

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
HARRISONBURG DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 5:20-cv-00062
)	
GARY THOMAS PRICE;)	
GTP INVESTMENT PROPERTIES,)	
LLC; and ALBERTA LOWERY,)	JURY DEMAND
)	
Defendants.)	

COMPLAINT

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 1345; 42 U.S.C. § 3614(a); and 28 U.S.C. §§ 2201 and 2202.

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 herein occurred in the Western District of Virginia, and the Defendants reside or do business in the Western District of Virginia.

DEFENDANTS AND SUBJECT PROPERTIES

4. Defendant Gary Thomas Price (“Defendant Price”) and Defendant Alberta Lowery (“Defendant Lowery”) are residents of Harrisonburg, Virginia.

5. Defendant Price manages multiple residential rental properties in the City of Harrisonburg, Virginia, and surrounding areas in the Western District of Virginia (“subject

properties”). The subject properties consist of single-family homes, lots at mobile home parks, and trailers at mobile home parks, and include but may not be limited to the following eight properties: a single-family home at 6788 Rawley Pike in Hinton, Virginia; a single-family home at 4873 Guinea Lane in Harrisonburg, Virginia; a single-family home at 1091 Shirttail Alley in Harrisonburg; an individual lot space at a mobile home park located at 1612 Pine Tree Lane in Harrisonburg; and individual lot spaces 4794, 4865, 4949 and 4939 at a mobile home park on Guinea Lane in Harrisonburg.

6. The subject properties, including individual lot spaces, are “dwellings” within the meaning of the Fair Housing Act, 42 U.S.C. § 3602(b).

7. Defendant Price performs or has performed a full range of management duties relating to all subject properties, including, but not limited to, advertising vacancies; accepting or rejecting applications; establishing the terms of leases, rent rates, and security deposits; collecting rent; accepting requests for and making repairs; communicating with tenants about late payments; and initiating eviction and other court proceedings. Defendant Price has performed these duties at one or more of the subject properties since at least 2000.

8. During the time period relevant to this action, Defendant Lowery owned at least three of the subject properties: the single-family home at 6788 Rawley Pike in Hinton (from May of 2008 to the present); the single-family home at 1091 Shirttail Alley in Harrisonburg (from November 2012 to the present); and the individual lot space at 4939 Guinea Lane in Harrisonburg (from September of 2008 through July of 2016). During the period in which Defendant Lowery owned the three properties, Defendant Price served as her managing agent for each of the properties, and, with her knowledge and consent, performed the duties described in paragraph 7, above.

9. Defendant GTP Investment Properties, LLC (“GTP”) is a Virginia limited liability company with a principal place of business at 1249 Shirrtail Alley in Harrisonburg, Virginia. GTP was created in March of 2016. GTP currently owns at least 14 residential rental properties, including the single-family home at 4873 Guinea Lane, the individual lot spaces 4794, 4865, 4949, and 4939 at the Guinea Lane mobile home park, and the individual lot space at the Pine Tree Lane mobile home park in Harrisonburg referred to in paragraph 5, above. Defendant Price is the sole member of the LLC, a beneficiary of the LLC’s assets, and the LLC’s registered agent.

10. Defendant GTP is a successor in interest to Evelyn Price, Defendant Price’s mother, who died in March 2017. In 2016, Ms. Price deeded to GTP the single-family home at 4873 Guinea Lane and the two mobile home parks at Guinea Lane and Pine Tree Lane referred to in paragraph 5, all three of which are among the subject properties.

11. In July of 2016, Defendant Lowery deeded to GTP at least one additional subject property, lot space 4939 at the Guinea Lane mobile home park.

12. Defendant GTP has been the sole owner of the properties referenced in paragraphs 9 and 11, above, since the transfer of those properties to the LLC in 2016. Both before and after the transfer of the properties from Ms. Price and Defendant Lowery to GTP, Defendant Price served as the sole rental manager for the properties. Since the transfer of the properties to GTP, GTP has substantially continued the operations of the rental real estate business as it existed when Ms. Price and Defendant Lowery owned the properties, including sole management of the properties by Defendant Price.

13. Defendant Lowery continues to own at least two subject properties that are currently managed by Defendant Price. These are the two single-family homes at 1091 Shirrtail Alley in Harrisonburg and 6788 Rawley Pike in Hinton.

FACTUAL ALLEGATIONS

14. From at least 2000 through 2016, Defendant Gary Price has subjected tenants and prospective tenants of the subject properties to discrimination on the basis of sex, including severe, pervasive, and unwelcome sexual harassment. Price's conduct has included, *inter alia*:

- a. Making unwelcome sexual comments, advances, and gestures to female tenants;
- b. Taking adverse housing actions, such as initiating eviction proceedings, raising rent, or refusing to make repairs, against female tenants who rejected his sexual overtures;
- c. Conditioning or offering tangible housing benefits, including tenancy, reductions in rent, acceptance of late payments, repairs, and postponing or terminating eviction proceedings, on the provision of sexual favors, including, but not limited to, sexual intercourse and oral sex;
- d. Exposing his genitals to a female tenant, a prospective female tenant, and the female guest of a tenant;
- e. Inviting female tenants to view pornography with him;
- f. Entering the homes of female tenants without permission or notice, including late at night, for the purpose of making sexual overtures; and
- g. Surveilling female tenants while they were inside their homes or in their yards for extended periods of time when he had no legitimate reason for doing so.

