

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

UNITED STATES OF AMERICA,)
Plaintiff,)
)
v.)
)
HAROLD W. CALVERT;)
CALVERT PROPERTIES, INC.)
_____)
Defendants.)

CIVIL ACTION NO. 06-0655-CV-W-DW

COMPLAINT AND REQUEST FOR JURY TRIAL

Plaintiff, the United States of America, alleges:

1. This action is brought by the United States to enforce the provisions of Title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988, 42 U.S.C. §§ 3601, *et seq.* (hereinafter “Fair Housing Act”).
2. This court has jurisdiction over this action under 28 U.S.C. § 1331, 28 U.S.C. § 1345, 42 U.S.C. § 3612(o), and 42 U.S.C. § 3614(a).
3. Venue is proper under 28 U.S.C. § 1391(b) and 42 U.S.C. § 3612(o) because the events giving rise to the United States’ claims occurred in the Western District of Missouri, the subject properties are located in the Western District of Missouri, and the Defendants reside in and/or do business in the Western District of Missouri.
4. Defendant Harold Calvert is a resident of the City of Richmond in Ray County, Missouri. At all times relevant to this action, Harold Calvert was the President of Calvert Properties, Inc., and managed numerous rental properties, including, but not limited to: 1) 510 South Shotwell Street, Richmond, Missouri; 2) 609 Hill Street, Richmond, Missouri; 3) 509 Hill Street,

Richmond, Missouri; 4) 707 Jabez Street, Richmond, Missouri; 5) 705 Jabez Street, Richmond, Missouri; 6) 703 Jabez Street, Richmond, Missouri; 7) 306 Hill Street, Richmond, Missouri; 8) 908 Jabez Street, Richmond, Missouri 9) 604 West Lexington Street, Richmond, Missouri; 10) 700 South Second, Richmond, Missouri; 11) 522 West Lexington Street, Richmond, Missouri; 12) 404 Church Street, Richmond, Missouri; 13) 400 Wellington Street, Richmond, Missouri; 14) 300 West Royle Street, Richmond, Missouri; 15) 402 West Royle Street, Richmond, Missouri; 16) 311 West Royle Street, Richmond, Missouri; 17) Hill Street, Richmond, Missouri (no street number) (hereinafter “the subject properties”).

5. Defendant Calvert Properties, Inc. (hereinafter “Calvert Properties”), is a Missouri-registered corporation, with its principal place of business in the City of Richmond in Ray County, Missouri. At all times relevant to this action, Calvert Properties was the owner of the subject properties and Harold Calvert was a principal of Calvert Properties.

6. The subject properties are dwellings within the meaning of 42 U.S.C. § 3602(b).

7. Defendants have violated the Fair Housing Act, 42 U.S.C. §§ 3601, *et seq.*, by discriminating against persons on the basis of sex in connection with the rental of the subject properties.

8. From at least 1999 through 2006, Harold Calvert subjected female tenants of the subject properties to discrimination on the basis of sex, including severe, pervasive, and unwelcome sexual harassment. Such conduct has included, but is not limited to, 1) unwanted verbal sexual advances; 2) unwanted physical sexual advances, such as unwanted touching of the breasts; 3) forcible physical contact with the sexual parts of Harold Calvert’s body; 4) inappropriate statements; and 5) threatening to have female tenants evicted when they refused or objected to

his sexual advances.

9. Calvert Properties is liable for the discriminatory conduct of its principal Harold Calvert, described above, and knew or should have known of the discriminatory conduct of Harold Calvert, yet failed to take reasonable preventive or corrective measures to curtail and/or prevent the discriminatory conduct of Harold Calvert.

10. Lanessia Rowland filed a complaint with the United States Department of Housing and Urban Development (hereinafter "HUD") on or about February 9, 2004. The complaint, as amended, alleged that Harold Calvert engaged in sexual harassment of her and inflicted emotional harm on her and her minor children, William and Brittnie Rowland, during their tenancy. The Secretary of HUD investigated Ms. Rowland's allegations, attempted conciliation without success, and prepared a final investigative report, pursuant to 42 U.S.C. § 3610.

11. On or about June 15, 2006, the Secretary of HUD determined, pursuant to 42 U.S.C. § 3610(g)(1), that reasonable cause exists to believe that discriminatory housing practices had occurred and issued, pursuant to 42 U.S.C. § 3610(g)(2), a Charge of Discrimination against Harold Calvert and Calvert Properties for violations of the Fair Housing Act.

12. On or about June 19, 2006, Ms. Rowland elected, pursuant to 42 U.S.C. § 3612(o), to have the claim decided in a federal civil action in the United States District Court.

13. On or about June 20, 2006, the Secretary of HUD authorized the Attorney General to commence a federal civil action pursuant to 42 U.S.C. § 3612(o).

