

JURY TRIAL DEMANDED

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

Civil Action No.

HEZEKIAH WEBB and JAMESEVA WEBB,

Defendants.

COMPLAINT

Plaintiff, the United States of America, alleges:

1. This action is brought by the United States to enforce provisions of Title VIII of the Civil Rights Act of 1968 (the “Fair Housing Act” or “FHA”), as amended by the Fair Housing Amendments Act of 1988, 42 U.S.C. §§ 3601 to 3619.

2. The United States brings this action pursuant to 42 U.S.C. § 3612(o) on behalf of Shakhari Bell, and pursuant to 42 U.S.C. § 3614(a).

JURISDICTION AND VENUE

3. This Court has jurisdiction over this action under 28 U.S.C. §§ 1331 and 1345, and 42 U.S.C. §§ 3612(o)(1) and 3614(a).

4. Venue is proper in this District under 28 U.S.C. § 1391(b) because the events giving rise to the United States’ claim occurred in this District.

5. Defendants Hezekiah Webb and Jameseva Webb reside in Illinois and do business in St. Louis, Missouri.

THE DEFENDANTS AND SUBJECT PROPERTIES

6. At all times relevant to this action, Defendant Hezekiah Webb (H. Webb) and Defendant Jameseva Webb (J. Webb) owned and operated four or more rental units in St. Louis, Missouri, including a single-family home located at 4514 Margaretta Avenue, a two-unit property located at 4515 Margaretta Avenue, a four-unit property located at 4517 Margaretta Avenue, and a two-unit property located at 4819 Anderson Avenue. H. Webb and J. Webb may have owned additional rental properties in the St. Louis area.

7. The properties are or were “dwellings” within the meaning of 42 U.S.C. § 3602(b).

8. At all times relevant to this action, H. Webb controlled and/or had the power to control all aspects of the management of the rental properties. H. Webb performed such management in his capacity as co-owner of the properties and in his capacity as the agent of the co-owner, J. Webb.

ALLEGATIONS OF SEXUAL HARASSMENT

9. In January 2012, Shakhari Bell saw an advertisement for a rental unit at 4515 Margaretta Avenue. Bell called the phone number listed in the advertisement and spoke to H. Webb. Bell and H. Webb made arrangements for Bell to see the property four days later.

10. H. Webb showed Bell the property and Bell filled out a rental application on January 30, 2012.

11. Bell signed a year-long lease and moved into the unit on February 8, 2012. Bell’s girlfriend was present at the time Bell signed the lease and moved in.

12. From February 8, 2012, through the termination of Bell’s tenancy four months later, H. Webb subjected Bell to severe, pervasive, and unwelcome sexual harassment on multiple occasions, including but not limited to:

- a. Demands to know personal information about Bell, including, but not limited to, whether she had a boyfriend, how she engaged in sex with her girlfriend, whether she and her girlfriend engaged in threesomes, and whether she and her girlfriend would engage in a threesome with him;
 - b. Sexual comments regarding Bell's body;
 - c. Offering tangible housing benefits, including forgiving or reducing rent, in exchange for sex;
 - d. A request and/or attempt to touch Bell's breasts; and
 - e. Repeatedly watching Bell and her guests from outside her home for no legitimate business purpose.
13. Bell refused all of H. Webb's sexual advances and indicated that his conduct was unwelcome.
14. H. Webb accused Bell of violating the lease due to, among other things, excessive noise and gambling. H. Webb refused to accept Bell's April 2012 rent payment.
15. H. Webb filed an eviction action against Bell on April 18, 2012, citing nonpayment of rent. On June 1, 2012, the local court ruled in H. Webb's favor.
16. Bell moved out of the unit at 4515 Margarett Avenue on June 8 or 9, 2012.
17. H. Webb's conduct made Bell feel uncomfortable, helpless, anxious, and unsafe.
18. H. Webb's sexual conduct towards Bell was unwelcome and offensive, and was sufficiently severe or pervasive to have the effect of imposing different terms, conditions, or privileges of her housing arrangement and interfering with her enjoyment of housing.
19. On multiple occasions between, at least, 2009 and 2013, H. Webb made unwelcome sexual comments and advances to tenants, including unwelcome touching, comments about their

bodies, questions about their sexual partners, gestures indicating his sexual arousal, and offering tangible housing benefits, including forgiving or reducing rent, in exchange for sex.

20. H. Webb's conduct towards these women was sufficiently severe or pervasive to have the effect of imposing different terms, conditions, or privileges of their housing and interfering with their enjoyment of housing.

21. H. Webb's discriminatory housing practices described in paragraphs 19 through 20 occurred while H. Webb exercised his authority as property manager for the properties listed in paragraph 6, including but not limited to collecting rent from female tenants, making repairs to units, and/or enforcing lease provisions.

22. H. Webb initiated eviction proceedings against female tenants in an attempt to coerce tenants to grant him sexual favors and in retaliation for refusing his sexual advances.

23. J. Webb is liable for the discriminatory housing practices of her agent, H. Webb.

HUD COMPLAINT AND CHARGE OF DISCRIMINATION

24. Pursuant to 42 U.S.C. § 3610(a), Bell filed a timely complaint of discrimination on the basis of sex with the Department of Housing and Urban Development ("HUD") against the defendants on April 19, 2013.

