

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA
CIVIL NO.

United States of America,)
)
Plaintiff,) **COMPLAINT**
)
v.)
)
Bouquet Builders, Inc.,)
a/k/a Bouquet Companies,)
Marcia Bouquet, and)
John Bouquet,)
)
Defendants.)

The United States of America, for its Complaint, states and alleges as follows:

INTRODUCTION

1. This is an action brought by the United States 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 - 3619.

2. The United States brings this action on behalf of Sarah Wilder, Jesse Wilder, and their minor daughter, H.W., pursuant to 42 U.S.C. § 3612(o).

JURISDICTION AND VENUE

3. This Court has jurisdiction pursuant to 28 U.S.C.

§§ 1331 and 1345 and 42 U.S.C. § 3612(o).

4. Venue is proper in this District pursuant to 28 U.S.C. § 1391 and 42 U.S.C. § 3612(o).

THE PARTIES

5. Plaintiff is the United States of America ("United States").

6. Defendant Bouquet Builders, Inc. ("Bouquet Builders") owns and operates Avalon Cove Townhomes, located at 3202 Avalon Cove Lane N.W. in Rochester, Minnesota. Bouquet Builders, Inc. also conducts its business under, and is also known as, Bouquet Companies.

7. Defendant Marcia Bouquet has an ownership interest in Bouquet Builders and Bouquet Companies and is the Leasing Specialist for Bouquet Builders and Bouquet Companies. As the Leasing Specialist, Marcia Bouquet is responsible for soliciting, screening, approving, and denying applications from prospective residents at Avalon Cove Townhomes.

8. Defendant John Bouquet has an ownership interest in Bouquet Builders and Bouquet Companies and is the Chief Executive Officer of Bouquet Builders and Bouquet Companies.

9. Sarah Wilder is a resident of Rochester, Minnesota.

10. Jesse Wilder is a resident of Rochester, Minnesota.

11. H.W. is a resident of Rochester, Minnesota, and the minor child of Sarah and Jesse Wilder.

ALLEGATIONS

12. Sarah Wilder has been diagnosed with major depressive disorder, attention deficit hyperactivity disorder, and other medical conditions and is a person with a disability as defined in the Fair Housing Act, 42 U.S.C. § 3602(h).

13. In July 2004, Sarah Wilder's treating psychologist prescribed the use of an assistance animal (a beagle) as additional therapy for Sarah Wilder's medical condition.

14. On or about May 13, 2005, Sarah and Jesse Wilder and their daughter, H.W., traveled to Rochester, Minnesota, to secure a home near Sarah Wilder's new job as a nurse at St. Mary's Hospital in Rochester, Minnesota.

15. On May 14, 2005, Sarah Wilder called Defendants and spoke to a woman who identified herself as Marcia Bouquet. During this conversation, Ms. Wilder confirmed that Defendants had vacancies at Avalon Cove Townhomes. Ms. Wilder scheduled

an appointment with Marcia Bouquet to view one of the townhomes that afternoon.

16. On May 14, 2005, Sarah and Jesse Wilder met with Marcia Bouquet at the leasing office of the Avalon Cove Townhomes. During the interview, Marcia Bouquet told Sarah and Jesse Wilder about Defendants' no-pet policy and asked, in sum or substance, "you don't have any pets, do you?" Sarah Wilder replied that she had an assistance animal that was prescribed for the treatment of her depressive disorder and other medical conditions.

17. In response, Marcia Bouquet declared, in sum or substance, "we don't take animals here."

18. Sarah Wilder explained to Marcia Bouquet that the law prohibited Defendants from denying the Wilder family a home due to her assistance animal. Sarah Wilder also informed Marcia Bouquet that her current landlord in Janesville, Minnesota, had permitted her to have an assistance animal after her treating psychologist had intervened on her behalf.

