



## II. SUMMARY OF ALLEGATIONS IN SUPPORT OF THIS CHARGE

Based on HUD's investigation of the allegations contained in this aforementioned complaint and the aforementioned Determination of Reasonable Cause, Respondents Glendon Management, Don Upton and Glen Heinemann are charged with discriminating against HOPE Fair Housing Center based on race in violation of Sections 804 (a) and (d) 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 race. 42 U.S.C. §3604 (a).
2. It is unlawful to represent to any person because of race that any dwelling is not available for inspection, sale, or rental when such dwelling is in fact so available. 42 U.S.C. §3604 (d).
3. Complainant HOPE Fair Housing Center is a not-for-profit organization located in Wheaton, Illinois, dedicated to promoting equal opportunities to housing, and whose mission includes assisting minorities in finding suitable housing. The center serves the western suburbs of Chicago, Illinois, as well as 28 counties in the North and North Central Illinois.
4. Respondent Glendon Management is a for-profit general partnership located at 129 S. Villa Avenue, Unit 1, Addison, Illinois. The partners are Respondent Don Upton and Respondent Glen Heinemann. The partnership owns and manages 104 multifamily units within Villa Brook Apartments. Respondent Glendon Management has an on-site management office at Villa Brook Apartments.
5. Based on a complaint from a tenant of Villa Brook Apartments, HOPE conducted a series of telephonic and on-sites, between November 18 and December 29, 1998, to verify whether a violation of the Fair Housing Act was occurring.
6. On November 18, 1998, at approximately 12:43 pm, an African American female tester spoke to Respondents' agent about the availability of an apartment. The agent asked the tester how many cars she and her husband owned. The tester responded two. At that point, the agent told tester that they could only accommodate one car and for that reason, she would not be able to rent to her.
7. On November 18, 1998, at approximately 1:45 pm, a white female tester telephoned Respondents to inquire about the availability of an apartment. Respondents' agent asked the tester how many cars she and her husband had. The tester replied two. Respondents' agent then said that unit on the second floor would be available mid-December and would rent for \$450 per month. The agent also offered additional information relative to the rental process and then offered the tester an appointment to view the apartment.
8. On November 20, 1998, at approximately 2:40 pm, a Latino tester telephoned Respondents to inquire about the availability of an apartment. Respondents' agent told tester that only two people are allowed in the apartment, quoted the monthly rental price, and offered the tester an appointment for the next day to see the apartment.

9. On November 20, 1998, at approximately 3:15 pm, an African American tester telephoned to inquire about the availability of an apartment. Respondents' agent told tester that nothing was available at the time but perhaps would be in mid-December. Tester asked whether the advertisement was old and Respondents' agent said no.

10. On November 21, 1998, at approximately 10:30 am, a Latino couple conducted an on-site visit to inquire about the availability of an apartment. Respondents' agent showed the unit to the testers and told them it would be available December 1.

11. On November 21, 1998, at approximately 12:34 pm, a white tester conducted an on-site visit to inquire about the availability of an apartment. The agent told tester that the apartment would be available December 1 and that the monthly rent is \$540.00.

12. On December 18, 1998, at approximately 12:22 pm, an African American tester conducted an on-site visit at the subject property. A sign on the door indicated office hours beginning at 12:40 pm. This tester met another tenant at the community who agreed to show the tester his unit. At approximately 12:55 pm, the African American tester returned to the office, walked up to the office door, and knocked. The tester noticed two people inside, but no one answered the door.

13. On December 18, 1998, at approximately 1:00 pm, a white tester conducted a telephone test to inquire about apartment vacancies. Respondents' agent told the tester that there would be something available mid-January. Later that day at approximately 2:30 pm, a second white tester conducted an on-site visit to inquire about available housing. Respondents' agent offered the tester an application and told the tester that a unit would be available in January.

14. Finally, on December 29, 1998, at approximately 1:00 pm, an African American tester conducted an on-site visit to inquire about an available apartment. Respondents' agent told the tester that she did not have anything available. Later that day at approximately 4:15 pm, a white tester conducted a telephonic test to inquire about the availability of an apartment. Respondents' agent told the tester that a one-bedroom apartment was available immediately and offered additional information about the rental process.

15. The tests demonstrate that Respondents refused to rent or negotiate the rental of dwelling units with African American testers in violation of 42 U.S.C. §3604(a).

16. The tests demonstrate that Respondents represented to African American testers that dwelling units were not for inspection or rental when such dwellings were available in violation of 42 U.S.C. §3604(d).

17. Because of Respondents' discriminatory conduct, Complainant HOPE Fair Housing Center diverted much needed resources and time from their community outreach programs, training and testing programs, and enforcement and advocacy programs and its mission was frustrated. Complainant HOPE Fair Housing Center also suffered compensable out-of-pocket

financial costs when it undertook the testing activities to verify the tenant's concerns about discrimination at Villa Brooks Apartments.

**III. CONCLUSION**

Pursuant to Section 810(g)(2)(A) of the Act, the United States Department of Housing and Urban Development charges the Respondents with engaging in discriminatory housing practices in violation of Sections 804(a) and 804(d) of the Act 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. Sections 3601-3619;
2. Enjoins Respondents, their agents, employees, and successors, and all other persons in active concert or participation with any of them from discriminating because of race against any person in any aspect of the rental of a dwelling;
3. Awards such damages as will fully compensate the HOPE Fair Housing Center for its actual damages caused by Respondents' discriminatory conduct pursuant to 42 U.S.C. Sections 3604(a) and 3604(d); and
4. Awards a civil penalty against each Respondent for each violation each Respondent committed pursuant to 42 U.S.C. Section 3612(g)(3); and
5. Awards additional relief as may be appropriate under 42 U.S.C. Section 3612(g)(3).

Respectfully submitted,

---

David R. Scruggs  
Trial Attorney  
Fair Housing Enforcement Division

---

Linda M. Cruciani  
Assistant General Counsel  
Fair Housing Enforcement Division  
Office of General Counsel  
451 7<sup>th</sup> Street, SW, Room 10270  
Washington, DC 20410  
202-708-0570

Of Counsel: Harry L. Carey  
Associate General Counsel for Fair Housing

DATE: \_\_\_\_\_