

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN**

United States of America,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Case Number 11-cv-734
	)	
Geneva Terrace Apartments, Inc., and	)	
Nicolai Quinn	)	
	)	
Defendants.	)	

**COMPLAINT**

The United States of America alleges:

1. This action is brought to enforce the Fair Housing Act, Title VIII of the Civil Rights Act of 1968, 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 pursuant to 28 U.S.C. §§ 1331 and 1345 and 42 U.S.C. §§ 3612(o) and 3614. Venue is proper under 28 U.S.C. § 1391(b) as the claims alleged herein arose in the Western District of Wisconsin.
3. Geneva Terrace Apartments, Inc. owns the Geneva Terrace Apartments, a ninety-six-unit apartment complex located at 5400 Mormon Coulee Road, La Crosse, Wisconsin. Geneva Terrace Apartments, Inc. offers apartments in that complex for rent. Those apartments are dwellings within the meaning of the Fair Housing Act, 42 U.S.C. § 3602(b).

4. Geneva Terrace Apartments, Inc. is a Wisconsin corporation with its principal place of business in La Crosse, Wisconsin.
5. Defendant Nicolai Quinn manages and operates the Geneva Terrace Apartments on behalf of Geneva Terrace Apartments, Inc., and is responsible for showing and leasing dwelling units.
6. Geneva Terrace Apartments, Inc. has the right to direct and control the actions of its agent, Nicolai Quinn, as manager and operator of the Geneva Terrace Apartments.
7. Between on or about September 1, 2009, and July 1, 2010, and while acting with the actual or apparent authority of Geneva Terrace Apartments, Inc, Nicolai Quinn showed and offered for rent apartments located in the Geneva Terrace Apartments.
8. On or about October 2009, Marcus Young and Brenda Young, a married, African-American couple, visited the Geneva Terrace Apartments to inquire about renting a two-bedroom unit. A sign that said "Now Renting" was on display at the rental office for the Geneva Terrace Apartments at the time the Youngs visited the property. Nicolai Quinn met the Youngs at the rental office and told them that no two-bedroom units were available.
9. On or about March 9, 2010, the Youngs visited the rental office at the Geneva Terrace Apartments. They met with Nicolai Quinn and inquired whether a two-bedroom unit was available for lease beginning May 1, 2010. Quinn told the Youngs that no two-bedroom units were available, and that none would be available before August, 2010.
10. On or about March 10, 2010, Nicolai Quinn told Theresa Bennett, a white woman and an acquaintance of Brenda Young, that a two-bedroom unit was available for lease, starting

May 1, 2010, at the Geneva Terrace Apartments. On or about the same day of Nicolai Quinn's conversation with Theresa Bennett, Brenda Young called the rental office at the Geneva Terrace Apartments and asked if a two-bedroom unit would be available for lease starting May 1, 2010. Nicolai Quinn falsely told her that no units were available.

11. After the March 10, 2010 conversations described above, Brenda Young and Marcus Young contacted the Metropolitan Milwaukee Fair Housing Council ("MMFHC"), a not-for-profit organization that works to eliminate housing discrimination, and told the MMFHC that they believed they had been the victims of housing discrimination.
12. In response to the Youngs' complaint, the MMFHC conducted two tests between April 2010 and June 2011 to evaluate the Defendants' compliance with the Fair Housing Act. Testing is the simulation of a housing transaction that compares responses given by housing providers to different types of home-seekers to determine whether illegal discrimination is occurring.
13. During the first test conducted by the MMFHC, Nicolai Quinn falsely told an African-American tester that a dwelling unit at the Geneva Terrace Apartments was not available for rent. He told a similarly situated white tester, however, that a unit was available for rent.
14. During the second test conducted by the MMFHC, Nicolai Quinn falsely told an African-American tester that a dwelling unit at the Geneva Terrace Apartments was not available for rent. He told a similarly situated white tester that a unit was available for rent.
15. On or about October 15, 2010, Marcus Young and Brenda Young filed a complaint

with the United States Department of Housing and Urban Development (HUD) alleging that the Defendants discriminated in violation of the Fair Housing Act on the basis of race.

16. As required by the Fair Housing Act, 42 U.S.C. §§ 3610(a) and (b), the Secretary of HUD conducted an investigation of the Youngs' complaint, attempted conciliation without success, and prepared a final investigative report. Based on the information gathered in his investigation, the Secretary, pursuant to 42 U.S.C. § 3610(g), determined that reasonable cause exists to believe that illegal discriminatory housing practices had occurred. Therefore, on or about September 19, 2011, the Secretary issued a Determination of Reasonable Cause and Charge of Discrimination pursuant to 42 U.S.C. § 3610(g), charging the Defendants with discrimination on the basis of race.
17. On September 26, 2011, the Defendants elected to have the claims asserted in HUD's Charge of Discrimination resolved in a federal civil action pursuant to 42 U.S.C. § 3612(a).
18. On or about September 26, 2011, a HUD Administrative Law Judge issued a Notice of Election and terminated the administrative proceedings on the HUD complaint filed by the FHCSP.
19. Following the Notice of Election, the Secretary of HUD authorized the Attorney General to commence a civil action, pursuant to 42 U.S.C. § 3612(c).

