

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

---

UNITED STATES OF AMERICA,

Plaintiff,

v.

DOVENBERG INVESTMENTS, LLC, and  
DARLENE DOVENBERG,

Defendants.

---

)  
)  
)  
)  
) Case No. 11-cv-738  
)  
)  
)  
)  
)

**CONSENT DECREE**

---

1. The United States filed this action to enforce the provisions of Title VIII of the Civil Rights Act of 1968 (the "Fair Housing Act"), as amended by the Fair Housing Amendments Act of 1988, 42 U.S.C. § 3601, *et seq.* Specifically, the United States filed the action against Defendants on behalf of Linda Short and her minor child, pursuant to section 812(o) of the Fair Housing Act, as amended by 42 U.S.C. § 3612(o).

2. Defendant Dovenberg Investments, LLC is the owner of the property located at N2268 County Road I, Bangor, La Crosse County, Wisconsin 54614 ("subject property"). The subject property is a two-bedroom, modular single family house. Dovenberg Investments, LLC offers the subject property for rent. Dovenberg Investments, LLC is a limited liability corporation with its principal place of business at N4771 Dovenberg Road, West Salem, Wisconsin. Defendant Darlene Dovenberg is a principal of and has an ownership interest in Dovenberg Investments, LLC. Ms. Dovenberg manages the rental of the subject property.

3. Defendants admit the following facts: On or about October 16, 2010, Ms. Short called Defendant Darlene Dovenberg to inquire about the subject property. Defendant Dovenberg asked Ms. Short how many people were in her family and Ms. Short told her that she was a single mom. Defendant Dovenberg told Ms. Short that she could not rent to Ms. Short because Ms. Short did not have a man "to shovel the snow and stuff," or similar words to that effect.

4. Defendants admit that the conduct described above violated sections 804(a) and (c) of the Fair Housing Act, 42 U.S.C. § 3604(a) and (c).

5. The parties have agreed that in order to avoid costly and protracted litigation, this controversy should be resolved without a trial. Accordingly, the parties consent to the entry of this Decree, as indicated by the signatures appearing below.

#### **I. GENERAL INJUNCTION**

6. Defendants, their officers, agents, employees, and all persons in active concert or participation with them are enjoined, with respect to the rental of any dwellings as defined by 42 U.S.C. §3602(b), from:

- a. Refusing to rent, or to negotiate for the rental of, or otherwise making unavailable or denying, a dwelling to any person because of sex or familial status, in violation of 42 U.S.C. § 3604(a); and
- b. Making, or causing to be made, statements with respect to the rental of a dwelling that indicate a preference, limitation, or discrimination based on sex, or an intention to make any such preference, limitation, or discrimination, in

violation of 42 U.S.C. § 3604(c).

## II. AFFIRMATIVE RELIEF

7. Defendants shall within 30 days of the entry of this Order include the words "Equal Housing Opportunity" or the fair housing logo in all advertising conducted by Defendants in newspapers, Internet, telephone directories, radio or other media, and on all signs, pamphlets, brochures, and other promotional literature. The words or logo shall be prominently placed and easily legible.

8. Should Defendant utilize any written rental or lease applications, Defendants shall include the following phrase in all rental and lease applications in bold, and using letters of at least equal size to those of the text in the body of the document:

**We are an equal housing opportunity provider. We do not discriminate on the basis of race, color, sex, national origin, religion, handicap or familial status (having children under age 18).**

## III. MANDATORY EDUCATION AND TRAINING

9. Within 30 days of the date of entry of this Order, Defendants shall provide a copy of this Order to all their agents and employees involved in the rental or management of dwellings and secure a signed statement from each agent or employee acknowledging that he or she has received and read the Order. This statement shall be substantially in the form of Appendix B.

10. During the term of this Order, within 30 days after the date he or she

commences an agency or employment relationship with Defendants, each new agent or employee involved in the rental or management of dwellings shall be given a copy of this Order and be required to sign a statement acknowledging that he or she has received and read the Order. This statement shall be substantially in the form of Appendix B.

11. Within 90 days of the date of entry of this Order, Defendant Dovenberg shall undergo training on the provisions of the Fair Housing Act, with particular emphasis on provisions relating to discrimination on the basis of sex and familial status. The training shall be conducted by a qualified third party unconnected to Defendants or their employees, agents, or counsel. Defendants shall provide to the United States, within 30 days after the training, the name(s), address(es) and telephone number(s) of the trainer(s) and certifications executed by the trainers confirming their attendance.

