

IN THE IOWA DISTRICT COURT FOR MUSCATINE COUNTY

IOWA CIVIL RIGHTS COMMISSION)	Case No. _____
ex rel. DOYNE FORRESTER, MARCO)	
FORRESTER, MEAGAN GARNER,)	
SCOTT GARNER, SHIRLEY MILLER,)	
AND CASIE SCHLENZEN,)	
)	
Plaintiff,)	PETITION AND JURY DEMAND
)	
vs.)	
)	
WAYNE BARCLAY,)	
)	
Defendant.)	

Plaintiff Iowa Civil Rights Commission ex rel. Doyne Forrester, Marco Forrester, Meagan Garner, Scott Garner, Shirley Miller, and Casie Schlenzen hereby states its claims against Defendant Wayne Barclay as follows:

Introduction

1. The Iowa Civil Rights Commission seeks to hold Wayne Barclay for engaging in housing discrimination on the basis of sex by sexual harassing female tenants contrary to Iowa Code § 216.8. The Iowa Civil Rights Commission seeks damages to fully compensate Doyne Forrester, Marco Forrester, Meagan Garner, Scott Garner, Shirley Miller, and Casie Schlenzen for their losses, costs, declaratory relief, and permanent injunctive relief. In addition, the Iowa Civil Rights Commission seeks to hold Wayne Barclay for engaging in a pattern or practice of engaging in housing discrimination on the basis of sex by sexually harassing female tenants contrary to Iowa Code § 216.71A.(9).

Parties, Jurisdiction, and Venue

2. Plaintiff Iowa Civil Rights Commission (“ICRC”) is a state agency created by Iowa Code chapter 216 and charged with enforcing the civil rights law, and is bringing this action on behalf of Doyne Forrester, Marco Forrester, Meagan Garner, Scott Garner, Shirley Miller, and Casie Schlenzen. The ICRC is also bringing this action against Barclay as a pattern or practice claim under Iowa Code § 216.17A(9).

3. Defendant Wayne Barclay is resident of Muscatine County, Iowa.

4. This court has jurisdiction over this case under Iowa Code § 216.17A(1).

5. Venue is appropriate in Muscatine County under Iowa Code §§ 216.17A(1)(b) and 616.18.

Procedural Requirements

6. Doyne Forrester, Marco Forrester, Meagan Garner, Scott Garner, Shirley Miller, and Casie Schlenzen filed timely housing discrimination complaints alleging sexual harassment discrimination against Barclay with the ICRC.

7. After reviewing the information the ICRC gathered during its investigation of these complaints, an administrative law judge with the Iowa Department of Inspections and Appeals determined that probable cause existed to

believe that illegal discriminatory housing practices had occurred and had been based on sexual harassment.

8. As a result, the ICRC issued a probable cause order required by Iowa Code § 216.15A, charging that Barclay had violated Iowa Code § 216.8 when he engaged in discriminatory housing practices.

9. Doyne Forrester, Marco Forrester, Meagan Garner, Scott Garner, Shirley Miller, and Casie Schlenzen have elected to have the claims asserted in the probable cause notice to be pursued in a civil action in an Iowa district court as permitted by Iowa Code § 216.16A(1).

10. Following this election, the ICRC authorized the attorney general to file this action on behalf of Doyne Forrester, Marco Forrester, Meagan Garner, Scott Garner, Shirley Miller, and Casie Schlenzen under Iowa Code § 216.17A(1).

11. In addition, following this election, the ICRC requested that the attorney general file a pattern or practice of Barclay sexually harassing female residents as permitted by Iowa Code § 216.17A(9).

Background Facts

Barclay Rental Properties

12. At all times relevant to this action, Barclay owns 17 rental properties in Muscatine, Iowa, including 15 single-family homes and two, two-unit duplexes.

13. Some of Barclay's tenants received Section 8 housing assistance.

14. At all times relevant to this action, Doyne and Marco Forrester rented two single-family homes from Barclay: the first located 416 E. 7th Street in Muscatine and the second located at 517 East 6th Street in Muscatine.

