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AT SEATTLE
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WESTERN DISTRICT OF WASHINGTON DEPUTY



10-CV-01150-ORD

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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,)
)
 Plaintiff)
)
 v.)
)
 SUMMERHILL PLACE, LLC,)
 GRAN, INC., and RITA LOVEJOY,)
)
 Defendants.)

NO. 2:10-cv-01150-JLR

CONSENT ORDER

I. INTRODUCTION

1. Plaintiff, United States of America, initiated this action on July 16, 2010 pursuant to 42 U.S.C. §§ 3612(o) and 3614(a) to enforce the Fair Housing Act, as amended 42 U.S.C. §§ 3601-3631. The Complaint alleges that the Defendants Summerhill Place, LLC, GRAN, Inc. and Rita Lovejoy engaged in discrimination on the basis of race, color, national origin and familial status in the rental of dwellings at Summerhill Place Apartments located at 10415 SE 174th

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Civil Rights Division
Housing and Civil Enforcement Section
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202-514-4713

1 Street, Renton, Washington 98055 ("Summerhill"), in violation of the Fair Housing Act, as
2 amended, 42 U.S.C. §§ 3601 *et seq.*

3 2. Defendant Summerhill Place, LLC owns Summerhill.

4 3. Defendant GRAN, Inc. has overseen the management of Summerhill from 2002.

5 4. Rita Lovejoy was the resident manager of Summerhill from October 1997 until approximately
6 November 2008 when GRAN, Inc. terminated Ms. Lovejoy's management responsibilities.

7 5. Defendants deny the United States' allegations and specifically deny that they discriminated on
8 the basis of race, color, national origin, and familial status. The Parties agree that this Consent
9 Order is a compromise of a disputed claim and should not be construed in any way as an
10 admission by Defendants of any liability whatsoever or as admission by Defendants of any
11 wrongdoing.

12 6. The parties agree that this Court has jurisdiction pursuant to 28 U.S.C. §§ 1331, 1345 and 42
13 U.S.C. § 3614(a).

14 7. The Parties have agreed to the entry of this Consent Order to resolve all claims of the United
15 States against Defendants and to avoid costly and protracted litigation.

16 8. This Consent Order is effective upon its entry by the Court. For purposes of this Consent
17 Order, the phrase "date of this Order" shall refer to the date on which the Court enters the
18 Order.

19 ACCORDINGLY, it is hereby ADJUDGED, ORDERED and DECREED:

20 **II. GENERAL INJUNCTION**

21 9. Defendants, their agents, employees, and successors are hereby enjoined, with respect to the
22 rental of dwellings, from:

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- 1 a. Refusing to rent a dwelling unit, refusing or failing to provide or offer information about a
2 dwelling unit, or otherwise making unavailable or denying a dwelling unit to any person
3 because of race, color, familial status, or national origin;
- 4 b. Discriminating against any person in the terms, conditions, or privileges of rental of a
5 dwelling, or in the provision of services or facilities in connection therewith, because of
6 race, color, familial status, or national origin;
- 7 c. Making, printing, or publishing, or causing to be made, printed, or published any notice,
8 statement or advertisement, with respect to the rental of a dwelling that states any
9 preference, limitation, or discrimination based on race, color, familial status, or national
10 origin; or
- 11 d. Misrepresenting the availability of dwelling units based on race, color, familial status, or
12 national origin.

13 **III. INJUNCTIVE RELIEF WITH RESPECT TO RITA LOVEJOY**

- 14 10. Defendants Summerhill Place, LLC and GRAN, Inc. are hereby enjoined from employing or
15 otherwise retaining Defendant Rita Lovejoy in any position that involves managing, operating,
16 renting, interacting with tenants or prospective tenants about, performing or supervising
17 maintenance in connection with, or otherwise providing services relating to the rental of
18 dwellings.
- 19 11. Defendant Lovejoy represents that she is not currently working in any way in connection with
20 the rental of dwellings. If, during the term of the Order, Ms. Lovejoy begins to work in any
21 capacity in connection with the rental of dwelling, she shall: (a) provide the person(s)
22 employing or retaining her in such activities with a copy of this Order; and (b) immediately

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1 notify the United States of the nature and location of her activities, including the name, and
2 address, and contact information for the place of business and the persons(s) retaining and
3 supervising her.

4 **IV. ADOPTION AND IMPLEMENTATION OF UNIFORM NONDISCRIMINATORY**
5 **PROCEDURES**

6 12. Uniform and Nondiscriminatory Procedures: Within thirty (30) days of the entry of this

7 Consent Order, Summerhill Place, LLC and GRAN, Inc. shall create and submit for approval to
8 the United States written Uniform and Nondiscriminatory Procedures for:

- 9 a. Receiving, handling, processing, rejecting and approving rental inquiries and applications,
10 including those made in-person, by telephone, and by mail;
- 11 b. Identifying what information will be provided to prospective tenants under Paragraph 14 of
12 this Order;
- 13 c. Determination of which unit new tenants will occupy;
- 14 d. Transferring existing tenants to different units;
- 15 e. Receiving, processing, and performing maintenance requests made by tenants;
- 16 f. Replacing appliances in dwelling units; and
- 17 g. The use of the grassy area (hereinafter "green space") adjacent to buildings 4 and 5 by all
18 residents and their guests, including children. The green space area is identified in the map
19 attached as Appendix A.

