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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

MICHAEL W. ROBBINS
CLERK, U.S. DISTRICT COURT

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 v.)
)
 ALICE CALEK, CAMILLE ZATOPA and)
 RAYMOND NEMECEK,)
)
 Defendants.)

00C 2832

00C 2832

JUDGE RONALD GUZMAN

MAGISTRATE JUDGE LEVIN

COMPLAINT

The United States, by its attorney, SCOTT R. LASSAR, United States Attorney for the Northern District of Illinois, for its complaint alleges:

1. This action is brought by the United States on behalf of Samaria Wright and the Leadership Council for Metropolitan Open Communities ("Leadership Council") to enforce the provisions of Title VIII of the Civil Rights Act of 1968 ("the Fair Housing Act"), as amended by the Fair Housing Amendments Act of 1988, 42 U.S.C. §§ 3601 *et seq.*

2. This court has jurisdiction over this action under 28 U.S.C. § 1345 and 42 U.S.C. §§ 3612(o) and 3614.

3. Defendants Alice Calek, Camille Zatopa and Raymond Nemecek are the owners of a 24-unit apartment building at 2209 61st Court in Cicero, Illinois.

4. Samaria Wright is an African-American woman who resides in Lyons, Illinois.

5. The Leadership Council is a non-profit organization, dedicated to promoting equal opportunity in housing, whose mission includes eradication of discrimination in housing based on race.

6. On July 31, 1998, Samaria Wright telephoned a number listed in an advertisement in the Berwyn-Cicero Life Newspaper, in order to inspect an apartment in the building owned by the defendants.

7. Samaria Wright spoke with defendant Alice Calek who asked Wright about her race. When defendant Calek learned that Wright was African-American, defendant Calek told Wright that she could not rent to Wright because of her race.

8. That same day, Samaria Wright contacted the Leadership Council to inform persons there about her conversation with defendant Calek.

9. Posing as a prospective tenant, a tester from the Leadership Council called the same number Samaria Wright had called to inquire about the advertised unit. Defendant Calek asked the tester if she was African-American or Hispanic. The tester responded that she was neither, upon which defendant Calek agreed to show the tester the apartment the next day.

10. Also on July 31, 1998, Ellyn Cronin, on behalf of the Leadership Council, telephoned defendant Calek to inquire as to the reason Samaria Wright was not being shown the apartment. Defendant Calek stated that the property was located in Cicero, Illinois, that African-Americans were unwelcome in Cicero, and that Wright would not fit in in the building.

11. Cronin, in her telephone conversation with defendant Calek, arranged for defendant Calek to show Samaria Wright the apartment that afternoon. Though Samaria Wright appeared at the appointed time, defendant Calek did not.

12. On or about July 20, 1999, and as amended on October 22, 1999 and October 26, 1999, Samaria Wright and the Leadership Council for Metropolitan Open Communities filed timely

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complaints with the Department of Housing and Urban Development ("HUD"), pursuant to section 810(a) of the Fair Housing Act, as amended, 42 U.S.C. § 3610(a). The complaints alleged that the defendants discriminated against Samaria Wright and the Leadership Council on the basis of race in violation of the Fair Housing Act, 42 U.S.C. § 3604, by asking Samaria Wright by telephone if she was African-American and refusing to rent to her because she was, by agreeing to show the unit to a Leadership Council tester who called and stated she was not African-American, and by admitting to Ellen Cronin, who called on behalf of the Leadership Council, that she had refused to show Samaria Wright the apartment because of her race.

13. As required by Section 810(a) and (b) of the Fair Housing Act, as amended, 42 U.S.C. § 3610(a) and (b), the Secretary of HUD ("the Secretary") conducted an investigation of the complaints, attempted conciliation without success, and prepared a final investigative report. Based on the information gathered in this investigation, the Secretary, pursuant to 42 U.S.C. § 3610(g)(1), determined that reasonable cause existed to believe that discriminatory housing practices had occurred. Therefore, on April 6, 2000, the Secretary issued a Charge of Discrimination pursuant to 42 U.S.C. § 3610(g)(2)(A), charging Alice Calek, Camille Zatopa, and Raymond Nemecek with engaging in discriminatory practices in violation of Section 804 of the Fair Housing Act, as amended, 42 U.S.C. § 3604.

14. On April 12, 2000, Samaria Wright elected to have the charges resolved in a federal civil action pursuant to 42 U.S.C. § 3612(a).

15. By defendant Calek refusing to rent the apartment to Wright because of her race, defendants Calek, Zatopa, and Nemecek discriminated against Wright in violation of 42 U.S.C. § 3604(a).

16. By defendant Calek stating to Leadership Council representative Elyn Cronin who was contacting defendant Calek on behalf of Wright, that Wright would have problems living in Cicero and that Wright would not fit in in the building because of her race, defendants Calek, Zatopa, and Nemecek discouraged the rental of the unit based on race in violation of 42 U.S.C. § 3604(a) and made a statement expressing a limitation, preference, and restriction based on race in violation of 42 U.S.C. § 3604(c).

17. By defendant Calek asking the Leadership Council tester whether she was Black, defendants expressed an implied limitation, restriction or preference based on race in violation of 42 U.S.C. § 3604(c).

22. Because of defendants' discriminatory conduct, Samaria Wright has suffered emotional distress, lost housing opportunity and economic loss.

23. Because of defendants' discriminatory conduct, the Leadership Council suffered a frustration of its mission and had to divert its time and funds toward the testing and investigation of this complaint.

24. The discriminatory actions of defendants were intentional, willful, and taken in disregard for the rights of Samaria Wright and the Leadership Council.

WHEREFORE, the United States prays that the Court enter an order that:

1. Declares that the defendants' discriminatory housing practices violate the Fair Housing Act, as amended, 42 U.S.C. §§ 3601 et seq.;

2. Enjoins the defendants, their officers, agents, employees, and successors, and all other persons in active concert or participation with any of them, from discriminating against Samaria Wright and the Leadership Council;

3. Awards such damages as will fully compensate Samaria Wright and the Leadership Council for all injury occasioned by defendants' denial of equal housing opportunity, pursuant to 42 U.S.C. §§ 3612(o)(3) and 3613(c);
4. Awards punitive damages because of the intentional and willful nature of the defendants' conduct, pursuant to 42 U.S.C. §§ 3612(o)(3) and 3613(c).
5. Provides for such additional relief as the interests of justice may require.

Respectfully submitted,

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