

**UNITED STATES OF AMERICA
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
OFFICE OF ADMINISTRATIVE LAW JUDGES**

The Secretary, United States)
Department of Housing and Urban)
Development, on behalf of)
Lanessia Rowland, William Rowland,)
and Brittnie Rowland,)
)
Charging Party,)
)
v.)
)
)
Harold Calvert and)
Calvert Properties, Inc.)
)
Respondents.)
_____)

FHEO No.: 07-04-0317-8

CHARGE OF DISCRIMINATION

I. JURISDICTION

On or about February 9, 2004, Complainant Lanessia Rowland, an aggrieved person, timely filed a verified complaint with the U.S. Department of Housing and Urban Development (HUD), alleging Respondents Harold Calvert and Calvert Properties, Inc., committed discriminatory housing practices on the basis of sex (female) in violation of Section 818 of the Fair Housing Act as amended in 1988, 42 U.S.C. §§ 3601 *et seq.* (2005) (hereafter, the “Act”). On or about December 28, 2005, the complaint was amended to allege Respondents also committed discriminatory housing practices on the basis of sex (female) in violation of Section 804(b) of the Act and to add Complainant’s minor children, William Rowland and Brittnie Rowland, as aggrieved persons.

The Act authorizes the issuance of a Charge of Discrimination (Charge) on behalf of an aggrieved person following an investigation and a determination that reasonable cause exists to believe that a discriminatory housing practice has occurred. 42 U.S.C. § 3610(g)(1) and (2) (2005). The Secretary has delegated to the General Counsel (54 Fed. Reg. 13121 (Mar. 30, 1989)), who has redelegated to the Regional Counsel (67 Fed. Reg. 44234 (Jul. 1, 2002)), the authority to issue such a Charge, following a determination of reasonable cause by the Assistant Secretary for Fair Housing and Equal Opportunity (FHEO) or her designee.

By Determination of Reasonable Cause of June 15, 2006, the FHEO Region VII Director, on behalf of the Assistant Secretary for Fair Housing and Equal Opportunity, has determined that reasonable cause exists to believe that discriminatory housing practices have occurred based on sex and has authorized and directed the issuance of this Charge of Discrimination.

II. SUMMARY OF THE ALLEGATIONS IN SUPPORT OF THIS CHARGE

Based on HUD's investigation of the allegations contained in the aforementioned complaint and as set forth in the aforementioned Determination of Reasonable Cause, Respondents are charged with discriminating against the Complainant based on sex in violation of 42 U.S.C. §§ 3604(b) and 3617 of the Act as follows:

A. Applicable Federal Law

1. It is unlawful to discriminate against any person in the terms, conditions, or privileges of the rental of a dwelling, or in the provision of services or facilities in connection therewith, because of sex. 42 U.S.C. § 3604(b) (2005); 24 C.F.R. § 100.50(b)(2) (2006) and 100.65(a) (2006).
2. It is unlawful to coerce, intimidate, threaten, or interfere with any person in the exercise or enjoyment of any right granted or protected by Section 803, 804, 805, or 806 of the Act. 42 U.S.C. § 3617 (2005); 24 C.F.R. § 100.400(b) and (c)(2) (2006).

B. Background

3. Complainant Lanessia Rowland is a 33-year-old divorced female. At the time of the allegations, Complainant's son William Rowland, an aggrieved person, was age 13 and her daughter Brittanie Rowland, an aggrieved person, was age 9. Complainant has bipolar affective disorder and receives Social Security disability payments.
4. At all times relevant to the allegations, Respondent Calvert Properties, Inc. owned approximately 16 single-family rental homes in Richmond, Missouri, including the subject property, located at 404 Church Street, Richmond, Missouri 64085.
5. At all times relevant to the allegations, Respondent Harold Calvert, an 85-year-old married male, was president of Calvert Properties, Inc. and managed all of the rental properties.
6. Complainant received a Section 8 voucher from the Richmond, Missouri Housing Authority (RHA) in July 2003. Respondent Calvert agreed to rent Complainant a single-family home located at 404 Church Street in early August 2003, with the lease term to end on July 31, 2004. Complainant paid Respondent Calvert \$200 of a required \$300 security deposit in August 2003.
7. Complainant started moving her belongings into her new home in early to mid-August 2003. On the day Complainant was moving in, Respondent Calvert stopped by the property and one of the first statements he made to Complainant was he could make her life easier. In the