20 Within seven (7) business days of receipt of notice of the United States' approval of the

21 Uniform and Nondiscriminatory Procedures, Summerhill Place, LLC and GRAN, Inc. shall

22 implement such written Uniform and Nondiscriminatory Procedures at Summerhill. During the

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1 term of this Order, if Summerhill Place, LLC and GRAN, Inc. wish to modify or alter the
2 Uniform and Nondiscriminatory Procedures, they shall submit the proposed changes to counsel
3 for the United States for review and approval, such approval shall not be unreasonably
4 withheld.

5 13. Guest Cards: Within fifteen (15) days of the entry of this Order, Summerhill Place, LLC and
6 GRAN, Inc. shall maintain Guest Cards and request that all persons who visit Summerhill in-
7 person to inquire about renting an apartment at Summerhill fill out a Guest Card providing the
8 date of their visit, their name, their address, their daytime telephone numbers and other contact
9 information and the date by when they wish to move. Summerhill Place, LLC and GRAN,
10 Inc., at their choosing, may also comply with this provision by asking the prospective tenant for
11 the information identified above and filling out the Guest Card on their behalf. If a prospective
12 tenant refuses to fill out a Guest Card, does not fully fill out the Guest Card, or does not
13 provide sufficient information to fully fill out a Guest Card, Summerhill Place, LLC and
14 GRAN, Inc. will not be considered to be in violation of this section. If a prospective tenant
15 refuses to fill out the Guest Card, Summerhill Place, LLC or GRAN, Inc. shall fill out as much
16 information as possible. Summerhill Place, LLC and GRAN, Inc. shall note on the Guest Card,
17 the dwelling units the person was shown, whether the person was given an application and the
18 name of the employee who attended to the visitor.

19 14. Information Provided to Prospective Applicants: Within fifteen (15) days of the entry of this
20 Order, Summerhill Place, LLC, and GRAN, Inc. shall maintain a computerized database of
21 ready, available, and showable dwelling units. From that database, Summerhill Place, LLC and
22 GRAN, Inc. shall maintain a list comprised of those available units which Summerhill Place,

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1 LLC and GRAN, Inc. are seeking to rent (the "Target list"), updated periodically. The Target
2 list will be used to inform all persons who inquire about renting apartments at Summerhill of all
3 available apartments which Summerhill Place, LLC and GRAN, Inc. seek to rent of the type
4 they inquire about. Summerhill Place, LLC and GRAN, Inc. may first show prospective
5 tenants the mini-model (if in use). If no apartment on the Target list meets their specifications,
6 the database will be used to determine if another apartment is ready, available or showable that
7 meets their specifications. Summerhill Place, LLC and GRAN, Inc. shall inform all such
8 person that they may fill out an application or, if no apartment of the particular size that they
9 are seeking is ready, available or showable, that they may be placed on a waiting list.

10 15. Wait Lists: Within fifteen (15) days of the entry of this Order, to the extent a particular size
11 apartment is not available, Summerhill Place, LLC and GRAN, Inc. shall maintain waiting lists
12 for each size unit at Summerhill Place Apartments that contains (to the extent the information is
13 provided by the prospective tenant) each prospective tenant's current address, daytime
14 telephone number and other contact information, email address, and the number of intended
15 occupants. Summerhill Place, LLC and GRAN, Inc. shall also indicate, for each prospective
16 tenant, the time and date he or she was placed on the list and the name of the employee who
17 received the applicant's application. Names on the waiting list will be removed after six
18 months, unless the prospective tenant advises that they want to continue to be maintained on
19 the waiting list. When a unit of the type sought by a prospective tenant becomes available,
20 Summerhill Place, LLC and GRAN, Inc. shall attempt to notify persons on the waiting list by
21 phone and/or email of the availability of the unit prior to offering it to a person not on the list.

22 To the extent such attempts are not made simultaneously, the contacts shall be made in the
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1 order in which persons are listed on the wait list. Any prospective tenants will have 24 hours
2 from the time of the attempted contact to fill out an application and provide a holding deposit
3 for the available unit or their name will be removed from the waiting list and the apartment will
4 be released to the next prospective tenant.

5 16. Rental Applications: Summerhill Place, LLC and GRAN, Inc. shall permit all persons who
6 inquire about renting a dwelling unit at Summerhill the opportunity to complete a written rental
7 application. Summerhill Place, LLC and GRAN, Inc. shall note on each rental application
8 filled out by a prospective tenant for Summerhill, the month, day, year, and time that
9 Summerhill Place, LLC and GRAN, Inc. received the application. To the extent Summerhill
10 Place, LLC and GRAN, Inc. rejects any application for housing, Summerhill Place, LLC and
11 GRAN, Inc. shall provide, either on the application or on an attachment to the application, a
12 written explanation why the applicant was determined ineligible for tenancy, including all
13 reasons therefore and any supporting documentation, and the name of the employee or entity
14 who made the decision. Within three (3) days of the decision to reject an applicant,
15 Summerhill Place, LLC and GRAN, Inc. shall notify such applicant of the rejection and the
16 reason therefore in writing by mailing a copy of the written reason for the rejection to the
17 address provided by the prospective tenant. Summerhill Place, LLC and GRAN, Inc. shall
18 offer an available dwelling unit to prospective tenants who are approved in the order the
19 completed application plus a holding deposit was received by Summerhill.

