

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 12-C-1155

DOMINIC AMBROSELLI,
AMBROSELLI PROPERTIES, L.L.C., and
STEVEN SZCZERBIAK,

Defendants.

CONSENT ORDER BETWEEN PLAINTIFF UNITED STATES OF AMERICA AND
DEFENDANTS DOMINIC AMBROSELLI AND AMBROSELLI PROPERTIES, L.L.C.

On November 13, 2012, Plaintiff United States of America instituted this action against Dominic Ambroselli, Ambroselli Properties, L.L.C. and Steven Szczerbiak, alleging violations of 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 alleges that the Defendants violated Sections 804(a), (b), (c) and (d) of the Act, 42 U.S.C. § 3604(a), (b), (c) and (d), on the basis of race and familial status.

Defendants Dominic Ambroselli and Ambroselli Properties, L.L.C. ("the Ambroselli defendants") deny the allegations and state that the lawsuit resulted from a misunderstanding and they regret any harm their actions have caused to Juanita and Rashaad Washington and their three young children.

The United States and the Ambroselli defendants 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. These parties 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

Defendants Dominic Ambroselli, Ambroselli Properties, L.L.C. and any agents, employees, successors, and persons in active concert or participation with them are enjoined from:

A. Refusing to negotiate for the rental of, or otherwise making unavailable or denying, a dwelling to any person because of race or familial status, in violation of 42 U.S.C. § 3604(a);

B. Discriminating against any person in the terms, conditions or privileges of rental of a dwelling because of race or familial status, in violation of 42 U.S.C. § 3604(b);

C. Making, printing, 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 familial status, or an intention to make any such preference, limitation, or discrimination, in violation of 42 U.S.C. § 3604(c); and

D. Representing to any person that a dwelling is not available for inspection or rental when such dwelling is so available, based on race or familial status, in violation of 42 U.S.C. § 3604(d).

II. MANDATORY EDUCATION AND TRAINING

Within ninety (90) days from entry of this Consent Order, the Ambroselli defendants and any of their employees who are involved in making decisions about who can rent properties owned or managed by the Ambroselli defendants shall attend a program of educational training focusing on provisions of federal, state and local fair housing laws, regulations and ordinances as they relate to race and familial status. 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 Ambroselli defendants. The Ambroselli defendants shall provide to the United States, within thirty (30) days after the training, the name(s), address(es) and telephone number(s) of the trainer(s) and certifications executed by the trainers confirming the attendance of the trainees.

III. NOTIFICATION TO PUBLIC OF POLICIES OF NONDISCRIMINATION

Within ten (10) days after the date of entry of this Consent Order, the Ambroselli 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 they conduct rental activity and/or have personal contact with applicants for rental of their properties, a Fair Housing Poster.

B. Include the words "Equal Housing Opportunity" or the fair housing logo in any advertising conducted by them in newspapers, telephone directories, radio, television,

websites 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, the Ambroselli defendants shall preserve all records pertaining to their obligations under this Consent Order.

B. During the term of this Consent Order, the Ambroselli defendants shall give counsel for the United States written notice within fifteen (15) days of receipt of any written or oral complaint against them regarding discrimination on the basis of race or familial status, and a description of the resolution of any such complaint within fifteen (15) days of resolution. If the complaint is written, the Ambroselli defendants shall provide a copy of it with the notice; if the complaint is oral, they 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. The Ambroselli 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 RASHAAD AND JUANITA WASHINGTON

The Ambroselli defendants will pay the total sum of Fifty Thousand Dollars (\$50,000) in settlement of the case, by a check made out to Rashaad and Juanita Washington. The check shall be sent to Lennie A. Lehman, Assistant United States Attorney, Room 530, 517 East Wisconsin Avenue, Milwaukee, Wisconsin 53201, within five (5) business days of entry of the Consent Decree. Upon receipt of payment, Rashaad and Juanita Washington shall send to the Ambroselli defendants an executed Release (Exhibit

A) of all claims, legal or equitable, that they may have against the Ambroselli defendants relating to the claims asserted in this lawsuit, including any claims for attorney's fees.

VI. COURT JURISDICTION, SCOPE AND TERM OF CONSENT ORDER

A. The United States and the Ambroselli defendants 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 with respect to the Ambroselli defendants. The Court will retain jurisdiction, in order to enforce the terms of this Consent Order, for a period of three (3) years 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 either of the Ambroselli defendants has violated one or more terms of the Order or if the interests of justice otherwise require.

E. The United States and the Ambroselli defendants 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 either Ambroselli defendant, 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 the 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.

Dated at Milwaukee, Wisconsin this 13th day of December, 2012:

s/Patricia J. Gorence

HONORABLE PATRICIA J. GORENCE
UNITED STATES MAGISTRATE 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:

THOMAS E. PEREZ
Assistant Attorney General

STEVEN H. ROSENBAUM
Chief

ELIZABETH A. SINGER
Director, United States Attorneys' Fair Housing

Program

Housing and Civil Enforcement Section
Civil Rights Division
U.S. Department of Justice

JAMES L. SANTELLE
United States Attorney
Eastern District of Wisconsin

By: /s Lennie A. Lehman

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Attorneys for the United States of America

FOR DEFENDANTS DOMINIC AMBROSELLI AND AMBROSELLI PROPERTIES,
L.L.C.:

11/9/12

Date

Dominic Ambroselli

Dominic Ambroselli

EXHIBIT A

Release

In consideration of the Consent Order entered in *United States v. Dominic Ambroselli, et al.*, Civil Action No. _____ (E.D. Wis.) and of the payment of the sum of \$50,000 to us pursuant to that Consent Order, we, Juanita and Rashaad Washington, hereby release Defendants Dominic Ambroselli and Ambroselli Properties, L.L.C., as well as West Bend Mutual Insurance Company, from any and all liability for any claims, legal or equitable, we may have against them, for their own actions or the actions of defendant Steven Szczerbiak, arising out of the issues alleged in the action as of the date of the entry of the Consent Order. We fully acknowledge and agree that this release of Defendants shall be binding on our heirs, representatives, executors, successors, administrators, and assigns. We hereby acknowledge that we have read and understand this release and have executed it voluntarily and with full knowledge of its legal consequences.

Dated: _____
Juanita Washington

Dated: _____
Rashaad Washington