25. Pursuant to 42 U.S.C. §§ 3610(a) and (b), the HUD Secretary conducted and completed an investigation of Bell's complaint, attempted conciliation without success, and prepared a final investigative report.

26. Based upon the information gathered in the investigation, the HUD Secretary, pursuant to 42 U.S.C. § 3610(g)(1), determined that reasonable cause existed to believe that the defendants engaged in illegal discriminatory housing practices against Bell.

27. Therefore, on July 26, 2016, the HUD Secretary issued a Charge of Discrimination, pursuant to 42 U.S.C. § 3610(g)(2)(A), against the defendants on behalf of Bell.

28. On August 1, 2016, Bell elected to have the claims asserted in the Charge of Discrimination resolved in a civil action pursuant to 42 U.S.C. § 3612(a).

29. On August 2, 2016, an Administrative Law Judge issued a Notice of Election to Proceed in United States Federal District Court and terminated the administrative proceeding on the Charge of Discrimination.

30. On August 3, 2016, the HUD Secretary authorized the Attorney General to commence a civil action pursuant to 42 U.S.C. § 3612(o).

VIOLATION OF THE FHA

31. Paragraphs 1 through 30 are re-alleged and incorporated into paragraphs 32 through 38 by reference.

COUNT I

32. By the actions and statements referred to in the foregoing paragraphs, the defendants' conduct constitutes:

- a. A denial of housing or making housing unavailable because of sex in violation of Section 804(a) of the FHA, 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 Section 804(b) of the FHA, 42 U.S.C. § 3604(b);
- c. The making of statements with respect to the rental of dwellings that indicate a preference, a limitation, or discrimination based on sex, in violation of Section 804(c) of the FHA, 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 Section 804 of the FHA, in violation of Section 818 of the FHA, 42 U.S.C. § 3617.

33. Bell is an “aggrieved person” as defined in 42 U.S.C. § 3602(i).

34. Bell has suffered damages as a result of the defendants’ discriminatory conduct.

35. The defendants’ discriminatory conduct was intentional, willful, and/or taken in reckless disregard of the rights of others.

COUNT II

36. By the actions and statements referred to in the foregoing paragraphs, the defendants have engaged in:

a. A pattern or practice of resistance to the full enjoyment of rights granted by the FHA, in violation of 42 U.S.C. § 3614(a); and/or

b. A denial to a group of persons of rights granted by the FHA, where such denial raises an issue of general public importance, in violation of 42 U.S.C. § 3614(a).

37. In addition to Bell, other tenants were subjected to H. Webb’s unwelcome sexual conduct or were otherwise harmed by such 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’ discriminatory conduct.

38. The defendants’ discriminatory conduct was intentional, willful, and/or taken in reckless disregard of the rights of others.

PRAYER FOR RELIEF

WHEREFORE, the United States prays that this Court enter an order that:

A. Declares that the defendants’ actions, policies, and practices, as alleged herein, violate the FHA;

B. Declares that the defendants have engaged in a pattern or practice of discrimination in violation of the FHA, or have denied rights guaranteed under the FHA to a group of persons, which denial raises an issue of general public importance;

C. Enjoins the defendants, their agents, employees, and successors, and all other persons 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 rental or lease of a dwelling;
- ii. Discriminating in the terms, conditions, or privileges of rental of a dwelling, or in the provision of services or facilities in connection therewith, on the basis of sex;
- iii. Stating any preference, limitation, or discrimination on the basis of sex;
- iv. Coercing, intimidating, threatening, or interfering with any person in the exercise or enjoyment of, or on account of their having exercised or enjoyed, their rights under the FHA;
- v. Failing or refusing to take such affirmative steps as may be necessary to restore, as nearly as practicable, the victims of the defendants' past unlawful practices to the position they would have been in but for the discriminatory conduct; and
- vi. Failing or refusing to take such affirmative steps as may be necessary to prevent recurrence of any discriminatory conduct in the future and to eliminate, to the extent practicable, the effects of the defendants' unlawful housing practices;

D. Requires the defendants, pursuant to 42 U.S.C. §§ 3612(o)(3) and 3613(c)(1), to pay monetary damages to Bell;

E. Awards monetary damages, pursuant to 42 U.S.C. § 3614(d)(1)(B), to each additional person aggrieved by the defendants' discriminatory housing practices; and

F. Assesses a civil penalty against each defendant in order to vindicate the public interest, pursuant to 42 U.S.C. § 3614(d)(1)(C) and 28 C.F.R. § 85.3(b)(3).

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

JURY DEMAND

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

Dated: August 31, 2016

LORETTA E. LYNCH
Attorney General

/s Vanita Gupta
VANITA GUPTA
Principal Deputy Assistant Attorney General
Civil Rights Division

/s Sameena Shina Majeed
SAMEENA SHINA MAJEED
Chief

/s Abigail A. Nurse
ANDREA K. STEINACKER
Special Litigation Counsel
ABIGAIL A. NURSE, 5244512NY
Trial Attorney
Housing and Civil Enforcement Section
Civil Rights Division
U.S. Department of Justice
950 Pennsylvania Avenue NW
Northwestern Building, 7th Floor
Washington, DC 20530
Phone: (202) 353-9732
Fax: (202) 514-1116
Abigail.Nurse@usdoj.gov