

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS
EAST ST. LOUIS DIVISION

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.)
)
SHANRIE CO., INC., DAN SHEILS,)
NETEMEYER ENGINEERING)
ASSOCIATES, INC., FOREST HILLS, L.P.,)
the MARK TWAIN TRUST, PAMELA BAUER,)
and BRIAN BAUER)
)
Defendants.)
)

Civil Action No. 3:07-CV-491-DRH

COMPLAINT

The United States of America alleges:

1. This action is brought by the United States to enforce the Fair Housing Act, as amended (“FHA”), 42 U.S.C. §§ 3601-3619.
2. This Court has jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1345, and 42 U.S.C. § 3614(a).
3. Venue is proper because the Defendants reside, and a substantial part of the events giving rise to the claims alleged in this action arose, in the Southern District of Illinois.
4. This case involves multi-unit apartment buildings located in the Rockwood Subdivision of Shiloh, Illinois (collectively, “Rockwood”). The properties are located on Hartman Lane and Rockwood Court.
5. The Rockwood Subdivision consists of seven two-story buildings containing 45 ground-floor units. None of the buildings has an elevator.

6. The Rockwood Subdivision was designed and constructed for first occupancy after March 13, 1991. Each unit is a “dwelling” within the meaning of 42 U.S.C. § 3602(b).
7. Each of the 45 ground floor units are “covered multifamily dwellings” within the meaning of 42 U.S.C. § 3604(f)(7)(B), and are subject to the design and construction requirements of 42 U.S.C. § 3604(f)(3)(C).
8. Defendant Shanrie Co., Inc. (“Shanrie”) is an Illinois corporation headquartered in Belleville, Illinois. Shanrie is the builder for Rockwood Subdivision.
9. Defendant Dan Sheils is the President of Shanrie. Defendant Sheils is personally responsible for selecting the design of the properties located on Hartman Lane and is responsible for their construction. Defendant Sheils also owns the properties located on Hartman Lane.
10. Defendant Netemeyer Engineering Associates, Inc. is the engineering firm responsible for the design of properties on Hartman Lane. Netemeyer Engineering Associates is an Illinois corporation located in Aviston, Illinois.
11. Defendant Forest Hills, L.P. owns the properties located on Rockwood Court, and has owned these properties since their design and construction. Forest Hills, L.P. has its principal place of business in Belleville, Illinois.
12. Defendant Mark Twain Trust owns the properties located on Rockwood Court, and has owned these properties since their design and construction. The Mark Twain Trust has its principal place of business in Belleville, Illinois.
13. Defendant Pamela Bauer owns the properties located on Rockwood Court, and has owned these properties since their design and construction. Ms. Bauer has her principal place of

residence in Belleville, Illinois.

14. Defendant Brian Bauer owns the properties located on Rockwood Court, and has owned these properties since their design and construction. Mr. Bauer has his principal place of residence in Belleville, Illinois.

15. The Defendants have failed to design and construct the Rockwood Subdivision so that, *inter alia*:

- a. the public use and common use portions are readily accessible to and usable by individuals with disabilities;
- b. all doors within the ground floor units are sufficiently wide to allow passage by persons with disabilities who use wheelchairs; and
- c. the ground floor units contain the following features of adaptive design:
 - (i) an accessible route into and through the dwelling;
 - (ii) electrical outlets, thermostats and other environmental controls in accessible locations; and
 - (iii) usable kitchens and bathrooms such that an individual using a wheelchair can maneuver about the space.

16. The Defendants, through the actions referred to in the preceding paragraph, have:

- a. Discriminated in the rental of, or otherwise made unavailable or denied, dwellings to renters because of handicap, in violation of 42 U.S.C. § 3604(f)(1);
- b. Discriminated against persons in the terms, conditions or privileges of rental of a dwelling, or in the provision of services or facilities in connection with a dwelling, because of handicap, in violation of 42 U.S.C. § 3604(f)(2); and
- c. Discriminated in the rental of, or otherwise made unavailable or denied,

dwellings to renters because of handicap by failing to design and construct covered multifamily dwellings with the required accessibility features, in violation of 42 U.S.C. § 3604(f)(3).

17. The discriminatory actions of the Defendants were intentional, willful, and taken in disregard for the rights of others.
18. The conduct of Defendants described in paragraphs 1 through 17 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.
19. There may be victims of Defendants' discriminatory actions and practices who are aggrieved persons as defined in 42 U.S.C. § 3602(i). These persons may have suffered actual injury and damages as a result of the above actions and practices.

Prayer for Relief

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

1. Declares that Defendants' policies, practices, and conduct, as alleged herein, violate the Fair Housing Act;
2. Enjoins Defendants, their officers, employees, agents, successors and all other persons in active concert or participation with any of them, from:
 - a. Failing or refusing to bring the ground floor units and public use and common use areas at the Rockwood Subdivision into compliance with 42 U.S.C.

§ 3604(f)(3)(C);

- b. Failing or refusing to take such affirmative steps as may be necessary to restore, as nearly as practicable, victims of the Defendants' unlawful practices to the position they would have been in but for the discriminatory conduct; and
- c. Designing or constructing covered multifamily dwellings in the future that do not contain the accessibility and adaptability features required by 42 U.S.C.

§ 3604(f)(3)(C); and

- 3. Awards monetary damages pursuant to 42 U.S.C. §§ 3613(c)(1) and 3614(d)(1)(B), to all persons harmed by the Defendants' discriminatory practices.

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

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