

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

SHEILA WALKER, and
BARBARA ROBINSON,

Plaintiffs,

v.

Case No. 10-C-192

KEN MCCOY,

Defendant.

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 11-C-388

KEN MCCOY,

Defendant.

CONSENT ORDER

On March 9, 2010, Plaintiffs Sheila Walker and Barbara Robinson instituted this action against Ken McCoy alleging violations of 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"). Thereafter, on April 22, 2011, the United States of America commenced a separate civil action with similar allegations and the cases were consolidated. The Amended Complaint alleges that the Defendant violated Sections 804(a) and (c) of the Act, 42 U.S.C. §§ 3604(a) and (c).

The defendant denies the allegations and states that the lawsuit resulted from a misunderstanding and he regrets any harm his actions have caused the Plaintiffs.

Therefore, the United States, Sheila Walker, Barbara Robinson, and Ken McCoy 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. All parties 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

Ken McCoy, and any agents, employees, successors, and persons in active concert or participation with him are enjoined from:

A. Refusing to negotiate for the rental of, or otherwise making unavailable or denying, a dwelling to any person because of race or familial status, 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 familial status, 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. McCoy shall attend a program of educational training focusing on provisions of federal, state and local fair housing laws, regulations and ordinances as they relate to race and familial status. 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 Mr. McCoy. Mr. McCoy 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 POLICIES OF NONDISCRIMINATION

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

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

B. Include the words "Equal Housing Opportunity" or the fair housing logo in any advertising conducted by him 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, Mr. McCoy shall preserve all records pertaining to his obligations under this Consent Order.

B. During the term of this Consent Order, Mr. McCoy shall give counsel for the United States written notice within fifteen (15) days of receipt of any written or oral complaint against him, regarding discrimination on the basis of race or familial status, and a description of the resolution of any such complaint within fifteen (15) days of resolution. If the complaint is written, Mr. McCoy 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. Mr. McCoy 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 SHEILA WALKER AND BARBARA ROBINSON

A. Mr. McCoy will pay the total sum of Thirty-Five Thousand Dollars (\$35,000) in settlement of the case, by a check made out to Pledl and Cohn Trust Account. The check shall be sent to Michael J. Cohn, 1110 N. 3rd Street, Suite 215, Milwaukee, Wisconsin, 53203, within five (5) business days of delivery of the signed Consent Decree. Upon receipt of payment Sheila Walker and Barbara Robinson shall send to Mr. McCoy an executed Release (Appendix A) of all claims, legal or equitable, that they may have against Ken McCoy relating to the claims asserted in this lawsuit, including any claims for attorney's fees.

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 (3) 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 Mr. McCoy has violated one or more terms of the Order or if the interests of justice otherwise require.

E. The United States and Mr. McCoy 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 Mr. McCoy, 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 Mr. McCoy's 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.

Dated this 29th day of August, 2012.

BY THE COURT:



AARON E. GOODSTEIN
UNITED STATES MAGISTRATE 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:

THOMAS E. PEREZ
Assistant Attorney General

STEVEN H. ROSENBAUM
Chief

ELIZABETH A. SINGER
Director, United States Attorneys' Fair Housing Program
Housing and Civil Enforcement Section
Civil Rights Division
U.S. Department of Justice

JAMES L. SANTELLE
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Eastern District of Wisconsin

By: /s Lennie A. Lehman

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Attorneys for the United States of America

FOR SHEILA WALKER AND BARBARA ROBINSON:

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FOR KEN MCCOY:

/s Ken McCoy 8/21/12

Ken McCoy