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CLAUDE E. BERRECKMAN (1933-2013)  
CLAUDE E. BERRECKMAN, JR.  
BRIAN J. DAVIS  
CLAIRE K. BAZATA

December 1, 2015

Brian W. Copley  
Lexington City Attorney  
PO Box 1050  
Lexington, NE 68850

Re: City of Lexington/Islamic Center of Lexington

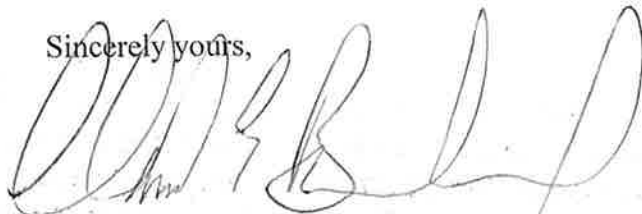
Dear Brian:

I am enclosing a copy of a letter that I wrote, on behalf of the Islamic Center of Lexington, to the Civil Rights Division of the United States Department of Justice. I was contacted yesterday by Eric W. Treene, Special Counsel for Religious Discrimination in the Civil Rights Division. Mr. Treene agreed with our position that the City of Lexington is violating RLUIPA and Discriminating against the Islamic Center of Lexington. He explained that they cannot take any action on this matter unless and until the City officially denies our request. Mr. Treene asked me to call him immediately if the City Council denies our application for a conditional use permit on December 22, 2015. At that time his office will initiate its formal investigation.

As you probably know, since you are an expert on RLUIPA, United States has independent jurisdiction with respect to violations of the Act. They will proceed with this matter to seek injunctive relief. That will not prevent us from pursuing a claim against the City in the Dawson County District Court. Obviously, if the City allows us to acquire the real estate and operate as a Mosque as a permitted use, the United States Department of Justice will not take any action.

It is my understanding that the City of Lexington regularly attaches documents to its agenda so that they can be reviewed by the City Council and the public. I am respectfully requesting that you attach my letter of November 20, 2015 and this letter to the agenda for the meeting on December 22, 2015.

Sincerely yours,



Claude E. Berreckman, Jr.

CEBjr/sm  
Enclosure  
c: Islamic Center of Lexington

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November 20, 2015

BY EMAIL TO fairhousing@usdoj.gov

United States Department of Justice  
Civil Rights Division  
950 Pennsylvania Ave, N.W.  
Office of the Assistant Attorney General, Main  
Washington, DC 20530

RE: Islamic Center of Lexington  
Complaint against the City of Lexington, Nebraska under RLUIPA

Dear Sirs:

I represent the Islamic Center of Lexington, located in Lexington, Dawson County, Nebraska. The Islamic Center is a 501(c)(3) organization. My client has been operating in the commercial district of the City of Lexington for eight years. The facility that they have rented is used as a center and place of worship or mosque.

The Islamic Center has the opportunity to purchase the building that they have occupied for the past eight years, together with a neighboring structure owned by their current landlord. They have been advised by the Administration of the City of Lexington that they are required to obtain a conditional use permit, pursuant to § 5.12.03 of the City's zoning ordinance. I am including copies of the zoning ordinance with this Complaint.

The City Administration has been trying to convince my client to locate in residential areas. Because of the manner in which the mosque will be used by its members and other concerns that they have about locating in a residential district, the Islamic Center is not at all interested in pursuing another location. Obviously, they would like to continue to worship where they have for the past eight years.

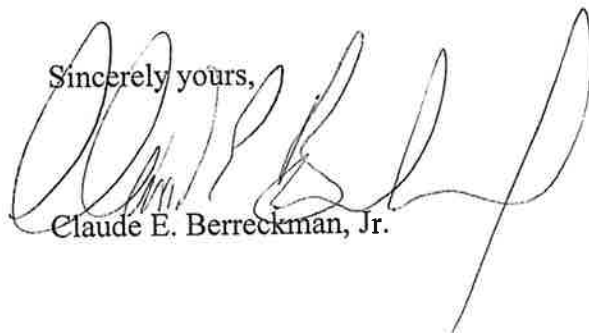
This matter was brought before the Planning Commission of the City of Lexington on November 4, 2015. After a public hearing on my client's Application, the Planning Commission denied the request for a conditional use permit on a vote of 7-0.

United States Department of Justice  
Civil Rights Division  
November 20, 2015  
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We have raised a concern under the Religion Land Use and Institutional Persons Act (RLUIPA) to the City Administration and asked that they consider my client's request to acquire the property and occupy it as a mosque as a permitted use. The City Administration has essentially denied our request, resulting in our request that this matter be considered by the Lexington City Council at its meeting on December 22, 2015.

The City of Lexington adopted a new zoning ordinance in February 2014. One of the primary goals of that ordinance was to move churches (and storefront churches-I have no idea why that is listed separately) to the use requiring a conditional use permit. As you will see from the attached copy of § 5.12.02, the permitted uses in the core commercial district (C2) include charitable organizations and clubs, theater, social club or fraternal organization, and meeting hall. It is our position that these facilities would be utilized in the same fashion as our clients would use the real estate which would house their mosque and center. It seems to us that this is a fairly clear violation of RLUIPA by the City of Lexington, both on the face of their zoning ordinance and as applied to the Islamic Center of Lexington. We are asking for assistance in pursuing this matter on behalf of our client so that they are not unlawfully discriminated against by the City of Lexington, Nebraska. Please let me know if you need anything further from us in order to consider this Complaint. You may respond to the undersigned.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Claude E. Berreckman, Jr.", written over the typed name.

Claude E. Berreckman, Jr.

CEBjr/ma

c: Islamic Center of Lexington ✓ USPS