

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

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 08-61295-CIV-COHN/SELTZER
)	
C.F. ENTERPRISES, LLC,)	
CRAIG FORMAN, AND DON MURRONI,)	
)	
Defendants.)	
_____)	

FIRST AMENDED COMPLAINT AND DEMAND FOR JURY TRIAL

The United States of America alleges:

1. This action is brought to enforce the Fair Housing Act, Title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988, 42 U.S.C. §§ 3601 *et seq.*
2. This court has jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1345 and 42 U.S.C. § 3614. Venue is proper under 28 U.S.C. § 1391(b) as the claims alleged herein arose in the Southern District of Florida.
3. College Square Apartments consist of 64 one- and two- bedroom units located at 6600-6650 SW 39th Street in Davie, Florida, in the Southern District of Florida. These apartments are dwellings within the meaning of the Fair Housing Act, 42 U.S.C. § 3602(b).
4. From March 2000 to the present, Defendant C.F. Enterprises, LLC (“C.F. Enterprises”) has owned and operated the real properties identified above, known as College Square Apartments (“College Square” or “subject property”).

5. Defendant C.F. Enterprises is a limited liability company formed in 2000 pursuant to Florida law. The company's mailing address is in Boca Raton, Florida. Craig E. Forman has been the President of the company since 2001 and the only member (owner) since 2005.
6. C.F. Enterprise's principal place of business is in the Southern District of Florida.
7. All of the Defendants do business in the Southern District of Florida.
8. C.F. Enterprises also manages College Square Apartments and is responsible, among other things, for the rental of vacant apartment units.
9. Defendant Forman, as the president and sole member of C.F. Enterprises, is the individual ultimately responsible for the management of College Square Apartments and the rental of vacant apartments.
10. At most times from 2000 to the present, Defendant Forman has hired someone to provide property management at College Square, with the title of "Property Manager."
11. The Property Manager at the subject property is responsible, *inter alia*, for showing apartments to prospective tenants, collecting applications and application fees, writing down the names of individuals who inquire about an apartment, and collecting rent.
12. The Property Manager acts as an agent for C.F. Enterprises.
13. Defendant Forman is responsible for hiring, training, and supervising the Property Manager.
14. It has been the standard practice for the Property Manager at the subject property to write down the names of individuals who inquired about an apartment at College Square in a composition book.

15. Defendant Forman instructed a Property Manager to highlight the names of all individuals who inquired about an apartment who appeared to be “black or Mexican.” Defendant Forman also instructed the Property Manager to skip over the highlighted names when contacting individuals about available apartments.
16. When meeting with a Property Manager to give final approval of an applicant, Defendant Forman often inquired about the race of the applicant.
17. Defendant Forman instructed a Property Manager not to rent to individuals who appeared to be black or African American.
18. Defendant Don Murrone is the current Property Manager for College Square Apartments. He held this position throughout all of 2007.
19. As the Property Manager, Defendant Murrone is an agent of C.F. Enterprises and participates in the management of College Square Apartments.
20. While acting within the scope of his authority as an agent, Defendant Murrone provides information to prospective tenants about: the cost of rent, other fees and costs related to the rental of a unit, the availability of units within the apartment complex, and the application process. Additionally, among other responsibilities, Defendant Murrone receives move-out notices, shows apartments, and collects applications for available units.
21. The United States Department of Justice conducted a series of tests in 2007 to evaluate the Defendants’ compliance with the Fair Housing Act. Testing is a simulation of a housing transaction that compares responses given by housing providers to different types of home-seekers in order to determine whether illegal discrimination is occurring. The

testing undertaken by the United States revealed that the Defendants are engaging in housing practices that discriminate on the basis of race or color at College Square Apartments by repeatedly:

- a. Making statements to white persons that a selling point of the apartment complex is that the complex does not have any black residents;
- b. Denying the availability of apartments to African-American persons while at the same time telling white persons about available apartments;
- c. Discouraging African-American persons from applying for an apartment while encouraging white persons to apply; and
- d. Offering to waive the application fee or other costs for white persons while not making similar offers for African-American persons.