COUNT I

20. Plaintiff re-alleges and incorporates by reference the allegations set forth in paragraphs 1-19, above.
21. By the conduct set forth above, Defendants Nicolai Quinn and Geneva Terrace Apartments, Inc.:
  - a. Refused to negotiate for the rental of, or otherwise made unavailable or denied a dwelling to a person on the basis of race or color, in violation of Section 804(a) of the Fair Housing Act, 42 U.S.C. § 3604(a);
  - b. Discriminated in the terms, conditions, or privileges of, or the provision of services or facilities in connection with the rental of a dwelling because of race or color, in violation of Section 804(b) of the Fair Housing Act, 42 U.S.C. § 3604(b); and
  - c. Represented because of race or color that a dwelling is not available for inspection or rental when such dwelling is in fact so available, in violation of Section 804(d) of the Fair Housing Act, 42 U.S.C. § 3604(d).
22. Marcus Young and Brenda Young have suffered damages as a result of the Defendants' discriminatory conduct.
23. The discriminatory actions of Defendants Nicolai Quinn and Geneva Terrace Apartments, Inc. were intentional, willful, and taken in disregard of the requirements of the Fair Housing Act and the rights of Marcus Young and Brenda Young and others.

**COUNT II**

24. Plaintiff re-alleges and incorporates by reference the allegations set forth in paragraphs 1-23, above.
25. The conduct of Defendants Nicolai Quinn and Geneva Terrace Apartments, Inc. set forth above constitutes:
  - a. A pattern or practice of resistance to the full enjoyment of rights granted by the Fair Housing Act, 42 U.S.C. §§ 3601-3619; or
  - b. A denial to a group of persons of rights granted by the Fair Housing Act, 42 U.S.C. §§ 3601-3619, which denial raises an issue of general public importance.
26. In addition to Marcus Young and Brenda Young, there are other victims of the Defendants' discriminatory housing practices who are "aggrieved persons" as defined in 42 U.S.C. § 3602(i), and who may have suffered injuries as a result of the conduct described above.

WHEREFORE, the United States prays that the court enter an ORDER that:

1. Declares that the conduct of the Defendants, as alleged herein, violates the Fair Housing Act;
2. Enjoins the Defendants and their officers, employees, agents, successors and all other persons in active concert or participation with them, from further:
  - a. Refusing to rent, after the making of a bona fide offer, or refusing to negotiate for the rental of, or otherwise make unavailable or deny, a dwelling to any person because of race or color;
  - b. Discriminating against any person in the terms, conditions, or privileges of the rental of a dwelling, or in the provision of services or facilities in connection therewith, because of race or color;
  - c. Discriminating on the basis of race or color against any person in any aspect of the rental of dwellings, pursuant to 42 U.S.C. § 3614(d)(1)(A);
  - d. Representing to any person because of race or color that any dwelling is not available for inspection, sale or rental when such dwelling is in fact so available;
  - e. Failing or refusing to take such steps that may be necessary to prevent the recurrence of any discriminatory conduct in the future and to eliminate, to the extent practicable, the effects of the Defendants' unlawful housing practices; and
  - f. Failing or refusing to take such steps that may be necessary to restore persons aggrieved by the Defendants' unlawful housing practices to the position they would have been in but for the Defendants' conduct.


3. Awards monetary damages, pursuant to 42 U.S.C. §§ 3612(o)(3), 3613(c)(1), and 3614(d)(1)(B), to all persons harmed by the defendants' discriminatory practices, including Marcus Young and Brenda Young.
4. Assesses a civil penalty against Defendants Nicolai Quinn and Geneva Terrace Apartments, Inc., in an amount authorized by 42 U.S.C. § 3614(d)(1)(C) and 28 C.F.R. § 85.3(b)(3), to vindicate the public interest.

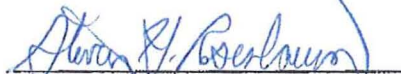
The United States further prays for such additional relief as the interests of justice may require.

Dated: 10/26/2011

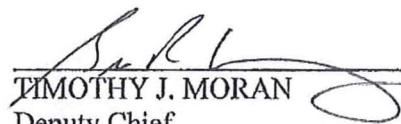
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