

**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.)	
)	
_____)	

**CONSENT ORDER BETWEEN PLAINTIFF UNITED STATES
AND DEFENDANT GEORGIAN MANOR CONDOMINIUM
ASSOCIATION, INC.**

1. Plaintiff, United States of America, initiated this action on September 8, 2009, on behalf of Complainant Metro Fair Housing Services, Inc. (“MFHS”) 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. Defendant Georgian Manor Condominium Association, Inc. (“GMCA”) contends that it did not engage in discrimination because of familial status in the sale or the rental of the Subject Property.

3. The United States and GMCA have agreed to entry of this Consent Order to resolve all claims of the United States against GMCA and to avoid further litigation.

I. GENERAL INJUNCTION

4. Defendant GMCA and its agents, employees, successors, and assigns 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 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.

5. Further, GMCA shall:

- a. Within thirty (30) days after the date of entry of this Consent Order, prominently post in the enclosed glass case in the front lobby near the mail boxes and in the enclosed glass case at the rear entrance to the Georgian Manor Condominiums a fair housing sign no smaller than ten (10) inches by fourteen (14) inches indicating that Defendant operates and manages the property on a nondiscriminatory basis. A poster that comports with 24 C.F.R. Part 110 will satisfy this requirement.
- b. Within thirty (30) days after the date of entry of this Consent Order, provide a copy of this Order to all unit owners at the Subject Property and secure the signed statement from each owner acknowledging that he or she has received and read the Order and has had the opportunity to have questions answered about the Order and

agrees to abide by the relevant provisions of the Order and said policies and procedures. This statement shall be in the form of Exhibit A.

- c. During the term of this Consent Order, within five (5) days after purchase of any property at the Subject Property, provide a copy of this Order to the new owner(s) and secure the signed statement from said individual(s) acknowledging that he or she has received and read the Order, had the opportunity to have questions about the Order answered, and agrees to abide by said policies and the relevant provisions of the Order. This statement shall be in the form of Exhibit A.
- d. During term of this Consent Order, Defendant GMCA shall notify counsel for the United States in writing within fifteen (15) days of receipt of any written or oral complaint against Defendant GMCA or Defendant's officers regarding familial status discrimination in housing. If the complaint is written, Defendant GMCA 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. Defendant GMCA shall also promptly provide the United States all information it may request concerning any such complaint and shall inform the United States within fifteen (15) days of any resolution of such complaint.

II. COMPENSATION OF COMPLAINANT

6. Within thirty (30) days after the entry of this Consent Order, Defendant GMCA shall send to counsel for the United States, via overnight delivery,¹ a check made payable to Metro Fair Housing

¹ Payment and all other correspondence 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.

Services, Inc. in the amount of seven thousand five hundred dollars (\$7,500.00), for the purpose of compensating the Complainant.

7. When counsel for the United States has received the check from Defendant GMCA 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 Defendant GMCA. MFHS shall not be paid until it has executed and delivered to counsel for the United States the release at Exhibit B.

III. CIVIL PENALTY

8. Within thirty (30) days after the entry of this Consent Order, Defendant GMCA shall pay a total of two thousand five hundred dollars (\$2,500.00) 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."

IV. SCOPE AND DURATION OF CONSENT ORDER

9. The provisions of this Consent Order shall apply to Defendant GMCA, its employees, agents, successors, and assigns.

10. This Consent Order is effective immediately upon its entry by the Court and shall remain in effect for two (2) years.

11. 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 as to Defendant GMCA.

12. All parties shall be responsible for their own attorney's fees and court costs, except as provided for in Section "V." below.

V. REMEDIES FOR NON-COMPLIANCE, TIME FOR PERFORMANCE, AND MODIFICATIONS

13. The United States may move the Court to extend the period in which this Consent Order is in effect only if Defendant GMCA violates one or more terms of the Order or if the interests of justice otherwise requires an extension of the terms of the Order.

14. Any time limits for performance imposed by this Consent Order may be extended by mutual written agreement of the parties.

15. 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 Defendant GMCA, where 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 Defendant GMCA's violation or failure to perform. Nothing contained in this paragraph or otherwise in this Order shall be deemed to prevent Defendant GMCA from responding to or otherwise contesting a motion made by the United States to this Court seeking the imposition of a remedy for an alleged failure of Defendant GMCA to comply with this Order.

16. The parties agree that in the event that Defendant GMCA 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).

17. It appearing that the United States has reached settlement with all Defendants, the Clerk is **DIRECTED** to **ADMINISTRATIVELY CLOSE** the instant action. However, as is noted in Paragraph 11, this Court will retain jurisdiction over enforcement of the terms of the settlement orders entered in this matter, and, upon satisfaction of those terms, the parties will be dismissed with prejudice.

IT IS SO ORDERED this 3 day of January, 2011.



WILLIS B. HUNT, JR.
UNITED STATES DISTRICT JUDGE

The terms of this Consent Order have been agreed to by the Plaintiff United States of America and Defendant Georgian Manor Condominium Association, 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:

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FOR DEFENDANT GEORGIAN MANOR CONDOMINIUM ASSOCIATION:

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Exhibit A

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 the Georgian Manor Condominium Association, and all questions concerning these documents were answered. I have read and understood the Consent Order.

DATE

NAME (PRINT)

SIGNATURE

Exhibit B

Release

In consideration for the parties' agreement to the terms of the Consent Order Between Plaintiff United States and Defendant Georgian Manor Condominium Association, Inc. ("GMCA"), entered in *United States v. Georgian Manor Condominium Association, et al.*, Civil Action No. 1:09-CV-2459 (N.D. Ga.), and Defendant's 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 Defendant GMCA, 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]