20 17. Use of Green Space: Within fifteen (15) days of the entry of this Order, Summerhill Place, LLC
21 and GRAN, Inc. shall make the green space located between Buildings 4 and 5 available for the
22 use of residents, including children, and their guests, and shall place one or more signs noting

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1 that this is a "recreational space." The green space area is identified in the map attached as
2 Appendix A. To the extent that Summerhill Place, LLC and GRAN, Inc. discuss areas for play
3 by children with prospective tenants, whether in response to an inquiry from the prospective
4 tenant or at Summerhill Place, LLC and GRAN, Inc.'s initiative, Summerhill Place, LLC and
5 GRAN, Inc. shall inform such prospective tenants that the green space is available for all
6 residents, including children, to use in accordance with Summerhill policy. Nothing in this
7 provision shall prohibit Summerhill Place, LLC and GRAN, Inc. from adopting reasonable
8 rules on the use of the green space by residents and their guests. Any such rules shall be
9 included in the rules and procedures adopted pursuant to Paragraph 12.

10 **V. TRAINING**

- 11 18. Within sixty (60) days of the entry of this Order, Rita Lovejoy and all agents or employees of
12 the Defendants who have any responsibility for showing, renting, or managing dwellings at
13 Summerhill, and each agent or employee who supervises such activities, shall attend and
14 complete a fair housing training program, approved by the United States, at Summerhill Place,
15 LLC's and GRAN, Inc.'s expense. Persons required to be trained include any employees who
16 show apartments to prospective tenants even if that task is not part of their job description. The
17 training shall be conducted by a qualified third party, unconnected to Defendants or their
18 employees or officers, agents, or counsel, approved by the United States, and Defendants shall
19 submit the name and contact information of the trainer to the United States for approval at least
20 at least thirty (30) days in advance of such training. The training shall include the following:
21 a. Informing each individual of his or her duties and obligations under this Order as well as

22 under the Fair Housing Act;

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- 1 b. Furnishing to each individual a copy of this Order and the Defendants' Uniform and
2 Nondiscriminatory Procedures identified in Paragraph 12;
- 3 c. Explaining how the Defendants' policies and procedures are designed to ensure that racial
4 discrimination, national origin discrimination and familial status discrimination does not
5 influence the process of providing rental information to persons who make inquiries, the
6 process of making decisions on rental applications, the process of determining which unit
7 an applicant or transfer rents, and the process of performing maintenance requests or
8 apartment renovations;
- 9 d. Conducting a question and answer session for purposes of reviewing items a through c
10 above and allowing all trainees to clarify their understanding of items a through c above;
11 and
- 12 e. Securing a signed certification in the form of the statement attached hereto as Appendix B,
13 from each such individual indicating that he or she attended the training and has received,
14 read, and understood this Order and the Defendants' Uniform and Nondiscriminatory
15 Procedures identified in Paragraph 12.

16 19. During the period in which this Order is in effect, within sixty (60) days of commencing an
17 employment or agency relationship, all new agents or employees of the Defendants who have
18 responsibility for showing, renting, or managing dwellings at Summerhill Place Apartments,
19 including any employees who show apartment units even if that task is not part of their job
20 description and all new agents or employees who supervise such activities, shall be given a
21 copy of the written Uniform and Nondiscriminatory Procedures and this Consent Order and
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1 shall be given training as described in Paragraph 18, and shall be required to sign the statement
2 appearing at Appendix B.

3 **VI. NOTIFICATION TO TENANTS AND PUBLIC**

4 20. Summerhill Place, LLC and GRAN, Inc. shall:

- 5 a. Within seven business days of the receipt of the approval of the Notice of Uniform and
6 Nondiscriminatory Procedures identified in paragraph 12 provide each current tenant of
7 Summerhill, each new tenant of Summerhill (within five (5) business days of the
8 commencement of his or her tenancy), and each prospective applicant of Summerhill (at the
9 time of the completion of a Guest Card), with a written notice summarizing the Uniform
10 and Nondiscriminatory Procedures. This notice shall be submitted at the same time as the
11 proposed Uniform and Nondiscriminatory Procedures to the Justice Department for
12 approval before distribution;
- 13 b. Post and prominently display a full size HUD fair housing poster, HUD Form 928.1, in a
14 conspicuous location in or near the rental office or apartment or other location used as a
15 rental office at Summerhill and any other residential rental property owned or managed by
16 Defendants within thirty (30) days of the date of this Order;
- 17 c. Include the following written statement on all Defendants' Rental Applications, Leases, and
18 Uniform and Nondiscriminatory Procedures, for Summerhill:
19 We are an equal opportunity housing provider. We do not discriminate on the
20 basis of race, color, religion, sex, national origin, familial status, or disability.

