

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA
COURT FILE NO. 09-CV-1143 (JNE/RLE)

UNITED STATES OF AMERICA,)

Plaintiff,)

and)

RANESHA HALLIBURTON,)

Plaintiff-Intervenor)

v.)

PEARL BECK and)
GREGORY BECK,)

Defendants.)

CONSENT DECREE

On May 15, 2009, the United States instituted this action against Pearl Beck and Gregory Beck, on behalf of Ranesha Halliburton, pursuant to Section 812(o) of the Fair Housing Act, 42 U.S.C. § 3612(o). This action was brought pursuant to the Fair Housing Act of 1968, as amended by the Fair Housing Amendments Act of 1988, 42 U.S.C. § 3601, *et seq.* ("the Act"). The complaint alleged that Pearl and Gregory Beck refused to show Ms. Halliburton an apartment for rent in Detroit Lakes, Minnesota, due to her race, in violation of Sections 804(a) and (c) of the Act, 42 U.S.C. § 3604(a) and (c). On January 15, 2010, Ms. Halliburton filed a complaint-in-intervention.

Defendants filed answers denying liability and objecting to the requested relief. The United States, Ms. Halliburton, and Pearl and Gregory Beck desire to avoid the cost and uncertainty of protracted litigation and agree that this dispute should be resolved

without the necessity of further proceedings or trial. Therefore, the parties have waived a hearing and the entry of findings of fact and conclusions of law and have agreed to the entry of this Consent Order, as indicated by the signatures appearing below.

Therefore, it is hereby ORDERED, ADJUDGED and DECREED:

I. INJUNCTIVE RELIEF

Pearl and Gregory Beck, and any agents, employees, successors, and persons in active concert or participation with them are enjoined from:

- A. Refusing to rent after the making of a bona fide offer, or refusing to negotiate for the rental of, or otherwise making unavailable or denying, a dwelling to any person because of race, in violation of 42 U.S.C. § 3604(a);
- B. Making, printing, or publishing, or causing to be made, printed, or published any notice, statement, or advertisement, with respect to the rental of a dwelling, that indicates any preference, limitation, or discrimination based on race, or an intention to make any such preference, limitation, or discrimination, in violation of 42 U.S.C. § 3604(c).

II. MANDATORY EDUCATION AND TRAINING

Within ninety (90) days from entry of this Consent Order, Pearl and Gregory Beck shall attend a program of educational training focusing on the race-related provisions of federal, state and local fair housing laws, regulations and ordinances. The training shall be conducted by a qualified individual or organization that has been previously approved

by the Department of Justice, and any expenses associated with this training shall be borne by the Defendants.

Defendants shall provide to the United States, within thirty (30) days after the training, certifications executed by the trainers confirming the attendance of the trainees.

III. NOTIFICATION TO PUBLIC OF NONDISCRIMINATION POLICIES

Within ten (10) days after the date of entry of this Consent Order, Defendants shall take the following steps to notify the public of their nondiscriminatory policies:

- A. Pursuant to 24 C.F.R. Part 110, post and prominently display at any place of business where defendants conduct rental activity and/or have personal contact with applicants for rental of their property, a Fair Housing Poster.
- B. Include the words "Equal Housing Opportunity" or the fair housing logo in any advertising conducted by Defendants in newspapers, telephone directories, radio, television, Internet or other media, and on all billboards, signs, pamphlets, brochures and other promotional literature. The words or logo should be prominently placed and easily legible.

IV. RECORD KEEPING AND MONITORING

- A. During the term of this Consent Order, Defendants shall preserve all records pertaining to their obligations under this Consent Order. Upon reasonable notice to Defendants' counsel, representatives of the United States Department of Justice shall be permitted to inspect and copy all such records at reasonable times in order to monitor compliance with this Consent Order.

