

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA,)

Plaintiff,)

v.)

JULIE SOKOLOFF)
and STEVEN SOKOLOFF,)

Defendants.)

Civil Action No. 07cv3358

FILED

2007

CLERK

CONSENT ORDER

Plaintiff, United States of America, initiated this action on July 16, 2007, on behalf of Adam Rowh and Marta Rowh ("Complainants")¹, pursuant to Section 812(o) of the Fair Housing Act, 42 U.S.C. § 3612(o).

Defendants Steven Sokoloff and Julie Sokoloff ("Defendants") together own and manage rental residential property in Philadelphia, Pennsylvania, including a building containing three apartment units located at 507 Woodland Terrace.

ALLEGATIONS

The United States' complaint alleges the following, based upon an investigation by the

¹ Adam and Marta Rowh, a married couple, were formerly known as Adam Robertson and Marta White, and are referred to by those names in the Complaint in this action.

Department of Housing and Urban Development (HUD):

This case is brought by the United States on behalf of complainants Adam and Marta Rowh, a married couple with a two-year-old adopted son, who are medical students at the University of Pennsylvania. Defendants Steven and Julie Sokoloff are the owners of rental housing located near the University. In May of 2006, complainants were residing temporarily in Africa and planning to return to school for the fall term. Marta Rowh learned that defendants had apartments available and contacted defendant Julie Sokoloff about rental. On learning that the complainants were adopting a child, Julie Sokoloff told Marta Rowh that defendants had a policy of not renting to children. When Marta Rowh questioned the legality of such a policy, Ms. Sokoloff told Ms. Rowh that the defendants did not have an absolute policy of not renting to children, but that the apartment would not be suitable for her family because of the presence of lead paint and because there was no storage space for a stroller. The entire exchange was conducted by e-mail, copies of which have been preserved.

Adam and Marta Rowh filed a complaint of discrimination with HUD on February 7, 2007. Following an investigation, on June 19, 2007, the Secretary issued a Charge of Discrimination pursuant to 42 U.S.C. § 3610(g)(2)(A), charging Defendants with engaging in discriminatory housing practices in violation of the Act. On July 16, 2007, Julie Sokoloff and Steve Sokoloff elected to have the Charge resolved in a civil action in federal district court, pursuant to 42 U.S.C. § 3612(a). The filing of this action followed on July 16, 2007, pursuant to 42 U.S.C. § 3612(o).

The Complaint alleges that the Defendants discriminated in the rental of a dwelling, or

otherwise made unavailable or denied a dwelling to persons because of their familial status, in violation of 42 U.S.C. § 3604(a); and that they made a statement with respect to the rental of a dwelling that indicates a preference, limitation, or discrimination, or an intent to make such a preference, limitation or discrimination, based on familial status, in violation of 42 U.S.C. § 3604(c).

In an effort to avoid costly litigation, the United States and the Defendants have voluntarily agreed to resolve the United States' claims without the necessity of a trial. Therefore, the parties have agreed to the entry of this Consent Order, as indicated by the signatures below.

JURISDICTION OF CONSENT ORDER

1. The parties have consented to the entry of this Order. 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, 1345 and 42 U.S.C. §§ 3612(o).

GENERAL INJUNCTION

2. The Defendants, their officers, agents, employees, successors and all persons in active concert or participation with them are enjoined, with respect to the rental of dwelling units at the apartment complexes located at 503 Woodland Terrace, Philadelphia, Pennsylvania; 504 Woodland Terrace, Philadelphia, Pennsylvania; 507 Woodland Terrace, Philadelphia, Pennsylvania; 513 Woodland Terrace, Philadelphia, Pennsylvania (which four buildings are hereby referred to as "subject properties"), and at any other rental properties the Defendants may own or have interest in, from:

- a. Refusing to rent after the making of a bona fide offer, or refusing to negotiate

for the rental of, or otherwise making unavailable or denying a dwelling to any person because of familial status; and

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.

NOTICE OF DEFENDANTS' NON-DISCRIMINATION POLICY

3. Within ten (10) days of the date of entry of this Consent Order, Defendants shall post and prominently display in a suitable public area on the ground floor of each of the subject properties, a sign no smaller than 10 by 14 inches indicating that Defendants comply with the nondiscrimination provisions of the Fair Housing Act. A poster that comports with 24 C.F.R. Part 110 will satisfy this requirement.

