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16 UNITED STATES DISTRICT COURT
17 FOR THE EASTERN DISTRICT OF WASHINGTON
18 SPOKANE DIVISION

19 UNITED STATES OF AMERICA,)
20 Plaintiff,)
21 v.)
22 LANZCE G. DOUGLASS; LANZCE)
23 G. DOUGLASS, INC.; PRAIRIE HILLS,)
24 LLC; HILBY STATION, LLC; DONALD E.)
25 NERAAS; INDEPENDENT HOME DESIGNS,)
26 INC.; RALPH W. HOOVER; J. R. BONNETT)
ENGINEERING, INC.; and GARY S. NELSON,)
27 Defendants.)

Case No. CV-07-301-LRS

Complaint

27 The United States of America alleges:

28 1. This action is brought by the United States to enforce Title VIII of the Civil Rights

1 Act of 1968 (the "Fair Housing Act"), as amended by the Fair Housing Amendments Act of
2 1988, 42 U.S.C. §§ 3601-3619, and Title III of the Americans with Disabilities Act of 1990 (the
3 "ADA"), 42 U.S.C. §§ 12181-12189.

4 **Jurisdiction and Venue**

5 2. This Court has jurisdiction over this action under 28 U.S.C. §§ 1331 and 1345,
6 42 U.S.C. § 3614(a), and 42 U.S.C. § 12188(b)(1)(B). Venue is proper in this judicial district
7 pursuant to 42 U.S.C. § 1391(b), because the events giving rise to this action occurred in this
8 judicial district.

9 **Subject Properties**

10 3. Rock Creek Apartments, Phases I and II, is an apartment complex located at 926 and
11 930 E. Sitka Avenue, 6911 N. Nevada Street and 911 E. Beacon Avenue, Spokane, in the
12 Eastern District of Washington. There are six residential buildings on the property, containing a
13 total of 132 units, 44 of which are ground-floor units. The complex was designed and
14 constructed for first occupancy after March 13, 1991.

15 4. Prairie Hills Apartments, Phases I and II, is an apartment complex located at 1718 E.
16 Lincoln Road, Spokane, in the Eastern District of Washington. There are 19 residential
17 buildings on the property, containing a total of 384 dwelling units. One hundred twenty-eight
18 (128) units are ground-floor units. The complex was designed and constructed for first
19 occupancy after March 13, 1991.

20 5. Granite Court Apartments is an apartment complex located at 15408 E. 4th Avenue,
21 Spokane Valley, Washington, in the Eastern District of Washington. There are two residential
22 buildings in the complex, containing 48 dwelling units, 16 of which are ground-floor units. The
23 complex was designed and constructed for first occupancy after March 13, 1991.

24 6. Hilby Station Apartments is an apartment complex located at 5317 S. Palouse
25 Highway #4, Spokane, in the Eastern District of Washington. There are five buildings in the
26 complex, containing 120 dwelling units, 40 of which are ground-floor units. The complex was
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1 designed and constructed for first occupancy after March 13, 1991.

2 7. Pineridge is an apartment complex located at 8618 Mayfair Street, Spokane, in the
3 Eastern District of Washington. There are 11 individual units in a single residential building in
4 the complex, four of which are ground-floor units. The complex was designed and constructed
5 for first occupancy after March 13, 1991.

6 8. There is a rental office in a residential building at each of the subject properties, with
7 the exception of Prairie Hills Apartments, which has a rental office in a separate building.

8 9. The five apartment complexes identified in paragraphs 3 through 7, above, are
9 “dwellings” within the meaning of 42 U.S.C. § 3602(b).

10 10. All of the 232 ground floor units at the five complexes are “covered multi-family
11 dwellings” within the meaning of 42 U.S.C. § 3604(f)(7)(B), and are therefore subject to the
12 accessibility requirements of 42 U.S.C. § 3604(f)(3)(C).

13 11. The rental offices at the five properties identified in paragraphs 3 through 7 and
14 referred to in paragraph 8 above are public accommodations within the meaning of 42 U.S.C.
15 § 12181(7). They were designed and constructed for first occupancy after January 26, 1993, and
16 are therefore subject to the requirements of 42 U.S.C. §§ 12181-12183.

17 **The Defendants**

18 12. Defendant Lanzce G. Douglass has been an owner of and/or a developer and general
19 contractor for the Rock Creek, Granite Court, Hilby Station, and Pineridge apartment complexes
20 in Spokane, Washington, in the Eastern District of Washington, from the time of the design and
21 construction of those properties to the present. Mr. Douglass is a resident of Spokane and is a
22 principal of the defendant corporation, Lanzce G. Douglass, Inc.

