

STATE OF MINNESOTA
COUNTY OF ANOKA

DISTRICT COURT

FILED

TENTH JUDICIAL DISTRICT

JUL 21 2003

Case Type: Other Civil
(Consumer Protection)

State of Minnesota by its Attorney General,
Mike Hatch,

Jane F Morrow
Court Administration
Anoka County, MN
Deputy

Court File No. C5-03-624

Plaintiff,

CONSENT JUDGMENT

vs.

Northtown Village Limited Partnership, d/b/a
Northtown Village Apartments,

Defendant.

This matter came before the Honorable JOHN H. FLANAGAN, Judge of Anoka County District Court, on 7/21, 2003 upon the parties' application, based on a Stipulation entered into by the parties on 6/19, 2003. Assistant Attorney General Catherine M. Powell appeared for the State. Gary Hansen of Oppenheimer Wolff & Donnelly appeared for defendant Northtown Village Limited Partnership ("Northtown Village"), d/b/a Northtown Village Apartments. Based upon the Stipulation of the parties, and upon all the files, records and proceedings herein,

IT IS HEREBY ORDERED AND DECREED:

PARTIES, CLAIMS, AND DEFENSES

1. Plaintiff State of Minnesota ("State") filed the Complaint in this matter on January 13, 2003.
2. Defendant Northtown Village filed an Answer to the Complaint denying violations of Minnesota laws and raising affirmative defenses.

GENERAL PROVISIONS

3. This Consent Judgment constitutes a full and final resolution between the State and Northtown Village of all claims brought by the State for the alleged conduct described in the Complaint as it relates to all residential buildings now or hereafter owned by Northtown Village, up to and including the date of the signing of this Consent Judgment on behalf of the State, as long as Northtown Village is in compliance with the terms of this Consent Judgment.

4. Robert Bisanz declares that he is the general partner of Northtown Village and, as such, has been authorized to enter this Consent Judgment on behalf of Northtown Village.

5. Northtown Village Apartments fits the definition of a “single-metered residential building” as set forth in Minn. Stat. § 504B.215, subd. 1 (2002).

RELIEF

6. Northtown Village, its current general partner, Robert Bisanz, any future general partner, and its employees, officers, directors, agents, successors, assignees, affiliates, merged or acquired predecessors, parent or controlling entities, subsidiaries, and all other persons acting in concert or participation with it are permanently enjoined from billing tenants in any single-metered residential buildings now or hereafter owned by Northtown Village for utilities in a manner which violates Minnesota Statutes § 504B.215 (2002), including but not limited to:

A. collecting or attempting to collect activation/initiation fees, periodic administrative fees, late fees, or any other charges or fees from such tenants for services other than an allocation of the actual utility costs incurred by Northtown Village for the building;

B. retaining interest earned on payments for the allocation of the actual utility costs incurred by Northtown Village for the building collected from such tenants prior to the date such payments are due from Northtown Village to the utility provider; or

C. collecting or attempting to collect an allocation of the actual utility costs incurred by Northtown Village for the building from any tenant without a lease with such tenant that contains the lease language required in Minn. Stat. § 504B.215 (2002).

7. Northtown Village, its current general partner, Robert Bisanz, any future general partner and its employees, officers, directors, agents, successors, assignees, affiliates, merged or acquired predecessors, parent or controlling entities, subsidiaries, and all other persons acting in concert or participation with it shall write off all debts of tenants in any single-metered residential buildings now or hereafter owned by Northtown Village for all charges or fees other than an allocation of the actual utility costs incurred by Northtown Village for the building which have been billed to such tenants in connection with their allocation of the building's utility costs up to and including the date of this Consent Judgment. With respect to all such tenants regarding the debts to be written off:

A. Northtown Village, its general partner, Robert Bisanz, and its employees, officers, directors, agents, successors, assignees, affiliates, merged or acquired predecessors, parent or controlling entities, subsidiaries, and all other persons acting in concert or participation with it are permanently enjoined from furnishing any data indicating nonpayment of such debt to any residential property owner or management company, credit reporting agency, tenant screening agency, the United States Department of Housing and Urban Development, the Metropolitan Council Housing and Redevelopment Authority or any other governmental or not-for-profit agency or organization involved in tracking or reporting the credit or rental histories of tenants.

