

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.) CASE NO.: 05-654-MJR-PMF
)
CLETUS R. KAEMMERER, SR., et al.)
)
Defendants.)
)

CONSENT ORDER

The United States instituted this action against Cletus R. Kaemmerer, Sr. and Billie J. Kaemmerer on behalf of Melody Sue Rachels on September 13, 2005, pursuant to Section 812(o) of the Fair Housing Act, 42 U.S.C. § 3612(o). Cletus R. Kaemmerer, Sr., (hereinafter "Defendant") by his attorney, has informed the Court of the death of Billie J. Kaemmerer.

This action was brought pursuant to 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 Defendant engaged in discrimination at his three-unit apartment building located at 6 Geri-Ann Drive, Belleville, Illinois 62220 (the "Building") against Melody Sue Rachels on the basis of her familial status, in violation of the Act, 42 U.S.C. §§ 3604(a) and (c), in the rental of dwellings owned and/or managed by him.

Defendant has filed an answer to the Complaint and denies that he has violated the Fair Housing Act. However, if this case were to proceed to trial, Defendant recognizes that the United States would offer evidence that would support a finding by the Court that Defendant has engaged

in discrimination on the basis of familial status, in violation of the Fair Housing Act, 42 U.S.C. §§ 3604(a) and (c).

The parties desire to avoid the cost and uncertainty of protracted litigation and agree that this dispute should be resolved without the necessity of an evidentiary hearing. Therefore, the parties have waived a hearing and the entry of findings of fact and conclusions of law and 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

1. Defendant, his agents, employees, successors, and all persons in active concert or participation with them are enjoined, with respect to the rental of dwellings, from:
 - a. Refusing to rent after the making of a bona fide offer, or otherwise making unavailable or denying a dwelling to any person because of familial status, in violation of 42 U.S.C. § 3604(a);
 - b. Making, printing, or 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 familial status or an intention to make any such preference, limitation, or discrimination, in violation of 42 U.S.C. § 3604(c); and
 - c. Coercing, intimidating, threatening, or interfering with any person, including anyone who participated in HUD's investigation of the administrative complaint that gave rise to this action, in the exercise or enjoyment of, or on account of his or her having exercised or enjoyed, or on account of his or her having aided or encouraged any

other person in the exercise or enjoyment of any right granted or protected by Sections 803, 804, 805, or 806 of the Fair Housing Act, in violation of 42 U.S.C. § 3617.

2. For all current and future leases, Defendant will not use any language prohibiting families with children from living at the Building.

II. STANDARDS FOR ACCEPTING APPLICATIONS

3. Defendant shall adopt and shall implement within a reasonable time, not to exceed 90 days after the date of entry of this Order, objective, uniform, non-discriminatory standards and procedures for the processing of applications and the approval of applicants for the rental of available dwelling units at the Building. These standards shall be made available upon request to any applicant for a rental unit.

4. Defendant shall, with respect to dwellings at the Building:
 - a. Maintain an accurate list of all dwellings known or expected to be available for rental including for each unit the apartment number, number of bedrooms, monthly rent, and deposit requirements;
 - b. Inform prospective applicants who inquire about renting at the Building of all available units of the type requested; and
 - c. Permit all prospective applicants the opportunity to complete a written rental application, which shall be maintained for the duration of this Order.

III. MANDATORY EDUCATION AND TRAINING

5. The defendant shall ensure that he has a copy of, is familiar with, and personally reviews, the brochure entitled, "Fair Housing Equal Opportunity for All," published by the U.S. Department of

Housing and Urban Development, Office of Fair Housing and Equal Opportunity, available at HUD offices and at "http://www.hudclips.org/sub_nonhud/html/pdfforms/1686.pdf."

6. For the duration of this Order, in the event Defendant employs agents at the Building to assist in the rental of apartment units, said agent(s) shall be given a copy of and be required to read this Consent Order and sign a statement acknowledging same within ten (10) days after the date he or she commences an employment or agency relationship with Defendant. Upon reasonable request of the United States, Defendant shall deliver to the United States copies of all documents required to be maintained by this paragraph.

