

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MICHIGAN

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	CIVIL ACTION NO. _____
v.	)	
	)	
FRANK DAVID TJOELKER,	)	
	)	
Defendant.	)	
_____	)	

**COMPLAINT AND DEMAND FOR JURY TRIAL**

The United States of America alleges as follows:

1. This action is brought by the United States to enforce the provisions of Title VIII of the Civil Rights Act of 1968 (the Fair Housing Act), as amended, 42 U.S.C. §§ 3601, et seq.

**JURISDICTION AND VENUE**

2. This court has jurisdiction over this action under 28 U.S.C. §§ 1331 and 42 U.S.C. § 3614(a).

3. Venue is proper in this district under 28 U.S.C. § 1391(b) because the actions and omissions giving rise to the United States' allegations occurred in the Western District of Michigan, and Defendant resides and/or does business in the Western District of Michigan.

**FACTUAL ALLEGATIONS**

4. Defendant Frank David Tjoelker is a resident of Grand Rapids, Michigan.

5. Defendant Tjoelker has operated a residential rental business in or around Grand Rapids, Michigan for more than fifteen years. Since 1998 through the present, Defendant

Tjoelker has owned over fifteen residential rental properties located in and around Grand Rapids, Michigan (the subject properties). The subject properties include row houses, single family homes with more than one rental unit inside, and apartments.

6. At all times relevant to this action, Defendant Tjoelker controlled all aspects of the management of each subject property including, but not limited to, advertising vacancies, accepting or rejecting prospective tenants, setting rates for rent and security deposits, collecting rent, accepting requests for repairs, and evicting tenants.

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

8. Since at least 2001 through the present, Defendant Tjoelker has subjected actual and prospective female tenants of the subject properties to discrimination on the basis of sex, including severe, pervasive, and unwelcome sexual harassment, on multiple occasions. Such conduct has included, but is not limited to:

- a. Making unwelcome sexual comments and unwelcome sexual advances to female tenants and prospective female tenants;
- b. Groping or otherwise touching female tenants and prospective female tenants on their breasts and bodies without their consent;
- c. Offering to grant tangible housing benefits—such as reducing the rent, overlooking or excusing late or unpaid rent, and forestalling or terminating eviction proceedings—in exchange for sexual favors; and
- d. Taking adverse housing actions, or threatening to take such actions, against female tenants or prospective female tenants who have objected to and/or would not continue to grant sexual favors.

**CAUSE OF ACTION**

9. By the actions and statements described above, Defendant Tjoelker has:
  - a. Discriminated 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);
  - b. Made statements with respect to the rental of dwellings that indicate a preference, limitation, or discrimination based on sex, in violation 42 U.S.C. § 3604(c); and
  - c. Coerced, intimidated, threatened, or interfered with persons in the exercise or enjoyment of, or on account of their having exercised or enjoyed, their rights granted or protected by Section 804 of the Fair Housing Act, in violation of 42 U.S.C. § 3617.
10. The conduct of Defendant Tjoelker constitutes:
  - a. A pattern or practice of resistance to the full enjoyment of the 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 denial raises an issue of general public importance.
11. Female tenants, prospective tenants, and persons associated with them have been injured by the Defendant Tjoelker's discriminatory conduct. Such persons are aggrieved persons as defined in 42 U.S.C. § 3602(i), and have suffered damages as a result of Defendant Tjoelker's conduct.
12. Defendant Tjoelker's conduct was intentional, willful, and/or taken in reckless disregard of the rights of others.

**PRAYER FOR RELIEF**

WHEREFORE, the United States requests that the Court enter an Order that:

- a. Declares that Defendant Tjoelker's discriminatory practices violate the Fair Housing Act, as amended, 42 U.S.C. §§ 3601, et seq.;
- b. Enjoins Defendant Tjoelker, his agents, employees, and successors, and all other persons in the active concert or participation with him from:
  - i. Discriminating on the basis of sex, including engaging in sexual harassment, in any aspect of the rental of a dwelling;
  - ii. Interfering with or threatening to take any action against any person engaged in the exercise or enjoyment of rights granted or protected by the Fair Housing Act, as amended;
  - iii. Failing or refusing to take such affirmative steps as may be necessary to restore, as nearly as practicable, the victims of Defendant Tjoelker's past unlawful practices to the position they would have been in but for the discriminatory conduct; and
  - iv. Failing or refusing to take such affirmative steps as may be necessary to prevent the recurrence of any discriminatory conduct in the future and to eliminate, as nearly as practicable, the effects of Defendant Tjoelker's unlawful practices;
- c. Awards monetary damages to each person aggrieved by Defendant Tjoelker's discriminatory conduct, pursuant to 42 U.S.C. § 3614(d)(1)(B);
- d. Assesses civil penalties against Defendant Tjoelker in order to vindicate the public interest, pursuant to 42 U.S.C. § 3614(d)(1)(c); and

- e. Awards such additional relief as the interests of justice may require.

**JURY DEMAND**

The United States demands a trial by jury of all issues so triable pursuant to Rule 38 of the Federal Rules of Civil Procedure.

Dated: October 3, 2017

Respectfully submitted,

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