

UNITED STATES OF AMERICA
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
OFFICE OF ADMINISTRATIVE LAW JUDGES

The Secretary, United States)
Department of Housing and Urban)
Development, on behalf of)
)
██████████,)
Charging Party,)
)
v.)
)
Dovenberg Investments, LLC and Darlene)
Dovenberg,)
)
Respondents.)
_____)

HUD ALJ No.
FHEO No. 05-11-0319-8

CHARGE OF DISCRIMINATION

I. JURISDICTION

On or about December 3, 2010, Complainant ██████████ filed a verified complaint with the United States Department of Housing and Urban Development (“HUD” or “the Department”) alleging that James and Darlene Dovenberg violated the Fair Housing Act as amended in 1988, 42 U.S.C. § 3601 *et seq.* (the “Act”), by discriminating based on sex and familial status in violation of 42 U.S.C. § 3604(a) and (c). On March 14, 2011, the complaint was amended to add Complainant’s child as an aggrieved person. On August 1, 2011, the complaint was amended again to additionally name Respondent Dovenberg Investments, LLC and remove James Dovenberg as a Respondent.

The Act authorizes the issuance of a charge of discrimination on behalf of an aggrieved person following an investigation and a determination that reasonable cause exists to believe that a discriminatory housing practice has occurred. 42 U.S.C. § 3610(g)(1) and (2). The Secretary has delegated to the General Counsel (54 Fed.Reg. 13121), who has retained and re-delegated to the Regional Counsel (76 Fed.Reg. 42465) the authority to issue such a charge, following a determination of reasonable cause by the Assistant Secretary for Fair Housing and Equal Opportunity or his or her designee.

The Office of Fair Housing and Equal Opportunity Region V Director, on behalf of the Assistant Secretary for Fair Housing and Equal Opportunity, has determined that reasonable cause exists to believe that a discriminatory housing practice has occurred in

this case based on sex and familial status, and has authorized and directed the issuance of this Charge of Discrimination.

II. SUMMARY OF ALLEGATIONS IN SUPPORT OF THIS CHARGE

Based on HUD's investigation of the allegations contained in the aforementioned complaint and Determination of Reasonable Cause, Respondents Darlene Dovenberg and Dovenberg Investments, LLC are charged with discriminating against Complainant [REDACTED] and her minor child, who is an aggrieved person as defined by 42 U.S.C. § 3602(i), based on sex and familial status, in violation of 42 U.S.C. §3604(a) and (c) of the Act as follows:

1. It is unlawful to refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person because of their sex or familial status. 42 U.S.C. §3604(a).
2. It is unlawful to make, print, or publish, or cause to be made, printed, or published any notice, statement, or advertisement, with respect to the sale or rental of a dwelling unit that indicates any preference, limitation, or discrimination based on sex or familial status, or an intention to make any such preference, limitation or discrimination. 42 U.S.C. § 3604(c).
3. At all times relevant to this Charge, Complainant [REDACTED] was the single mother of a disabled minor child. At all times relevant to this Charge, Complainant [REDACTED] was seeking housing for herself and her child.
4. At all times relevant to this Charge, Respondent Dovenberg Investments, LLC, was the owner the property located at N2268 County Road 1, Bangor, La Crosse County Wisconsin 54614 ("subject property"). The subject property is a two bedroom, modular single family home located on a cattle farm.¹ At all times relevant to this Charge, Respondent Dovenberg managed the rental of the subject property.
5. On or about October 12, 2010, Complainant [REDACTED] saw an advertisement for the subject property on the Internet website cragislist.org. The advertisement read, "2br – Secluded Country Home (Irish Coulee/Barre Mills) ... New 2 bedroom modular country home for rent 15 miles from La Crosse. Secluded country setting with a creek in the backyard. \$695/month. Call 608-786-1826 or 608-792-6165." The posting date of the advertisement is also listed as October 12, 2010.
6. On or about October 16, 2010, Complainant [REDACTED] called the number listed in the craigslist advertisement to inquire about renting the subject property. Her call was answered by Respondent Darlene Dovenberg. Respondent Dovenberg asked

¹ The cattle farm located on the subject property is rented to the neighbor.

Complainant [REDACTED] the number of people in her family who would be residing at the subject property, to which Complainant [REDACTED] responded that it would just be herself and her child. Respondent Dovenberg replied that she could not rent to Complainant because Complainant did not have a man “to shovel the snow and stuff,” or similar words to that effect, after which Respondent Dovenberg abruptly terminated the telephone call.