B. During the term of this Consent Order, Defendant shall give counsel for the United States written notice within fifteen (15) days of receipt of any written or oral complaint against the Defendants, regarding discrimination on the basis of race, and a description of the resolution of any such complaint within fifteen (15) days of resolution. If the complaint is written, Defendants shall provide a copy of it with the notice; if the complaint is oral, it shall include a written summary of it with the notice. The notice shall include the full details of the complaint, including the complainant's name, address and telephone number. Defendants shall also promptly provide the United States with all information it may request concerning any such complaint and its actual or attempted resolution.

V. RELIEF FOR RANESHA HALLIBURTON

Defendants will pay the total sum of \$25,500 in settlement of the case, by a check made payable to Ranesha Halliburton and Thomas Fiebiger. The payment shall be made within 30 days of the Court's entry of this consent decree. The check shall be sent c/o Thomas Fiebiger, 15 Broadway, Suite 301, Fargo, ND 58102, for him to forward to Ms. Halliburton. Upon receipt of the check, counsel for Ms. Halliburton shall send to the Defendants an executed release of all claims, legal or equitable, that Ms. Halliburton might have against the Defendants relating to the claims asserted in this lawsuit, attached hereto as Attachment A.

VI. COURT JURISDICTION, SCOPE AND TERM OF CONSENT ORDER

A. The parties have consented to the entry of this Consent 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).

- B. This Consent Order is effective immediately upon its entry by the Court.
- C. The entry of this Consent Order will terminate this case. The Court will retain jurisdiction, in order to enforce the terms of this Consent Order, for a period of thirty months after the entry of this Consent Order.
- D. The United States may move the Court to extend the duration of the Order if it determines that Defendants have violated one or more terms of the Order or if the interests of justice otherwise require.
- E. The United States and Pearl and Gregory Beck 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 Defendants, whether willful or otherwise, 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, and an award of any damages, costs, and attorneys' fees which may have been occasioned by Defendants' violation or failure to perform.
- F. Each party to this Consent Order shall bear its own costs and attorney's fees associated with this action.
- G. This Consent Order may be signed by the parties in counterparts.

s/ Joan N. Ericksen February 28, 2011

JOAN N. ERICKSEN
UNITED STATES DISTRICT JUDGE

The terms of this Consent Order have been agreed to by the parties, as indicated by the signatures of counsel below, and the parties request the entry of this Consent Order:

FOR THE UNITED STATES:

B. TODD JONES
United States Attorney

Ana H. Voss 2/9/11

By: ANA H. VOSS
Attorney ID No. 483656
Assistant United States Attorney
600 U.S. Courthouse
300 South Fourth Street
Minneapolis, MN 55410
Telephone: (612) 664-5671
Fax: (612) 664-5788
Email: ana.voss@usdoj.gov

FOR Pearl and Gregory Beck

Zenas Baer

Zenas Baer
Attorney ID 120595
Zenas Baer & Associates
331 6th St. P.O. Box 249
Hawley, MN 56549
218-483-3372
zbaer@zbaer.com

2/9/11

Pearl M. Beck

Pearl Beck

2/9/11

Gregory Beck

Gregory Beck

FOR Intervenor Ranesha Halliburton

2/9/11 *Thomas D. Fiebiger*

Thomas D. Fiebiger
15 Broadway, Suite 301
Fargo, ND 58102
(701) 293-0333
Fax: 701-293-7199
Email: tfiebiger@gmail.com
MN License No: 0307506

Ranesha Halliburton 2/9/11
Ranesha Halliburton

Attachment A

RELEASE OF CLAIMS

In consideration of the payment of the sum of _____ dollars (\$ _____), pursuant to the Consent Decree entered in *United States & Halliburton v. Beck.*, Case 0:09-cv-01143-JNE-RLE (D. Minn.), I, Ranesha Halliburton, hereby release the Defendants named in this action from any and all liability for any claims, legal or equitable, I may have against them arising out of the issues alleged in the action as of the date of the entry of that Consent Decree. 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.

Dated: _____

Ranesha Halliburton