

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

South Suburban Housing Center, an Illinois)	
Not-For-Profit Corporation,)	
)	
Plaintiff,)	No.
)	
vs.)	Judge
)	
)	Magistrate Judge
Dennis Kolios d/b/a Landmark Realty, and Mary E.)	
Kolios,)	Jury Trial Requested
)	
Defendants.)	

COMPLAINT FOR INJUNCTIVE RELIEF AND DAMAGES

NOW COMES THE PLAINTIFF, South Suburban Housing Center, and hereby complains against defendant Dennis Kolios d/b/a Landmark Realty and Mary E. Kolios, as follows:

I. INTRODUCTION

1. Defendants have engaged in a pattern and practice of refusing to make appointments to show available apartments to African-American prospective tenants and lying about the availability of housing to African-American applicants. They demonstrated this by telephone screening three separate African-American sounding prospective tester applicants; refusing to even give the first two African-American testers the address of the property and telling the third African-American tester that the apartment had already been rented when it had not. At the same time, Defendants readily made appointments for each of the White testers who contacted Defendants and showed an available unit to two of them, soon after the African-American tester had called.

2. This action is brought pursuant to the Fair Housing Act of 1968, as amended, 42 U.S.C. 3601, *et. seq.* and the Civil Rights Acts of 1866, 42 U.S.C. §§ 1981 and 1982, against the owners and agents of an apartment building located at 8611 Lexington Circle, Orland Park, IL 60462 (the “property”). Plaintiff alleges that defendants misrepresented the availability of rental housing and refused to negotiate for the rental of the subject property based upon the African-American race of the prospective renters. The owner/broker defendant Dennis Kolios additionally discriminated in the brokering of residential real estate in violation of 42 U.S.C. § 3605.

Plaintiff is seeking injunctive relief and actual and punitive damages against defendants.

II. JURISDICTION

3. This Court has jurisdiction over the subject matter of this case pursuant to 42 U.S.C. § 3612 and 28 U.S.C. §§ 1331 and 1343. Venue is proper in the Northern District of Illinois, Eastern Division since the plaintiff and defendants reside within the boundaries thereof.

III. PARTIES

4. Plaintiff South Suburban Housing Center (hereinafter referred to as “South Suburban”) is an Illinois Not-For-Profit Corporation with its principal place of business located at 18220 Harwood Avenue, Suite #1, Homewood, Illinois 60430. One of its major goals is the elimination of unlawful discriminatory housing practices. In support of its efforts to promote equal opportunity in housing, South Suburban engages in activities to identify barriers to fair housing in the southern and southwest suburbs of Chicago, to counteract and eliminate discriminatory housing practices, and to protect the rights of its constituents to enjoy the benefits of living in an integrated community. In addition, South Suburban engages in housing counseling and referral services for its clients and the community.

5. Defendant Dennis Kolios (“Kolios”) is an Illinois Real Estate Broker licensed in the State of Illinois under License Number 471004530. Kolios is the managing broker and does business under the name Landmark Realty. Upon information and belief, Kolios is the owner of Landmark Realty to the extent it is an entity. In addition, Kolios is the owner, along with Mary Kolios, of the multi-unit apartment building located at 8611 Lexington Circle, Orland Park, IL 60462. At all times relevant hereto, Kolios was acting individually and as the agent for each of the owners of the property. Mr. Kolios is engaged in the business of residential real estate transactions within the meaning of the Fair Housing Act. All of the actions taken by defendant Kolios described herein were performed within the scope of his actual authority and the apparent authority of defendants Dennis and Mary Kolios.

6. Defendant Mary Kolios is a resident of Orland Park, Illinois and one of the owners of the multiunit apartment building located at 8611 Lexington Circle, Orland Park, IL 60462. Mary Kolios authorized Dennis Kolios to show and rent apartments in the building she co-owns with him and/or has ratified his discriminatory practices.

IV. FACTUAL ALLEGATIONS

7. On or about July 25, 2019, South Suburban began an investigation into the rental practices of defendants Kolios. South Suburban assigned matched pairs of Caucasian and African-American testers to respond to an advertisement for the rental of a unit listed with the subject property.