IV. NOTIFICATION TO PUBLIC OF NONDISCRIMINATION POLICIES

7. Within ten (10) days after the date of entry of this Consent Order, Defendant shall take the following steps to notify the public of his nondiscriminatory policies:

- a. Pursuant to 24 C.F.R. Part 110, post and prominently display in any office where there is rental activity and/or personal contact with applicants for units in the Building, a Fair Housing Poster.
- b. Include the words "Equal Housing Opportunity" or the fair housing logo in all advertising conducted by Defendant at the Building in newspapers, telephone directories, radio, television 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.

V. RECORD KEEPING AND MONITORING

8. During the term of this Order, Defendant shall preserve all records which are the source of, contain, or relate to any of the information pertinent to his obligations under this Order, including all rental applications and leases for dwellings at the Building.

9. During the term of this Order, Defendant shall give counsel for the United States written notice within fifteen (15) days of receipt of any written or oral complaint against the Defendant, or against any of his employees or agents, regarding discrimination on the basis of familial status or conduct prohibited by 42 U.S.C. § 3617, and a description of the resolution of any such complaint within 15 days of resolution. If the complaint is written, Defendant 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. Defendant shall also promptly provide the United States with all information it may request concerning any such complaint and its actual or attempted resolution.

VI. COMPENSATION, SETTLEMENT AND RELEASE

10. Within fifteen (15) days after the entry of this Order, Defendant shall pay to Complainant Melody Sue Rachels the sum of seven thousand five-hundred dollars (\$7,500), in full and final settlement of all claims brought on behalf of Ms. Rachels. In exchange for said compensation, Ms. Rachels will execute a written release, releasing the Defendants named in this action and their heirs and estates from any and all liability for any claims, legal or equitable, which she may have against them arising out of the issues alleged in the action. Said release shall be attached to this Consent Order as Appendix A.

VII. DURATION OF CONSENT ORDER

11. The parties have consented to the entry of this 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).

- a. This Consent Order is effective immediately upon its entry by the Court.
- b. The Court shall retain jurisdiction over this action and over Defendant for two years from the date of entry of this Consent Order to enforce the terms of the Order, after which time the case shall be dismissed with prejudice.
- c. The United States may move the Court to extend the duration of the Order if it determines that Defendant has violated one or more terms of the Order or if the interests of justice otherwise require.


VIII. CONSULTATION AND REMEDIES FOR NONPERFORMANCE

12. The parties to this Consent Order 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 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 Defendant's violation or failure to perform.

IX. COUNTERPARTS

13. This Consent Order may be signed by the Parties in counterparts.

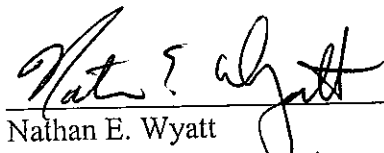
8-15-06


MICHAEL J. REAGAN
U.S. DISTRICT JUDGE

The terms of this Consent Order have been agreed to by the parties, as indicated by the signatures of counsel and Defendant below, and the parties request the entry of this Consent Order:

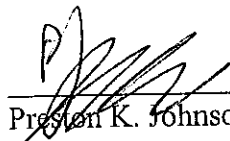
FOR THE UNITED STATES:


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FOR DEFENDANT CLETUS R. KAEMMERER, SR.

JOHNSON & JOHNSON - Belleville, IL


Preston K. Johnson, V
11 South High Street
Belleville, IL 62220


Cletus R. Kaemmerer, Sr.

APPENDIX A

RELEASE OF CLAIMS by Melody Sue Rachels

In consideration of the parties' agreement to the terms of the Consent Order entered in *United States of America v. Cletus R. Kaemmerer, Sr., et al.*, Civil Case No. 05-654-MJR-PMF (Southern District of Illinois), and Defendant's payment of the sum of SEVEN THOUSAND FIVE HUNDRED DOLLARS (\$7,500.00), I, Melody Sue Rachels, hereby release the defendants named in this action, Cletus R. Kaemmerer, Sr. and Billie J. Kaemmerer, and their heirs and estates, from any and all liability for any claims, legal or equitable, which I may have against them arising out of the issues alleged in this action. I fully acknowledge and agree that this release shall be binding on my heirs, representatives, executors, successors, administrators, and assigns. I hereby acknowledge that I have read and understand this release and have executed it voluntarily and with full knowledge of its legal consequences.

Date: 6/20/06

Melody Sue Rachels
MELODY SUE RACHELS