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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

* * *

UNITED STATES OF AMERICA,)	Case No.
)	
Plaintiff,)	
)	
v.)	
)	
DOUGLAS WEILBURG,)	<u>COMPLAINT</u>
)	
Defendant.)	

COMES NOW Plaintiff, the United States of America, by and through DANIEL G. BOGDEN, United States Attorney, and HOLLY A. VANCE, Assistant United States Attorney, and for its complaint against Defendant Douglas Weilburg (“Defendant”) alleges as follows:

INTRODUCTION

1. This is an action by the United States of America to enforce the provisions of Title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988, 42 U.S.C. §§ 3601 through 3619.

1 11. In an e-mail dated March 10, 2011, Complainant stated that she would like to rent the
2 house at 521 G Street when it became available.

3 12. In an e-mail dated March 16, 2011, Defendant told Complainant that the house was
4 undergoing renovation that would be completed around mid-April 2011.

5 13. In an e-mail dated March 30, 2011, Defendant told Complainant that the house should
6 be ready around the 15th of April for move in. Defendant advised Complainant to contact him if
7 she wished to see the house.

8 14. On March 31, 2011, Complainant met Defendant at the house and Defendant gave
9 Complainant a key to the house. During this meeting, Complainant informed Defendant about her
10 hypersensitivity to mold, fungus and allergens.

11 15. Defendant did not require Complainant to submit a formal rental application. Nor did
12 he check Complainant's credit before a disability discrimination complaint was filed on
13 Complainant's behalf with the United States Department of Housing and Urban Development
14 ("HUD").

15 16. In an e-mail dated April 9, 2011, Defendant informed Complainant that renovations
16 to the house were taking longer than planned and that the completion date was now expected to be
17 May 15, 2011.

18 17. In an e-mail dated April 11, 2011, Defendant stated to Complainant: "The property at
19 521 G Street is promised to you."

20 18. In an e-mail dated May 9, 2011, Defendant stated: "When are you planning your
21 move. If you have had a change of mind it is okay. Just let me know before the 15th of May."

22 19. In an e-mail dated May 10, 2011, Complainant asked Defendant if she could pay for a
23 company called Truckee Meadows Indoor Air Quality ("Truckee Meadows") to have the house's
24 heating vents professionally cleaned. She stated that she had respiratory problems and was very
25 sensitive to mold, dust and all allergens, so she needed to ensure that the vents were extremely
26 clean.

REQUEST FOR RELIEF

WHEREFORE the United States respectfully requests that this Court enter an ORDER:

1. Declaring that Defendant’s discriminatory housing practices — as alleged in this Complaint — violate the Fair Housing Act;
2. Enjoining Defendant, his officers, employees, agents, successors and all other persons in active concert or participation with him, from:
 - a. Discriminating in the sale or rental, or otherwise making unavailable or denying, a dwelling to any buyer or renter because of disability, in violation of 42 U.S.C. § 3604(f)(1);
 - b. 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 disability, or an intention to make any such preference, limitation or discrimination, in violation of 42 U.S.C. § 3604(c);
 - c. Failing or refusing to take such affirmative steps as may be necessary to restore, as nearly as practicable, Complainant to the position she would have been in but for the discriminatory conduct; and
 - d. Failing or refusing to take such actions as may be necessary to prevent the recurrence of any such discriminatory conduct in the future and to eliminate, to the extent practicable, the effects of Defendant’s unlawful conduct, and implementing policies and procedures to ensure that no rental applicants or tenants are discriminated against because of disability;
3. Awarding monetary damages to Complainant pursuant to 42 U.S.C. §§ 3612(o)(3) and 3613(c)(1); and

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4. Awarding the United States such additional relief as is just and proper.

Dated this 26th day of October 2012.

Respectfully submitted,

DANIEL G. BOGDEN
United States Attorney

/s/ Holly A. Vance
HOLLY A. VANCE
Assistant United States Attorney