

PREDETERMINATION SETTLEMENT AGREEMENT

CP# 12-21-77640
HUD# 07-22-8672-8

PARTIES TO THE SETTLEMENT AGREEMENT

RESPONDENTS

DELAVINA ASSOCIATES, LLC
3702 Loralin Dr
Waterloo, IA 50701-4814

ABD PROPERTY MANAGEMENT, LLC
P.O. Box 861
Waterloo, IA 50704-0861

KIM MACLIN
P.O. Box 861
Waterloo, IA 50704-0861

COMPLAINANT

AKERA HENDERSON
616 Kimball Ave
Waterloo, IA 50701-2762

and

IOWA CIVIL RIGHTS COMMISSION
400 East 14th Street
Des Moines, Iowa 50319

Description of the Parties: Complainant is African American. Complainant alleges she was subjected to discriminatory terms and conditions due to her race. The subject property is a duplex located at 1126 W 4th St, Waterloo, IA 50702.

Terms of Settlement: A complaint having been filed by Complainant against Respondents with the Commission under Iowa Code Chapter 216 and there having been a preliminary inquiry, the parties do hereby agree to settle the above-captioned matter in the following extent and manner:

Acknowledgment of Fair Housing Laws

1. Respondents Delavina Associates, LLC; ABD Property Management, and Kim MacLin agree there shall be no discrimination, harassment, or retaliation of any kind against Complainants or any other person for filing a charge under the “Iowa Civil Rights Act of 1965” (ICRA); or because of giving testimony or assistance, or participating in any manner in

any investigation, proceeding or hearing under the ICRA; or because of lawful opposition to any practice forbidden by the ICRA. Iowa Code § 216.11(2).

2. Respondents Delavina Associates, LLC; ABD Property Management, and Kim MacLin acknowledge the ICRA makes it unlawful to discriminate in the terms, conditions or privileges of sale or rental of a dwelling or in the provision of services or facilities in connection with the dwelling because of race, color, creed, sex, sexual orientation, gender identity, national origin, religion, disability, or familial status. Iowa Code § 216.8(1) (b).
3. Respondents Delavina Associates, LLC; ABD Property Management, and Kim MacLin acknowledge that the Federal Fair Housing Act, as amended, makes it unlawful to discriminate in the terms, conditions or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith, because of the person's race, color, religion, sex, disability, familial status, national origin, or disability. 42 U.S.C. 3604(b), 3604(f) (2) (§ 804 of the Fair Housing Act).

Voluntary and Full Settlement

4. The parties acknowledge this Predetermination Settlement Agreement is a voluntary and full settlement of the disputed complaint. The parties affirm they have read and fully understand the terms set forth herein. No party has been coerced, intimidated, threatened or in any way forced to become a party to this Agreement.
5. The parties enter into this Agreement in a good faith effort to amicably resolve existing disputes. The execution of this Agreement is not an admission of any wrongdoing or violation of law. The parties agree that this Agreement is executed as a compromised settlement, liability for which is expressly denied by the parties released, and the payment of the sum indicated herein does not constitute an admission of liability on the part of any person or entity. Nor is the execution of this Agreement an admission by Complainant that any claims asserted in their complaint are not fully meritorious.
6. The parties agree the execution of this Agreement may be accomplished by separate counterpart executions of this Agreement. The parties agree the original executed signature pages will be attached to the body of this Agreement to constitute one document.
7. Respondents Delavina Associates, LLC; ABD Property Management, and Kim MacLin agree the Commission may review compliance with this Agreement. And as part of such review, Respondent agrees the Commission may examine witnesses, collect documents, or require written reports, all of which will be conducted in a reasonable manner by the Commission.

Disclosure

8. Because, pursuant to Iowa Code § 216.15A(2)(d), the Commission has not determined that disclosure is not necessary to further the purposes of the ICRA relating to unfair or discriminatory practices in housing or real estate, this Agreement is a public record and

subject to public disclosure in accordance with Iowa's Public Records Law, Iowa Code Chapter 22. See Iowa Code § 22.13.

Release

9. Complainant hereby waives, releases, acquits, forever discharges and covenants not to sue Respondents with respect to any matters which were, or might have been alleged as charges filed with the Iowa Civil Rights Commission, the Office of Fair Housing and Equal Opportunity, Department of Housing and Urban Development, or any other anti-discrimination agency, subject to performance by Respondents of the promises and representations contained herein. Complainant agrees any complaint filed with any other anti-discrimination agency, including the Office of Fair Housing and Equal Opportunity, Department of Housing and Urban Development, which involves the issues in this complaint, shall be closed as Satisfactorily Adjusted.

Fair Housing Training

10. Respondents Delavina Associates, LLC and ABD Property Management will require training on the requirements of State and Federal Fair Housing Laws for Kim MacLin and any other employee responsible for management or leasing of the subject property within 90 days of their receipt of a Closing Letter from the Commission. The training shall be conducted by a qualified person, approved by the Commission or the U.S. Department of Housing and Urban Development.

Relief for Complainant

11. Respondents Delavina Associates, LLC and ABD Property Management agree to pay Complainant \$1485.00 without any deductions. Respondents agree the Settlement Check will be made out to Complainant and sent to her at the address listed on page one of this Agreement within seven (7) days of the date of the Closure Letter.

Reporting and Record-Keeping

12. Respondents Delavina Associates, LLC; ABD Property Management, and Kim MacLin shall forward to the Commission objective evidence of the successful completion of fair housing training in the form of a Certificate or a letter from the entity conducting the training or signed sworn statement from Respondent stating the time and location of their training and the entity that conducted the training, as evidence of compliance with Term 10 of this Agreement within ten (10) days of the completion of the training.

All required documentation of compliance must be submitted via email or U.S. Mail to:

Amy Quail
Iowa Civil Rights Commission
Grimes State Office Building
400 East 14th Street
Des Moines, Iowa 50319
Amy.quail@iowa.gov Telephone: 515-725-1082

DELAVINA ASSOCIATES, LLC,
RESPONDENT

Date

ABD PROPERTY MANAGEMENT, LLC
RESPONDENT

Date

KIM MACLIN, RESPONDENT

Date

AKERA HENDERSON, COMPLAINANT

Date

STAN THOMPSON, EXECUTIVE DIRECTOR
IOWA CIVIL RIGHTS COMMISSION

Date