8. Defendants had placed the advertisement with the on-line service realtor.com. The advertisement listed an available two bedroom, one bath unit in Orland Park for a monthly rental of \$1,095 per month. The advertisement, listed under Condominium/Townhouse, stated that the building was presented by Dennis Kolios and Brokered by Landmark Realty.

A. African-American Tester #1

9. On July 23, 2019 at 3:23 pm, the Plaintiff had an African-American tester, L.W.¹ call the telephone number listed in the advertisement for the available two-bedroom unit. As part of her training and qualifications to be employed as a tester with South Suburban, L.W. was screened by a Voice Identification Panel that determined that L.W.'s voice readily identifies her as being African-American. A gentleman picked up the phone and identified himself as Dennis. Dennis was defendant Dennis Kolios.

10. L.W. identified her name and asked Dennis who she should talk to about the two bedroom condominium for rent in Orland Park. Dennis said she could talk to him. L.W. then asked where the condominium was located and Dennis replied, "near the mall." L.W. confirmed the amount of the rent and security deposit and asked if the unit would be available on August 6, 2019. Dennis responded "yes." Dennis asked how many people will be living there and L.W. responded, "two." He asked L.W. if they both worked and she said "yes." L.W. asked if she could make an appointment to see the unit "tomorrow." Dennis then told her that she should text him in the morning because he had 35 tenants and he does not know what his schedule will be like. Dennis confirmed that she could send the text to the number she had just called. L.W. thanked Dennis and said she would text him in the morning.

11. The next morning, July 24, 2019 at 7:30 am L.W. sent a text to 708-615-1593, the number she had called for Landmark Realty. The text read:

My name is L....W.... We spoke yesterday about the two bedroom Condo rental in Orland. As you requested, I am sending this message so that you can determine when you will be available to show that Condo today. Please include the street address with the time. Thank You

12. After not hearing from Dennis all day, at 3:59 pm L.W. called the same number. Dennis answered the telephone. L.W. identified herself as the person he had spoken to the day before and informed him that she had sent a text that morning as he had requested. Dennis said that he may have to put this off until tomorrow and asked if she would prefer 12 or 1:00 pm. L.W. asked Dennis for the address and he said he would text it to her. L.W. gave Defendant Kolios her cell phone number and said that she would see him at 12 tomorrow.

13. At 10:00 am the next morning, July 25, 2019, L.W. called Dennis's number and left a message on voicemail reminding Dennis that she had an appointment for 12:00 pm and further reminding him that he was supposed to text her the address and she had not yet received it.

14. At 10:29 am on July 25, 2019, L.W. sent Dennis a text message that read: "Good morning. I left you a message regarding our 12 pm appointment to view the condo rental in Orland today. I have not received the address. L.W."

15. Defendants never contacted L.W. again.

B. Caucasian Tester #1

16. On Thursday July 25, 2019 at 4:38 pm, the Plaintiff had a Caucasian tester, A.B. respond by telephone to the realtor.com advertisement placed by Defendants. As part of her training and qualifications to be employed as a tester with South Suburban, A.B. was screened by a Voice Identification Panel that determined that A.B.'s voice readily identifies her as being Caucasian. A man answered the phone and identified himself as Dennis. A.B said that she was interested in the 2-bedroom condominium for rent in Orland Park and was wondering if it was still available. Dennis said that it was. A.B. asked if she could make an appointment to view it

¹ Plaintiff has used the initials of each of its testers to preserve their usefulness in subsequent tests.

the next day. Dennis said that she could but would have to wait until 2-4 pm because he would be painting in the morning. A.B. told Dennis that 2:00 pm would work for her. When she told him that the advertisement did not include the address, Dennis said that the address was 8611 Lexington Circle, Orland Park 60462. They then made an appointment to see the unit the next day at 3:30 pm.

17. On Friday July 26, 2019 at 1:00 pm A.B. called to confirm her appointment.

Dennis answered the phone and said that he could make it at 3:30 pm.

18. On Friday July 26, 2019 at 3:30 pm A.B. met defendant Kolios at the building and was shown the available two-bedroom unit. She asked for an application and Dennis said he would email it to her in about an hour. At 5:16 pm that evening, Defendant Kolios emailed a rental application to A.B. informing her that the security deposit was \$1,642.50 but that he would take \$1,500.