15. Meagan and Scott Garner resided with the Foresters at the 517 East 6th Street property.

16. Casie Schlenzen resided with the Foresters at the 517 East 6th Street property.

17. Shirley Miller and her fiancé rented a single-family home from Barclay at 1703 Stewart Road in Muscatine.

Shirley Miller

18. On January 1, 2011, Miller, her fiancé, and their two children began renting a single-family home from Barclay.

19. After Miller moved into the home, Barclay approached Miller and asked her about performing oral sex on him.

20. Barclay also made sexually explicit comments to Miller during the time she rented the home from Barclay.

21. Barclay's sexually explicit comments to Miller escalated after her fiancé lost his job.

22. Barclay repeatedly asked Miller to perform oral sex on him in lieu of paying rent.

23. Barclay also told Miller that he wanted a "piece of" Meagan Garner, Miller's sister.

24. As a result of Barclay's conduct, Miller felt uncomfortable being home alone.

25. In fact, on at least one occasion, Barclay entered her home uninvited.

26. In April 2011, Miller was compelled to move out of the home and had to find another place to live because of Barclay's sexual comments and conduct.

27. Barclay's conduct constituted discrimination on the basis of sex in the terms, conditions, and privileges of a rental, and harassment interfering with Miller's use and enjoyment of the premises.

Doyne and Marco Forrester

28. On November 1, 2010, Doyne and Marco Forrester and their son moved into a rental home owned by Barclay.

29. After moving into the rental home owned by Barclay, the Foresters borrowed money from Barclay.

30. Barclay suggested to the Foresters that they could have a three-some sexual encounter with him as partial repayment of the loan.

31. Some time during June or July 2011, Barclay asked Marco Forrester, in front of her 12-year-old son if she "had found him any pussy."

32. Beginning in September 2011, Barclay asked the Foresters if they had found Barclay “any pussy.”

33. Barclay’s comments constituted discrimination on the basis of sex in the terms, conditions, and privileges of a rental, and harassment interfering with the Foresters’ use and enjoyment of the premises.

Meagan and Scott Garner

34. Meagan and Scott Garner lived in one of the single-family residences rented by Meagan’s cousin—Doyme Forrester—while he was Barclay’s tenant.

35. Barclay verbally agreed that Meagan and Scott Garner could live in the single-family residence rented by the Foresters.

36. During the time the Garners lived in the rental property owned by Barclay, Barclay made repeated sexually explicit comments to Meagan Garner.

37. About March 1, 2011, Barclay told Meagan Garner that he wanted to have group sex with her and her female cousin, Casie Schlenzen, who also lived with the Foresters.

38. The Garners were compelled to move out of the property on March 20, 2011, because of Barclay’s explicit sexual comments.

39. Barclay’s comments constituted discrimination on the basis of sex in terms, conditions, and privileges of a rental, and harassment interfering with the Garners’ use and enjoyment of the premises.

Casie Schlenzen

40. On February 14, 2011, Casie Schlenzen moved into one of the rental homes rented by her brother, Doyne Forrester.

41. Barclay verbally agreed that Schlenzen could live in the rental property.

42. Barclay repeatedly made sexual comments to her and solicited sex acts from her.

43. In fact, Barclay told Schlenzen that there would be consequences if she did not have sex with him.

44. In March 2011, Barclay approached Schlenzen and told her that she had a "sexy body" and that he would not mind if she would "get together with him."

45. About June 27, 2011, Barclay told Schlenzen that she was violating Section 8 housing rules by living there, but told her "you can give me 'head' and we will let it slide."

46. When Schlenzen refused to do so, Barclay evicted her.

47. Barclay's actions constitute discrimination on the basis of sex in the terms, conditions, and privileges of a rental, and harassment interfering with Schlenzen's use and enjoyment of the premises.

Other Tenants

48. Barclay has a pattern or practice of sexually harassing other female tenants.

49. Barclay has made sexual advances toward female tenants, grabbed their breasts, talked about sex all the time, asked them for oral sex

50. By way of an example, Barclay asked a female tenant for oral sex 20 times. On one occasion, when that tenant was experiencing financial difficulties, she agreed to perform oral sex on Barclay in return for her rent being paid.

51. Barclay's actions constitute discrimination on the basis of sex in the terms, conditions, and privileges of a rental, and harassment interfering with the other female tenants' use and enjoyment of the premises.

