

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN

UNITED STATES OF AMERICA,

Plaintiff,

v.

DALE VANDERVENNEN
JACK VANDERVENNEN,
LINDA VANDERVENNEN,
DDJ RENTAL REAL ESTATE, LLC
CALCUTTA ASSOCIATES, LLC, and
LLJ, LLC,

Defendants.

CIVIL ACTION NO. _____

COMPLAINT

The United States of America alleges as follows:

1. This action is brought by the United States to enforce the provisions of Title VIII of the Civil Rights Act of 1968 (the Fair Housing Act), as amended, 42 U.S.C. §§ 3601, et seq.

JURISDICTION AND VENUE

2. This court has jurisdiction over this action under 28 U.S.C. §§ 1331 and 1345 and 42 U.S.C. § 3614(a).

3. Venue is proper in this district under 28 U.S.C. § 1391(b) because the actions and omissions giving rise to the United States' allegations occurred in the Western District of Michigan, and Defendants reside and/or do business in the Western District of Michigan.

THE PARTIES

4. Defendant Jack VanderVennen is a resident of Byron Center, Michigan.
5. Defendant Linda VanderVennen is a resident of Byron Center, Michigan.
6. Defendant Dale VanderVennen is a resident of Grandville, Michigan.
7. Defendant DDJ Rental Real Estate, LLC is a limited liability company

incorporated under the laws of Michigan and has its principal place of business located at 1500 76th Street, SE, Byron Center, Michigan 49315. Defendant Jack VanderVennen is the president of and resident agent for DDJ Rental Real Estate, LLC. Defendant Dale VanderVennen is a manager and/or member of DDJ Rental Real Estate, LLC.

8. Defendant Calcutta Associates, LLC is a limited liability company incorporated under the laws of Michigan and has its principal place of business located at 1500 76th Street, SE, Byron Center, Michigan 49315. Defendant Jack VanderVennen is an officer of and resident agent for Calcutta Associates, LLC. Defendant Dale VanderVennen is a manager and/or member of Calcutta Associates, LLC.

9. Defendant LLJ, LLC is a limited liability company incorporated under the laws of Michigan and has its principal place of business located at 1500 76th Street, SE, Byron Center, Michigan 49315. Defendant Jack VanderVennen is an officer of and resident agent for LLJ, LLC. Defendant Dale VanderVennen is a member and/or owner of LLJ, LLC.

FACTUAL ALLEGATIONS

10. Alger Meadow Apartments consists of sixteen multi-family residential buildings located in Grand Rapids, Michigan.

11. At all times relevant to this action, Defendant Dale VanderVennen has managed and continues to manage residential rental properties, including Alger Meadow Apartments, throughout the Grand Rapids metropolitan area (“Subject Properties”).

12. At all times relevant to this action, Defendants Jack VanderVennen (individually) and Linda VanderVennen (jointly with Defendant Jack VanderVennen) have owned and operated residential rental properties in or around the Grand Rapids metropolitan area, including ten of the sixteen buildings at Alger Meadow Apartments.

13. At all times relevant to this action, Defendant DDJ Rental Real Estate, LLC has owned and operated residential rental properties in or around the Grand Rapids metropolitan area, including five of the sixteen buildings at Alger Meadow Apartments.

14. At all times relevant to this action, Defendant Calcutta Associates, LLC has owned and operated residential rental properties in or around the Grand Rapids metropolitan area, including one of the sixteen buildings at Alger Meadow Apartments.

15. The rental units at the Subject Properties are dwellings within the meaning of 42 U.S.C. § 3602(b).

16. At all times relevant to this action, Defendants Jack VanderVennen, Linda VanderVennen, DDJ Rental Real Estate, LLC, LLJ, LLC, and Calcutta Associates, LLC (collectively, “Owner-Manager Defendants”) have employed Defendant Dale VanderVennen as their agent to manage the Subject Properties.

17. At all times relevant to this action, the Owner-Manager Defendants have provided Defendant Dale VanderVennen, in his capacity as property manager, with the actual or apparent authority to receive applications for tenancy; to accept or reject prospective tenants; to use keys to access residents’ apartments; to collect rents and fees; to make repairs in residents’

apartments; to charge tenants fees for repairs or other issues related to their housing; to make adjustments to the amounts of rent, fees, or security deposits; and to evict tenants or otherwise enforce lease provisions.