#### **IV. COMPENSATION OF AND APOLOGY TO AGGRIEVED PERSONS**

12. Defendants shall pay to Linda Short and her child the sum of \$15,000.00 as aggrieved persons within the meaning of the Fair Housing Act, provided that no amount shall be paid pursuant to this paragraph before Linda Short shall have executed a written release on behalf of herself and her minor child (substantially in the form of Appendix A) of all claims, legal or equitable, that she might have against Defendants relating to the claims asserted in this lawsuit. Defendants shall send the check for this amount made out to Linda Short to Attorney Kara Burgos, with a copy to counsel for the United States, within 15 days after the date of entry of this Order.

13. Within ten (10) days of the date of entry of this Order, Defendant Darlene Dovenberg shall issue a formal letter of apology to Linda Short and her child, signed by Defendant Darlene Dovenberg, substantially similar in form to the letter attached in Appendix C. Defendant Dovenberg shall mail the letter to Attorney Kara Burgos, with a copy of the signed letter to counsel for the United States.

**V. RECORD KEEPING AND REPORTING**

14. During the term of this Order, Defendants shall retain all rental records maintained in the normal course of their business(es) – including, but not limited to, inquiry logs, rental applications, tenant files, and all records relating to actual or threatened evictions – created from the date of the entry of this Consent Order. Upon request and reasonable notice, Defendants shall produce or permit representatives of the United States to review any such records in the possession or control of Defendants, or their agents, employees, or representatives.

15. During the term of this Order, Defendants shall give counsel for the United States written notice within 15 days of the receipt of any written or oral complaint against Defendants regarding discrimination on the basis of sex, familial status or unlawful retaliation, and a description of the resolution of any such complaint within 15 days of resolution. If the complaint is written, Defendants shall provide a copy of it with the notice; if the complaint is oral, they shall include a written summary of it with the notice. The notice shall include the full details of the complaint, including the complainant's name, address and telephone number. Defendants shall also

promptly provide the United States all information it may request concerning any such complaint and its actual or attempted resolution.

**VI. COURT JURISDICTION, SCOPE, AND TERM OF CONSENT ORDER**

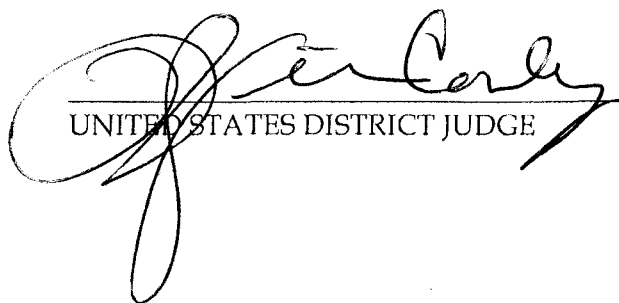
16. The Parties have consented to the entry of this Order as indicated by the signatures below. To this end, the Parties stipulate and the Court finds that this Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1345 and 42 U.S.C. § 3612(o). This Consent Order is effective immediately upon its entry by the Court.

17. The Court shall retain jurisdiction over this action and over Defendants for three years from the date of entry of this Consent Order to enforce the terms of the Order, after which time the case shall be dismissed with prejudice. The United States may move the Court to extend the duration of the Order if it determines that Defendants have violated one or more terms of the Order or if the interests of justice otherwise require.

18. The parties to this Consent Order shall endeavor in good faith to resolve informally any differences regarding interpretation of and compliance with this Order prior to bringing such matters to the Court for resolution. However, in the event of a failure by Defendants to perform in a timely manner any act required by this Consent Order or otherwise to act in violation of any provision thereof, the United States may move this Court to impose any remedy authorized by law or equity, including, but not limited to, an order requiring performance of such act or deeming such act to have been

performed, and an award of any damages, costs, and reasonable attorneys' fees which may have been occasioned by the violation or failure to perform.

So ORDERED this 16th day of November, 2011.

  
UNITED STATES DISTRICT JUDGE

The undersigned hereby apply for and consent to the entry of this Order:

Dated this 24<sup>th</sup> day of October, 2011.

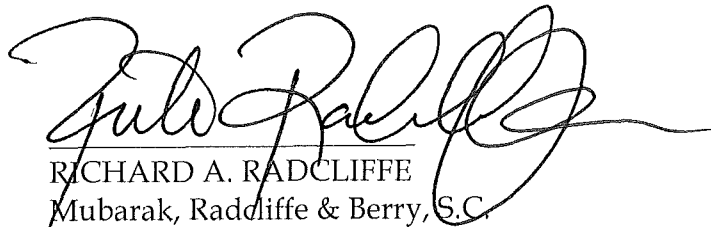
For Defendants:



DARLENE DOVENBERG

Defendant

N4771 Dovenberg Road  
West Salem, WI 54669



RICHARD A. RADCLIFFE

Mubarak, Radcliffe & Berry, S.C.

