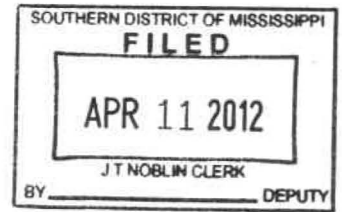


IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION



UNITED STATES OF AMERICA,

Plaintiff,

v.

THERESA O. MERCKER,

Defendant.

Civil Action No.: 1:12cv112-LG-JMR

CONSENT ORDER

This matter concerns a claim by Devron Jones and Shikina Jones, and their five minor children, pursuant to § 812(o) of the Fair Housing Act, as amended, 42 U.S.C. § 3612(o). The complaint alleges that the defendant discriminated against the Joneses on the basis of familial status in connection with the rental of a home located at 2710 Angela Circle, Gulfport, Mississippi 39503, in violation of the Fair Housing Act, 42 U.S.C. §§3604(a) and (b).

The Parties have agreed to the entry of this Consent Order to resolve all claims of the United States and the Joneses against the defendant and to avoid further expenses and the uncertainties of litigation. By entering into this Consent Order, the defendant does not admit to any violation of the Fair Housing Act, 42 U.S.C. § 3601, *et seq.* or any other violation at law or equity.

I. FAIR HOUSING ACT COMPLIANCE

Ms. Mercker agrees not to discriminate on the basis of familial status in the rental of dwellings. She also agrees to allow the maximum number of occupants permitted under the applicable local occupancy codes.

II. AFFIRMATIVE RELIEF

A. Defendant shall within 30 days of the entry of this Order post and prominently display in the rental office and in any other office where there is rental activity and/or personal contact with applicants for the rental of dwellings from the defendant, a poster no smaller than 11 inches by 14 inches that indicates that all dwellings are available for rent on a nondiscriminatory basis. The poster(s) shall comply with the requirements set out in 24 C.F.R. Part 110.

B. Defendant shall within 30 days of the entry of this Order include the words "Equal Housing Opportunity" or the fair housing logo in all advertising conducted by the defendant in newspapers, telephone directories, radio or other media, and on all signs, pamphlets, brochures, and other promotional literature. The words or logo shall be prominently placed and easily legible.

III. MANDATORY EDUCATION AND TRAINING

A. Within 30 days of the date of entry of this Order, defendant shall provide a copy of the Fair Housing Policy in Attachment A to all her agents and employees involved in the rental or management of dwellings and secure the signed statement from each agent or employee acknowledging that he or she has received and read the Fair Housing Policy. This statement shall be substantially in the form of Attachment B.

B. During the term of this Order, within 30 days after the date he or she commences an agency or employment relationship with the defendant, each new agent or employee involved in the rental or management of dwellings shall be given a copy of the Fair Housing Policy in Attachment A and be required to sign a statement acknowledging that he or she has received and

read the Fair Housing Policy. This statement shall be substantially in the form of Attachment B.

C. Within 90 days of the date of entry of this Order, defendant shall undergo training on the provisions of the Fair Housing Act pertaining to discrimination on the basis of familial status.

The training shall be conducted by a qualified third party unconnected to defendant or her employees, agents, or counsel. Defendant shall provide to the United States, within 30 days after the training, the name(s), address(es) and telephone number(s) of the trainer(s) and certification executed by the trainers confirming her attendance.

IV. COMPENSATION OF AGGRIEVED PERSONS

A. Within fifteen days of the date of entry of this Consent Order, defendant shall pay a total of six thousand dollars in monetary damages to persons whom the United States has identified as aggrieved persons within the meaning of the Fair Housing Act. A list of such persons and the specific amount to be paid to each such person is attached as Attachment D. The defendant shall pay said money by sending to Assistant United States Attorney Mitzi Dease Paige a certified check for each identified aggrieved person, made payable to the aggrieved person for the amount listed next to his or her name in Attachment D.

B. No aggrieved person shall be paid until the United States has received and delivered to defendant a signed written release (substantially in the form of Attachment C).

C. Before this Court approves the Consent Order, United States will arrange for a chancery court order of the county of the residence of minors D.J., D.N., T.N., I.N., and J.N. or the chancery court of the county wherein minors D.J., D.N., T.N., I.N., and J.N. are entitled to damages accruing under this Consent Order pursuant to Mississippi Code § 93-12-211 (a).

V. RECORD KEEPING AND REPORTING

A. During the term of this Order, the defendant shall retain all rental records maintained in the normal course of her business – including, but not limited to, inquiry logs, applications, tenant files, and all records relating to actual or threatened evictions – created from the date of the entry of this Consent Order. Upon request and reasonable notice, the defendant shall produce or permit representatives of the United States to review any such records in the possession or control of the defendant, or her agents, employees, or representatives.