21 **VII. RECORD KEEPING, MONITORING, AND REPORTING**

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- 1 21. The United States may take steps to monitor Defendants' compliance with the Fair Housing
2 Act and this Consent Order including, but not limited to, conducting fair housing tests at any
3 dwelling in which any Defendant, now or in the future, has a direct or indirect ownership,
4 management, or financial interest.
- 5 22. Throughout the duration of this Order, Summerhill Place, LLC and GRAN, Inc. shall preserve
6 and maintain all records for Summerhill which are the source of, contain, or relate to, any
7 information pertinent to their obligations under this Order, (which may be maintained jointly)
8 including, but not limited to, the following:
- 9 a. Guest Cards;
 - 10 b. Wait Lists;
 - 11 c. Rental Applications;
 - 12 d. Leases;
 - 13 e. a copy of the Uniform and Nondiscriminatory Procedures form;
 - 14 f. Tenant rules and regulations;
 - 15 g. Rental ledgers; and
 - 16 h. Any traffic or screening log.
- 17 23. Within one hundred and twenty (120) days of the entry of this Order, Summerhill Place, LLC
18 and GRAN, Inc. shall submit the following records to counsel for the United States (which may
19 be a joint submission):
- 20 a. Copies of all written verifications of the training (*see Appendix B*) conducted pursuant to
21 the requirements set forth above;

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- 1 b. A photograph of the rental office or apartment used as rental office at Summerhill and any
2 other residential rental property owned or managed by Defendants, which verify that the
3 Fair Housing Poster is being displayed as required by the terms enumerated above;
- 4 c. Representative copies of all of the documents required to be generated or modified by
5 Paragraph 20(a) and (c) ;
- 6 d. Copies of any existing tenant rules and regulations for Summerhill; and
7 d. Written verification that the Uniform and Nondiscriminatory Procedures has been
8 distributed as required by the terms enumerated above.

9 24. Within one hundred and twenty (120) days after the entry of this Order, on or before the first
10 and second anniversary of the entry of this Order, and within sixty (60) days of the three-year
11 anniversary of the entry of the Order, Summerhill Place, LLC and GRAN, Inc. shall deliver to
12 counsel for the United States a report (which may be a joint submission) containing the
13 following information (the first report shall cover the initial ninety (90) days and the
14 subsequent reports shall cover the period since the last report):

- 15 a. To the extent that these documents have not been provided previously, copies of all written
16 verifications of the training (*see Appendix B*) conducted pursuant to the requirements
17 enumerated above;
- 18 b. A report identifying by apartment number each new household moving into dwellings at
19 Summerhill during the reporting period and for each such household, the name, race,
20 national origin, familial status (including approximate ages of any minors) of the tenants,
21 based on good faith observation by the Summerhill Place, LLC and GRAN, Inc. and the

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1 date on which each dwelling was vacated by the previous tenant, and the date on which
2 each dwelling was occupied by a new tenant.

3 25. Summerhill Place, LLC and GRAN, Inc. shall also advise counsel for the United States, in
4 writing, within thirty (30) days of receipt of any complaint, whether written or oral, against the
5 Defendants or against any of Defendants' employees, agents or residential rental properties or
6 dwellings, regarding alleged discrimination based on race, color, national origin, or familial
7 status. This notification shall include a copy of the complaint, the full details of the complaint,
8 any action taken by Summerhill Place, LLC or GRAN, Inc. in response to the complaint, the
9 complainant's name, the complainant's address, and the complainant's telephone number.

10 Upon request, all of the pertinent documents shall also be sent to the United States.

11 Summerhill Place, LLC and GRAN, Inc. shall also advise counsel for the United States, in
12 writing, within fifteen (15) days of the resolution of any complaint identified above (if a
13 resolution is reached).

14 26. During the term of this Order, representatives of the United States shall be permitted, upon ten
15 days written notice to Summerhill Place, LLC and GRAN, Inc., to inspect and copy at
16 reasonable times any and all records related to the rental of dwellings at Summerhill or related
17 to Summerhill Place, LLC's and GRAN, Inc.'s obligations under this Order.

18 **VIII. MONETARY DAMAGES FOR AGGRIEVED PERSONS**

19 27. Within ten (10) business days of the entry of this Consent Order, Summerhill Place, LLC and
20 GRAN, Inc. shall deposit \$85,000 in an interest bearing escrow account for the purpose of
21 compensating persons who are deemed by the United States to be aggrieved persons as set forth
22 below ("final aggrieved person"). This money shall be referred to as "the Settlement Fund."

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1 Any interest accruing to the fund shall become a part of the fund and be utilized as set forth
2 herein. All expenses related to the establishment of the account shall be borne by the
3 Summerhill Place, LLC and GRAN, Inc. In no event will Defendants be required to contribute
4 additional sums or funds to the Settlement Fund.

