

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF LOUISIANA  
SHREVEPORT DIVISION

United States of America, )  
 )  
 Plaintiff, )  
 )  
 v. )  
 )  
 Reggie Collier and )  
 Kim Collier, )  
 )  
 Defendants. )  
 \_\_\_\_\_ )

Civil Action No. 08-cv-686

**COMPLAINT**

The United States of America alleges as follows:

NATURE OF THE ACTION

1. This action is brought by the United States to enforce Title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988 (Fair Housing Act), 42 U.S.C. §§ 3601-3619. It is brought on behalf of Ronald and Sherrell Tucker pursuant to Section 812(o) of the Fair Housing Act, 42 U.S.C. § 3612(o), and Section 814(a) of the Fair Housing Act, 42 U.S.C. § 3614(a).

JURISDICTION AND VENUE

2. This Court has jurisdiction over this action under 28 U.S.C. § 1345, and 42 U.S.C. §§ 3612(o) and 3614(a).

3. Venue is proper because the claims alleged herein arose in the Western District of Louisiana.

#### PARTIES

4. At all times relevant to this Complaint, Defendant Reggie Collier, a Caucasian resident of the state of Louisiana, managed the operation of the Camp Joy Marina, a residential community in Haughton, Louisiana, consisting of rental and owner-occupied condominiums and townhouses, a restaurant, and marina.

5. At all times relevant to this Complaint, Defendant Kim Collier, a Caucasian resident of the state of Louisiana, was President and sole shareholder of Camp Joy Marina, Inc., a corporation organized under the laws of the State of Louisiana. Camp Joy Marina, Inc., owned and/or controlled some or all of the land and improvements at Camp Joy Marina. Camp Joy Marina, Inc., was dissolved by the filing of an affidavit of dissolution on or about February 15, 2007.

6. Ronald and Sherrell Tucker, a Caucasian couple, owned the town house located at 4512 Camp Joy Road, in Camp Joy Marina.

7. J.R. Burt, a Caucasian, is a real estate agent licensed under the laws of the State of Louisiana who was retained by the Tuckers to sell 4512 Camp Joy Road on or about May 2004.

8. Angela Tatum, an African American, is a real estate agent licensed under the laws of the State of Louisiana who was retained in 2004 by David and Nicole Bennett, a Caucasian couple, to represent them in the purchase of a home.

#### FACTUAL ALLEGATIONS

9. On or about May 14, 2003, Ronald and Sherrell Tucker purchased the property located at 4512 Camp Joy Road, in Camp Joy Marina, pursuant to a "Contract for the Lease and

Purchase of Property.” The Contract was signed by “Kim Collier, President.”

10. The purchase price of 4512 Camp Joy Road was \$65,000. As down payment for the property, the Tuckers transferred to Camp Joy Marina, Inc., the title of their then-current residence at 4904 Camp Joy Road, which was valued at \$25,000. They also paid Camp Joy Marina, Inc., \$9,200 cash.

11. Under the terms of the contract, the Tuckers were further obligated to pay Camp Joy Marina \$400/month until January 1, 2017, at which time title of 4512 Camp Joy Marina would be transferred to them. The contract contained no prohibition on the prepayment of the balance due.

12. In May 2004, Ronald Tucker suffered two heart attacks, leading the Tuckers to decide to sell 4512 Camp Joy Road and move to Arkansas. They retained real estate agent J.R. Burt to list the property and represent them in the sale.

13. On or about September 20, 2004, David and Nicole Bennett visited the Tuckers' property with their real estate agent Angela Tatum. That day they signed a “Real Estate Buy/Sell Agreement” to purchase 4512 Camp Joy Road for \$55,000. The Tuckers accepted the offer on September 27, 2004.

14. On or about September 28, 2004, Ms. Tatum received a telephone call from Reggie Collier. He told Ms. Tatum that he had seen her and the Bennetts at 4512 Camp Joy Road and that he did not want “those kind of people” moving in. During that call, he demanded the buyers' names, social security numbers, their places of employment, and a copy of their drivers licenses in order to conduct a background check on them. Ms. Tatum refused this

request.

15. Ms. Tatum understood Mr. Collier to be expressing a preference against having African Americans live at Camp Joy Marina.