18. Since at least 2008 through the present, Defendant Dale VanderVennen has subjected, and continues to subject, female tenants and prospective tenants of the Subject Properties to discrimination on the basis of sex, including severe, pervasive, and unwelcome sexual harassment, on multiple occasions. Such conduct has included, but is not limited to:

- a. Making unwelcome sexual comments and unwelcome sexual advances to female tenants or prospective female tenants, including subjecting female tenants to unwanted sexual touching;
- b. Touching himself in a sexual manner in the presence of female tenants;
- c. Entering the residences of female tenants without permission or notice;
- d. Conditioning or offering tangible housing benefits in exchange for sexual acts;
and
- e. Taking adverse housing actions, or threatening to take such actions, against female tenants or prospective female tenants who have objected to and/or would not continue to grant sexual favors.

19. In addition, Defendant Dale VanderVennen has regularly expressed a preference for female tenants.

20. The discriminatory incidents described herein occurred while Defendant Dale VanderVennen was exercising his authority as property manager at Alger Meadow Apartments, including but not limited to discussing rental applications with prospective tenants, using the

keys given to him by the Owner-Manager Defendants to enter apartments, making repairs to units, and/or enforcing lease provisions.

21. Defendants Jack and Linda VanderVennen, and Defendants Calcutta Associates, LLC, DDJ Rental Real Estate, LLC, and LLJ, LLC, are liable for the actions of their agent, Dale VanderVennen. The Owner-Manager Defendants hired Dale VanderVennen to serve as the property manager for the Subject Properties that they own or manage, and Defendants Jack and Linda VanderVennen, and Defendants Calcutta Associates, LLC, DDJ Rental Real Estate, LLC, and LLJ, LLC, by and through the knowledge of its officers, knew or should have known of Dale VanderVennen's discriminatory conduct, had the authority to take preventive and corrective action, yet failed to take reasonable preventive or corrective measures.

CAUSE OF ACTION

22. By the actions and statements described above, Defendants have:
- a. Denied housing or otherwise made housing unavailable because of sex, in violation of 42 U.S.C. § 3604(a);
 - b. Discriminated in the terms, conditions, or privileges of the rental of dwellings, or in the provision of services or facilities in connection therewith, because of sex, in violation of 42 U.S.C. § 3604(b);
 - c. Made statements with respect to the rental of dwellings that indicate a preference, limitation, or discrimination based on sex, in violation 42 U.S.C. § 3604(c); and
 - d. Coerced, intimidated, threatened, or interfered with persons in the exercise or enjoyment of, or on account of their having exercised or enjoyed, their rights granted or protected by Section 804 of the Fair Housing Act, in violation of 42 U.S.C. § 3617.

23. Defendants' conduct described above constitutes:
 - a. A pattern or practice of resistance to the full enjoyment of the rights granted by the Fair Housing Act, 42 U.S.C. §§ 3601, et seq., or
 - b. A denial to a group of persons of rights granted by the Fair Housing Act, 42 U.S.C. §§ 3601, et seq., which denial raises an issue of general public importance.
24. Female tenants, prospective tenants, and persons associated with them have been injured by the Defendants' discriminatory conduct. Such persons are aggrieved persons as defined in 42 U.S.C. § 3602(i), and have suffered damages as a result of Defendants' conduct.
25. The Defendants' conduct was intentional, willful, and/or taken in reckless disregard of the rights of others.

PRAYER FOR RELIEF

WHEREFORE, the United States requests that the Court enter an Order that:

- a. Declares that Defendants' discriminatory practices violate the Fair Housing Act, as amended, 42 U.S.C. §§ 3601, et seq.;
- b. Enjoins Defendants, their agents, employees, and successors, and all other persons in the active concert or participation with them from:
 - i. Discriminating on basis of sex, including engaging in sexual harassment, in any aspect of the rental of a dwelling;
 - ii. Interfering with or threatening to take any action against any person engaged in the exercise or enjoyment of rights granted or protected by the Fair Housing Act, as amended;
 - iii. Failing or refusing to take such affirmative steps as may be necessary to restore, as nearly as practicable, the victims of Defendants' past unlawful

practices to the position they would have been in but for the discriminatory conduct; and

- iv. Failing or refusing to take such affirmative steps as may be necessary to prevent the recurrence of any discriminatory conduct in the future and to eliminate, as nearly as practicable, the effects of Defendants' unlawful practices;
- c. Awards monetary damages to each person aggrieved by Defendants' discriminatory conduct, pursuant to 42 U.S.C. § 3614(d)(1)(B);
- d. Assesses civil penalties against Defendants in order to vindicate the public interest, pursuant to 42 U.S.C. § 3614(d)(1)(c); and
- e. Awards such additional relief as the interests of justice may require.

Dated: September 30, 2013

Respectfully submitted,

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