15. For example, between early 2013 and the late spring or early summer of 2016, Defendant Price repeatedly asked a female tenant to have sex with him, offered to pay her \$500 in exchange for sex, suggested that he hire her out for sex at a nearby prostitution ring and keep some of the “profits” himself to apply to the rent, and threatened to have her evicted if she did not perform oral sex for him in exchange for rent.

16. In addition, between 2012 and 2013, Defendant Price suggested to another female tenant that she provide him with sexual favors in lieu of rent, initiated court proceedings against her when she refused, and repeatedly surveilled the bedroom of her home for long periods following her rejection of his advances.

17. Between 2008 and 2016, Defendant Price also engaged in discrimination on the basis of race by telling tenants that they could not entertain African-American guests in their homes, threatening to harm an African-American guest if the guest returned, informing a tenant that he (Price) did not rent to biracial couples, and using repeated racial epithets and slurs to refer to tenants and African-American guests.

18. Defendant Lowery is liable for Defendant Price’s discriminatory conduct described above at 6788 Rawley Pike in Hinton, and 1091 Shirttail Alley and 4939 Guinea Lane in Harrisonburg, because Defendant Price was exercising his authority as Defendant Lowery’s agent when he engaged in this conduct.

19. Defendant GTP, as a successor in interest to Ms. Price, is liable for Defendant Price’s discriminatory housing conduct described above at properties owned by Ms. Price, namely 4794, 4865, 4949, and 4873 Guinea Lane, and 1612 Pine Tree Lane in Harrisonburg, because Defendant Price was exercising his authority as Ms. Price’s agent when he engaged in this conduct. GTP has substantially continued business operations at the properties it acquired

from Ms. Price. Defendant Price is the sole member and agent of GTP and acted as the manager of the subject properties, both before and after they were acquired by GTP.

CAUSE OF ACTION

20. By the actions and statements described above, the Defendants have:
 - a. Refused to rent, refused to negotiate for the rental of, or otherwise made unavailable or denied, dwellings to persons because of sex, in violation of 42 U.S.C. § 3604(a);
 - b. 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 or race, in violation of 42 U.S.C. § 3604(b);
 - c. Made statements with respect to the rental of dwellings that indicate a preference, limitation, or discrimination based on sex or race, in violation of 42 U.S.C. § 3604(c); and
 - d. 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 the Fair Housing Act, in violation of 42 U.S.C. § 3617.
21. The Defendants' conduct as described above 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/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.

22. Tenants, prospective tenants, and persons associated with them have been injured by the Defendants' discriminatory conduct. Such persons are aggrieved persons as defined in 42 U.S.C. § 3602(i) and have suffered damages as a result of the Defendants' conduct.

23. Defendant Price's conduct was intentional, willful, or taken in reckless disregard of the rights of others.

PRAYER FOR RELIEF

WHEREFORE, the United States demands trial by jury, and requests that the Court enter an Order that:

- a. Declares that the Defendants' discriminatory practices violate the Fair Housing Act, as amended, 42 U.S.C. §§ 3601, *et seq.*;
- b. Enjoins the Defendants, their agents, employees, successors, and all other persons or entities in active concert or participation with them from:
 - i. Discriminating on the basis of sex, including engaging in sexual harassment, in any aspect of the sale or rental of a dwelling;
 - ii. Discriminating on the basis of race in any aspect of the sale or rental of a dwelling;
 - iii. 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;
 - iv. Failing or refusing to take such affirmative steps as may be necessary to restore, as nearly as practicable, aggrieved persons affected by the Defendants' past unlawful practices to the position they would have been in but for the discriminatory conduct; and

- v. Failing or refusing to take such affirmative steps as may be necessary to prevent the recurrence of any discriminatory conduct in the future;
- c. Awards such preventive relief, including a permanent or temporary injunction, restraining order, or other order against the Defendants for a violation of the Fair Housing Act, as amended, pursuant to 42 U.S.C. § 3614(d)(1);
- d. Awards monetary damages to each person aggrieved by the Defendants' conduct, pursuant to 42 U.S.C. § 3614(d)(1)(B);
- e. Assesses civil penalties against the Defendants in order to vindicate the public interest, pursuant to 42 U.S.C. § 3614(d)(1)(c); and
- f. Awards such additional relief as the interests of justice may require.

Dated: September 29, 2020

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Respectfully submitted,

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