

[THIS DECISION WILL BE PUBLISHED IN THE
NATIONAL CONSUMER PROTECTION
DATABASE]



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**DECISION AND RECCOMENDATIONS,
CASE #1130**

In the Matter of

Complainant,
v.

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DEVILLE SOUTHWEST MANAGEMENT Inc., and
Manager Jana Millard

DECISION & OPINION

For the following reasons, the Department concludes the
following:

1. A finding that Complainant completely paid Deville
Management in full, and a finding that Deville Management

and Jana Millard engaged in RACE DISCRIMINATION by not collecting unpaid debts from certain white tenants.

I. INTRODUCTION

- A. We have reviewed documents from Deville sent to Complainant concerning an alleged unpaid balance.
- B. We have also reviewed Complainant's responses to Deville.
- C. We have also investigated claims that Deville billed Complainant differently than white tenants.
- D. It is the Opinion of this Department that Deville was paid in full by Complainant. Furthermore, it is also the opinion of this Department that Deville and its manager, Jana Millard, engaged in racial discrimination by not collecting debt from certain white tenants who are no longer at the apartment complex.
- E. Now to the issues of the complaint:

II. THE DEPARTMENT'S FINDING OF FACTS

- A. Complainant lived in Deville Apartments for nearly 5 years, her tenure ending in 2015.
- B. During the time Complainant complained of receiving harassment from Manager Jana Millard. Specifically, Complainant alleged Jana Millard treated her differently than white tenants, alleging that Jana Millard, among other things, allowed certain white

tenants to leave the apartment complex without fully paying money owed to Deville.

- C. In January, 2017 Complainant filed a complaint with this department against Deville alleging, race discrimination and unfair debt collection practices.
- D. For several reasons, we agree with Complainant.
- E. Complainant has provided us with evidence that she hired professional cleaners who worked on the apartment, and indeed, cleaned the rugs, floors, and other things before she left the apartment complex.
- F. Complainant has also provided us with evidence that a white tenant was allowed to depart the apartment complex without fully paying monies owed to it.
- G. Furthermore, we find that Jana Millard, apartment manager, failed to mitigate the damages as required under state law, and further, did not deduct from Complainant's bill, normal wear and tear as required under state law.
- H. Lastly, we find that Complainant was overcharged, and owes nothing more to Deville.

III. DECISION

Because Complainant was overcharged it is the decision of this Department that she owes nothing more to Deville, also because a white tenant was allowed to depart the apartment complex without fully paying monies owed to it while Complainant was still charged, we find that Deville, and manager Jana Millard, engaged in race discrimination.

THEREFORE, THIS DEPARTMENT WILL SUBMIT A COPY OF THIS DECISION TO THE MISSOURI ATTORNEY GENERAL'S OFFICE, AND IF THIS ALLEGED DEBT IS NOT REMOVED FROM COMPLAINANT'S CREDIT REPORT WITHIN (30) DAYS, THEN THIS DECISION WILL BE SUBMITTED ALSO TO THE FEDERAL TRADE COMMISSION, AND COLE COUNTY CIRCUIT COURT. WE FURTHER SUGGEST THAT DEVILLE CEASE AND DESIST IN ANY AND ALL ATTEMPTS TO FURTHER COLLECT ON THIS ACTION.

IV. NOTATIONS

A. This decision shall be published nationally, and copies will be sent the appropriate federal agencies, & parties affected.

V. Legal Effect of This Decision

- A Court of Law may take judicial notice of this Department's decision pursuant to existing law. Fed. R. Evid. 201(b) (West 2000).

Dated this 28th day of January, 2017

Chris Walters

CHRISTOPHER "CHRIS" WALTERS

ARBITRATOR

Director of Civil and Consumer
Affairs Department