7. In interviews with the Department, Respondent Darlene Dovenberg initially denied speaking to Complainant, but later admitted that she spoke with Complainant, that she asked Complainant how many people were in her family, and that Complainant told her that she was a single mom.
8. During the investigation of Complainant’s complaint, Respondent Dovenberg admitted that she did not want to show Complainant the subject property because it is located in a secluded location in a hollow where winters are “brutal;” and she believed that a single mom could not handle the seclusion and the snow removal. Respondent Dovenberg admitted that she did not offer to show Complainant the subject property, but asserts that she instead advised Complainant that she would give her the address and directions so that Complainant could drive by the subject property herself.
9. During the investigation of Complainant’s complaint, Respondent Dovenberg stated to a HUD investigator that, a single mom would not be able to handle the “20 below” that it sometimes gets where the subject property is located and said that she did not want Complainant calling her all the time to get her to come out to fix things or plow her out.
10. During the investigation of Complainant’s complaint, Respondent Dovenberg admitted that if the subject property had been “out in the open” she would have been happy to show it to Complainant, but since it was secluded in a hollow, she would not show it to her.
11. During the investigation of Complainant’s complaint, Respondent Dovenberg remarked to a HUD investigator that it was “just common sense” not to have a single woman with a child at the subject property, or similar words to that effect. In this same interview, Respondent Dovenberg challenged the HUD investigator, demanding to know if he would allow his daughter to live a mile and a half away from anyone, alone with her baby, or similar words to that effect.
12. During the investigation of Complainant’s complaint, Respondent Dovenberg was asked by a HUD investigator whether there were any properties Respondents would have considered renting to Complainant as a single mother, to which Respondent Dovenberg responded that, assuming she could pay the rent, she would have rented Complainant “a cute apartment in town” because then Complainant would have neighbors close by, or similar words to that effect.

13. During the investigation of Complainant's complaint, Respondent Dovenberg remarked to a HUD investigator that it was impractical for Complainant to rent the subject property because it "darn near takes a man" to do the shoveling, or similar words to that effect. Respondent Dovenberg also stated that she assumed there were some women who could do the shoveling, "but not many," or similar words to that effect.
14. During the investigation of Complainant's complaint, Respondent Dovenberg told a HUD investigator that she did not do anything wrong in telling Complainant that she could not rent the property, because she would not be able to take care of it in the winter months. Respondent Dovenberg also stated that she would not stop doing things the way she was doing them.
15. Respondent Dovenberg further admitted to a HUD investigator that she never rents to single women with children, "especially not in the country," or similar words to that effect. Respondent Dovenberg stated that she has rented properties to college aged women living with roommates.
16. During the investigation of Complainant's complaint, Respondent Dovenberg told a HUD investigator that single mothers were part of today's financial problems. She expounded, stating that "back in the 60's and 70's" there was no such thing as "unwed mothers" getting money from the government to take care of their children, or similar words to that effect. In the "60's and 70's," she continued, a single mother would give up her child for adoption and take care of herself, or similar words to that effect. The HUD investigator noted during his interview that Respondent Dovenberg mistakenly assumed that Complainant was on "welfare" and brought this assumption to Respondent Dovenberg's attention.
17. During the investigation of Complainant's complaint, Respondent Dovenberg admitted to the Director of the Office of Fair Housing and Equal Opportunity ("FHEO") in the Milwaukee Field Office, in reference to Complainant, that "if she thinks I discriminated against her, I absolutely did." In response to this admission, the HUD Director in the Milwaukee Field Office repeated Respondent's statement back to her, told her that he had written down her words, and read the statement back to her to confirm that it was correct to which Respondent said that it was correct. Later in the conversation, Respondent admitted telling Complainant that the remoteness and the need to shovel the long driveway all winter made it unsuitable for her.
18. Additionally, Respondent admitted to the HUD Director in the Milwaukee Field Office that she knew nothing about Complainant's background at the time she refused to show or negotiate for rental of the subject property with Complainant.
19. Respondent Dovenberg admitted that Respondents rented the subject property to two young male tenants in or around October of 2010. Respondents were unable to definitively identify the date that they rented the subject property to the

successful male tenants during the investigation. At one point, Respondent Dovenberg stated that the subject property was not yet rented when Complainant called to inquire on or about October 16, 2010, but she alternately stated that it was rented to the successful male tenants as of October 1, 2010. Respondent Dovenberg admits that the successful male tenants did not pay a deposit or first month's rent until on or about October 18, 2010.

