

STATE OF NORTH DAKOTA
COUNTY OF GRAND FORKS

IN DISTRICT COURT
NORTHEAST CENTRAL JUDICIAL DISTRICT

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

Plaintiff,)

vs.)

Roland Riemers, individually,)
Robert M. Remington, individually,)
Virginia H. Remington, individually, and)
Affordable Apartments, LLC,)

Defendants.)

COMPLAINT

Civil No. _____

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

I.

Lisa K. Fair McEvers is the duly appointed, qualified, and current Commissioner of Labor for the State of North Dakota.

II.

North Dakota Century Code chapter 14-02.5 mandates the North Dakota 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 August 3, 2006, Fair Housing of the Dakotas, Inc., ("Complainant") filed an amended housing discrimination complaint as complainant and aggrieved party with the Department alleging Roland Riemers, Robert M. Remington, Virginia H. Remington, and Affordable Apartments, LLC, ("Defendants"), committed discriminatory acts. Exhibit 1.

IV.

The Complainant alleged Defendants committed fair housing discrimination by making discriminatory advertisements, statements, and notices in violation of N.D.C.C. ch. 14-02.5-02 and -03. Exhibit 1.

V.

Roland Riemers ("Riemers") is the landlord and manager for apartments located at 217 Chestnut Street, Grand Forks, ND. Affordable Apartments, LLC, is operated and controlled by Riemers; the nature of business is apartment building management and ownership. Robert M. Remington and Virginia H. Remington, according to Grand Forks County, are the owners of the apartment building at 217 Chestnut Street. Exhibit 2.

VI.

The Department issued a Determination of Reasonable Cause on January 26, 2007, pursuant to N.D.C.C. § 14-02.5-25, after conducting and completing its investigation. Exhibit 3. A Charge of Discrimination was issued on January 26, 2007, pursuant to N.D.C.C. § 14-02.5-26. Exhibit 4.

VII.

The Department determined that reasonable cause existed to substantiate the Complainant's claim that Defendants discriminated by publishing a statement indicating a preference not to rent to individuals who were eligible for public assistance, in violation of N.D.C.C. § 14-02.5-03. Exhibits 3 and 4. The Defendants' advertisement in the Grand Forks Herald stated, "No HAP." "HAP" is an acronym for housing assistance program; HAP is public assistance available to qualified North Dakota citizens.

VIII.

Pursuant to the charge and determination being issued on January 26, 2007, 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 5.

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, and determined by the Department in its reasonable cause determination, violated N.D.C.C. ch. 14-02.5.

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 pursuant to N.D.C.C. ch. 14-02.5 against Defendants for the discriminatory housing practices and;

4. Award any additional relief, including attorney fees and costs, as may be appropriate under N.D.C.C. ch. 14-02.5.

Dated this 7th day of March, 2007.

State of North Dakota
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