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Federal Race Discrimination Lawsuit Settles: Sellers Refused Housing Opportunity to Black Woman

Milwaukee, Wisconsin – A settlement was reached at the end of February in a federal housing discrimination lawsuit that alleged homeowner Edith Halvorsen, her real estate broker, Phyllis Hasenstab, and Hasenstab’s employer, RE/MAX Realty 100, had illegally denied Tami Doss, who is African-American, the opportunity to buy Halvorsen’s home. The suit also alleged that the defendants had illegally excluded Doss’s real estate agent, Margaret Silkey, from showing the home. The suit was brought by the U.S. Department of Justice on behalf of Doss and Silkey. Under the terms of the agreement, the defendants will pay \$30,000 to Doss and \$5,000 to Silkey. Hasenstab also agreed to receive fair housing training, and RE/MAX Realty 100 will report any discrimination complaints against its business to the U.S. Department of Justice for a period of three years.

Tami Doss was “offended, hurt and shocked” by the discrimination she faced, and stopped her search for a home to purchase as a result. Margaret Silkey decided to leave the real estate business after this experience. “This had the most profound impact on me of anything that happened in my 24-year real estate career,” Silkey said. Silkey explained, “I wasn’t distraught that I closed my office doors, but I was distraught that people were that ignorant. Although I did receive calls from other agents who commended me for filing suit, I lost faith in my fellow real estate professionals, and I’m disappointed that other agents don’t take fair housing seriously. Discrimination is a terrible thing.”

“The type of discrimination experienced by Tami Doss is hurtful in many ways,” said Metropolitan Milwaukee Fair Housing Council (MMFHC) President and CEO William R. Tisdale. “Obviously, it hurt Ms. Doss as an individual, but discrimination also has a ripple effect on an entire community. It harms our economy by impeding ethical businesses like Margaret Silkey’s. Without Ms. Silkey’s integrity and persistence, this discrimination would have gone unchecked, but clearly Ms. Silkey paid a price when she lost the opportunity to sell this home. Housing discrimination perpetuates our segregated housing patterns and marginalizes many people from full participation in our society. It is unfair to everyone who would choose to live in an inclusive, integrated neighborhood. Discrimination hurts all of us.”

The lawsuit stemmed from Tami Doss's experiences during her search for a home during the summer of 2005. A first-time homebuyer, she enlisted the services of real estate agent Margaret Silkey to purchase a four-bedroom house for herself and her two college-age sons. Edith Halvorsen's home, located on West Mount Vernon Avenue near Blue Mound Road, was particularly desirable to Doss because it was near her workplace. Doss was a principal in the Milwaukee Public School System and therefore required to live in the City of Milwaukee.

In July 2005, Silkey learned that Halvorsen's home was going to be put on the market, and contacted Halvorsen to tell her that she had a prospective buyer for the house. Halvorsen asked Silkey if her client was black and made statements indicating that she did not want to sell the property to a black person. Halvorsen said that when blacks moved into her sister's neighborhood, property values fell. Halvorsen told Silkey that she "just could not do that" to her neighbors. Silkey told Halvorsen that African Americans moving into a neighborhood do not cause property values to fall, but that not maintaining property causes values to go down. Silkey closed the interaction by telling Halvorsen that she would sell the home to whomever had the money to purchase it.

Shortly thereafter, Silkey saw that Halvorsen's home had a "for sale" sign outside the property. She contacted Phyllis Hasenstab, the real estate agent listed on the sign, to attempt to schedule an appointment to show the home to Doss. Hasenstab did not return Silkey's calls. Silkey then called the Multiple Listing Service (MLS), and told an MLS employee of Halvorsen's discriminatory remarks. She indicated that she wanted to ensure that Hasenstab was aware of Halvorsen's discriminatory comments.

In early August 2005, Silkey made another attempt to contact Hasenstab and RE/MAX Realty 100 to schedule an appointment for Doss to see Halvorsen's home. She was informed by a receptionist that the listing included instructions that Silkey was not permitted to show the property. When Silkey later asked Hasenstab why she had been excluded, Hasenstab told her it was because Silkey had notified the MLS about Halvorsen's discriminatory comments. Shortly thereafter, Halvorsen sold her home to a white man.

Silkey contacted the Metropolitan Milwaukee Fair Housing Council (MMFHC) and filed a complaint. MMFHC counseled her on her legal rights and options for remedy. With MMFHC's assistance, Silkey filed administrative complaints with the Wisconsin Equal Rights Division and U.S. Department of Housing and Urban Development (HUD), alleging that Halvorsen, Hasenstab and RE/MAX Realty 100 had discriminated against them based on Doss's race. In October 2006, the defendants opted to have the case heard in federal court rather than by a HUD Administrative Law Judge, and the U.S. Department of Justice assumed responsibility for the case on behalf of Doss and Silkey. The case was assigned to U.S. District Court Judge J.P. Stadtmueller. "The Fair Housing Council guided and helped me throughout this long process," said Silkey. "I couldn't have done it without them."

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MMFHC is a private, non-profit organization whose purpose is to promote fair housing throughout the State of Wisconsin by guaranteeing all people equal access to housing opportunities and by creating and maintaining racially and economically integrated housing

patterns. It operates satellite offices in Dane County (the Fair Housing Center of Greater Madison) and in Northeast Wisconsin (the Fair Housing Center of Northeast Wisconsin).

Persons who feel they may have experienced illegal housing discrimination should call 414-278-1240, or 1-877-647-FAIR, a toll-free number, if not in the 414 area code. All services to victims of illegal housing discrimination are free of charge.