20. Respondents rent out approximately six rental properties. On information and belief, Respondents do not maintain leases on their rental units and only rent on a month to month basis.
21. When, after learning that Complainant was a single mother, Respondent Darlene Dovenberg made statements to Complainant [REDACTED] to the effect that she could not rent to Complainant because Complainant did not have a man "to shovel the snow and stuff," or similar words to that effect, Respondents Darlene Dovenberg and Dovenberg Investments, LLC indicated a preference, limitation, or discrimination based on sex and familial status, or an intention to make such a preference, limitation, or discrimination, in violation of 42 U.S.C. § 3604(c) of the Fair Housing Act.
22. By refusing to negotiate for rental and refusing to show the subject property to Complainant because she is a single mother of a minor child, Respondents discriminated against Complainant [REDACTED] on the basis of her sex and familial status in violation of the 42 U.S.C. § 3604(a) of the Fair Housing Act.
23. Complainant [REDACTED] and her son are aggrieved persons within the meaning of 42 U.S.C. § 3602(i), and, as a result of Respondents' discriminatory conduct as described above, Complainant [REDACTED] and her child have suffered damages in the form of lost housing opportunity and emotional distress.
24. Specifically, after Respondent Dovenberg informed Complainant that she did not rent to single women, she felt "shocked," and was in "utter awe." She felt angry and upset after the call once she realized that she was being discriminated against because she was not in a relationship with a man. Complainant [REDACTED] was offended by Respondent Dovenberg's presumption that she could not handle living in the country as a single mother because Complainant [REDACTED] grew up living in West Salem, had lived there most of her life and was well aware of what living in this area, and in the country, was like, and had been a single mother for many years.
25. Complainant was frustrated and inconvenienced by having to continue her housing search as finding rental housing in West Salem is challenging. She was more leery of disclosing her family composition to other housing providers after this incident for fear that she would lose another housing opportunity for the same reason.

26. Complainant [REDACTED] wanted to move in order to find housing that was less expensive than her then-current rent of \$750. Respondents' advertisement listed the rental amount for the subject property at \$695, so that, if she was offered the opportunity to apply to rent the subject property Complainant [REDACTED] would have reduced her housing costs. Complainant also advised that the subject property was closer to her work in La Crosse and in the desired school district for her son, who is disabled, and could have benefitted from special accommodations and services the school district offered. She advised that once she moved to her current housing she still had to drive her son to school and back each day because she did not want to pull him out of school and transfer him to a new school so close to the end of the school year.

III. PRAYER FOR RELIEF

WHEREFORE, the Secretary of Housing and Urban Development, through the Regional Counsel for Region V, and pursuant to 42 U.S.C. § 3610(g)(2)(A) of the Act, hereby charges Respondents Darlene Dovenberg and Dovenberg Investments, LLC with engaging in discriminatory housing practices in violation of 42 U.S.C. §3604(a) and (c), and prays that an order be issued that:

1. Declares that the discriminatory housing practices of Respondents, as set forth above, violate the Fair Housing Act, as amended, 42 U.S.C. § 3601, *et seq.*;
2. Enjoins Respondents, their agents, employees and successors and assigns and all other persons in active concert or participation with them in the sale or rental of dwellings from discriminating on the basis of sex and familial status against any person in any aspect of the rental or sale of a dwelling in violation of the Fair Housing Act, as amended, 42 U.S.C. § 3601, *et seq.*;
3. Awards such damages as will fully compensate Complainant [REDACTED] and aggrieved parties, for their emotional distress, diversion of resources and frustration of mission caused by Respondents' discriminatory conduct in violation of 42 U.S.C. § 3604(a) and (c); and
4. Assesses a civil penalty of sixteen thousand dollars (\$16,000) against each Respondent for violation of the Fair Housing Act that Respondents committed pursuant to 42 U.S.C. § 3612(g)(3) and 24 C.F.R. § 180.671(a)(1).

The Secretary of HUD further prays for additional relief as may be appropriate under 42 U.S.C. § 3612(g)(3).

Respectfully submitted,

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