4. For the duration of this Consent Order, in all future advertising in newspapers, and on pamphlets, brochures and other promotional literature, and electronic media regarding the subject properties, and any other rental properties the Defendants may own or have interest in, they shall place, in a conspicuous location, the statement Equal Housing Opportunity along with the Fair Housing Logo.

5. Within ten (10) days of this Order, Defendants shall distribute a notice to tenants at each of the subject properties, approved by the United States, stating that they rent dwellings in accordance with the Fair Housing Act, including its prohibition on discrimination against families with children.

MANDATORY EDUCATION AND TRAINING

6. Defendants presently do not employ anyone in connection with the rental or management of the subject properties. If during the term of this Consent Order they hire any employee whose duties include the rental or management of the subject properties, they shall, within 10 days of that person's employment, require him or her to sign a statement acknowledging that he or she has received and read the Order, and had an opportunity to have questions about the Order answered. This statement shall be substantially in the form of Appendix A.

7. Within ninety (90) days of the date of entry of this Consent Order, the Defendants shall undergo training on the Fair Housing Act, with particular emphasis on the provisions prohibiting discrimination on the basis of familial status. The training shall be conducted by a qualified third party, approved by the United States, unconnected to Defendants or their employees, agents or counsel, and any expenses associated with this training shall be borne by Defendants. Defendants shall provide to the United States, thirty (30) days before the training, the name(s), address(es) and telephone number(s) of the trainer(s); copies of the training outlines and any materials distributed by the trainers.

8. If during the term of this Consent Order Defendants hire any employee whose duties include the rental or management of the subject properties, such employee shall, within 90 days of commencing employment, undergo training substantially identical to that described in Paragraph 7, and shall sign a statement acknowledging that he or she has received such training. This statement shall be substantially in the form of Appendix B.

PAYMENT OF MONETARY DAMAGES TO AGGRIEVED PERSONS

9. Within ten (10) days of the entry of this Decree, Defendants shall pay to Complainants a total of \$6,950 in monetary damages. Defendants shall pay said money by sending to the United States a check for \$6,950 payable jointly to Adam Rowh and Marta Rowh.² Upon receipt of these checks, the United States shall send to Defendants an executed Release of all claims, legal or equitable, that Complainants might have against Defendants relating to the claims asserted in this lawsuit (Appendix C).

PROCESSING RENTAL APPLICATIONS, RECORD KEEPING AND REPORTING

10. Defendants shall maintain, with respect to dwellings rented by them, their agents or employees, objective, uniform, non-discriminatory standards and procedures for the processing of applications. Such standards and procedures shall be submitted to the United States for approval in advance of their implementation.

11. Within ninety (90) days of the date of entry of this Consent Order, and every six (6) months thereafter for the period in which the Order is in effect, Defendants shall deliver to counsel for the United States, a report containing information about Defendants' compliance efforts.

12. During the term of this Order, upon reasonable notice, Defendants shall produce or permit representatives of the United States to review any rental records of the subject

² All documents or other communications required by this Consent Decree to be sent to counsel for the United States shall be sent by express mail to Chief, Housing & Civil Enforcement Section, Civil Rights Division, DJ 175-62-387, 1800 G Street N.W., Seventh Floor, Washington, DC 20006.

properties, in the possession or control of the Defendants, or their agents, employees, or representatives which the United States believes to be useful in identifying persons who may be entitled to relief under this Order or in assessing compliance with this Order.

13. During the term of this Order, Defendants shall advise counsel for the United States in writing within fifteen (15) days of receipt of any written or oral complaint against the Defendants regarding discrimination on the basis of familial status, and a description of the resolution of such complaint. If the complaint is written, the Defendants 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. The Defendants shall promptly provide the United States all information it may request concerning any such complaint. Within fifteen (15) days of the resolution of any such complaints, Defendants shall advise counsel for the United States of such resolution.

DURATION OF CONSENT ORDER AND TERMINATION OF LEGAL ACTION

14. This Consent Order shall remain in effect for two (2) years after the date of its entry. By consenting to entry of this Order, the United States and Defendants agree that in the event that Defendants engage in any future violation(s) of the Fair Housing Act, such violation(s) shall constitute a subsequent violation pursuant to 42 U.S.C. § 3614(d)(1)(C)(ii).