917 Superior Avenue

P.O. Box 110

Tomah, WI 54460-0110

phone: (608) 372-2014

fax: (608) 372-2447

Attorney for Defendants



Dated this 28<sup>th</sup> day of October, 2011.

For Plaintiff:

JOHN W. VAUDREUIL  
United States Attorney

By:

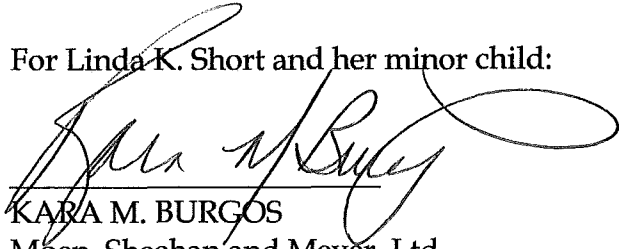


BARBARA L. OSWALD  
Assistant United States Attorney  
P.O. Box 1585  
Madison, Wisconsin 53701-1585  
phone: (608) 264-5158  
fax: (608) 264-5724  
TTY (608) 264-5006

Attorneys for Plaintiff

Dated this 24<sup>th</sup> day of October, 2011.

For Linda K. Short and her minor child:



KARA M. BURGOS  
Moen, Sheehan and Meyer, Ltd.  
201 Main Street, Ste 700  
P.O. Box 786  
La Crosse, WI 54602-0786  
phone: (608) 784-8310  
fax: (608) 782-6611

Attorney for Linda K. Short and her  
minor child

**APPENDIX A**  
**R E L E A S E**

In consideration of the agreement by Dovenberg Investments, LLC and Darlene Dovenberg ("Defendants") to enter into the Consent Decree in *United States v. Dovenberg Investments, LLC, et al.*, United States District Court, Western District of Wisconsin, Case No. 11-cv-738, and to pay to me the sum of \$15,000.00,

I, Linda K. Short, hereby release, acquit and discharge Defendants, their partners, agents and employees, from any and all liability for any claims and damages, including any attorneys' fees and costs, that I or my minor child may have against Defendants arising from the events alleged in the Complaint of the United States in *United States v. Dovenberg Investments, LLC, et al.*, United States District Court, Western District of Wisconsin, Case No. 11-cv-738.

I fully acknowledge and agree that this Release shall be binding on my heirs, representatives, executors, successors, administrators and assigns. I represent that I have not assigned or otherwise transferred to any person, firm, or other entity not a signatory to this Release any right, claim or cause of action against Defendants.

I hereby acknowledge that I have read and understand this Release and that its consequences have been explained to me by my counsel. I have executed the same voluntarily and with full knowledge of its legal consequences.

Dated this 18 day of October, 2011.

A handwritten signature in cursive script, appearing to read "L. K. Short", written over a horizontal line.

LINDA K. SHORT

**APPENDIX B**  
**STATEMENT OF RECEIPT AND UNDERSTANDING**  
**OF CONSENT DECREE AND FAIR HOUSING ACT**

I, \_\_\_\_\_, hereby acknowledge that I have received copies of and read the Fair Housing Act, 42 U.S.C. §§ 3601-3619, and the Consent Decree entered by the United States District Court for the Western District of Wisconsin in *United States v. Dovenberg Investments, LLC, et al.*, Case No. 11-cv-738.

I understand my obligation under these documents not to discriminate on the basis of sex or familial status in making dwellings available for sale or for rental.

I agree to comply with the Fair Housing Act and the Court's Order. I fully understand my legal obligations under the Fair Housing Act and the Order, and I am aware that my failure or refusal to adhere to them could result in possible sanctions against me.

Dated this \_\_\_\_ day of \_\_\_\_\_, 2011.

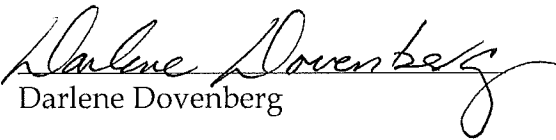
\_\_\_\_\_  
DARLENE DOVENBERG

**APPENDIX C**  
**LETTER OF APOLOGY TO LINDA SHORT AND HER SON**

Dear Ms. Short and son,

Please accept my apology for any inconvenience and distress caused by my refusal to rent the property at N 2268 County Road I, Bangor, Wisconsin, to your family. My actions in refusing to rent to you were wrong. I am committed not to discriminate against women and single mothers in housing in the future. I am also committed to complying with the federal Fair Housing Act's prohibition on discrimination on the basis of sex and familial status.

Sincerely,

  
Darlene Dovenberg