

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NO. _____
)	
JEFFREY H. WYGUL,)	
)	
Defendant.)	DEMAND FOR JURY TRIAL
_____)	

COMPLAINT

The United States of America alleges as follows:

1. The United States brings this action to enforce the provisions of Title VIII of the Civil Rights Act of 1968 (the "Fair Housing Act" or the "Act"), as amended by the Fair Housing Amendments Act of 1988, 42 U.S.C. §§ 3601 to 3619. The United States brings this action on behalf of Kayla L. Marr (formerly, Wallace) and her two minor children, A.M. and L.M. (collectively, "the Complainants"), pursuant to Section 812(o) of the Fair Housing Act, 42 U.S.C. § 3612(o).

Jurisdiction and Venue

2. The Court has jurisdiction over this action under 28 U.S.C. § 1331, 28 U.S.C. § 1345 and 42 U.S.C. § 3612(o).
3. Venue is proper under 28 U.S.C. § 1391 because the Defendant resides in the Western District of Tennessee and the actions giving rise to the United States' claims occurred in the Western District of Tennessee.

The Defendant and the Subject Property

4. At all times relevant to this action, Defendant Jeffrey H. Wygul, a former police officer with the Paris, Tennessee police department who resides in Henry, Tennessee, managed two or more single-family rental homes in Henry. Among the rental properties the Defendant managed was a single-family mobile home at 1076 Atlantic Avenue, Henry, Tennessee (the "subject property").
5. The subject property is a dwelling within the meaning of 42 U.S.C. § 3602(b).
6. At all times relevant to this action, Defendant Wygul controlled and/or had the power to control all aspects of the management of the subject property.
7. At no time relevant to this action did Defendant Wygul own any single-family home.

Factual Allegations

8. In December 2010, Complainant Kayla Marr (then, Wallace) saw an advertisement for the rental of a single-family home at 1076 Atlantic Avenue in Henry, Tennessee in a countywide newspaper that regularly runs local classifieds. Ms. Marr called the telephone number listed in the advertisement and spoke to Defendant Wygul, who, as the manager of the property, had placed the advertisement.
9. Ms. Marr made arrangements with Mr. Wygul to view the property in late January 2011. After Mr. Wygul showed her the property on or about January 20, 2011, Ms. Marr informed him that she would like to rent the home for herself and her two minor children, Complainants A.M. and L.M. At all times relevant to this action, A.M. and L.M. were four and two years old, respectively. Ms. Marr and Defendant Wygul entered into an oral agreement for Ms. Marr to begin renting the property on February 1, 2011.

10. Ms. Marr signed a month-to-month lease agreement for the property and paid a one-month security deposit on January 27, 2011, and, because the home was not ready for occupancy on February 1, 2011, moved in with A.M. and L.M. on or about February 9, 2011. Because her occupancy was delayed, Ms. Marr and Defendant Wygul negotiated a reduced rent for February, which Ms. Marr paid.
11. From late January 2011 through the termination of the family's tenancy on May 5, 2011, Defendant Wygul subjected Ms. Marr to severe, pervasive and unwelcome sexual harassment, on multiple occasions, including but not limited to:
 - a. Repeated demands for sexually-revealing photographs of herself, initially under the false pretext that the photographs would be used to target a suspect in an undercover drug enforcement operation;
 - b. Threats of retaliation if she failed to provide such photographs, including jail time and loss of custody of her children, which Defendant Wygul claimed he could influence through his connections with law enforcement;
 - c. Repeated telephone text messages of a sexually offensive nature, which included comments to the effect of, "Don't know when I have wanted to see someone nude as bad as I do you"; and, "If you ever have the urge to do a dirty old man, please let me know."
 - d. Repeatedly entering her home while she was absent, without notice or permission to do so, under the pretext of doing her favors, such as installing antivirus software on her computer and connecting her computer to the internet;
 - e. Repeatedly dropping by uninvited when she was home for no legitimate business purpose;

- f. Yelling and banging on her door to demand entrance, with the objective of taking sexually-revealing photographs of her while her children were in the next room;
 - g. Offering tangible housing benefits, including forgiveness or reduction of rent, in exchange for sexually revealing photographs;
 - h. Offering to pay her to take photographs of himself masturbating;
 - i. Demanding that he be allowed to take nude photographs of her in exchange for continued tenancy; and
 - j. Serving her with a notice to vacate the home within thirty (30) days in retaliation for her refusal to allow him to take nude photographs.
12. In response to Defendant's April 9, 2011, notice to vacate, Ms. Marr and her children moved out of the subject property on May 5, 2011.

HUD Administrative Process

13. On November 30, 2011, Ms. Marr filed a complaint with the U.S. Department of Housing and Urban Development ("HUD") alleging that Defendant Wygul discriminated against her and her two minor children in the rental of the subject property because of sex.
14. In accordance with 42 U.S.C. §§ 3610(a) and (b), the Secretary of HUD conducted and completed an investigation of the complaint, attempted conciliation without success, and prepared a final investigative report. Based on the information gathered in the investigation, the Secretary, pursuant to 42 U.S.C. § 3610(g)(1), determined that reasonable cause existed to believe that illegal discriminatory housing practices had occurred. Therefore, on September 29, 2014, the Secretary issued a Charge of Discrimination pursuant to 42 U.S.C. § 3610(g)(2)(A), charging the Defendant with

engaging in discriminatory practices on the basis of sex in violation of the Fair Housing Act.

15. On October 9, 2014, Ms. Marr, on behalf of herself and her two children, elected to have the claims asserted in HUD's charge resolved in a civil action pursuant to 42 U.S.C. § 3612(a).
16. On October 10, 2014, the Administrative Law Judge issued a Notice of Election and terminated the administrative proceeding on the HUD complaint.
17. Following this Notice of Election, the Secretary of HUD authorized the Attorney General to commence a civil action pursuant to 42 U.S.C. § 3612(o).

Fair Housing Act Violations

18. Plaintiff re-alleges and herein incorporates by reference the allegations set forth in paragraphs 1-17, above.
19. The conduct of Defendant Wygul 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, a 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.

20. Complainants are aggrieved persons within the meaning of 42 U.S.C. § 3602(i), and have suffered injuries as a result of Defendant's discriminatory conduct.
21. Defendant's actions as described above were intentional, willful, and taken in disregard for the rights of the Complainants.

Prayer for Relief

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

1. Declaring that Defendant Wygul's discriminatory conduct as set forth above violates the Fair Housing Act, 42 U.S.C. §§ 3601, et seq.;
2. Enjoining Defendant Wygul, his agents, employees, and successors, and all other persons in active concert or participation with him from:
 - a. Discriminating on the basis of sex, including engaging in sexual harassment, 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;
 - c. Failing or refusing to take such affirmative steps as may be necessary to restore, as nearly as practicable, the victims of Defendant Wygul'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 Wygul's unlawful practices; and

3. Awarding monetary damages to the Complainants pursuant to 42 U.S.C. §§ 3612(o)(3) and 3613(c)(1).


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

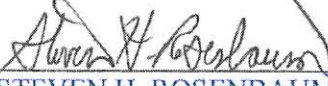
Dated: November 10, 2014

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