

STATE OF NORTH DAKOTA

IN DISTRICT COURT

COUNTY OF CASS

EAST CENTRAL JUDICIAL DISTRICT

State of North Dakota,
by North Dakota Department of Labor,
for the benefit of Fair Housing of the,
Dakotas,

COMPLAINT

Plaintiff,
vs.

Civil No. _____

Osgood Townsite Apartments, LLC,
Property Resources Group, LLC, and,
Christina Patterson, in her official
Capacity as Property Manager for
Property Resources Group, LLC,
Defendants.

The Plaintiff, by and through its undersigned counsel, alleges as its Complaint:

I.

Lisa Fair McEvers (McEvers) is the duly appointed, qualified, and acting Commissioner of Labor for the State of North Dakota.

II.

N.D.C.C. Ch. 14-02.5 mandates the Department of Labor ("Department") to investigate complaints of alleged discriminatory housing practices and to bring suit upon election by a complainant, a respondent, or an aggrieved person.

III.

On May 15, 2007, Fair Housing of the Dakotas ("complainant") filed a housing discrimination complaint with the Department alleging Osgood Townsite Apartments, LLC, Property Resources Group, LLC and Christina Patterson in her official capacity as Property Manager for Property Resources Group, LLC ("defendants"), committed discriminatory acts based on disabilities by denying reasonable accommodation request. Exhibit 1.

IV.

Christina Patterson ("Patterson") is the property Manager for Property Resources Group, LLC ("PRG"), a Limited Liability Company which manages the apartments owned by Osgood Townsite Apartments, LLC, a Limited Liability Company, located at 5031 44th Ave. S., Fargo, North Dakota.

V.

The complainant alleged that defendants refused to make a reasonable accommodation and that defendants' acts were based on disability. Defendants' housing discrimination was based on testing evidence obtained by complainant. Complaint incurred harm in the form of monetary damages for diversion of its resources. See Exhibit 1.

VI.

The Department issued a Determination of Reasonable Cause on June 16, 2008, pursuant to N.D.C.C. § 14-02.5-25. Exhibit 2. A Charge of Discrimination was issued on June 16, 2008, pursuant to N.D.C.C. § 14-02.5-26. Exhibit 3.

VII.

The Department determined that defendants denied reasonable accommodation request to allow an assistive animal that was on defendants' list of animals not allowed in its apartments. The denial of the reasonable accommodation request violated N.D.C.C. §§ 14-02.5-02(1), 14-02.5-06(1), 14-02.5-06(3)(b), and Sections 804(a) and 804(f)(3)(B) of Title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Act of 1988 (42 U.S.C. §§ 3604(a) and 3604(f)(3)(B)). Exhibits 2 and 3.

VIII.


Pursuant to the Charge and Determination being issued on June 16, 2008, complainant elected to have the claim asserted in the charge to be decided in a civil action as provided by N.D.C.C. § 14-02.5-36. Exhibit 4.

WHEREFORE, the Plaintiff requests that the Court enter judgment on its Complaint as follows:

1. Declare that the actions of the defendants as set forth above violate N.D.C.C. ch. 14-02.5 and Title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Act of 1988 (42 U.S.C. § 3601 *et. seq.*);
2. Award such damages as will fully compensate complainant for losses pursuant to N.D.C.C. Ch. 14-02.5;
3. Assess any applicable and appropriate penalties, including affirmative relief, pursuant to N.D.C.C. Ch. 14-02.5 and 42 U.S.C. 3601 *et. seq.* against defendants for the discriminatory housing practice and;
4. Award any additional relief, including attorneys' fees and costs, as may be appropriate under N.D.C.C. Ch. 14-02.5 and 42 U.S.C. 3601 *et. seq.*

Dated this 17th day of July, 2008.

State of North Dakota
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