B. During the term of this Order, the defendant shall give counsel for the United States written notice within 15 days of the receipt of any written or oral complaint against the defendant regarding discrimination on the basis of familial status, and a description of the resolution of any such complaint within 15 days of resolution. If the complaint is written, the defendant shall provide a copy of it with the notice; if the complaint is oral, she 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. The defendant shall also promptly provide the United States all information it may request concerning any such complaint and its actual or attempted resolution.

VI. COURT JURISDICTION, SCOPE AND TERM OF CONSENT ORDER

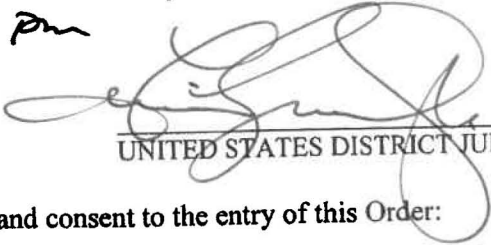
A. The Parties have consented to the entry of this Order as indicated by the signatures below. To this end, the Parties stipulate and the Court finds that this Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§1331 and 1345 and 42 U.S.C. §3612(o). This Consent Order is effective immediately upon its entry by the Court and shall expire two years after the date of its entry by the Court.

B. The Court shall retain jurisdiction over this action to enforce the terms of the Order.

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 prior to bringing such matters to the Court for resolution.


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

So ORDERED this 11th day of April 2012
4:20 pm


UNITED STATES DISTRICT JUDGE


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

For the Defendant,
THERESA O. MERCKER



JOSEPH L. ADAMS, ESQ.
Phelps Dunbar
P.O. Box 16114
Jackson, Mississippi 39236-6114
(601) 360-9777

For the Plaintiff,
UNITED STATES OF AMERICA



GREGORY K. DAVIS
United States Attorney
Mitzi Dease Paige
Assistant United States Attorney
501 East Court Street, Suite 4.430
Jackson, Mississippi 39201
(601) 973-2840

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

So ORDERED this _____ day of _____, _____.

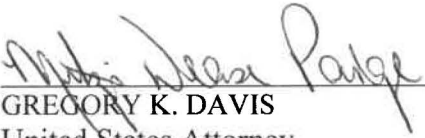
UNITED STATES DISTRICT JUDGE

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

For the Defendant,
THERESA O. MERCKER

JOSEPH L. ADAMS, ESQ.
Phelps Dunbar
P.O. Box 16114
Jackson, Mississippi 39236-6114
(601) 360-9777

For the Plaintiff,
UNITED STATES OF AMERICA



GREGORY K. DAVIS
United States Attorney
Mitzi Dease Paige
Assistant United States Attorney
501 East Court Street, Suite 4.430
Jackson, Mississippi 39201
(601) 973-2840

ATTACHMENT A

Fair Housing Policy

It is the policy of Theresa O. Mercker to comply with Title VIII of the Civil Rights Act of 1968 (commonly known as the Fair Housing Act) by ensuring that rental units are available to all persons without regard to familial status (having children under 18).

This policy means that all of my agents or employees with the responsibility for renting, selling or managing any dwelling units must not discriminate in any aspect of the sale or rental of dwellings to qualified applicants or tenants. Such agents and employees must refrain from, among other things:

- A. Discriminating in the sale or rental of, or otherwise making unavailable or denying, a dwelling to any person because of familial status;
- B. Discriminating against a person in the terms, conditions, or privileges of the sale or rental of a dwelling or in the provision of services or facilities in connection with such dwelling, because of familial status; and
- C. Enforcing any occupancy limits that are stricter than what is permitted under the applicable local occupancy codes.

Any agent or employee who fails to comply with this nondiscrimination policy shall be subject to appropriate disciplinary action. Any resident who believes that any of the above policies have been violated by any owner, agent or employee may contact the U.S. Department of Housing and Urban Development at 1-800-669-9777.

ATTACHMENT B

Employee Acknowledgment Form

I, _____, hereby acknowledge
that I have been provided with a copy of and have read the Fair Housing Policy of Theresa O.
Mercker.

(Signature)

(Print name)

(Street Address)

(City, State, Zip)

(Date)

ATTACHMENT C

Release

In consideration of the Consent Order entered in United States v. Theresa O. Mercker,
Civil Action No. _____ (S.D. Miss.), and of the payment of the
sum of six thousand dollars (\$6,000), pursuant thereto, I, _____,
hereby release the defendant named in this action from any and all liability for any claims, legal or
equitable, I may have against her 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 the defendant 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.

(Signature)

(Date)

ATTACHMENT D

Aggrieved Person	Amount
Devron Jones	\$1,500.00
Shakina Jones	\$1,500.00
D.J.	\$600.00
D.M.	\$600.00
T.N.	\$600.00
I.N.	\$600.00
J.N.	\$600.00