23 13. Lanzce G. Douglass, Inc. (“Douglass, Inc.”), a corporation organized under the laws
24 of the State of Washington, has a principal place of business in Spokane. The company has been
25 an owner of and/or a general contractor for the Prairie Hills Apartments complex in Spokane,
26 Washington in the Eastern District of Washington from the time of the design and construction
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1 of the property to the present.

2 14. Defendant Prairie Hills, LLC, is a limited liability corporation organized under the
3 laws of the State of Washington with a principal place of business in Spokane, Washington, in
4 the Eastern District of Washington. Prairie Hills, LLC, has been an owner of the Prairie Hills
5 Apartments in Spokane, Washington from the time of the design and construction of that
6 property to the present.

7 15. Defendant Hilby Station, LLC, is a limited liability corporation organized under the
8 laws of the State of Washington with a principal place of business in Spokane, Washington, in
9 the Eastern District of Washington. Hilby Station, LLC, has been an owner of the rental
10 property known as Hilby Station Apartments from the time of the design and construction of the
11 property to the present.

12 16. Defendant Donald E. Neraas is an architect licensed to do business in the State of
13 Washington with a principal place of business in Spokane, Washington, in the Eastern District of
14 Washington. Mr. Neraas was the architect for Phase I of the Rock Creek Apartments and also an
15 architect for the Prairie Hills Apartments in Spokane, and in his capacity as architect was
16 responsible for the design and/or the design and construction of those properties.

17 17. Defendant Independent Home Designs, Inc., an architectural firm licensed to do
18 business in the State of Washington, has a principal place of business in Spokane, Washington,
19 in the Eastern District of Washington. The company was the architect for Phase II of the Rock
20 Creek Apartment complex and an architect for the Hilby Station Apartments in Spokane, and in
21 its capacity as architect was responsible for the design and/or the design and construction of
22 those properties.

23 18. Defendant Ralph W. Hoover is an architect licensed to do business in the State of
24 Washington with a principal place of business in Pullman, Washington, in the Eastern District of
25 Washington. Mr. Hoover was an architect for Phase I of the Prairie Hills Apartments and for the
26 Granite Court and Hilby Station apartments in Spokane, and in that capacity was responsible for
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1 the design and/or the design and construction of those properties.

2 19. Defendant J. R. Bonnett Engineering, Inc. is a Washington corporation with a
3 principal place of business in Spokane, Washington, in the Eastern District of Washington. The
4 company was the civil engineer for the Rock Creek and Granite Court Apartments in Spokane
5 and in that capacity was responsible for the design and/or design and construction of the two
6 complexes.

7 20. Defendant Gary S. Nelson was an engineer for the Prairie Hills Apartments, Phases I
8 and II, and in that capacity was responsible for the design and/or the design and construction of
9 the complex. His principal place of business is Spokane, Washington.

10 **Count I**

11 21. Defendants Lanzce G. Douglass, David E. Neraas, Independent Home Designs, Inc.,
12 Ralph W. Hoover, and J. R. Bonnett Engineering, Inc., failed to design and construct the Rock
13 Creek Apartments, Phases I and/or II so that:

14 (a) the public use and common use portions of the covered multi-family dwellings
15 are readily accessible to and usable by individuals with disabilities;

16 (b) all doors within the ground floor units are sufficiently wide to allow
17 passage by persons with disabilities who use wheelchairs; and

18 (c) all of the ground floor units contain the following features; (i) an
19 accessible route into and through the dwelling; (ii) electrical outlets, thermostats
20 and other environmental controls in accessible locations; (iii) reinforcements in
21 bathroom walls to allow later installation of grab bars; and (iv) usable kitchens
22 and bathrooms such that an individual using a wheelchair can maneuver about
23 the space.

24 22. Defendants Lanzce G. Douglass, Inc., Prairie Hills, LLC,, and Gary S. Nelson failed
25 to design and construct the Prairie Hills Apartments, Phases I and/or II so that:

26 (a) the public use and common use portions of the covered multi-family dwellings
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1 are readily accessible to and usable by individuals with disabilities;

2 (b) all doors within the ground floor units are sufficiently wide to allow
3 passage by persons with disabilities who use wheelchairs; and

4 (c) all of the ground floor units contain the following features; (i) an
5 accessible route into and through the dwelling; (ii) electrical outlets, thermostats
6 and other environmental controls in accessible locations; (iii) reinforcements in
7 bathroom walls to allow later installation of grab bars; and (iv) usable kitchens
8 and bathrooms such that an individual using a wheelchair can maneuver about
9 the space.

