

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA
Civil No.: 05-cv-1819 (JNE/JJG)

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 v.)
)
 THOMAS J. FISCHER and)
 DAWN FISCHER,)
)
 Defendants.)
 _____)

CONSENT ORDER

I. INTRODUCTION

1. This action was filed by the United States to enforce the provisions of Title VIII of the Civil Rights Act of 1968 (the Fair Housing Act), as amended by the Fair Housing Act Amendments of 1988, 42 U.S.C. §§ 3601–3619. The United States alleges that Defendants engaged in a pattern or practice of discrimination on the basis of sex, and/or a denial of rights to a group of persons, in violation of 42 U.S.C. § 3614.
2. In its complaint, the United States alleges that Defendant Thomas J. Fischer engaged in a pattern or practice of discrimination on the basis of sex, in the rental of dwelling units he owned, co-owned and/or managed in and around Red Wing.
3. Specifically, the United States alleges that Defendant Thomas J. Fischer has subjected female tenants of the subject properties to discrimination on the basis of sex, including severe, pervasive, and unwelcome sexual harassment. Such conduct has included, but is not limited to, unwelcome sexual touching; unwelcome verbal sexual advances; and

list of the Subject Properties is attached to this Consent Order as Attachment A.

11. Defendants shall retain the Management Company within thirty (30) days of the date of this Consent Order and shall continue to retain such company for the duration of this Consent Order. This requirement shall be in effect during any and all such times during the duration of this Consent Order in which either Defendant has a direct or indirect ownership, management, or other financial interest in any dwelling unit. If after retaining an independent Management Company, Defendants wish to change to another independent management company, Defendants may do so, provided that any such subsequent management company must also be approved in advance by the United States and comply with the requirements for the Management Company as described in this Consent Order.
12. The Management Company shall be responsible for all aspects of management of the Subject Properties that are rented or available for rent, including showing and renting units, making repairs, collecting rents, determining whom to rent to and/or evict, and all other aspects of the rental process.
13. Defendant Thomas J. Fischer shall refrain from entering the premises of the Subject Properties except that he may do so, when accompanied by a Management Company representative, when it is necessary for him to inspect the property or show it to a prospective buyer, if that function cannot be reasonably delegated to an agent. However, in exigent circumstances requiring immediate aid or action, Defendant Thomas J. Fischer may enter the premises unaccompanied for the period of the exigency.
14. The provisions of Paragraph 13 shall not apply to the house located at 528 20th St., Red

Wing, Minnesota, or the house located at 530 20th St., Red Wing, Minnesota, so long as those properties are occupied by the current residents, identified by initials M.M. and M.K., respectively.¹

15. For the duration of this Consent Order that Defendants are required to retain a Management Company, Defendants shall require the Management Company to do the following:
 - a. Implement, subject to the United States' approval, a written policy against sexual harassment, including a formal complaint procedure. A copy of this policy and procedure shall be provided to counsel for the United States within thirty (30) days after the date of entry of this Decree. This policy and procedure shall be implemented within fifteen (15) days if it is satisfactory to the United States, and at that time the Management Company shall notify all new and current tenants at the subject properties of the policy and procedure.
 - b. The Management Company shall ensure that all of its employees who will be performing any duties in relation to the subject properties are familiar with the requirements of the Fair Housing Act, particularly as they pertain to sex discrimination and sexual harassment.
 - c. Post an "Equal Housing Opportunity" sign in any rental office through which the subject properties are rented, which sign indicates that all apartments are available for rent on a nondiscriminatory basis. An 11-inch-by-14-inch poster substantially equivalent to the reduced sample appended to this Consent Order as

¹ The United States is satisfied that these individuals have knowingly and voluntarily expressed a desire to continue to associate with Defendant Thomas J. Fischer without requiring the presence of a Management Company representative.

Attachment B will satisfy this requirement. Such poster shall be placed in a prominent, well-lit, and easily readable location.

- d. Require that all advertising conducted for any of the subject properties in newspapers, telephone directories, radio, television or other media, and all billboards, signs (including at the entrance to the property), pamphlets, brochures and other promotional literature, include either a fair housing logo, the words “equal housing opportunity provider,” and/or the following sentence:

We are an equal opportunity housing provider. We do not discriminate on the basis of race, color, national origin, religion, sex, familial status or disability.

The words or logo should be legible and prominently placed.

- e. Send to the United States every six (6) months, a list of all tenants at the subject properties and their telephone numbers. Maintain all rental records kept in relation to rental of the subject properties, and allow the United States to inspect and copy all such records upon reasonable notice.
 - f. Notify the United States in the event it obtains any information indicating that either Defendant is in violation of this Consent Order.
 - g. Provide any information reasonably related to compliance with this Consent Order that is requested by the United States.
16. Defendants shall report to the United States in the event that either Defendant purchases, inherits, or otherwise acquires an interest in any residential real estate property, or sells, transfers or otherwise disposes of any interest in any of the subject properties. Such

For Defendant Thomas J. Fischer:

s/_____
THOMAS J. FISCHER

s/_____
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For Defendant Dawn Fischer:

s/_____
DAWN FISCHER

s/_____
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ATTACHMENT D

Release

In consideration for the parties' agreement to the terms of the Consent Order entered in United States v. Thomas J. Fischer, et al., Civil No. _____ (D. Minn.), and Defendants' payment to me of \$ _____, pursuant to the Consent Order, I hereby release and forever discharge all claims related to the facts at issue in the litigation referenced above, or in any way related to that litigation, and any other claims arising from the housing discrimination alleged in that litigation up to and including the date of execution of this release, that I may have against any of the Defendants Thomas J. Fischer and Dawn Fischer, all related entities, parents, predecessors, successors, subsidiaries and affiliates, and all of their past and present directors, officers, agents, managers, supervisors, shareholders and employees and their heirs, executors, administrators, successors or assigns.

Executed this _____ day of _____, 2007.

[Print Name]

[Signature]