16. Also on or about September 28, 2004, Mr. Collier spoke with J.R. Burt by telephone and demanded from him identifying information about the Bennetts purportedly to conduct a background check on them. He told Mr. Burt that he did "not just allow anyone to live in Camp Joy Marina." He also told Mr. Burt that Mr. Burt "may sell the property, but I [Mr. Collier] don't have to turn on the sewage and water." Mr. Burt refused to provide the information requested by Mr. Collier.

17. Mr. Burt understood Mr. Collier to be expressing a preference against having African Americans live at Camp Joy Marina.

18. Sherrell Tucker called Mr. Collier on October 2, 2004, to inform him about the sale of 4512 Camp Joy Road. During that call, Mr. Collier asked Ms. Tucker for the names of the buyers, which she did not know. Mr. Collier then told her that he had found out that the buyers were African Americans, and that he would cut off their water and sewer service if they purchased the house.

19. Later that week, Ms. Tucker attempted to contact Mr. Collier to determine whether they should make their October payment of \$400 in light of the pending sale. Mr. Collier never returned Ms. Tucker's telephone calls, and the Tuckers mailed their payment to him on or about October 12, 2004.

20. Ms. Tatum informed her clients the Bennetts about Mr. Collier's statements to

her. On October 12, 2004, the Bennetts withdrew from their September 22, 2004, Real Estate Buy/Sell Agreement because of Mr. Collier's discriminatory statements.

21. On or about October 22, 2004, movers from Smith's Moving Company arrived at 4512 Camp Joy Road at the direction of the Tuckers to pack and ship the Tuckers' possessions to their home in Arkansas. The movers, who were African American, observed Mr. Collier turn off the water to the property.

22. On or about October 31, 2004, the Tuckers traveled to their property at Camp Joy Marina to pick up their remaining belongings. When they arrived, they found that the locks to 4512 Camp Joy Road had been changed, the "For Sale" sign removed, and the realtor's lock box cut off.

23. Shortly thereafter, Ms. Tucker placed a "stop payment" request on the \$400 October payment. The check was never cashed.

24. Sometime during the second week of November 2004, the Tuckers received a letter dated October 29, 2004, from an attorney representing Camp Joy Marina, Inc., stating that the Tuckers were in default of their lease purchase contract because they had defaulted on their payments and had abandoned the property.

25. The Tuckers never regained control of 4512 Camp Joy Road. They were never permitted to reenter or sell the property. They also were never refunded any of their down payment or monthly payments to Camp Joy Marina, Inc.

26. On other occasions, Mr. Collier has stated words to the effect that he would not allow African Americans to live at Camp Joy Marina.

### HUD INVESTIGATION AND CHARGE

27. On November 4, 2004, Ronald and Sherrell Tucker filed a complaint with the United States Department of Housing and Urban Development (HUD) alleging that Reggie and Kim Collier discriminated against them in violation of the Fair Housing Act by interfering with the sale of their townhouse because of the race of the buyers.

28. As required by the Fair Housing Act, 42 U.S.C. §§ 3610(a) and (b), the Secretary of HUD conducted an investigation of the Tuckers' complaint, attempted conciliation without success, and prepared a final investigative report. Based on the information gathered in this investigation, the Secretary, pursuant to 42 U.S.C. § 3610(g), determined that reasonable cause exists to believe that illegal discriminatory housing practices had occurred. Therefore, on or about April 16, 2008, the Secretary issued a Determination of Reasonable Cause and Charge of Discrimination pursuant to 42 U.S.C. § 3610(g), charging the Defendants with discrimination on the basis of race in violation of the Fair Housing Act, as amended, 42 U.S.C. §§ 3604(b) and (c) and 3617.

29. On April 20, 2008, Complainant Sherrell Tucker elected to have the claims asserted in HUD's Charge of Discrimination resolved in a federal civil action pursuant to 42 U.S.C. § 3612(a).

30. On April 22, 2008, the Chief Administrative Law Judge issued a Notice of Election and terminated the administrative proceeding on the HUD complaint filed by the Tuckers.

31. Following this Notice of Election, the Secretary of HUD authorized the Attorney

General to commence a civil action, pursuant to 42 U.S.C. § 3612(o).