10 23. Defendants Lanzce G. Douglass, Independent Homes Design, Inc., Ralph W.
11 Hoover, and J. R. Bonnett Engineering, Inc. failed to design and construct the Granite Court
12 Apartments so that:

13 (a) the public use and common use portions of the covered multi-family dwellings
14 are readily accessible to and usable by individuals with disabilities;

15 (b) all doors within the ground floor units are sufficiently wide to allow
16 passage by persons with disabilities who use wheelchairs; and

17 (c) all of the ground floor units contain the following features; (i) an
18 accessible route into and through the dwelling; (ii) electrical outlets, thermostats
19 and other environmental controls in accessible locations; (iii) reinforcements in
20 bathroom walls to allow later installation of grab bars; and (iv) usable kitchens
21 and bathrooms such that an individual using a wheelchair can maneuver about
22 the space.

23 24. Defendants Lanzce G. Douglass, Hilby Station, LLC, Independent Home Designs,
24 Inc., and Ralph W. Hoover failed to design and construct the Hilby Station Apartments so that:

25 (a) the public use and common use portions of the covered multi-family dwellings
26 are readily accessible to and usable by individuals with disabilities;

1 (b) all doors within the ground floor units are sufficiently wide to allow
2 passage by persons with disabilities who use wheelchairs; and

3 (c) all of the ground floor units contain the following features; (i) an
4 accessible route into and through the dwelling; (ii) electrical outlets, thermostats
5 and other environmental controls in accessible locations; (iii) reinforcements in
6 bathroom walls to allow later installation of grab bars; and (iv) usable kitchens
7 and bathrooms such that an individual using a wheelchair can maneuver about
8 the space.

9 25. Defendant Lanzce G. Douglass and/or Lanzce G. Douglass, Inc., failed to design and
10 construct the Pineridge Apartments so that:

11 (a) the public use and common use portions of the covered multi-family dwellings
12 are readily accessible to and usable by individuals with disabilities.

13 26. Defendants, through the actions referred to in the preceding paragraphs, have:

14 (a) discriminated in the rental of, or otherwise made unavailable or denied,
15 dwellings to renters because of handicap, in violation of 42 U.S.C. § 3604(f)(1);

16 (b) discriminated against persons in the terms, conditions or privileges of rental of
17 a dwelling, or in the provision of services or facilities in connection with a dwelling,
18 because of handicap, in violation of 42 U.S.C. § 3604(f)(2); and

19 (c) failed to design and construct dwellings in compliance with the accessibility
20 and adaptability features mandated by 42 U.S.C. § 3604(f)(3)(C).

21 27. The conduct of the defendants described above constitutes:

22 (a) a pattern or practice of resistance to the full enjoyment of rights granted by the
23 Fair Housing Act, 42 U.S.C. §§ 3601-3619; and

24 (b) a denial to a group of persons of rights granted by the Fair Housing Act,
25 42 U.S.C. §§ 3601-3619, which denial raises an issue of general public importance.

26 28. Upon information and belief, there are victims of defendants' discriminatory practices
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1 who are aggrieved persons as defined by 42 U.S.C. § 3602(i). Such persons may have suffered
2 actual injuries and damages as a result of the above-described conduct.

3 29. The discriminatory actions of defendants were intentional, willful and taken in
4 reckless disregard for the rights of others.

5 **Count II**

6 30. The allegations of paragraphs 1 through 32 are hereby realleged and incorporated by
7 reference.

8 31. Defendant Lanzce G. Douglass failed to design and construct the Rock Creek and
9 Granite Court apartment complexes so that their rental offices are readily accessible to and
10 usable by individuals with disabilities, as required by 42 U.S.C. § 12183(a)(1) and the
11 Department of Justice's regulations implementing Title III of the ADA, 28 C.F.R. Part 36,
12 including the Standards.

13 32. Defendants Lanzce G. Douglass, Inc. and Prairie Hills, LLC, failed to design and
14 construct the Prairie Hills apartment complex so that its rental office is readily accessible to and
15 usable by individuals with disabilities, as required by 42 U.S.C. § 12183(a)(1) and the
16 Department of Justice's regulations implementing Title III of the ADA, 28 C.F.R. Part 36,
17 including the Standards.

