

MAR 13 2009

JAMES W. McCORMACK, CLERK
By: _____
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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF ARKANSAS
JONESBORO DIVISION

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 v.)
)
 BOBBY L. HURT AND SUE R. HURT,)
)
 Defendants.)
 _____)

CIVIL ACTION NO. 3 • 09 - CV - 0031 BSM

This case assigned to District Judge
and to Magistrate Judge

Miller
Jones

COMPLAINT AND REQUEST FOR JURY TRIAL

The United States of America alleges:

1. This action is brought by the United States to enforce the Fair Housing Act, 42 U.S.C. §§ 3601, et seq. (the Fair Housing Act).
2. This court has jurisdiction over this action under 28 U.S.C. § 1331, 28 U.S.C. § 1345, and 42 U.S.C. § 3614(a).
3. Venue is proper under 28 U.S.C. § 1391(b) because the actions giving rise to the United States' allegations occurred in Crittenden County in the Eastern District of Arkansas, Jonesboro Division, the properties that are the subject of this lawsuit are located in Crittenden County in the Eastern District of Arkansas, Jonesboro Division, and all of the Defendants do business in Crittenden County in the Eastern District of Arkansas, Jonesboro Division.
4. Defendant Bobby L. Hurt has provided property management services at numerous mobile home parks in West Memphis, Arkansas, including, but not limited to, the mobile homes located at 2216 E. Broadway (commonly known as the "Nicknack" trailer park), 108 S. 21st Street (commonly known as the "Mid-City" trailer park), and 2501-2514 and 2527-2529 Tyler

Circle, as well as at the trailer located behind the Corner Mart at 2917 Highway 147 South, in Proctor, Arkansas (collectively, "subject properties").

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

6. The property management services Defendant Bobby Hurt provided at the subject properties include, but are not limited to, showing available dwellings to prospective tenants, renting dwellings to prospective tenants, collecting rent, keeping track of past due rent, evicting tenants, accepting requests for repairs, making repairs, and maintaining the lawn and fences surrounding the mobile homes.

7. From at least October 1991 to January 2006, and again from February 2008 to September 2008, Defendant Sue Hurt owned the Nicknack and Mid-City trailer parks.

8. From August 2005 to March 2006, Defendant Bobby Hurt owned 2528 Tyler Circle in West Memphis, Arkansas.

9. From March 2003 to March 2006, Defendant Bobby Hurt and his wife, Defendant Sue R. Hurt, co-owned 2501-2514, 2527, and 2529 Tyler Circle in West Memphis, Arkansas.

10. From August 2001 to February 2008, Defendants Bobby and Sue Hurt co-owned 2217 Highway 147 South, in Proctor, Arkansas. Since May 2008, Defendant Bobby Hurt has owned and provided property management services at this property.

11. Defendant Bobby Hurt provided property management services at subject properties when they were owned or co-owned by Sue Hurt. In this capacity, Defendant Bobby Hurt acted as the agent of Defendant Sue Hurt.

12. From at least 2000 through the summer of 2008, Defendant Bobby Hurt has subjected female tenants and prospective tenants to discrimination on the basis of sex, including severe,

pervasive, and unwelcome sexual harassment. The harassment by Defendant Bobby Hurt has included, but is not limited to:

- a. unwanted verbal sexual advances, such as repeatedly commenting on a females' breasts, appearance, or relationship status;
- b. unwanted physical sexual advances, such as unwanted touching of the breasts;
- c. entering the dwellings of female tenants without permission or notice;
- d. conditioning the provision of housing on a female's submission to his sexual advances;
- e. conditioning the terms, conditions, and privileges of women's tenancy on the granting of sexual favors;
- f. threatening and taking steps to evict female tenants when they refused or objected to his sexual advances;
- g. granting and denying tangible housing benefits based on sex; and
- h. making statements of an intent to discriminate in the rental of housing based on sex.

13. Defendant Sue Hurt is liable for the discriminatory conduct of her agent, Bobby Hurt. In addition, Defendant Sue Hurt knew or should have known of the discriminatory conduct of Bobby Hurt, yet failed to take reasonable preventive or corrective measures.

14. The conduct described above violated the Fair Housing Act because it constitutes:
- a. A denial of housing or making housing unavailable because of sex, in violation of the 42 U.S.C. § 3604(a);
 - b. 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 42 U.S.C. § 3604(b);
- c. The making of statements with respect to the rental of dwellings that indicate a preference, limitation, or discrimination based on sex, in violation of 42 U.S.C. § 3604(c); and
 - d. 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 the Fair Housing Act, in violation of 42 U.S.C. § 3617.
15. The conduct of Defendants described above constitutes:
- a. A pattern or practice of resistance to the full enjoyment of rights granted by the Fair Housing Act, 42 U.S.C. §§ 3601, et seq.; and
 - b. A denial to a group of persons of rights granted by the Fair Housing Act, 42 U.S.C. §§ 3601, et seq., which raises an issue of general public importance.
16. Female tenants, prospective tenants, and persons associated with them have been injured by Defendants' discriminatory conduct. These persons are aggrieved persons as defined by 42 U.S.C. § 3602(i), and may have suffered damages as a result of Defendants' conduct.
17. Defendants' conduct described above 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 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

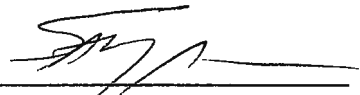
dwelling;

- 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. § 3614(d)(1)(B); and
 4. Assesses a civil penalty against Defendants Bobby and Sue Hurt to vindicate the public interest, pursuant to 42 U.S.C. § 3614(d)(1)(C).

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


Dated: 3/13, 2009


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