

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**
Civil Action No. 12-cv-2462 (JNE/JJK)

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.)
)
MARY ANN JENSEN, and)
TIMOTHY JOHNSTON and)
LAURI JOHNSTON RICHERT)
d/b/a WINDSTONE PROPERTIES,)
)
Defendants.)

CONSENT ORDER

The United States initiated this matter against Defendants on September 25, 2012, on behalf of Gloria Cerda pursuant to section 812(o) of the Fair Housing Act, as amended, 42 U.S.C. § 3612(o). The Complaint alleges discriminatory statements based on national origin with respect to the rental of a dwelling in violation of the Fair Housing Act, 42 U.S.C. § 3604(c).

The United States brought its Complaint following a determination of Reasonable Cause and a Charge of Discrimination issued by the Secretary of the United States Department of Housing and Urban Development and a timely notice of election by aggrieved party Gloria Cerda to proceed in federal court under 42 U.S.C. § 3612(a).

The Parties, by and through their counsel, have agreed to the entry of this Consent Order to resolve all claims of the United States against the Defendants and to further avoid expenses and the uncertainties of litigation.

I. INJUNCTION

A. Defendants, their agents, successors, or assigns, and all other persons acting in concert or participation with them, are enjoined from making, printing, or publishing, or causing to be made, printed, or published, any notice, statement, or advertisement with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on race, color, religion, sex, disability, familial status, or national origin, or an intention to make such preference, limitation, or discrimination, in violation of 42 U.S.C. § 3604(c).

II. MANDATORY EDUCATION AND TRAINING

A. Within 150 days of the date of entry of this Consent Order, Defendants Timothy Johnston and Lauri Johnston Richert and their employees or agents (including those of Windstone Properties) shall undergo training on the provisions of the Fair Housing Act pertaining to discrimination on the basis of race, color, religion, sex, disability, familial status, or nation origin. The trainings shall be conducted by a qualified third party unconnected to the Defendants or their counsel, subject to approval by the United States.

B. For a period of three years from the date of entry of this Consent Order, Defendants Timothy Johnston and Lauri Johnston Richert shall require their new

employees or agents (including those of Windstone Properties) to undergo the training required in paragraph II.A above.

C. Defendants Timothy Johnston and Lauri Johnston Richert shall provide to the United States, by notification to Assistant U.S. Attorney Ann M. Bildtsen, within 30 days after each training the name(s), address(es), and telephone number(s) of the trainer(s) and certifications executed by the trainers confirming the attendance of Timothy Johnston and Lauri Johnston Richert and their employees and agents at the trainings described in paragraphs II.A and II.B above.

III. COMPENSATION OF AGGRIEVED PERSON

A. Defendants shall pay to aggrieved party Gloria Cerda the sum of twenty thousand dollars (\$20,000). Defendants shall send a check payable to Gloria Cerda for the compensation amount to counsel for the United States, Assistant U.S. Attorney Ann M. Bildtsen, within 30 days after the date of entry of this Consent Order.

B. Aggrieved person Gloria Cerda shall execute and deliver to Assistant U.S. Attorney Ann M. Bildtsen a release in the form of Attachment A to this Consent Order within 30 days after entry of this Consent Order.

C. Once counsel for the United States has received the check from the Defendants referenced in paragraph III.A above and the release from Cerda referenced in paragraph III.B above, she shall promptly deliver the check to Cerda and the original, signed release to Defendants.

IV. NOTIFICATION TO PUBLIC OF NONDISCRIMINATION POLICIES

A. Within 60 days after the date of entry of this Consent Order, Defendants Timothy Johnston and Lauri Johnston Richert shall include the words “Equal Housing Opportunity” or the fair housing logo on their rental applications and rental advertising. The words or logo shall be prominently placed and easily legible.

B. Within 60 days after the date of entry of this Consent Order, Defendants Timothy Johnston and Lauri Johnston Richert shall develop written policies for rental property they own or operate that fully describe their rental requirements and the rental application process. Such policies shall include the words “Equal Housing Opportunity” or the fair housing logo. The words or logo should be prominently placed and easily legible.

C. Within 10 days after the date of entry of this Consent Order, Defendants shall, 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.

D. Within 14 days of satisfying the obligations in paragraphs IV.A, IV.B, and IV.C above, Defendants Timothy Johnston and Lauri Johnston Richert shall provide notice to the United States, through Assistant U.S. Attorney Ann M. Bildtsen, that they have satisfied those obligations, and provide copies of the rental applications, advertisements, and policies prepared pursuant to this Consent Order for review. The United States shall notify Defendants Timothy Johnston and Lauri Johnston Richert of any objections to those materials within 14 days of receiving them.

V. COURT JURISDICTION, SCOPE, AND TERM OF CONSENT ORDER

A. The Parties, by and through their counsel, 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). This Consent Order is effective immediately upon its entry by the Court.

B. The Court shall retain jurisdiction over this action and the Defendants for three 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. The United States may move the Court to extend the duration of the Order if it determines that any of the Defendants have violated one or more terms of the Order or if the interests of justice otherwise require.

C. The parties to this Consent Order shall endeavor in good faith to resolve informally any differences regarding interpretation of and compliance with this Order before 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 Consent Order or otherwise to act in accordance with any provision thereof, the United States may move this Court to impose any remedy authorized by law or equity.

So ORDERED this 13th day of December, 2012.

s/Joan N. Ericksen
JOAN N. ERICKSEN
United States District Judge

The undersigned hereby apply for and consent to the entry of this Order:

For all Defendants,

s/ Sally J. Ferguson
SALLY JO FERGUSON
ARTHUR CHAPMAN KETTERING
SMETAK & PIKALA, P.A.
Attorney ID No. 131829
500 Young Quinlan Building,
81 South Ninth Street
Minneapolis, MN 55402

Date: December 11, 2012

s/ Robert G. Benner
ROBERT G. BENNER
DUNLAP & SEEGER, P.A.
Attorney ID No. 227420
206 South Broadway, Suite 505
Rochester, MN 55904

Date: December 11, 2012

For Plaintiff United States of America,

B. TODD JONES,
United States Attorney

s/ Ann M. Bildtsen
BY: ANN M. BILDTSEN
Assistant United States Attorney
Attorney ID No. 271494
600 U.S. Courthouse, 300 S. Fourth Street
Minneapolis, MN 55415

Date: December 12, 2012

ATTACHMENT A
Release

In consideration of the Consent Order entered in *United States of America v. Mary Ann Jensen, and Timothy Johnston and Lauri Johnston Richert d/b/a/ Windstone Properties*, Civil Action No. 12-cv-2462 (JNE/JJK) (D. Minn.) and of the payment of the sum of \$20,000 to me pursuant to that Consent Order, I, Gloria Cerda, hereby release Defendants named in this action (Civil Action No. 12-cv-2462 (JNE/JJK) (D. Minn.)) from any and all liability for any claims, legal or equitable, I may have against them arising out of the issues alleged in the action as of the date of the entry of the Consent Order. I fully acknowledge and agree that this release of Defendants 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.

Dated:

Gloria Cerda