

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

UNITED STATES OF AMERICA,)
)
)
Plaintiff,)
)
v.)
)
STACY STURDEVANT, and AIMCO)
PROPERTIES L.P.)
)
Defendants.)
_____)

Civil Action No. 07-2233 KHV

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 (“Fair Housing Act”), 42 U.S.C. §§ 3601 *et seq.*
2. This court has jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1345, as well as 42 U.S.C. § 3612(o).
3. Venue is proper because the claim alleged herein arose in the District of Kansas, and concerns or otherwise relates to real property located in the District of Kansas.
4. Defendant AIMCO Properties L.P. is engaged in the operation and renting of multifamily dwellings in the District of Kansas, including the Central Park Towers Apartments, a 195-unit residential apartment complex located at 15 N. 10th Street, Kansas City, Kansas.
5. The Central Park Towers Apartments is a “dwelling” within the meaning of 42 U.S.C. § 3602(b).
6. Defendant Stacy Sturdevant participates or has participated in the management,

operation, and rental of dwelling units at the Central Park Towers Apartments on behalf of AIMCO Properties L.P.

7. Melissa Kothe was employed by AIMCO Properties L.P. from March 2004 until May 3, 2005, as a resident services coordinator at the Central Park Towers Apartments.
8. On or about April 22, 2005, two investigators from the United States Department of Housing and Urban Development (“HUD”) interviewed Ms. Kothe in connection with a fair housing complaint lodged by a Central Park Towers resident against Ms. Sturdevant.
9. Ms. Kothe told the HUD investigators that she had witnessed Ms. Sturdevant using inappropriate and disrespectful language toward a tenant, and attempting to provoke the tenant into an altercation.
10. On or about April 22, 2005, and on or about April 25, 2005, Ms. Sturdevant asked Ms. Kothe what Ms. Kothe had told the HUD investigators. Ms. Kothe refused to give complete answers, and Ms. Sturdevant became angry with Ms. Kothe.
11. On or about April 27, 2005, Ms. Sturdevant overheard Ms. Kothe tell a co-worker that Ms. Kothe had advised a Central Park Towers tenant to contact an attorney or HUD regarding an eviction notice that the tenant had received.
12. Upon overhearing Ms. Kothe state that she had advised a tenant to contact an attorney or HUD, Ms. Sturdevant became angry and ordered Ms. Kothe to never again give a tenant advice about contacting either an attorney or HUD.
13. On or about April 27, 2005, Ms. Sturdevant falsely accused Ms. Kothe of falsifying a document that Ms. Kothe had submitted previously on behalf of a tenant to the Kansas Department of Social and Rehabilitative Services. Ms. Sturdevant made this false

allegation because Ms. Kothe had cooperated with HUD investigators and had advised a tenant to contact HUD or a lawyer.

14. As a result of Ms. Sturdevant's false accusation, Ms. Kothe was suspended, and later fired from her employment with AIMCO Properties L.P.
15. On or about May 24, 2005, Ms. Kothe filed a timely complaint with HUD pursuant to Section 810(a) of the Fair Housing Act, 42 U.S.C. § 3610(a), alleging a violation of 42 U.S.C. § 3617. In her complaint, Ms. Kothe alleged that the Defendants coerced, intimidated, threatened, or interfered with her on account of her having exercised or enjoyed, or on account of her having aided or encouraged any other person in the exercise or enjoyment of any right granted or protected by Section 803, 804, 805, or 806 of the Fair Housing Act.
16. Pursuant to the requirements of 42 U.S.C. §§ 3610(a) & (b), the Secretary of HUD conducted and completed an investigation of the complaint filed by Ms. Kothe, attempted conciliation without success, and prepared a final investigative report. Based on information gathered during the investigation, the Secretary, pursuant to 42 U.S.C. § 3610(g)(1), determined that reasonable cause exists to believe that discriminatory housing practices had occurred.
17. Accordingly, on or about April 20, 2007, the Secretary issued a Charge of Discrimination pursuant to 42 U.S.C. § 3610(g)(2)(A), charging Stacy Sturdevant and AIMCO Properties L.P. with engaging in a discriminatory housing practice in violation of Section 818 of the Fair Housing Act.
18. On or about May 2, 2007, Ms. Kothe elected to have the Charge of Discrimination

- resolved in a civil action filed in federal district court, pursuant to 42 U.S.C. § 3612(a).
19. On or about May 2, 2007, HUD's Chief Administrative Law Judge issued a Notice of Election of Judicial Determination and terminated the administrative proceeding on the complaint filed by Ms. Kothe.
 20. Following this Notice of Election, the Secretary of HUD authorized the Attorney General to commence a civil action, pursuant to 42 U.S.C. § 3612(o).
 21. The Defendants, through the conduct described above, have coerced, intimidated, threatened, or interfered with a person in the exercise or enjoyment of, or on account of her having exercised or enjoyed, or on account of her having aided or encouraged any other person in the exercise or enjoyment of any right granted or protected by Section 803, 804, 805, or 806 of the Fair Housing Act, in violation of 42 U.S.C. § 3617.
 22. Ms. Kothe is an aggrieved person as defined in 42 U.S.C. § 3602(i).
 23. Ms. Kothe has suffered damages, including economic loss and emotional distress, as a result of Defendants' conduct.
 24. The discriminatory actions of the Defendants were intentional, willful, and taken in disregard for the rights of the victims of that discrimination.

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

1. Declares that the Defendants' conduct, as alleged herein, violates the Fair Housing Act;
2. Enjoins the Defendants, their officers, employees, agents, successors and all other persons in active concert or participation with them, from further:

(a) Coercing, intimidating, threatening, or interfering with any person in the exercise or enjoyment of, or on account of her having exercised or enjoyed, or on account of her having aided or encouraged any other person in the exercise or enjoyment of any right granted or protected by Section 803, 804, 805, or 806 of the Fair Housing Act; and

(b) Failing or refusing to take such affirmative steps as may be necessary to restore, as nearly as practicable, Ms. Kothe to the position she would have been in but for the Defendants' discriminatory conduct.

3. Awards monetary damages, pursuant to 42 U.S.C. § 3612(o)(3), to Ms. Kothe.

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

Dated: June 1, 2007

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Plaintiff designates Kansas City, KS as place of trial