5 28. Within thirty (30) days of the entry of this Order, Summerhill Place, LLC and GRAN, Inc. shall
6 publish the Notice set forth at Appendix C as follows: (1) In the Seattle Times on three
7 occasions separated from one another by at least twenty-one (21) days, and at least two
8 publication dates on a Sunday and (2) In the RentonReporter.com on three occasions
9 separated from one another by at least twenty-one (21) days. The Notice shall be no smaller
10 than three columns by six inches. All of the costs associated with this notice, its publication,
11 and distribution shall be borne by Summerhill Place, LLC and GRAN, Inc. Summerhill Place,
12 LLC and GRAN, Inc. shall provide proof of publication to counsel for the United States within
13 ten (10) business days of publication in the form of an affidavit of publication from the
14 publisher.

15 29. Within fifteen (15) days of the entry of this Order, Summerhill Place, LLC and GRAN, Inc.
16 shall send a copy of the Notice to the organizations listed in Appendix D.

17 30. Within thirty (30) days of the entry of this Order, Summerhill Place, LLC and GRAN, Inc. shall
18 mail a copy of the Notice set forth in Appendix C to all of its current tenants residing in
19 Summerhill. Within thirty (30) days of the entry of this Order, Summerhill Place, LLC and
20 GRAN, Inc. shall mail a copy of the Notice set forth in Appendix C to the last known addresses
21 for tenants of Summerhill from 2002 to the date of the entry of this Order. Within forty-five
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1 (45) days of entry of this Order, Defendants shall provide to counsel for the United States proof
2 that the Notice has been sent in the form of an Affidavit of Mailing.

3 31. Within twenty (20) days of the date of entry of this Consent Order, Summerhill Place, LLC and
4 GRAN, Inc. shall make available to the United States for inspection and copying all rental
5 records for Summerhill from 2002 to the date of entry of this Order for the United States' use in
6 identifying potential aggrieved persons. Such records shall include but not be limited to: rental
7 applications, guest cards, current and former tenant lists, current and former tenant files, tenant
8 complaints, and maintenance records and logs.

9 32. Nothing in this Order shall preclude the United States from making its own efforts to locate and
10 provide notice to potential aggrieved persons (such as conducting door-to-door interviews of
11 current tenants).

12 33. Within one hundred and eighty (180) days from the entry of this Order, the United States shall
13 make a preliminary determination of which persons are aggrieved and an appropriate amount of
14 damages that should be paid to each such person. The United States will inform the
15 Defendants in writing of its preliminary determinations, together with a copy of a sworn
16 declaration from each allegedly aggrieved person setting forth the factual basis of the claim.
17 The Defendants shall have fourteen (14) days to review the declaration and provide to the
18 United States any documents or information that they believe may refute the claim.

19 34. After receiving the Defendants' comments, the United States shall submit its final
20 recommendations, together with a copy of the declarations and any additional information
21 submitted by Defendants, to the Court. However, if the Defendants agree with the United
22 States' recommendations, the recommendation shall be submitted to the Court in the form of a

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1 Stipulated Order. When the Court issues an order approving or changing the United States'
2 proposed distribution of funds for allegedly aggrieved persons, the Defendants shall, within ten
3 (10) days of the Court's order, deliver to the United States checks payable to the aggrieved
4 persons in the amounts approved by the Court. In no event shall the aggregate of all such
5 checks exceed the amount of the Settlement Fund, including any accrued interest.

6 35. When counsel for the United States has received a check from Defendants payable to an
7 aggrieved person and a signed release in the form of Appendix E from the aggrieved person,
8 counsel for the United States shall deliver the check to the aggrieved person and the original,
9 signed release to Defendant. No aggrieved person shall be paid until he/she has signed and
10 delivered to counsel for the United States the release at Appendix E.

11 36. In the event that less than the total amount in the Settlement Fund including accrued interest is
12 distributed to persons deemed to be aggrieved by the United States, the Court shall order the
13 remainder of the Settlement Fund be distributed to a qualified organization(s) mutually agreed
14 upon by the United States and Summerhill Place, LLC and GRAN, Inc., subject to the approval
15 of the Court, for the purpose of conducting fair housing enforcement or educational activities in
16 the metropolitan Seattle area.

17 37. Summerhill Place, LLC and GRAN, Inc. shall permit the United States, upon seven (7)
18 business days written notice, to review any relevant records that may facilitate its
19 determinations regarding the claims of alleged aggrieved persons.

20 **IX. CIVIL PENALTY**

21 38. Summerhill Place, LLC and GRAN, Inc. shall pay a total sum of \$25,000 to the United States
22 as a civil penalty pursuant to 42 U.S.C. § 3614(d)(1)(C). Said sum shall be paid within ten (10)

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1 days of the date of entry of this Order by submitting a check to counsel for the United States
2 made payable to the United States of America.