kitchen of her new home, Respondent Calvert hugged Complainant, groped her breast, and attempted to kiss her. Complainant's 9-year-old daughter walked into the kitchen during the sexual advances. Complainant rejected Respondent Calvert and told him she did not want him touching her and he left.

8. A few days later, Complainant and her children were at her home when Respondent Calvert stopped by again. Complainant was in her bedroom when Respondent Calvert entered the room. Respondent Calvert grabbed Complainant's arms so she could not move and attempted to kiss her. While Respondent Calvert was holding Complainant, he told her that he could make her life better. Complainant's son walked in the bedroom and saw Respondent Calvert with his arms on his mother pinning her. Complainant's son yelled and cursed at Respondent Calvert to get his hands off his mother. Respondent Calvert let go of Complainant and quickly left the house.
9. A few weeks after the incidents in August 2003, Respondent Calvert stopped by the Complainant's house and spoke to Complainant on the back porch. Respondent Calvert asked Complainant to pay the remaining \$100 of the security deposit she still owed him. During the encounter, Respondent Calvert attempted to hug Complainant and she rejected him by pushing him away.
10. Between September and December 2003, Respondent Calvert drove or stopped by Complainant's home on about a weekly basis, often on the weekend, and sat in his truck outside the house. Complainant stated she pretended she was not home, and he generally did not come to the door.
11. In approximately December 2003, Respondent Calvert offered Complainant money to perform a sex act with him. Complainant and her boyfriend at that time, Harry Robert Rowland (not her ex-husband), arrived at her house in a car, and Respondent Calvert was waiting in his truck in the driveway. Complainant's boyfriend remained in the car while Complainant got out and spoke to Respondent Calvert. During the conversation, Respondent Calvert asked Complainant if she would "suck his dick" for \$100. Complainant told him no and got back in the car. Respondent Calvert got in his truck and drove off.
12. Respondent Calvert showed up at Complainant's house again on or about December 24, 2003. During his conversation with her, Respondent Calvert asked Complainant if she would "suck his dick" if he gave her \$100. Complainant responded no and told Respondent Calvert she didn't do that. Respondent Calvert told Complainant she could get her sister to show her how and they could do it together.¹
13. After the incident on December 24, 2003, coupled with Respondent Calvert's previous sexual advances, Complainant became increasingly afraid to be alone and concerned about her safety.

¹ Complainant stated her sister was a prostitute who lived in the Kansas City, Missouri area.

14. On or about January 5, 2004, Complainant told Valerie MacDonald, Section 8 Manager at RHA, about Respondent Calvert's unwanted sexual advances. Ms. MacDonald suggested Complainant file a police report, obtain a restraining order, call fair housing, change her locks and try to move out.
15. On or about January 9, 2004, Complainant reported Respondent Calvert's conduct to the Richmond Police Department. Complainant informed police Respondent Calvert had been sexually harassing her since she moved into his rental property.
16. On or about January 21, 2004, Complainant filed a petition for an Ex Parte Order of Protection against Respondent Calvert in the Circuit Court of Ray County, Missouri. The judge granted the Ex Parte Order on January 22, 2004, and set a hearing date. On February 2, 2004, Complainant, represented by a legal aid attorney, and Respondent Calvert, represented by counsel, appeared for the hearing. Respondent Calvert consented to the entry of a Full Order of Protection. The judge granted Complainant a Full Order of Protection, effective from February 2, 2004, until February 1, 2005, ordering Respondent Calvert to restrain from committing any further acts of abuse and having any contact with Complainant.
17. After obtaining the Order of Protection, Complainant continued to live in Respondent Calvert's rental property. Respondent Calvert ceased making sexual advances to Complainant but in April 2004, Respondent Calvert continued to upset and scare Complainant by driving by her house nearly every other day.
18. Complainant moved out of the subject property in approximately early December 2004.
19. Respondent Calvert's actions caused Complainant emotional distress, exacerbated her mental condition and interfered with her enjoyment of her home. Complainant did not feel safe in her home, did not want to be alone in her home, had trouble sleeping and at times felt she could not leave her home because she feared Respondent Calvert might enter the house when she was not there.
20. Complainant's children, William and Brittnie Rowland, aggrieved persons, were upset after they witnessed Respondent Calvert groping and trying to kiss their mother.