14. The conduct of Harold Calvert and Calvert Properties described above concerning Ms. Rowland and her minor children constitutes:

- a. Discrimination in the terms, conditions, or privileges of the rental of dwellings, or

in the provision of services or facilities in connection therewith, because of sex, in violation of Section 804(b) of the Fair Housing Act, 42 U.S.C. § 3604(b);

- b. The making of statements with respect to the rental of dwellings that indicate a preference, limitation, or discrimination based on sex, in violation of Section 804(c) of the Fair Housing Act, 42 U.S.C. § 3604(c); and
- c. Coercion, intimidation, threats, or interference with persons in the exercise or enjoyment of, or on account of their having exercised or enjoyed, their rights under Section 804 of the Fair Housing Act, in violation of Section 818 of the Fair Housing Act, 42 U.S.C. § 3617.

15. In addition, the conduct of Harold Calvert and Calvert Properties described above concerning Ms. Rowland and her minor children, as well as their conduct with respect to other women who rented one or more of the subject properties, constitutes:

- a. Discrimination in the terms, conditions, or privileges of the rental of dwellings, or in the provision of services or facilities in connection therewith, because of sex, in violation of Section 804(b) of the Fair Housing Act, 42 U.S.C. § 3604(b);
- b. The making of statements with respect to the rental of dwellings that indicate a preference, limitation, or discrimination based on sex, in violation of Section 804(c) of the Fair Housing Act, 42 U.S.C. § 3604(c); and
- c. Coercion, intimidation, threats, or interference with persons in the exercise or enjoyment of, or on account of their having exercised or enjoyed, their rights under Section 804 of the Fair Housing Act, in violation of Section 818 of the Fair Housing Act, 42 U.S.C. § 3617.

16. The conduct of Harold Calvert and Calvert Properties described above also constitutes:
 - a. A pattern or practice of resistance to the full enjoyment of rights granted by the Fair Housing Act, 42 U.S.C. §§ 301, *et seq.*; or
 - b. A denial to a group of persons of rights granted by the Fair Housing Act, 42 U.S.C. §§ 3601, *et seq.*, which denial raises an issue of general public importance.
17. Women who rented one or more of the subject properties have been injured by Defendants' discriminatory conduct. These women, including but not limited to Ms. Rowland, are aggrieved persons as defined in 42 U.S.C. § 3602(i), and have suffered damages as a result of Defendants' conduct.
18. Defendants' conduct was intentional, willful, and taken in disregard for the rights of others.

WHEREFORE, the United States prays that the Court enter an ORDER that:

1. Declares that Defendants' discriminatory housing practices violate the Fair Housing Act;
2. Enjoins Defendants, their agents, employees, and successors, and all other persons in active concert or participation with them, from:
 - a. Discriminating on account of sex against any person in any aspect of the rental of a dwelling;
 - b. Interfering with or threatening to take any action against any person in the exercise or enjoyment of rights granted or protected by the Fair Housing Act; and
 - c. Failing or refusing to take such affirmative steps as may be necessary to restore, as nearly as practicable, the victims of Defendants' past unlawful practices to the position they would have been in but for the discriminatory conduct;

3. Awards appropriate monetary damages to fully compensate each person aggrieved by Defendants' discriminatory housing practices for injuries caused by the Defendants' discriminatory conduct, pursuant to 42 U.S.C. § 3612(o)(3), 42 U.S.C. § 3613(c), and 42 U.S.C. § 3614(d)(1)(B); and
4. Assesses a civil penalty against Defendants to vindicate the public interest, pursuant to 42 U.S.C. § 3614(d)(1)(C).
5. The United States requests a jury trial.

6. The United States further prays for such additional relief as the interests of justice may require.

Dated: August 8, 2006

BRADLEY J. SCHLOZMAN
United States Attorney

/s/ Charles M. Thomas

By: _____
CHARLES M. THOMAS, MO # 28522
Assistant United States Attorney
Charles Evans Whittaker Courthouse
400 East Ninth Street, Room 5510
Kansas City, Missouri 64106
Telephone: (816) 426-3130
Facsimile: (816) 426-3165

ALBERTO R. GONZALEZ
Attorney General

/s/ Wan J. Kim

WAN J. KIM
Assistant Attorney General

/s/ Steven H. Rosenbaum

/s/Allen W. Levy

STEVEN H. ROSENBAUM, Chief
KEISHA DAWN BELL, Deputy Chief
ALLEN W. LEVY, Trial Attorney
Department of Justice
Civil Rights Division
Housing and Civil Enforcement Section
950 Pennsylvania Avenue, N.W.
Northwestern Building, 7th Floor
Washington, DC 20530
Telephone: (202) 514-2188
Facsimile: (202) 514-1116
Email: allen.levy@usdoj.gov