19. On Friday July 26, 2019 at 5:30 pm A.B. called Dennis and thanked him for showing her the condo. She told him that she had decided to rent a different condo in Tinley Park. Dennis thanked her for letting him know.

C. African-American Tester #2

20. On July 26, 2019 at 3:23 pm, the Plaintiff had an African-American tester, F.B. call the telephone number listed in the advertisement for the available two-bedroom unit. As part of her training and qualifications to be employed as a tester with South Suburban, L.W. was screened by a Voice Identification Panel that determined that F.B.'s voice readily identifies her as being African-American. A gentleman picked up the phone and identified himself as Dennis. Dennis was defendant Dennis Kolios.

10. F.B. told Defendant that she was interested in the two-bedroom apartment for rent

in Orland Park and asked if it was available. He said yes and that it would be available by August 2, 2019. F.B. informed him that she would like to see the apartment Sunday by 2:00 pm. Dennis said he could do 4:00-5:00 pm. When F.B. said she could make 4:00 pm, Dennis then said that first he needed to ask her some questions. He asked her what her credit was. He asked her who was moving with her. She told him her credit was in the 700s and that the apartment would just be for her and her husband. F.B. then told Dennis that she needed the address to the property. Dennis said he would text it to her if she texted him her info. Dennis asked her to text him on Sunday at 3:00 pm to confirm the appointment because he didn't want to go to the appointment and have her not show up.

21. After hanging up, F.B. texted Dennis her name. On Saturday July 27, 2019, F.B. called Dennis and left a voice mail message with her name and told him she was calling because she had not received the address to the property in Orland Park. Defendants did not respond to this message.

22. On Saturday July 27, 2019 at 1:36 pm, F.B. followed up her phone message with a text to Dennis at 708-615-1593. The text message was: "Hi this is F, we talked about the two bedroom apartment in Orland, you said you were going to text me the address, just waiting for the address because our appointment is for tomorrow at 4:00 pm thank you."

23. Dennis did not respond to the above text message.

24. On Sunday July 28, 2019 at 3:45 pm, F.B. called Dennis and left a voicemail message telling him her name and that she had not received the address for the 2-bedroom apartment in Orland Park for their 4:00 pm appointment. Dennis never responded to this telephone message. F.B. has never heard back from Defendants.

D. Caucasian Tester #2

25. On Saturday July 27, 2019 at 10:27 am, the Plaintiff had Caucasian tester R.L. telephone Defendants. As part of her training and qualifications to be employed as a tester with South Suburban, R.L. was screened by a Voice Identification Panel that determined that A.B.'s voice readily identifies her as being Caucasian. A man answered and identified himself as Dennis. R.L. said that she was calling about the two-bedroom in Orland Park that he had for rent. She asked him if it was still available. He said yes. She then asked him if she could make an appointment for "today" to view it. He said "sure, what's a good time for you." R.L. said 3:30 pm would work well for her. R.L. asked for the address and Dennis asked if he could text it to her. She said that would be great. Five minutes later, at 10:32 am, R.L. received a text from 708-615-1593 with the address "8611 Lexington Circle Orland Park 60462. See you at 3:30."

26. On Saturday July 27, 2019 at 3:04 pm, R.L. received a text from defendant Kolios saying "I am at the property if you'd like to come earlier." R.L. texted him back, "ok"

27. On Saturday July 27, 2019 at 3:17 pm, R.L. arrived at 8611 Lexington Circle, Orland Park, IL. She pulled to the back of the building as instructed by Dennis and walked up to the entrance. She was met by Defendant Dennis Kolios. Kolios showed her the unit and when the showing was over, he handed her an application and a Crime Free Housing Lease Addendum. He told her there was no application fee. He told her that he usually charges 1-1/2 months' rent as a security deposit but he could do \$1500. He told her that he needs "good people in the apartments," and that no one renting now has kids. R.L. then left.