18 33. Defendants Lanzce G. Douglass and Hilby Station, LLC, failed to design and
19 construct the Hilby Station apartment complex so that its rental office is readily accessible to and
20 usable by individuals with disabilities, as required by 42 U.S.C. § 12183(a)(1) and the
21 Department of Justice's regulations implementing Title III of the ADA, 28 C.F.R. Part 36,
22 including the Standards.

23 34. The conduct of these defendants described in the preceding paragraphs constitutes:

24 (a) a pattern or practice of discrimination within the meaning of 42 U.S.C.
25 §§ 12188(b)(1)(B)(i) and 28 C.F.R. § 36.503(a); and

26 (b) unlawful discrimination that raises an issue of general public importance
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1 within the meaning of 42 U.S.C. § 12188(b)(1)(B)(ii) and 28 C.F.R. § 36.503(b).

2 35. Upon information and belief, there are victims of aforesaid defendants'
3 discriminatory practices who are aggrieved persons within the meaning of 42 U.S.C. §
4 12188(b)(2)(B). Such persons may have suffered actual injuries and damages as a result of the
5 above-described conduct.

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

7 1. Declares that the policies and practices of defendants alleged herein violate the Fair
8 Housing Act, and that the policies and practices of Defendants, Lanzce G. Douglass, Lanzce G.
9 Douglass, Inc., Prairie Hills, LLC and Hilby Station, LLC, alleged herein violate the Americans
10 with Disabilities Act;

11 2. Enjoins the defendants, their officers, employees, agents, successors and all other
12 persons in active concert or participation with any of them from:

13 (a) failing or refusing to bring the ground floor units at the Rock Creek, Prairie
14 Hills, Granite Court, Hilby Station, and Pineridge Apartments into compliance with 42
15 U.S.C. § 3604(f)(3)(C);

16 (b) failing or refusing to bring the public use and common use areas at the Rock
17 Creek, Prairie Hills, Granite Court, Hilby Station, and Pineridge Apartments into
18 compliance with 42 U.S.C. § 3604(f)(C)(3);

19 3. Enjoins Defendants, Lanzce G. Douglass, Lanzce G. Douglass, Inc., Prairie Hills,
20 LLC and Hilby Station, LLC, their officers, employees, agents, successors and all other persons
21 in active concert or participation with any of them from:

22 (a) failing or refusing to bring the rental offices and any other public
23 accommodations at the Rock Creek, Prairie Hills, Granite Court, and Hilby Station
24 Apartments into compliance with 42 U.S.C. § 12183(a)(1), 28 C.F.R. §§ 36.401 and
25 36.406, and 28 C.F.R. Part 36, Appendix A;

26 4. Enjoins the defendants, their officers, employees, agents, successors and all other
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1 persons in active concert or participation with any of them from:

2 (a) failing or refusing to take such affirmative steps as may be necessary to
3 restore, as nearly as practicable, the victims of the defendants' unlawful practices to the
4 position they would have been in but for the discriminatory conduct;

5 (b) designing or constructing covered multi-family dwellings in the future that do
6 not contain the accessibility and adaptability features required by 42 U.S.C.

7 § 3604(f)(3)(C); and

8 5. Enjoins Defendants, Lanzce G. Douglass, Lanzce G. Douglass, Inc., Prairie Hills,
9 LLC

10 and Hilby Station, LLC, their officers, employees, agents, successors and all other persons in
11 active concert or participation with any of them from:

12 (a) designing or constructing public accommodations in the future that are not
13 readily accessible to and usable by individuals with disabilities, as required by 42 U.S.C.
14 § 12183(a)(1), 28 C.F.R. §§ 36.401 and 36.406, and 28 C.F.R. Part 36,
15 Appendix A.

16 6. Awards appropriate monetary damages, pursuant to 42 U.S.C. § 3614(d)(1)(B) and 42
17 U.S.C. § 12188(b)(2)(B), to each person aggrieved by the discriminatory housing practices of
18 defendants;

19 7. Assesses a civil penalty against each defendant in order to vindicate the public
20 interest, pursuant to 42 U.S.C. § 3614(d)(1)(C), 28 C.F.R. § 85.3(b)(3) and 42 U.S.C. §
21 12188(b)(2)(C).

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

3 Respectfully submitted,

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