15. The Court shall retain jurisdiction for the duration of this Consent Decree to enforce the terms of the Decree, after which time the case shall be dismissed with prejudice. Plaintiff may move the Court to extend the duration of the Decree in the interests of justice. In

the meantime, once this agreement has been approved by the Court, the Court at its discretion may place this matter on its Deferred List.

16. 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 the Defendants to perform, in a timely manner, any act required by this Order or otherwise for the Defendants to fail to act in conformance with 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 reasonable attorney's fees which may have been occasioned by the violation or failure to perform.

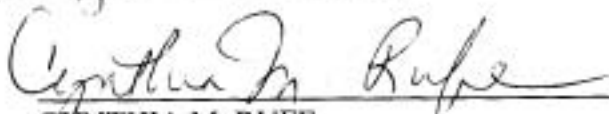
TIME FOR PERFORMANCE

17. Any time limits for performance imposed by this Consent Order may be extended by mutual written agreement of the parties.

COST OF LITIGATION

18. Each party to this litigation will bear its own costs and attorney fees associated with this litigation.

ORDERED this 1st day of August, 2008.


CYNTHIA M. RUFÉ
UNITED STATES DISTRICT COURT

Agreed to by the parties as indicated by the signatures of counsel below.

FOR THE PLAINTIFFS:

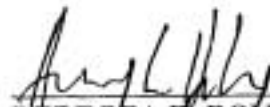
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REBECCA B. BOND, Deputy Chief
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Civil Rights Division
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FOR THE DEFENDANTS:


Mark S. Pearlstein, Esq.
175 Stratford Avenue
Suite One
Wayne, Pennsylvania 19087

APPENDIX A

EMPLOYEE ACKNOWLEDGMENT

I acknowledge that on _____, 20__, I received a copy of the Consent Decree entered by the Court in *United States v. Steven Sokoloff and Julie Sokoloff*, Civil Action No. 1:07-CV-615-WJ-RLP. I have read and understand the Consent Decree, and have had my questions about this document answered. I understand my legal responsibilities and shall comply with those responsibilities.

Signature

Print Name

Job Title

Date

APPENDIX B

TRAINING CERTIFICATION

I certify that on _____, 20____, I received training with respect to my responsibilities under the Consent Decree entered by the Court in *United States v. Steven Sokoloff and Julie Sokoloff*, Civil Action No. 07cv3358, and the federal, state and local fair housing laws. I understand my legal responsibilities and shall comply with those responsibilities.

Signature

Print Name

Job Title

Date

APPENDIX C
FULL AND FINAL RELEASE OF CLAIMS

I, _____, on behalf of myself and family members, agents, heirs, executors, administrators, successors and assigns, pursuant to the terms, provisions, and conditions of the Consent Order approved by the United States District Court for the Eastern District of Pennsylvania on _____, 2008 in the case of *United States v. Steven Sokoloff and Julie Sokoloff*, Civil Action No. 07cv3358 ("the lawsuit") and in consideration of the payment of \$6,950 do fully, finally and forever release, discharge, and hold harmless Steven Sokoloff and Julie Sokoloff (hereinafter "the Defendants"), along with their attorneys, related companies, principals, predecessors, successors, assigns, affiliates, partners, directors, officers, agents, employers, shareholders, subsidiaries, employees, former employees, heirs, executors, and administrators and any persons acting under their respective direction or control (hereinafter "Releasees"), from any and all fair housing claims set forth, or which could have been set forth, in the Complaint in this lawsuit that I may have against Defendants or any of the Releasees for any of Defendants' actions or statements related to those claims through the date of this Consent Order, including claims for damages, costs, fines and attorneys' fees.

I affirm that the only consideration for signing this Full and Final Release of Claims are the terms stated in the Consent Order signed by the parties, and the monetary payment referenced above. I have accepted the terms of this Release and the Consent Order because I believe them to be a fair and reasonable settlement and for no other reason. This Release and the Consent Order contain and constitute the entire understanding and agreement between the parties.

DATE

NAME (PRINT)

SIGNATURE