

Bailey has owned a four unit apartment building located at 3642 Northdale Place, in Cincinnati, Ohio. From approximately July 2002 to July 2010, Defendant Henry Bailey owned a five unit apartment building located at 4200 Redwood Terrace in St. Bernard, Ohio. From approximately December 2000 to December 2007, Defendant Henry Bailey owned a three four unit apartment buildings located at 6046 Stover Avenue, 6056 Stover Avenue and 6065 Stover Avenue in Cincinnati, Ohio. From approximately December 2000 to May 2008, Defendant Henry Bailey owned a four unit apartment building located at 6066 Stover Avenue in Cincinnati, Ohio.

5. Venue is proper under 28 U.S.C. § 1391(b) because: the defendant resides in the Southern District of Ohio; the actions giving rise to the United States' allegations occurred in the Southern District of Ohio; and the properties identified in paragraph four that are the subject of this action are located in the Southern District of Ohio.
6. The properties identified in paragraph four and the apartments located therein are dwellings within the meaning of 42 U.S.C. § 3602(b).
7. During all times that Defendant Henry Bailey owned each of the properties identified in paragraph 4, he controlled and/or had the power to control all aspects of the management of each property including, but not limited to, showing available dwellings to prospective tenants, collecting rent, keeping track of past due rent, evicting tenants, accepting requests for repairs, making repairs, and performing maintenance.
8. From at least 2008 through the present, Defendant Henry Bailey on multiple occasions subjected actual and prospective female tenants of the subject properties to discrimination on the basis of sex, including severe, pervasive and unwelcome sexual harassment. Such conduct has included, but is not limited to:

- a. Making unwelcome sexual advances and unwelcome sexual comments to female tenants and prospective tenants;
 - b. Entering the apartments of female tenants without permission and notice;
 - c. Groping or otherwise touching female tenants and prospective tenants without their consent in a sexual or otherwise suggestive manner;
 - d. Offering and granting tangible housing benefits, including reduced rent, overlooking late or unpaid rent in exchange for sexual favors, and performing maintenance or repairs in exchange for sexual favors; and
 - e. Denying tangible housing benefits to tenants or prospective tenants, such as refusing to make repairs or perform maintenance, or refusing to offer discounts on rent or other fees because the individual has not provided requested sexual favors; and
 - f. Taking adverse housing actions against female tenants who have not granted requested sexual favors, including evicting or initiating eviction proceedings against such tenants.
9. The conduct of Defendant Henry Bailey described above constitutes:
- a. A denial of housing or making housing unavailable because of sex, in violation of Section 804(a) of the Fair Housing Act, 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 Fair Housing Act, 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 Section 804(c) of the Fair Housing Act, 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 Fair Housing Act, in violation of Section 818 of the Fair Housing Act, 42 U.S.C. § 3617.

10. The conduct of Defendant Henry Bailey 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 denial raises an issue of general public importance.

11. Female tenants, prospective tenants, and persons associated with them have been injured by Defendant Henry Bailey'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 Henry Bailey's conduct.

12. Defendant Henry Bailey's conduct was intentional, willful, and/or taken in reckless disregard for the rights of others.

WHEREFORE, the United States prays that the Court enter an ORDER that:

1. Declares that Defendant Henry Bailey's discriminatory practices violate the Fair Housing Act, as amended, 42 U.S.C. §§ 3601, et seq.;
2. Enjoins Defendant Henry Bailey, his agents, employees, and successors, and all other persons in active concert or participation with him 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 engaged in the exercise or enjoyment of rights granted or protected by the Fair Housing Act, as amended;
 - c. Failing or refusing to take such affirmative steps as may be necessary to restore, as nearly as practicable, the victims of Defendant Henry Bailey's past unlawful practices to the position they would have been in but for the discriminatory conduct; and
 - d. 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, to the extent practicable, the effects of Defendant Henry Bailey's unlawful practices.
3. Awards monetary damages to each identifiable victim of Defendant Henry Bailey's discriminatory housing practices for injuries caused by Defendant Henry Bailey's discriminatory conduct, pursuant to 42 U.S.C. § 3614(d)(1)(B); and
 4. Assesses civil penalties against Defendant Henry Bailey in order 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: January 31, 2011

Respectfully submitted,

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