

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

| | | |
|--------------------------------|---|----------|
| UNITED STATES OF AMERICA, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | CASE NO. |
| |) | |
| PASCO COUNTY FAIR ASSOCIATION, |) | |
| |) | |
| Defendants. |) | |
| |) | |

COMPLAINT FOR INJUNCTIVE RELIEF

The United States of America alleges:

1. This action is brought by the Attorney General on behalf of the United States to enforce Title II of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000a, et seq. ("Title II").

Jurisdiction

2. This Court has jurisdiction over this action pursuant to 42 U.S.C. § 2000a-5(a) and 28 U.S.C. § 1345.
3. Venue is proper in the Middle District of Florida pursuant to 28 U.S.C. § 1391 because the claims alleged herein arose in this District and the Defendant does business in this District.

Parties

4. Defendant Pasco County Fair Association, Inc. is a State-chartered corporation that is registered with the State of Florida and does business in the Middle District of Florida.
5. Defendant owns and operates the Dan Cannon Auditorium ("the auditorium"), which is located on the Pasco County fairgrounds at 36722 State Road 52 in Dade City, Florida.

Defendant rents the auditorium to the public for receptions, banquets, pageants, seminars, exhibitions and other events.

Title II Allegations

6. The auditorium is a place of public accommodation covered by Title II because it is a place of exhibition or entertainment within the meaning of 42 U.S.C. §§ 2000a(b)(3), and its operation affects commerce within the meaning of 42 U.S.C. §§ 2000a(c)(3).
7. Since at least 2006, Defendant, through its own actions, or the actions of its employees or agents, has engaged in policies and practices that deny individuals of Hispanic descent, on account of these individuals' national origin, the full and equal enjoyment of the goods, services, facilities, privileges, advantages, and accommodations of the auditorium. Defendant has carried out such policies and practices of discriminating on the basis of national origin by, among other things, quoting persons of Hispanic descent higher costs for renting the auditorium than it quotes non-Hispanic persons who are white.
8. In 2009, the United States conducted tests to evaluate Defendant's compliance with Title II. Testing is a simulation of a transaction that compares responses given by a place of public accommodation to different types of potential customers to determine whether illegal discrimination is occurring. The testing undertaken by the United States confirmed that Defendant has engaged in discrimination on account of national origin by quoting Hispanics a higher cost to rent the auditorium than white persons.
9. The conduct of Defendant described in Paragraphs 7 and 8 constitutes a pattern or practice of resistance to the full and equal enjoyment by individuals of Hispanic descent, on account of these individuals' national origin, of rights secured by 42 U.S.C. §§ 2000a,

et seq., and the pattern or practice is of such a nature and is intended to deny the full exercise of such rights.

Prayer for Relief

WHEREFORE, the United States requests that the Court enter an Order:

1. Declaring that the challenged practices and policies of Defendant violate Title II;
2. Enjoining Defendant, its employees, agents, and successors, and all other persons in active concert or participation with Defendant, from engaging in any act or practice which, on the basis of national origin, denies or abridges any rights secured by Title II; and
3. Requiring Defendant, its employees, agents, and successors, and all other persons in active concert or participation with any of them, to take such affirmative steps as may be necessary to remedy the past unlawful conduct.

The United States further prays for such additional relief as the interests of justice may require, together with the costs and disbursement of this action.

A. BRIAN ALBRITTON
United States Attorney
Middle District of Florida

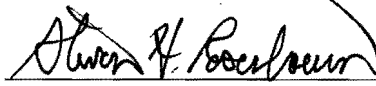
By: 

E. KENNETH STEGEBY
Assistant United States Attorney
USAO No. 112
400 North Tampa Street, Suite 3200
Tampa, FL 33602
Phone: (813) 274-6303
Fax: (813) 274-6198
Kenneth.Stegeby@usdoj.gov


ERIC H. HOLDER, JR.
Attorney General



THOMAS E. PEREZ
Assistant Attorney General
Civil Rights Division



STEVEN H. ROSENBAUM
Chief, Housing and Civil Enforcement
Section



MICHAEL S. MAURER
Deputy Chief

NANCY F. LANGWORTHY
Attorney
Bar No. 377947 (D.C.)
U.S. Department of Justice
Civil Rights Division
Housing and Civil Enforcement
Section
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530
Phone: (202) 616-8925
Fax: (202) 514-1116
Nancy.Langworthy@usdoj.gov