B. To the extent Northtown Village, its general partner, Robert Bisanz, or its employees, officers, directors, agents, successors, assignees, affiliates, merged or acquired

predecessors, parent or controlling entities, subsidiaries, or any other persons acting in concert or participation with it made the reports described in paragraph 7 (A) prior to the date of this Consent Judgment with respect to any tenant regarding a debt to be written off, Northtown Village shall:

1) within thirty (30) days from the date of this Consent Judgment, send a letter in the form of Exhibit A to the residential property owner or management company, governmental or not-for-profit agency/agencies and/or organization(s); and

2) within ten (10) days of receiving confirmation from the residential property owner or management company, governmental or not-for-profit agency/agencies and/or organization(s) that they have complied with the request set forth in Exhibit A with respect to each such tenant, send a report identifying each tenant and all entities to whom Exhibit A was sent and confirming that all entities have complied with the request set forth in Exhibit A to Assistant Attorney General Cathy Powell, Consumer Enforcement, Minnesota Attorney General's Office, 1400 NCL Tower, 445 Minnesota Street, Saint Paul, Minnesota 55101.

C. If Northtown Village in good faith is unaware of the fact that a prior manager of any residential building owned by Northtown Village reported any such debt to the entities described in paragraph 7 (A) above and subsequently becomes aware that such a report was made, Northtown Village shall then follow the procedure set out in paragraph 7 (B).

8. Northtown Village shall pay to the State of Minnesota a civil penalty of \$5,000 by cashier's check made payable to "State of Minnesota" and delivered to the Minnesota Office of the Attorney General. The payment shall be attached to an executed copy of the Stipulation to this Consent Judgment.

9. In addition to all other remedies available in an action brought by the State, Northtown Village shall be liable for an additional civil penalty of \$10,000 if a district court finds, in an action brought by the State, that Northtown Village or Robert Bisanz has violated any provision of this Consent Judgment, or that Northtown Village or Robert Bisanz has violated Minnesota Statutes § 504B.215 (2002), within ten years of the date of the Court Order approving this Consent Judgment.

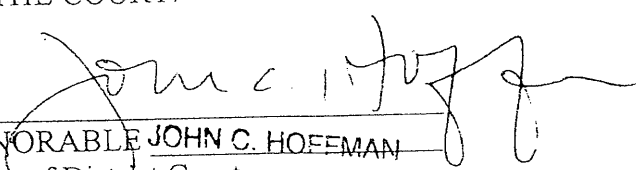
10. Nothing in this Order shall be deemed to prohibit Northtown Village, its general partner, Robert Bisanz, and its employees, officers, directors, agents, successors, assignees, affiliates, merged or acquired predecessors, parent or controlling entities, subsidiaries, and all other persons acting in concert or participation with it from billing tenants of any single-metered residential buildings now or hereafter owned by Northtown Village in accordance with any statute enacted after the date of this Order or in accordance with any final decision of an appellate court of the State of Minnesota or of any federal court related to the application of Minnesota Statutes § 504B.215 (2002), provided all rights to appeal have expired.

11. This Court retains jurisdiction to enforce the provisions of this Consent Judgment.

FINAL JUDGMENT SHALL BE ENTERED ACCORDINGLY:

Dated: 7/23, 2003


BY THE COURT:


HONORABLE JOHN C. HOEFMAN
Judge of District Court

JUDGMENT

The above Conclusions of Law and/or Order for Judgment constitute the Judgment of the Court.

Court Administrator
Anoka County, MN

Date: July 23, 2003 By: 
Deputy

FILED

JUL 23 2003


Jane F. Morrow
Court Administration
Anoka County, MN

Deputy

Exhibit A

Date

Agency Name
Agency Address

Re: Credit and/or rental history of [tenant's name and social security number/identifying information sent to credit/rental history reporting agency]

To Whom It May Concern:

It has come to my attention that [Real Estate Equities/Village Green L.L.C./Village Green Management Company/American Utilities Management Company] acting as an agent for Northtown Village Apartments reported that [tenant's name] had an unpaid debt with respect to [his/her] utility bills. This report was in error as the debt was never owed. Accordingly, please correct all records of the debt on [tenant's name]'s credit and/or rental history to reflect that Northtown Village Apartments has indicated the debt was never owed and mail or fax confirmation that you have taken such steps to me at the following address at your earliest convenience:

Northtown Village Limited Partnership
400 Degree of Honor Building
St. Paul, Minnesota 55101
phone: (651) _____
fax: (651) _____

Thank you in advance for your cooperation.

Sincerely,

Robert Bisanz
General Partner
Northtown Village Ltd. Partnership d/b/a
Northtown Village Apartments