Sexual Misconduct Allegations by Other Female Tenants

21. In addition to Complainant, Respondent Calvert has subjected at least six other female tenants to offensive sexual remarks, unwanted and inappropriate sexual contact, or requests for unwanted and inappropriate sexual contact. Respondent Calvert's inappropriate sexual conduct included offering to pay tenants for sex, requesting sex in exchange for rent or other favors, unwanted attempts to kiss and grope, placing a woman's hand on his penis area, and repeated sexual intercourse with at least one female tenant.

C. Fair Housing Act Violations

22. By Respondent Calvert engaging in severe and pervasive conduct by making repeated unwelcome sexual comments and physical advances to Complainant because of her sex, Respondents subjected her to a hostile housing environment in violation of 42 U.S.C. § 3604(b) (2005); 24 C.F.R. § 100.50(b)(2) (2006).
23. By Respondent Calvert engaging in severe and pervasive conduct by intimidating and frightening Complainant Rowland and causing her to fear for her safety and well-being because of her sex, Respondents subjected her to a hostile housing environment in violation of 42 U.S.C. § 3604(b) (2005); 24 C.F.R. § 100.50(b)(2) (2006).
24. By Respondent Calvert making repeated unwelcome sexual advances to Complainant and intimidating and frightening Complainant by stopping by or driving by the property frequently because of her sex, Respondents interfered with Complainant's right to quiet enjoyment of her unit without interference from sexual harassment in violation of 42 U.S.C. § 3617 (2005); 24 C.F.R. § 100.400(b) and (c)(2) (2006).
25. As a result of Respondents' actions, Complainant Rowland experienced a hostile housing environment that was significantly less desirable than if the conduct had not occurred, and, consequently, she and her children suffered damages including emotional distress, embarrassment, humiliation, inconvenience, and economic loss.

III. CONCLUSION

WHEREFORE, the Secretary of the U.S. Department of Housing and Urban Development, through the Office of the General Counsel, and pursuant to 42 U.S.C. § 3610(g)(2)(A) (2005) of the Act, hereby charges Respondents with engaging in discriminatory housing practices in violation of 42 U.S.C. §§ 3604(b) and 3617 of the Act, and prays that an order be issued that:

1. Declares that the discriminatory housing practices of the Respondents, as set forth above, violate the Act, 42 U.S.C. §§ 3601 *et seq.* (2005);
2. Enjoins Respondents, their agents, employees, and successors, and all other persons in active concert or participation with them from discriminating because of sex against any person in any aspect of the rental of a dwelling;
3. Awards such damages as will fully compensate Complainant Rowland and aggrieved persons, William Rowland and Brittnie Rowland, for their emotional distress, embarrassment, humiliation, inconvenience, and economic loss caused by Respondents' discriminatory conduct pursuant to 42 U.S.C. § 3612(g)(3) (2005); and
4. Awards an \$11,000 civil penalty each against Respondent Harold Calvert and Respondent Calvert Properties, Inc., for each violation of the Act that they are found to have committed pursuant to 42 U.S.C. § 3612(g)(3) (2005).

The Secretary of HUD further prays for additional relief as may be appropriate under 42 U.S.C. § 3612(g)(3) (2005).

Respectfully submitted,

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