Count I—Violation of Iowa Code § 216.8(1)

52. The ICRC reasserts the allegations in paragraphs 1 through 51.

53. At all times relevant to this action, Barclay owns 17 rental properties in Muscatine, Iowa, including 15 single-family homes and two, two-unit duplexes, including the single-family homes rented to Doyne Forrester, Marco Forrester, Meagan Garner, Scott Garner, Shirley Miller, and Casie Schlenzen.

54. Barclay engaged in discriminatory practice and violated Iowa Code § 216.8(1)

- a. when he sexually harassed Marco Forrester, Meagan Garner, Shirley Miller, and Case Schlenzen;
- b. when his sexual harassment compelled the Forresters, the Garners, and Shirley Miller and her family to move out of the rental properties and find other housing; and
- c. when he evicted Schlenzen after she refused his sexual advances.

55. As a result of Barclay's discriminatory conduct, Doyne Forrester, Marco Forrester, Meagan Garner, Scott Garner, Shirley Miller, and Casie Schlenzen have suffered damages.

56. Barclay's discriminatory actions were intentional, willful, and taken in disregard of the protected rights of Doyne Forrester, Marco Forrester, Meagan Garner, Scott Garner, Shirley Miller, and Casie Schlenzen.

Count II—Pattern or Practice Claim Under Iowa Code § 216.17A(9)

57. The ICRC reasserts the allegations in paragraphs 1 through 51.

58. At all times relevant to this action, Barclay owns 17 rental properties in Muscatine, Iowa, including 15 single-family homes and two, two-unit duplexes.

59. Barclay engaged in discriminatory practice and violated Iowa Code § 216.8(1) when he engaged in a pattern or practice of sexually harassing female tenants.

For these reasons, Plaintiff Iowa Civil Rights Commission respectfully asks the district court to do the following:

- a. declare Barclay's discriminatory housing practices violate Iowa Code § 216.8(1);
- b. enjoin Barclay and his agents, employees, successors, and all other persons in active concert or participation with him from
 - (i) violating the Iowa Civil Rights Act by discriminating on the basis of sex;
 - (ii) discriminating against tenants by sexually harassing them; and
 - (iii) failing or refusing to take affirmative steps necessary to prevent the recurrence of any discriminatory conduct in the future.
- c. award appropriate monetary damages under Iowa Code § 216.17A(6) to compensate Doyne Forrester, Marco Forrester, Meagan Garner, Scott Garner, Shirley Miller, and Casie Schlenzen for injuries caused by Barclay's discriminatory conduct;
- d. award punitive damages to Doyne Forrester, Marco Forrester, Meagan Garner, Scott Garner, Shirley Miller, and Casie Schlenzen

under Iowa Code § 216.17(b)(a) to punish Barclay and to deter him from engaging in discriminatory conduct;

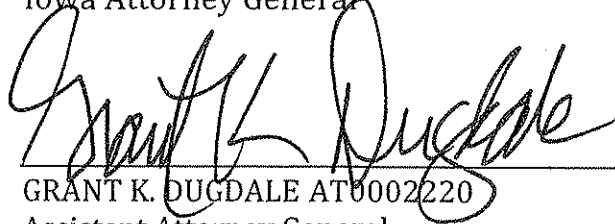
- e. order appropriate preventative relief, including a permanent or temporary injunction as permitted by Iowa Code § 216.17A(9)(b)(1);
- f. order any other appropriate relief as permitted by Iowa Code § 216.17A(9)(b)(2)
- g. assess a civil penalty against Barclay as permitted by Iowa Code § 216.17A(9)(b)(3);
- h. award of costs; and
- i. and any other relief as justice may require.

Jury Demand

Plaintiff Iowa Civil Rights Commission hereby demands, under Iowa Rule of Civil Procedure 1.902, a jury trial on all issues that can be tried to a jury.

Respectfully submitted,

THOMAS J. MILLER
Iowa Attorney General

A handwritten signature in black ink, appearing to read "Grant K. Dugdale", is written over a horizontal line.

GRANT K. DUGDALE AT0002220

Assistant Attorney General

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