3 **X. TRANSFER OF INTEREST**

4 39. If, during the term of this Order, the Defendant Summerhill Place, LLC maintains that its
5 reporting obligations under this Order relating to Summerhill have terminated or changed
6 because they have sold or transferred any portion of Summerhill to a bona-fide third party
7 purchaser in an arms length transaction, Defendant Summerhill Place, LLC shall inform the
8 United States and provide the date of the sale or transfer, copies of the sale or transfer
9 documents, and the name(s) and contact information for the subsequent purchaser. Any such
10 sale or transfer shall not affect Defendant GRAN, Inc.'s obligation so long as it is still
11 providing management services for Summerhill.

12 40. If during the term of this order, GRAN, Inc. asserts that its reporting obligations under this
13 order have ceased or changed because they no longer provide management services to
14 Summerhill Place, LLC or for Summerhill, GRAN, Inc. shall inform the United States and
15 provide a copy of any documents ending such management services.

16 **XI. NOTICES**

17 41. Any Notices, documents or written materials that are required to be provided to the United
18 States of counsel for the United States shall be sent by commercial (non-USPS) overnight
19 delivery service address as follows: United States Department of Justice, Civil Rights
20 Division, Housing and Civil Enforcement Section, 1800 G Street, N.W. Suite 7002,
21 Washington, D.C. 20006, Attn: D.J. # 175-82-145 and by email as follows:

22 julie.allen@usdoj.gov; beth.frank@usdoj.gov. Any Notices, documents, or written materials

23 PROPOSED CONSENT ORDER-17

United States Department of Justice
Civil Rights Division
Housing and Civil Enforcement Section
950 Pennsylvania Ave., N.W.- G Street
Washington, D.C., 20530
202-514-4713

1 that are required to be provided to counsel for Defendants shall be sent by email to the
2 following email addresses: pam.salgado@bullivant.com; Genevieve.schmidt@bullivant.com;
3 nelson@graninc.com

4 **XII. DURATION, MODIFICATIONS AND REMEDIES FOR NON-COMPLIANCE**

5 42. This Consent Order shall remain in effect for three (3) years from the date of the entry of this
6 Order. However, in the event that there is a material and substantial failure by any Defendant
7 to satisfy the terms or provisions of the Consent Order, the United States may file a motion
8 requesting that the term of the Consent Order be extended.

9 43. Any time limits for performance imposed by this Consent Order may be extended by the
10 mutual written agreement of the Parties.

11 44. The Court shall retain jurisdiction for the duration of this Consent Order to enforce the terms of
12 the Order. The United States may move the Court to extend the duration of the Order in the
13 interests of justice.

14 45. The Parties shall employ their best efforts to resolve any differences that arise in the
15 implementation or interpretation of this Consent Order. In the event that such efforts fail,
16 either party, after meeting-and-conferring with the other party, may bring the matter to the
17 Court's attention for resolution. In the event of a failure by Defendants to perform in a timely
18 manner any act required by this Order or otherwise to act in conformance with any provision
19 thereof, the United States may move this Court to impose any remedy authorized by law or
20 equity, including, but not limited to, an order requiring performance or deeming such act to
21 have been performed, and an award of any damages, costs, and reasonable attorney's fees
22 which may have been occasioned by the Defendant's violation or failure to perform.

23 PROPOSED CONSENT ORDER-18

United States Department of Justice
Civil Rights Division
Housing and Civil Enforcement Section
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Washington, D.C., 20530
202-514-4713

1 46. By consenting to entry of this Consent Order, the United States and Defendants agree that in
2 the event the Defendants engage in any future violation(s) of the Fair Housing Act in any rental
3 ownership or management beginning after entry of the Consent Order, such violation(s) shall
4 constitute a "subsequent violation" pursuant to 42 U.S.C. § 3614(d)(1)(C)(ii).

5 **XIII. COSTS OF LITIGATION**

6 47. Each party to this Order shall bear its own costs and attorney's fees associated with this
7 litigation.

8 **IX. SIGNATURE OF THE PARTIES**

9 48. The Parties consent to the entry of this Consent Order as indicated by the signatures of counsel
10 below:

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PROPOSED CONSENT ORDER-19

United States Department of Justice
Civil Rights Division
Housing and Civil Enforcement Section
950 Pennsylvania Ave., N.W.- G Street
Washington, D.C., 20530
202-514-4713

1 DATED this 7th day of March, 2011

2 Presented By,

3 Counsel for the United States:

4 JENNY A. DURKAN
United States Attorney
5 Western District of Washington

THOMAS H. PEREZ
Assistant Attorney General
Civil Rights Division

6 s/ Patricia D. Gugin
7 PATRICIA D. GUGIN
WSBA #43458
8 Assistant United States Attorney
1201 Pacific Avenue, Suite 700
9 Tacoma, Washington 98402
Phone: 253-428-3832
10 Fax: 253-428-3826
E-mail: pat.gugin@usdoj.gov

s/Beth Frank
STEVEN H. ROSENBAUM
TIMOTHY J. MORAN
Deputy Chief
JULIE ALLEN, VABA #41578
BETH FRANK, NYBA #4067831
Trial Attorneys
Housing and Civil Enforcement Section
Civil Rights Division
U.S. Department of Justice
950 Pennsylvania Ave., N.W. – G Street
Washington, D.C. 20530
E-mail: julie.allen@usdoj.gov
E-mail: beth.frank@usdoj.gov
Phone: 202-514-4713
Fax: 202-514-1116

