

IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF MAINE

UNITED STATES OF AMERICA,

Plaintiff,

v.

RUDY FERRANTE,

Defendant.

CIVIL ACTION NO.

COMPLAINT AND REQUEST FOR A JURY TRIAL

The United States of America alleges:

1. This action is brought by the United States to enforce provisions of Title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988, 42 U.S.C. §§ 3601 to 3619 (the "Fair Housing Act").
2. This Court has jurisdiction over this action under 28 U.S.C. § 1331, 28 U.S.C. § 1345, and 42 U.S.C. § 3614(a).
3. Venue is proper under 28 U.S.C. § 1391(b) because the actions giving rise to the United States' allegations occurred in the District of Maine, the properties that are the subject of the lawsuit are located in the District of Maine, the defendant resides in the District of Maine, and the defendant does business in the District of Maine.
4. Defendant Rudy Ferrante resides in Portland, Maine.
5. During part of or all times relevant to this action, Rudy Ferrante managed numerous multi-unit residential properties in Portland, ME, including, but not limited to 40 Alder Street, 1-7 Montgomery Street, 128 Grant Street, 133 Grant Street, 367 Cumberland

Avenue, 48 Wilnot Street, 10 Alder Street, and 8 May Street (collectively the "subject properties").

6. The rental units at the subject properties are dwellings within the meaning of 42 U.S.C. §3602(b).
7. At all times relevant to this action, Rudy Ferrante controlled the management of each of the subject properties including, but not limited to, showing available dwellings to prospective tenants, approving and denying tenant applications, determining tenancy rules, collecting rent, keeping track of past due rent, accepting requests for repairs, and evicting tenants.
8. From at least 2008 to 2009, Rudy Ferrante subjected female tenants of the subject properties to discrimination on the basis of sex, including severe, pervasive, and unwelcome sexual harassment. The harassment has included, but is not limited to:
  - a. Making unwelcome sexual advances and unwelcome sexual comments to female tenants;
  - b. Soliciting sexual favors in exchange for a reduction or waiver of rent;
  - c. Making sexual advances once female tenants defaulted on their rent;
  - d. Exposing genitals to female tenants and making sexual gestures;
  - e. Unwanted sexual touching;
  - f. Repeated and unwelcome sexual text messages;
  - g. Appearing at female tenants' homes late at night to solicit sex;
  - h. Failing to respond to a female tenant's complaints about sexual harassment;

- i. Granting and denying tangible housing benefits, including reducing the rent and not accepting rent payments, based on sex;
  - j. Taking adverse action against female tenants, including, but not limited to, evicting or relocating female tenants when they objected to sexual advances or sexual conduct.
9. Rudy Ferrante used intimidation tactics to prevent some of the victims of his discriminatory conduct from speaking with the Department of Justice during its pre-suit investigation in this matter.
10. Rudy Ferrante continues to manage and/or have an ownership interest in multi-unit residential properties in Portland, ME.
11. Rudy Ferrante's conduct described above constitutes:
  - a. A denial of housing or making housing unavailable because of sex, in violation of Section 804(a) of the Fair Housing Act, 42 U.S.C. § 3604(a);
  - b. Discrimination in the terms, conditions, or privileges of the rental of dwellings, or in the provision of services or facilities in connection therewith, because of sex, in violation of Section 804(b) of the Fair Housing Act, 42 U.S.C. § 3604(b);
  - c. The making of statements with respect to the rental of dwellings that indicate a preference, limitation, or discrimination based on sex, in violation of Section 804(c) of the Fair Housing Act, 42 U.S.C. § 3604(c); and
  - d. Coercion, intimidation, threats, or interference with persons in the exercise or enjoyment of, or on account of their having exercised or enjoyed, their rights

under Section 804 of the Fair Housing Act, in violation of Section 818 of the Fair Housing Act, 42 U.S.C. § 3617.

12. Rudy Ferrante's conduct described 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 et seq.; and
  - b. A denial to a group of persons of rights granted by the Fair Housing Act, 42 U.S.C. §§ 3601 et seq., which denial raises an issue of general public importance.
13. Female tenants, prospective tenants, and persons associated with them have been, or may have been injured by Rudy Ferrante's discriminatory conduct. These persons are aggrieved persons as defined in 42 U.S.C. § 3602(i), and have suffered damages as a result of Rudy Ferrante's conduct.
14. Rudy Ferrante's conduct was malicious, intentional, willful, and/or taken in reckless disregard for the rights of others.

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

1. Declares that Rudy Ferrante's discriminatory practices violate the Fair Housing Act, as amended, 42 U.S.C. §§ 3601 et seq.;
2. Enjoins Rudy Ferrante, his agents, employees, and successors, and all other persons in active concert or participation with him from:
  - a. Discriminating on account of sex against any person in any aspect of the rental of a dwelling;

- b. Interfering with or threatening to take any action against any person in the exercise or enjoyment of rights granted or protected by the Fair Housing Act, as amended; and
  - c. Failing or refusing to take such affirmative steps as may be necessary to restore, as nearly as practicable, the victims of Rudy Ferrante's past unlawful practices to the position they would have been in but for the discriminatory conduct;
3. Awards monetary damages to each person aggrieved by Rudy Ferrante's discriminatory housing practices for injuries caused by his discriminatory conduct, pursuant to 42 U.S.C. § 3614(d)(1)(B); and
4. Assesses civil penalties against Rudy Ferrante in order to vindicate the public interest, pursuant to 42 U.S.C. § 3614(d)(1)(e).

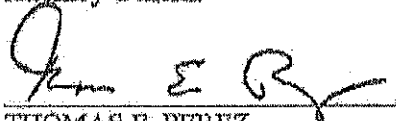
The United States further prays for such additional relief as the interests of justice may require.

Dated: Jan. 14, 2013  
(MB)

Respectfully submitted,

THOMAS E. DELAHANTY II  
United States Attorney

ERIC HOLDER  
Attorney General



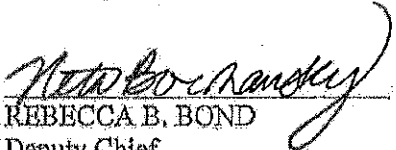
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**CERTIFICATE OF SERVICE**

I hereby certify that on January 14, 2013, I mailed a true and correct copy of the Complaint and Request for a Jury Trial by first class mail to the following:

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/s/ Neta Borshansky