

HUD 903 ATTACHMENT
PRELIMINARY NARRATIVE
OF HOUSING DISCRIMINATION COMPLAINT

In the matter of

*Sullivan & Acesor v. Malinowski, Kondeusz, 3600 Condominium
Association, Chicagoland Community Management Inc., and Savitt*

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This document contains preliminary descriptions of persons and events related to a complaint of housing discrimination for the purposes of providing information necessary for the Department of Housing and Urban Development Office of Fair Housing and Equal Opportunity to conduct a full and complete investigation. The final complaint investigated by HUD FHEO may contain different language or more specific information. This attachment is part of the official preliminary filing and may not include all allegations or information that will be included in the finalized complaint. This complaint is an allegation of housing discrimination and is based on information and belief.

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Respondents

Jessie Malinowski is a private individual residing as a renter at 3600 N Lake Shore Drive Apartment #504 Chicago, IL 60613. His telephone number is (312) 576-3320 and his email address is jmalinowski@me.com. Mr. Malinowski is White.

Walter (Wlodzimier) Kondeusz is, on information and belief, the owner and landlord of 3600 N Lake Shore Drive Apartment #504 Chicago, IL 60613. Research suggests he owns and acts as landlord for at least four (4) or more rental properties. Walter may be reached by email at of wk1540@gmail.com and he is believed to reside at 2076 Sunset Drive Des Plaines, IL 60018. Mr. Kondeusz is White.

3600 Condominium Association is the association for 3600 N Lake Shore Drive #504. The Association may be contacted by email at Assistant@3600lsd.com and by telephone at (773) 528-3600. On information and belief, the majority of residents of 3600 N Lakeshore Drive and members of the Association are White.

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Chicagoland Community Management, Inc. is the corporation responsible for managing affairs at 3600 N Lake Shore Drive and has as its corporate mailing address 111 E Wacker Drive Chicago, IL 60601 with telephone number (312) 729-1300.

David Savitt is an attorney for Kovitz Shifren Nesbit who represents the 3600 Lake Shore Drive Condominium Association with the address of 175 North Archer Mundelein, IL 60069, email address of dsavitt@ksnlaw.com, and phone number of 847-777-7248.

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Complainants

Mark Paul Y Acesor is the former tenant of 3600 N Lake Shore Drive #504 Chicago, IL 60613. His current address is 655 W Irving Park Road #4104 Chicago, IL 60613. He is dark-skinned, an immigrant, has a disability, and is of Filipino national origin. He may be reached through his partner by email at dan@dansullivanprojects.com and by telephone at (202) 340-6724.

Daniel Francis Sullivan is an independent fair housing and civil rights consultant and advocate. He is White and he has a disability. He is Mark Paul Y Acesor's partner and advocate. Mr. Sullivan resides with Mr. Acesor at 655 W Irving Park Road #4104 Chicago, IL 60613. He may be reached by telephone at (202) 340-6724 or by email at dan@dansullivanprojects.com.

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Allegations

Summary: On or about December 9, 2017, Respondents jointly and collaboratively brought about an apparent early termination of Mr. Acesor's lease on 3600 Lake Shore Drive Unit #504 without following appropriate procedures for lease termination and without any cause other than housing discrimination based on color, national origin, and disability. The discriminatory conduct of Respondents resulted in severe stress for Mr. Acesor and in the destruction of the valuable personal belongings he had in the unit; he lost wages and has been unable to work since he was subjected to housing discrimination and will likely require costly psychiatric assistance to become whole. Mr. Sullivan investigated this matter and also provided advocacy services to Mr. Acesor, diverting substantial personal resources to identifying and counteracting the discriminatory actions of Respondents; he, too, lost wages and endured emotional distress. Respondents continue to threaten, intimidate, and harass Complainants, who have sought to educate Respondents about housing discrimination issues and to secure remedies for injuries sustained.

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Specific Allegations

(I.) Refusal to rent

Mr. Acesor (Filipino, dark-skinned, and disabled) was banished from the property by an official memorandum, unable to retrieve his personal belongings from the unit, and replaced by a White tenant, Jessie Malinowski. On information and belief, the Respondents collaboratively banished Mr. Acesor from the unit (and entire property) because of national origin, color, and disability, and replaced him with a White, non-disabled occupant.

(II.) Harassment

Mr. Malinowski threatened, intimidated, and harassed Mr. Acesor based on national origin, skin color, and disability. Mr. Malinowski did this in-person, via email, text, and by other methods, until and after such time as Mr. Malinowski wrested control of the unit and its contents from Mr. Acesor. Mr. Malinowski engaged in this conduct with the cooperation and support of the Respondents. In fact, while Mr. Malinowski threatened, intimidated, and harassed Mr. Acesor, Respondents had Mr. Acesor banished from the property by official decree. Finally, after taking control of the unit, Mr. Malinowski states that he destroyed or disposed of all of Mr. Acesor's valuable belongings, including designer clothes and family photographs.

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(III.) Denial of Request for Reasonable Accommodation

Because of his disability, Mr. Acesor asked the Respondents in December 2017 to work with Mr. Sullivan to find a way to terminate the lease according to normal procedures so that Mr. Acesor could remove his belongings from the unit in a reasonable way. Respondents denied this request for a reasonable accommodation, refused to speak to Mr. Sullivan, created unreasonable restrictions for Mr. Acesor to access his belongings, and then also refused to speak to Mr. Acesor to schedule a move-out.

(IV.) Retaliation

Mr. Sullivan conducted an investigation of this matter, advocated for Mr. Acesor, and sought to provide education to the Respondents about their responsibilities under the Fair Housing Act. In response, attorney David Savitt (for the Condominium Association) sent a “cease and desist” letter to Mr. Sullivan and Mr. Acesor, and indicated to both Complainants that they were permanently banished from 3600 N Lake Shore Drive and would be arrested for trespass should they be discovered on the grounds.

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(V.) Continuing Violation

There is presently a unit for sale at 3600 N Lake Shore Drive. The unit is #516. This is a 550 square foot condominium for sale at \$117,900. Due to the banishment of Complainants by the Association through Mr. Savitt, Complainants are unable to view this unit or consider it for purchase. As a result, the banishment, which is retaliation by the Association and Mr. Savitt, to the efforts of Complainants to enjoy their fair housing rights, is itself a discriminatory refusal to sell (and by implication a refusal to rent).

Remedies Sought

Complainants seek compensatory and punitive damages. Complainants also seek injunctive relief such as is necessary to educate and monitor the Respondents on fair housing issues to prevent future housing discrimination.