22. Defendants, through actions including those described above, have:

- a. Discriminated by refusing to rent, negotiate for the rental of, or by otherwise making available or denying dwellings to persons because of race or color, in violation of 42 U.S.C. § 3604(a);
- b. Discriminated against persons in the terms, conditions, or privileges of rental, or in the provision of services or facilities in connection therewith, because of race or color, in violation of 42 U.S.C. § 3604(b);
- c. Discriminated by making, or causing to be made, statements with respect to the rental of a dwelling that indicate a preference, limitation, or discrimination based on race or color, or an intention to make any such preference, limitation, or discrimination, in violation of 42 U.S.C. § 3604(c); and

- d. Discriminated by representing to persons because of race or color that dwellings are not available for rental when such dwellings are in fact so available, in violation of 42 U.S.C. § 3604(d).
23. The conduct of the Defendants described above 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 *et seq.*; and
 - b. A denial to a group of persons of rights granted by the Fair Housing Act, 42 U.S.C. §§ 3601 *et seq.*, which denial raises an issue of general public importance.
 24. There may be persons who have been the victims of discriminatory housing practices by the Defendants. Such persons are aggrieved persons as defined in 42 U.S.C. § 3602(i), and may have suffered injuries as a result of the Defendants' conduct described above.
 25. The Defendants' conduct described above was intentional, willful, and taken in disregard for the rights of others.

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

- A. Declares that the Defendants' policies and practices, as alleged herein, violate the Fair Housing Act;
- B. Enjoins the Defendants, their officers, employees, and agents, and all other persons in active concert or participation with any of them, from:
 1. Discriminating against any person on the basis of race or color in any aspect of the rental of a dwelling;
 2. Failing or refusing to notify the public that dwellings owned or operated by the Defendant C.F. Enterprises are available to all persons on a nondiscriminatory

basis;

3. Making statements with respect to the rental of a dwelling that indicate any preference, limitation, or discrimination because of race or color;
 4. Offering to reduce fees or other costs because of race or color;
 5. Discouraging African-American persons from applying for an apartment while encouraging white persons to apply; and
 6. Failing or refusing to take such affirmative steps as may be necessary to restore, as nearly as practicable, the victims of the Defendants' unlawful practices to the position they would have been in but for the discriminatory conduct.
- C. Awards monetary damages to each person injured by the Defendants' conduct, pursuant to 42 U.S.C. § 3614(d)(1)(B);
- D. Assess a civil penalty against the Defendants in the amount authorized by 42 U.S.C. § 3614(d)(1)(c), to vindicate the public interest.
- E. The United States further prays for such additional relief as the interests of justice may require.

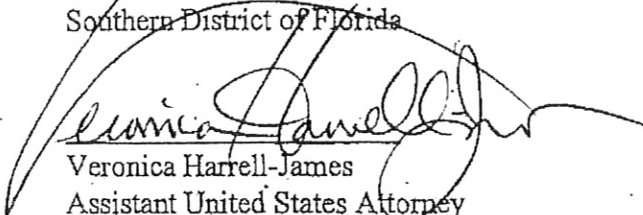
Demand for Jury Trial

Plaintiff, United States of America, demands trial by jury on all issues so triable in this matter.

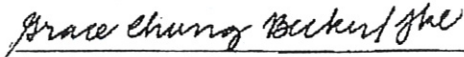
Dated: December 10, 2008

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Attorney General

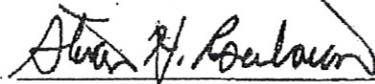
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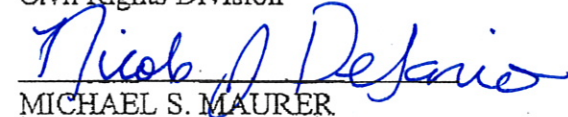
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CERTIFICATE OF SERVICE

I hereby certify that on this 10th day of December, 2008, I served the forgoing First Amended Complaint and Demand for Jury Trial via ECF on the following:

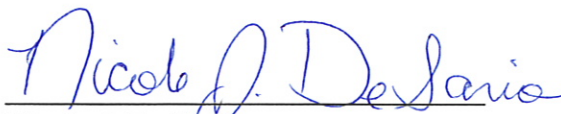
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I further certify that a copy of this certification was served as indicated above and was electronically filed with the Clerk of the Court using the CM/ECF system on this date.



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