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15 Counsel for the Defendants:

16 Counsel for Defendant Summerhill Place, LLC, GRAN, Inc. and Rita Lovejoy:
17 Bullivant Houser Bailey PC

18 s/ Pamela Salgado
19 Pamela Salgado, WSBA #22741
E-Mail: pam.salgado@bullivant.com
20 Brian K. Keeley, WSBA #32121
E-Mail: brian.keeley@bullivant.com
Bullivant Houser Bailey PC
21 1601 Fifth Avenue, Suite 2300
Seattle, Washington 98101-1618
22 206.292.8930

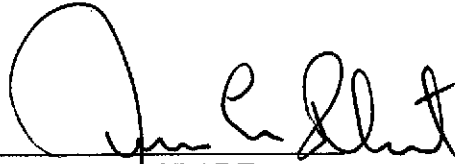
23 PROPOSED CONSENT ORDER-20

United States Department of Justice
Civil Rights Division
Housing and Civil Enforcement Section
950 Pennsylvania Ave., N.W.- G Street
Washington, D.C., 20530
202-514-4713

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DATED this th 8 day of March 2011.



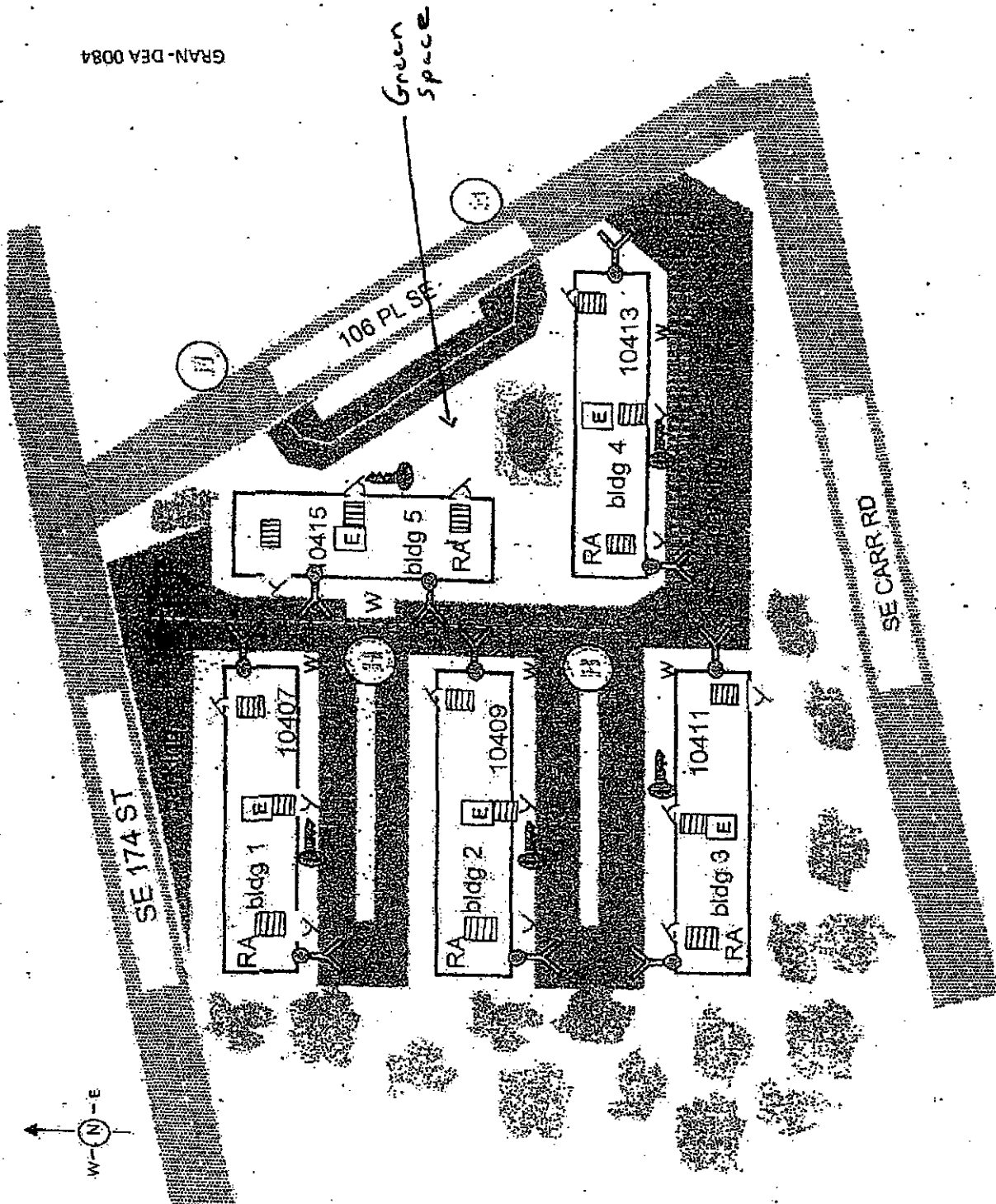
JAMES L. ROBART
UNITED STATES DISTRICT COURT JUDGE

PROPOSED CONSENT ORDER-21

United States Department of Justice
Civil Rights Division
Housing and Civil Enforcement Section
950 Pennsylvania Ave., N.W.- G Street
Washington, D.C., 20530
202-514-4713