**FIRST CLAIM FOR RELIEF**

32. Plaintiff re-alleges and herein incorporates by reference the allegations set forth in paragraphs 1-31, above.

33. By the actions and statements referred to in the foregoing paragraphs, Defendants Reggie and Kim Collier have:

- (a) Refused to sell or rent, refused to negotiate for the sale or rental, or otherwise made unavailable, a dwelling because of race, in violation of 42 U.S.C. § 3604(a);
- (b) Discriminated in the terms, conditions or privileges of the sale or rental of a dwelling, or in the provision of services or facilities in connection therewith, on the basis of race, in violation of 42 U.S.C. § 3604(b);
- (c) Made, printed, or published one or more notices, statements, or advertisements, with respect to the sale or rental of a dwelling that indicated a preference, limitation, or discrimination based on race, in violation of 42 U.S.C. § 3604(c); and
- (d) Coerced, intimidated, threatened or interfered with persons in the exercise or enjoyment of, or on account of their having exercised or enjoyed, their rights under the Fair Housing Act, in violation of 42 U.S.C. § 3617.

34. Ronald and Sherrell Tucker have suffered damages as a result of Defendants' discriminatory conduct.

35. Defendants' actions described in the preceding paragraphs were intentional, willful, and taken in disregard for the rights of the Tuckers.

**SECOND CLAIM FOR RELIEF**

36. Plaintiff re-alleges and herein incorporates by reference the allegations set forth in paragraphs 1-35, above.

37. Defendants' conduct described above constitutes:

- (a) A pattern or practice of resistance to the full enjoyment of rights granted by the Fair Housing Act, 42 U.S.C. §§ 3604(a), 3604(b), 3604(c) and 3617, in violation of 42 U.S.C. § 3614(a); or
- (b) A denial to a group of persons of rights granted by the Fair Housing Act, 42 U.S.C. §§ 3604(a), 3604(b), 3604(c) and 3617, which raises an issue of general public importance, in violation of 42 U.S.C. § 3614(a).

38. In addition to the Tuckers, there are other victims of Defendants' discriminatory actions and practices who are "aggrieved persons" as defined in 42 U.S.C. § 3602(i), including Mr. Burt, Ms. Tatum, and the Bennetts. These persons may have suffered actual injury and damages as a result of Defendants' discriminatory conduct.

39. Defendants' actions were intentional, willful, and taken in disregard for the rights of others, including Mr. Burt, Ms. Tatum, and the Bennetts.

WHEREFORE, the United States prays that the court enter an ORDER that:

- 1. Declares that Defendants Reggie and Kim Collier's policies and practices, as alleged herein, violate the Fair Housing Act;
- 2. Declares that Defendants Reggie and Kim Collier have engaged in a pattern or practice of discrimination in violation of the Fair Housing Act, or have denied rights under the Fair

Housing Act to a group of persons raising an issue of general public importance;

3. Enjoins Defendants Reggie and Kim Collier, their officers, employees, agents, successors and all other persons in active concert or participation with any of them, from discriminating on the basis of race in violation of the Fair Housing Act;:

5. Awards monetary damages, pursuant to 42 U.S.C. §§ 3612(o)(3), 3613(c)(1), and 3614(d)(1)(B) to all persons harmed by the Defendants Reggie and Kim Collier's discriminatory practices; and

6. Assesses a civil penalty against Defendants Reggie and Kim Collier in an amount authorized by 42 U.S.C. § 3614(d)(1)(C) and 28 C.F.R. § 85.3(b)(3) to vindicate the public interest.

The United States further prays for such additional relief as the interests of justice may require.

Dated: May 20, 2008

DONALD W. WASHINGTON  
United States Attorney

MICHAEL B. MUKASEY  
Attorney General

/s/ John A. Broadwell  
JOHN A. BROADWELL (LA # 01733)  
Assistant United States Attorney  
Western District of Louisiana  
300 Fannin Street, Suite 3021  
Shreveport, LA 71101  
Tel: (318) 676-3600  
Email: John.Broadwell@usdoj.gov

Grace Chung Becker/jhl  
GRACE CHUNG BECKER  
Acting Assistant Attorney General  
Civil Rights Division

Steven H. Rosenbaum/rbb  
STEVEN H. ROSENBAUM  
Chief, Housing and  
Civil Enforcement Section

Joe Gaeta (RJ 6477)  
REBECCA B. BOND  
Deputy Chief  
JOSEPH GAETA  
Trial Attorney  
Civil Rights Division  
United States Department of Justice  
Housing and Civil Enforcement  
Section - G Street  
950 Pennsylvania Avenue, N.W.  
Washington, D.C. 20530  
Tel.: (202) 353-9062  
Email: Joe.Gaeta@usdoj.gov