

RENA J. COMISAC  
Acting Assistant Attorney General  
STEVEN H. ROSENBAUM, Chief  
REBECCA B. BOND, Deputy Chief  
AMBER R. STANDRIDGE, Attorney  
Civil Rights Division, Housing and Civil Enforcement Section  
U.S. Department of Justice  
950 Pennsylvania Avenue, N.W.  
Northwestern Building, 7th Floor  
Washington, D.C. 20530  
Phone: (202) 353-3556  
Fax: (202) 514-1116

ROBERT C. BALFE  
United States Attorney  
DEBORAH GROOM  
Civil Chief  
414 Parker Street  
Fort Smith, AR 72901  
Phone: (479) 783-5125  
Fax: (479) 785-2442

Attorneys for Plaintiff  
United States of America

U. S. DISTRICT COURT  
WESTERN DISTRICT ARKANSAS  
FILED

SEP 28 2007

CHRIS R. JOHNSON, CLERK

BY

DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF ARKANSAS  
FORT SMITH DIVISION

UNITED STATES OF AMERICA, )  
)  
Plaintiff, )  
)  
v. )  
)  
DON ADAMS, GRACE ADAMS, )  
)  
DRENNON G. ADAMS, )  
)  
LULA MAE COOK, aka LULA MAE )  
)  
DILLARD, and A & A INVESTMENTS )  
)  
d/b/a/ PHOENIX VILLAGE )  
)  
APARTMENTS )  
)  
Defendants. )  
)

Case No.: 07-2108

COMPLAINT

The United States of America alleges as follows:

1. This action is brought by the United States to enforce the provisions of the Fair Housing Act, as amended, 42 U.S.C. §§ 3601-3631.
2. This Court has jurisdiction over this action pursuant to 28 U.S.C. § 1345 and 42 U.S.C. § 3612(o).
3. Venue is proper in the District Court for the Western District of Arkansas under 28 U.S.C. § 1391(b) and 42 U.S.C. § 3612(o), in that the events or omissions giving rise to this action occurred in this district.
4. At all times relevant to this complaint, the Defendants Don Adams, Grace Adams, Drennon G. Adams, and Lula Mac Cook (aka Lula Mae Dillard) have been the owners for a 100-unit residential rental property, Phoenix Village Apartments, at 924 S. Quincy Street, Fort Smith, Arkansas, (the "subject property").
5. On information and belief, A & A Investments does business as Phoenix Village Apartments.
6. The subject property is a dwelling within the meaning of the Fair Housing Act, 42 U.S.C. § 3602(b).
7. Plaintiff, the United States of America, conducted a series of tests to evaluate the Defendants compliance with the Fair Housing Act. The testing undertaken by the United States revealed that the Defendants are engaged in housing practices that discriminate on the basis of familial status at Phoenix Village Apartments, including:

- a. Refusing to negotiate for the rental of, or otherwise making unavailable a dwelling because of familial status;
  - b. Discouraging persons with children from renting a dwelling owned or managed by the Defendants;
  - c. Making or causing to be made statements with respect to the rental of a dwelling that indicate any preference, limitation, or discrimination based on familial status, or an intention to make such preference, limitation, or discrimination.
8. By the conduct set forth in the previous numbered paragraph, the Defendants have:
- a. Refused to negotiate for the rental of, or otherwise made unavailable or denied a dwelling to a person because of familial status, in violation of Section 804(a) of the Fair Housing Act, 42 U.S.C. § 3604(a);
  - b. Made statements and/or caused to be made, printed or published statements and/or advertisements with respect to the rental of a dwelling that indicate a preference, limitation and discrimination based on familial status, and an intention to make such a preference, limitation or discrimination based on familial status, in violation of Section 804(c) of the Fair Housing Act, 42 U.S.C. § 3604(c).
9. The Defendants' discriminatory conduct as set forth above was intentional, willful, and taken in disregard for the rights of others.
10. The conduct of the Defendants described above constitutes:

- a. a pattern of practice of resistance to the full enjoyment of rights granted by the Fair Housing Act, in violation of 42 U.S.C. § 3614(a); or
- b. a denial to a group of persons of rights granted by the Fair Housing Act, which denial raises an issue of general public importance, in violation of 42 U.S.C. § 3614(a).

11. Upon information and belief, persons who have been the victims of discriminatory housing practices by the Defendants are aggrieved persons within the meaning of 42 U.S.C. § 3602(i).

WHEREFORE, the United States prays for relief as follows:

1. A declaration that the conduct of the Defendants as set forth above violates the Fair Housing Act, as amended, 42 U.S.C. §§ 3601-3631;
2. An injunction against the Defendants, their agents, employees, and successors, and all other persons in active concert or participation with them, from:
  - a. discriminating on the basis of familial status in violation of the Fair Housing Act, as amended, 42 U.S.C. §§ 3601-3631;
  - b. failing or refusing to notify the public that dwellings owned or operated by the Defendants are available to all persons on a nondiscriminatory basis; and
  - c. failing or refusing to take such affirmative steps as may be necessary to restore, as nearly as practicable, any aggrieved persons to the position they would have been in but for the discriminatory conduct;
3. An award of monetary damages to any other aggrieved persons pursuant to


42 U.S.C. §§ 3612(o)(3) and 3613(c); and

4. A civil penalty against each of the Defendants in an amount authorized by 42 U.S.C. § 3614(d)(1)(C), in order to vindicate the public interest.


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

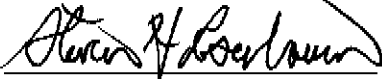
Dated: 9-28, 2007

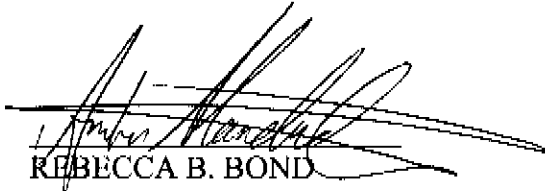
ROBERT C. BALFE  
United States Attorney

  
DEBORAH GROOM  
Civil Chief  
United States Attorney's Office  
414 Parker Street  
Fort Smith, AR 72901  
Phone: (479)783-5125  
Fax: (479)785-2442  
Arkansas Bar No. 80054

PETER D. KEISLER  
Acting Attorney General

  
RENA J. COMISAC  
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STEVEN H. ROSENBAUM  
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