GRAN-DEA 0084

APPENDIX A



4 STORIES 50 X 200 MULTI FAMILY		No Unusual		STAIRS	ELEVATOR	STANDPIPE CONN.	HYDRANT	ROOF ACCESS	WATER SHUTOFF	KEY BOX	DRWG BY: 171	REV.	SEE THE FIRE DEPT FOR FLOOR PLAN INCLUDING DRAWINGS & SPECIFICATIONS OF THE FIRE DEPT. PERMISSIONS OF THE FIRE DEPT.
PF BY: 139	ES.												

SUMMERHILL APARTMENTS 10415 SE 174 ST 420F

APPENDIX B

**ACKNOWLEDGMENT OF RECEIVING AND REVIEWING ORDER AND
NONDISCRIMINATION POLICIES AND PROCEDURES**

I have received a copy of the Consent Order entered in *United States v. Summerhill Place, LLC, et al.*, Civil Action No. 2:10-cv-01150-JLR (W.D. Wash.). I have also received a copy of the Nondiscrimination Policies and Procedures. The Consent Order and the Nondiscrimination Policies and Procedures were explained to me, and all questions concerning these documents were answered. I have read and believe that I understand the Consent Order and the Nondiscrimination Policies and Procedures.

DATE

EMPLOYEE/AGENT NAME (PRINT)

EMPLOYEE/AGENT SIGNATURE

APPENDIX C

NOTICE TO POTENTIAL VICTIMS OF HOUSING DISCRIMINATION

On _____, 2010, the United States District Court for the Western District of Washington entered a consent order resolving litigation brought by the United States Department of Justice involving Summerhill Place, LLC, GRAN, Inc. and Rita Lovejoy (the "Defendants"). The litigation alleged that the Defendants discriminated against tenants and prospective tenants at Summerhill Place Apartments located at 10415 SE 174th Street, Renton, Washington. Summerhill Place, LLC, GRAN, Inc., and Rita Lovejoy deny the allegations of the litigation and specifically deny that they discriminated on the basis of race, color, national origin, and familial status. The Parties have agreed to this Consent Order to avoid costly and protracted litigation and is not an admission of liability.

Under this consent order, you may be entitled to receive monetary relief if you:

- *Were discouraged from living at Summerhill Place Apartments because of your race, color, national origin or familial status;*
- *Were treated differently or provided inferior service at Summerhill Place Apartments because of your race, color, national origin or familial status;*
- *Were told that children were not permitted to play outside at Summerhill Place Apartments,*

If you believe that you have been discriminated against in any way described above, please contact the United States Department of Justice at: 1-800-896-7743, mailbox number 9997, or write or send an e-mail to:

United States Department of Justice
Attn: DJ# 175-82-145
Civil Rights Division
Housing and Civil Enforcement Section

950 Pennsylvania Ave., NW – G Street
Washington, DC 20530
E-mail address: fairhousing@usdoj.gov

You must call or write by _____, 2011, and your message or letter must include your name, address and at least one telephone number where you may be reached.

APPENDIX D

FAIR HOUSING ORGANIZATIONS

Fair Housing Center of Washington

1517 S. Fawcett, Suite 250
Tacoma, WA 98402

Washington State Human Rights Commission

711 South Capitol Way, #402
P.O. Box 42490
Olympia, WA 98504

King County Office of Civil rights

400 Yesler Way, Room 260
Seattle, WA 98104

Seattle Office for Civil Rights

810 3rd Avenue, Suite 750
Seattle, WA 98104

APPENDIX E

RELEASE

In consideration for the parties' agreement to the terms of the Consent Order entered in *United States v. Summerhill Place, LLC, et al.*, Civil Action No. 2:10-cv-01150-JLR (W.D. Wash.), and the payment to me of \$_____, pursuant to the Consent Order, I hereby release and forever discharge Summerhill Place, LLC, GRAN, Inc, and Rita Lovejoy, and all related entities, parents, successors, subsidiaries and affiliates, and all of their past and present directors, officers, agents, managers, supervisors, shareholders and employees and their heirs, executors, administrators, successors and assigns from any and all claims, demands, judgments, or liabilities (1) that arise out of or relate to the facts at issue in the litigation referenced above, or in any way related to that litigation; and (2) that were or could have been alleged in the litigation described above (either by me or by the United States); and (3) any other claims arising from the housing discrimination alleged in that litigation or in the HUD investigation. **I understand that I may later discover additional injuries or damages that are not know to me at this time. This release specifically applies to such later discovered injuries or damages and I specifically accept the risk that I may later discover such injuries or damages.** This Release does not release claims that arise after signing of this Release.

Executed this ____ day of _____, 2011.

[PRINT NAME]

[SIGNATURE]