

IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF ILLINOIS
PEORIA DIVISION

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 v.)
)
 NELSON E. STUBER and)
 ELLA M. STUBER,)
)
 Defendants.)

Case No. 06-1264

FILED
JUL 18 2007
JOHN M. WATERS, Clerk
U.S. DISTRICT COURT
CENTRAL DISTRICT OF ILLINOIS

CONSENT ORDER

On October 20, 2006, the United States instituted this action against Nelson E. Stuber and Ella M. Stuber, on behalf of Patricia Tyus and D.T., her minor daughter, pursuant to Section 812(o) of the Fair Housing Act, 42 U.S.C. § 3612(o).

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 alleged that Mr. and Ms. Stuber refused to allow Patricia Tyus to rent a housing unit in Morton, Illinois, due to her race, in violation of Sections 804(a) and (c) of the Act, 42 U.S.C. §§ 3604(a) and (c).

Defendants filed an answer, objecting to an award of damages and additional relief, but not objecting to declaratory and injunctive relief.

The United States, Patricia Tyus and D.T., her minor daughter, and Mr. and Ms. Stuber desire to avoid the cost and uncertainty of protracted litigation and agree that this dispute should be resolved without the necessity of further proceedings or trial. Mr. and Ms. Stuber acknowledge that they violated the Fair Housing Act, and they regret any harm that this violation caused. Therefore, the parties have waived a hearing and the entry of findings of fact and

SCANNED
DATE: 7/18/07 BY: JSL

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

Mr. and Ms. Stuber, and any agents, employees, successors, and persons in active concert or participation with them are enjoined 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 race, 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 race, or an intention to make any such preference, limitation, or discrimination, in violation of 42 U.S.C. § 3604(c).

II. MANDATORY EDUCATION AND TRAINING

Within ninety (90) days from entry of this Consent Order, Mr. Stuber and Ms. Stuber shall attend a program of educational training focusing on the race-related provisions of federal, state and local fair housing laws, regulations and ordinances. The training shall be conducted by a qualified individual or organization which has been previously approved by the Department of Justice, and any expenses associated with this training shall be borne by the Defendants. Defendants shall provide to the United States, within thirty (30) days after the training, the name(s), address(es) and telephone number(s) of the trainer(s) and certifications executed by the trainers confirming the attendance of the trainees.

III. NOTIFICATION TO PUBLIC OF NONDISCRIMINATION POLICIES

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

A. Pursuant to 24 C.F.R. Part 110, post and prominently display at any place of business where defendants conduct rental activity and/or have personal contact with applicants for rental of their property, a Fair Housing Poster.

B. Include the words "Equal Housing Opportunity" or the fair housing logo in any advertising conducted by Defendants 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.

IV. RECORD KEEPING AND MONITORING

A. During the term of this Consent Order, Defendants shall preserve all records pertaining to their obligations under this Consent Order. Upon reasonable notice to Defendants' counsel, representatives of the United States Department of Justice shall be permitted to inspect and copy all such records at reasonable times in order to monitor compliance with this Consent Order.

B. During the term of this Consent 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 Defendants, regarding discrimination on the basis of race, and a description of the resolution of any such complaint within fifteen (15) days of resolution. If the complaint is written, Defendants shall provide a copy of it with the notice; if the complaint is oral, it 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. Defendants shall also promptly provide the United States with all information it may request concerning any such complaint and its actual or attempted resolution.

V. RELIEF FOR PATRICIA TYUS AND HER DAUGHTER

A. Defendants will pay the total sum of Forty Thousand Dollars (\$40,000) in settlement of the case, by a check made payable to Patricia Tyus. The payment shall be made within 30 days of the Court's entry of this consent decree. The check shall be sent c/o James A. Lewis, Assistant United States Attorney, 318 South Sixth Street, Springfield, IL 62701, for him to forward to Patricia Tyus.

B. Before this Court approves this Consent Order, the United States will seek a guardian ad litem, at the United States' expense, to represent the interest of D.T., a minor, in this Consent Order and this payment.

C. Patricia Tyus shall place at least \$10,000 of this payment, and more than \$10,000 if she wishes, in an interest-bearing account or certificate of deposit for the benefit of D.T., a minor. Patricia Tyus, as mother and natural guardian of D.T., shall be authorized to make withdrawals of principal and interest from this payment of \$10,000 or more, as needed for payment of medical, educational or other expenses for the benefit of D.T., as Patricia Tyus determines that benefit. If there is a balance remaining from this payment of \$10,000 or more when D.T. reaches age 18, the balance will belong to D.T., subject to the law of the state of residence.

VI. COURT JURISDICTION, SCOPE AND TERM OF CONSENT ORDER

A. The parties have consented to the entry of this Consent 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).

B. This Consent Order is effective immediately upon its entry by the Court.

C. The entry of this Consent Order will terminate this case. The Court will retain jurisdiction, in order to enforce the terms of this Consent Order, for a period of three years after the entry of this Consent Order.

D. The United States may move the Court to extend the duration of the Order if it determines that Defendants have violated one or more terms of the Order or if the interests of justice otherwise require.

E. The United States and Mr. and Ms. Stuber 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 Defendants, 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 Defendants' violation or failure to perform.

F. Each party to this Consent Order shall bear its own costs and attorney's fees associated with this action.

G. This Consent Order may be signed by the parties in counterparts.

7/18/2007

JOE B. McDADE
UNITED STATES DISTRICT JUDGE

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

FOR THE UNITED STATES:

/s/ James A. Lewis

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FOR NELSON E. STUBER AND ELLA M. STUBER

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