19. Marcia Bouquet did not offer to consider and did not seek information concerning Sarah Wilder's medical condition

and the prescription for an assistance animal. Instead, Ms. Bouquet stated that the Wilders could sue Defendants if they wished because Defendants would not allow the Wilders to be residents if they had an assistance animal.

20. On December 13, 2005, Sarah Wilder filed a timely verified complaint with the U.S. Department of Housing and Urban Development ("HUD"), alleging that Marcia Bouquet violated the Fair Housing Act when she refused to rent to her based on her disability.

21. On February 6, 2007, Sarah Wilder amended her HUD complaint to add her husband, Jesse Wilder, and her minor daughter, H.W., as other aggrieved parties and to add John Bouquet and Bouquet Builders, Inc. as defendants.

22. Pursuant to 42 U.S.C. §§ 3610(a) and (b), the Secretary of HUD ("the Secretary") conducted an investigation of Sarah Wilder's complaint and prepared a final investigative report.

23. Based on the information gathered in the HUD investigation, the Secretary, pursuant to 42 U.S.C. § 3610(g)(1), determined that reasonable cause existed to

believe that Defendants discriminated against the Wilders and violated the Fair Housing Act.

24. On July 18, 2007, the Secretary issued a Charge of Discrimination pursuant to 42 U.S.C. § 3610(g)(2)(A), charging Defendants with engaging in discriminatory housing practices in violation of the Fair Housing Act.

25. On August 9, 2007, Defendants elected to have the charge resolved in a federal civil action pursuant to 42 U.S.C. § 3612(a). Following this election the Secretary authorized the Attorney General to file this action on behalf of Sarah Wilder, Jesse Wilder, and H.W., pursuant to 42 U.S.C. § 3612(o)(1).

26. Through the actions described above, Defendants have:

(a) discriminated in the rental, or otherwise made unavailable or denied, a dwelling to a renter because of disability, in violation of 42 U.S.C. § 3604(f)(1); and

(b) refused to make reasonable accommodations in rules, policies, practices, or services when such accommodations may be necessary to afford a person with a disability equal opportunity to use and enjoy a dwelling, in violation of 42

U.S.C. § 3604(f)(3)(B).

27. As a result of Defendants' conduct, Sarah Wilder, Jesse Wilder, and H.W. are aggrieved persons as defined in 42 U.S.C. § 3602(i) and have suffered injuries as a result of the Defendants' actions.

28. Defendants' discriminatory actions were intentional, willful, and taken in disregard of the rights of Sarah Wilder, Jesse Wilder, and H.W.

WHEREFORE, the United States prays that this Court enter an ORDER:

1. Declaring that Defendants' policies and practices, as alleged in this Complaint, violate the Fair Housing Act;

2. Enjoining Defendants, their officers, employees, agents, successors, and all other persons in active concert or participation with them, from:

(a) discriminating in the rental, or otherwise making unavailable or denying, a dwelling to any renter because of disability, in violation of 42 U.S.C. § 3604(f)(1);

(b) failing or refusing to make reasonable accommodations as required by 42 U.S.C. § 3604(f)(3)(B); and

(c) failing or refusing to take such affirmative steps as may be necessary to restore, as nearly as practicable, the victims of Defendants' unlawful practices to the position they would have been in but for the discriminatory conduct.

3. Awarding monetary damages to Sarah Wilder, Jesse Wilder, and H.W. for injuries caused by Defendants' discriminatory conduct, pursuant to 42 U.S.C. §§ 3612(o)(3) and 3613(c)(1).

4. The United States further prays for such additional relief as the interests of justice may require.

Dated: September 10, 2007

Respectfully submitted,

RACHEL K. PAULOSE
United States Attorney

s/ Gregory G. Brooker

BY: GREGORY G. BROOKER
Assistant U.S. Attorney
Attorney ID Number 166066
600 U.S. Courthouse
300 South Fourth Street
Minneapolis, MN 55415
(612) 664-5600

Attorneys for Plaintiff
United States of America