E. African-American Tester #3

28. On Friday August 2, 2019 at 10:53 am, the Plaintiff had an African-American tester, T.B. call the telephone number listed in the advertisement for the available two-bedroom

unit. As part of her training and qualifications to be employed as a tester with South Suburban, T.B. was screened by a Voice Identification Panel that determined that T.B.'s voice readily identifies her as being African-American. A gentleman picked up the phone and identified himself as Dennis. Dennis was defendant Dennis Koliios.

29. T.B. told Defendant that she was calling to see if the unit at 8611 Lexington Circle was still available. Dennis said "No." T.B. then asked Dennis whether he thought he might have another unit available in the near future. Dennis said, "No. People rarely move from this building."

F. Caucasian Tester #3

30. On Friday August 2, 2019 at 5:10 pm, the Plaintiff had a Caucasian tester, A.B. call the telephone number listed in the advertisement for the available two-bedroom unit. As part of her training and qualifications to be employed as a tester with South Suburban, A.B. was screened by a Voice Identification Panel that determined that F.B.'s voice readily identifies her as being Caucasian. A gentleman picked up the phone and identified himself as Dennis. Dennis was defendant Dennis Koliios.

31. A.B. stated her reason for calling and asked if the unit was still available. Dennis asked her how she had found out about the unit. A.B. told him that her co-worker had seen the "For Rent" sign in the front of the building and had told her about it. Dennis told A.B. that the unit was still available. He told her that the rent was \$1200 per month and the security deposit was 1 ½ months' rent. He stated that the unit was available "now." Dennis made an appointment with A.B. to show her the unit on Sunday, August 4, 2019, between 4:00–5:00 pm.

32. Defendants misrepresented the availability of housing, refused to negotiate for the rental of a dwelling and refused to rent to plaintiff's testers because of their race, African-American.

33. Defendants actions were wilfull, malicious and taken with reckless disregard for the rights of the plaintiffs.

34. Defendants have engaged in a pattern and practice of discriminating against persons with regard to the rental of dwelling listed with their agency or owned by them, based upon race.

35. Plaintiff South Suburban has been damaged as a result of the above discriminatory acts of defendants in that:

- a. South Suburban's time and money has been deflected from housing counseling and education and from other organizational projects to legal efforts directed against this discrimination.
- b. South Suburban's client population has been deprived of the opportunity to enjoy the benefits of living in integrated housing from defendants because of his or her race.
- c. South Suburban's ability to counsel and place clients has been undermined in the Orland Park community as a result of defendants' discriminatory actions.

FIRST CLAIM FOR RELIEF

36. The actions of defendants Dennis Kolios d/b/a Landmark Realty individually and as agents for defendants Dennis Kolios and Mary E. Kolios, constitute discrimination on the basis of race in violation of Section 804 of the Fair Housing Act, 42 U.S.C. § 3604 as amended.

SECOND CLAIM FOR RELIEF

37. The actions of defendants Dennis Kolios d/b/a Landmark Realty individually and as agents for defendants Dennis Kolios and Mary E. Kolios, constitute discrimination on the basis of race in violation of 42 U.S.C. §§1981 and 1982.

THIRD CLAIM FOR RELIEF

38. The actions of defendant Dennis Kolios d/b/a Landmark Realty constitutes discrimination in a residential real estate transaction by an entity whose business includes engaging in such transactions, in violation of 42 U.S.C. § 3605(B).

WHEREFORE, Plaintiff respectfully requests as follows:

- a. That, after jury trial, this Court grant Plaintiff temporary, preliminary and permanent injunctive relief enjoining defendants from continuing to discriminate against African-American citizens in violation of the Act;
- b. That pursuant to Section 20-20 of the Illinois Real Estate License Act, 225 ILCS 454/20-5, *et seq.*, this Court refer its findings to the Illinois Department of Registration for license revocation proceedings;
- c. That this Court grant Plaintiff remedial relief to remedy the past effects of defendants' discriminatory practices;
- d. That this Court award Plaintiff actual damages, costs and attorneys' fees as a result of defendants' conduct;
- e. That this Court award Plaintiff punitive damages as a result of defendants' willful, malicious and reckless conduct; and

f. That this Court grant such other relief as it deems appropriate.

Respectfully submitted this 27th day of November, 2019,

/s Jeffrey L Taren

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