING AND REPORTING

A. During the term of this Order, the defendants shall retain all rental records maintained in the normal course of their business – including, but not limited to, inquiry logs, applications, tenant files, and all records relating to actual or threatened evictions – created from the date of the entry of this Consent Order. Upon request and reasonable notice, and at reasonable intervals, the defendants shall produce or permit representatives of the United States to review any such records in the possession or control of the defendants, or their agents, employees, or representatives.

B. During the term of this Order, the defendants shall give counsel for the United States, within 15 days of the receipt of any written complaint against the defendants

regarding discrimination on the basis of national origin, or conduct prohibited by 42 U.S.C. §3617, a copy of the complaint and a description of the resolution of any such complaint within 15 days of resolution. The notice shall include the full details of the complaint, including the complainant's name, address and telephone number. The defendants shall also promptly provide the United States all information in their possession it may request concerning any such complaint and its actual or attempted resolution.

VI. COMPLIANCE TESTING

The United States may take steps to monitor the defendants' compliance with this Order including, but not limited to, conducting fair housing tests at any dwelling in which any Defendant, now or in the future, has a direct or indirect ownership, management, or financial interest.

VII. COURT JURISDICTION, SCOPE AND TERM OF CONSENT ORDER

A. The Parties have consented to the entry of this Order as indicated by the signatures below. To this end, the Parties stipulate and the Court finds that this Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1345 and 42 U.S.C. § 3612(o). This Consent Order is effective immediately upon its entry by the Court.

B. The Court shall retain jurisdiction over this action and over the defendants for two years from the date of entry of this Consent Order to enforce the terms of the Order, after which time the case shall be dismissed with prejudice.

C. 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 of a failure by the defendants to perform in a timely manner any act required by this Consent Order or otherwise to act in violation of 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.

So ORDERED this 6th day of April, 2006.

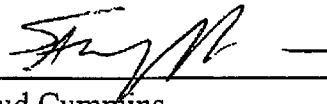
UNITED STATES DISTRICT JUDGE
MAGISTRATE

The undersigned hereby apply for and consent to the entry of this Order:

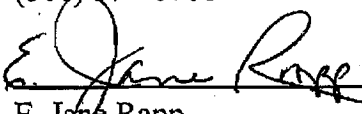
For the United States:



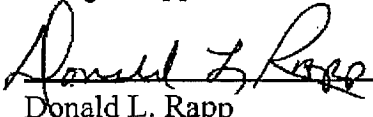
Sheila F. Campbell
Attorney for Defendants
P.O. Box 34007
Little Rock, AR 72203
(501) 374-0700



Bud Cummins
United States Attorney
Stacey E. McCord
Assistant United States Attorney
P.O. Box 1229
Little Rock, AR 72203
(501) 340-2630



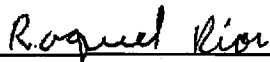
E. Jane Rapp



Donald L. Rapp



Tammy Gattis
Attorney for Raquel Rios, Fernando
Rios, and Brenda Rios
~~212 Center Street, Ste. 305~~ 1320 Brookwood, Suite D
Little Rock, AR 72201
(501) ~~374-1290~~ 372-4462



Raquel Rios

ATTACHMENT A
Employee Acknowledgment Form

I, _____, hereby acknowledge that I have been provided with a copy of the Consent Order entered by the United States District Court in United States v. Donald L. Rapp, et al., Case No. 4-04-CV-1290 WRW. I have read the entire Consent Order and have had an opportunity to have questions about the Order and my responsibilities under it answered by _____, a person represented to me to be knowledgeable about its contents.

(Signature)

(Print name)

(Street Address)

(City, State, Zip)

(Date)

*I have no employees
E. Jane Rapp
4/6/06*

ATTACHMENT B

Release

In consideration of the Consent Order entered in United States v. Donald L. Rapp, et al., Case No. 4-04-CV-1290 WRW, and of the payment of the sum of \$15,500.⁰⁰ dollars, pursuant thereto, I, Raquel Rios, hereby release the defendants named in this action, and all defendants who have been named in the preceding administrative action, from any and all liability for any claims, legal or equitable, known or unknown, that I may have against them, from the beginning of time to the date of this release, including but not limited to the issues alleged in the aforementioned action. I fully acknowledge and agree that this release of the defendants shall be binding on my heirs, representatives, executors, successors, administrators, and assigns. I hereby acknowledge that I have read and understand this release and have executed it voluntarily and with full knowledge of its legal consequences.

Raquel Rios
(Signature)

4-6-06
(Date)