

**State of Michigan**  
**CIVIL RIGHTS COMMISSION**  
Cadillac Place  
3054 West Grand Boulevard, Suite 3-600  
Detroit, Michigan 48202

**MICHIGAN DEPARTMENT OF CIVIL RIGHTS,**  
**Ex rel, NATIONAL FAIR HOUSING ALLIANCE,**

Claimant,

v

**MDCR Case No(s): 346786 & 346789**

**CENTURY 21 TOWN & COUNTRY, and**  
**JOHN R. KERSTEN (Broker),**

Respondent.

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**CHARGE OF DISCRIMINATION**

Claimant, National Fair Housing Alliance, filed a real estate steering complaint with the Michigan Department of Civil Rights after conducting a series of paired tests of Respondent's real estate Agents, alleging Respondent, Century 21 Town & Country and Real Estate Broker John R. Kersten, its agents, officers and employees unlawfully discriminated against the Claimant's testers by denying them the enjoyment of civil rights guaranteed by the Constitution and laws of the State of Michigan.

The Department, in accordance with its rules and regulations, informed the Respondent of these allegations, conducted an investigation and found sufficient grounds to issue a Charge of Discrimination. The Department endeavored unsuccessfully to conciliate these matters and now issues this Charge of Discrimination alleging:

1. This action is brought by the Michigan Department of Civil Rights to enforce the Elliott-Larsen Civil Rights Act, MCL 37.2501, et.seg.

2. This Commission has jurisdiction over this action under MCL 37.2601 § 601 (2).
3. Respondent, Century 21 Town and Country is a Michigan corporation whose principal office is located in the City of Rochester, Oakland County, Michigan.
4. Respondent, Century 21 Town & Country, is owned by and operates under the Michigan Real Estate Broker's license of Respondent, John R. Kersten, with the registered office address of 800 West University Drive, Rochester, Michigan. Respondent has Real Estate offices located in Troy, Grosse Pointe, Sterling Heights and Rochester, Michigan, (hereafter collectively "Century 21").
5. The National Fair Housing Alliance (hereafter "NFHA"), is a private organization that investigates and prosecutes violations of the U.S. Fair Housing Act and various State civil rights acts. NFHA conducted an investigation to determine respondents' compliance with the Michigan Elliott-Larsen Civil Rights Act (hereafter "ELCRA") and the U.S. Fair Housing Act. As part of its investigation, NFHA conducted a series of paired tests to evaluate the respondents' compliance with the Fair Housing provisions of the ELCRA and U.S. Fair Housing Act.
6. The investigation revealed that the respondents are engaged in housing practices that discriminate on the basis of race or color, including:
  - a. failing to tell Black testers about housing for sale in communities that are predominately white while providing White testers with information on available homes for sale in those predominately White communities; and
  - b. Respondent's real estate agents repeatedly ignored white testers requests to view specific properties located in or near the City of Detroit; and

- c. Respondent's real estate agents made racially derogatory statements to Claimant's white testers concerning African-Americans and the City of Detroit and made remarks to Claimant's black testers intended to discourage the black testers from seeking homes located in predominately white communities.

7. The conduct of the Respondents described in the previous numbered paragraph constitutes:

- a. making dwellings unavailable to persons because of race or color in violation of MCL 37.2502, et.seq.
- b. discriminating in the terms and conditions, or privileges of the sale of real estate that indicates a preference or discrimination on the basis of race or color in violation of MCL 37.2502, et.seq.
- c. representing to persons because of race or color that dwellings are not available for inspection or sale when such dwellings are in fact so available in violation of MCL 37.2502, et.seq.

8. The conduct of the Respondents described above constitutes:

- a. a pattern or practice of resistance to the full enjoyment of rights granted by the ELCRA; and
- b. a denial to a group of persons of the rights granted by the ELCRA where that denial constitutes a matter of general public importance.

9. Persons who may have been the victims of respondents' discriminatory housing practices are aggrieved persons as defined in MCL 37.2501 et.seq. and may have suffered injuries as a result of respondents' conduct described above.

10. The respondents' conduct described above was intentional, willful, and taken in disregard for the rights of others.

**WHEREFORE**, the Michigan Department of Civil Rights requests that the Michigan Civil Rights Commission enter an order that:

1. Declares that the respondents' policies and practices, as alleged herein, violate the ELCRA;
2. Enjoins the respondents, their officers, employees, agents, and all other persons in active concert or participation with respondents, from:
  - a. discriminating against any person on the basis of race, or color, in any aspect of the sale of a dwelling;
  - b. failing or refusing to notify the public that dwellings owned or offered for sale by the respondents are available to all persons on a nondiscriminatory basis; and
  - c. failing or refusing to take such affirmative steps as may be necessary to restore, as nearly as practicable, the victims of the respondents' unlawful practices to the position that they would have been in but for the discriminatory conduct;
3. Awards such damages as would fully compensate each person aggrieved by the respondents' discriminatory housing practices for injuries caused by the respondents' pattern or practice of discriminatory conduct, pursuant to MCL 37.2501 et.seq.
4. Assesses a civil penalty against the respondents in an amount authorized by MCL 37.2605(2)(k), in order to vindicate the public interest.

5. Certify to the licensing agency the Commission's findings which may be grounds to revoke or suspend the Broker license of the respondent authorized by MCL 37.2703.

The Michigan Department of Civil Rights further requests for such additional relief as the interests of justice may require.

Date: 19 Jan 07

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Office of Legal Affairs