

FILED

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION

2011 MAR 30 P 3:18

U.S. DISTRICT COURT
RICHMOND, VIRGINIA

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.)
)
WARNER WILLIS,)
)
Defendant.)
_____)

Civil Action No. 3:11CV200

COMPLAINT AND JURY DEMAND

The United States of America alleges:

NATURE OF ACTION

1. This action is brought by the United States to enforce the Fair Housing Act, as amended, 42 U.S.C. §§ 3601-3631. It is brought on behalf of Housing Opportunities Made Equal of Virginia, Inc. ("HOME"), pursuant to 42 U.S.C. § 3612(o).

JURISDICTION AND VENUE

2. This Court has jurisdiction over this action under 28 U.S.C. §§ 1331 and 1345 and under 42 U.S.C. § 3612(o).

3. Venue is proper under 28 U.S.C. § 1391(b) because the events giving rise to this action occurred in this judicial district.

PARTIES

4. Defendant Warner Willis is a resident of Virginia. At all times relevant to this complaint, he resided at 11291 Arbor Creek Drive, Apartment 1121, Henrico, VA 23233.

FACTUAL ALLEGATIONS

5. Defendant made the following five postings to the rooms/shares section of richmond.craigslist.org (typos in the emails and postings are reproduced as they originally appeared):

- a. **Posting 1, January 17, 2010**
Title: \$100 Great 2BR 2 bath high end Apt. (Richmond West end)
I am a divorced mature man who has more space than needed. I will give details to interested parties and show. No smoking (inside) no drugs (inside) no wild party, no small children. Single moms would be considered. Want young woman 19 to 45 who needs a nice place and doesn't mind helping 'around the house' and being a good friend, however intimate you want (or not). I don't like to live alone and eat alone. I need company. If you work or not. THIS IS NOT A FAKE LISTING. I will meet at your choice of public places and we can go to see, or not, as you choose. Just reply and fill me in on you. Give age general personal info. Rent down to zero or up to half, depends on what you say and need. I HAVE NOTHING TO HIDE!
- b. **Posting 2, January 17, 2010**
Title: \$100 CAN'T PAY YOUR RENT NOW?? (RICHMOND WEST END)
I DON'T WANT YOU SLEEPING IN YOUR CAR OR UNDER A BRIDGE. I HAVE AN EXTRA BR AND FULL BATH. BUT NEED HELP CAUSE I AM NEWLY DIVORCED AND I AM LOST ! I WOULD GO DOWN TO FREE OR ACCRUE YOUR RENT WHILE YOU FIND A JOB. E-MAIL ME ABOUT YOU AND YOUR NEEDS. PREFER FEMALE 19-40. BECAUSE I NEED SOMEONE TO TALK TO.
- c. **Posting 3, January 25, 2010**
Title: \$250 High end apt to share now (Near Short Pump)
2 BR 2 full Bath high end Apt. near Short Pump. Prefer female 19-45 congenial & compatible. Non smoke clean with no bad habits. Prefer no children or pets. Rent is adjustable according to all factors. Fireplace, garage, wash & dryer. TV, Computer, Cable, quiet and VERY WELL maintained. I am mature white man. I will respond to all serious applicants.
- d. **Posting 4, February 14, 2010**
Title: \$300 Upscale Apt. with everything (Far West End)

WANTED FEMALE ROOMMATE reasonable adjustment made in cost depending upon that special person. I am picky. This apartment has 2 BR n 2Full baths working fireplace in LARGE LR DINING AREA.

full kitchen w/utility rm washer & dryer. Privacy or togetherness I am open.. Utilities \$100/Mo. or 1/3 whichever is less. I will need to know all about you. I prefer slender attractive, young and smart. Someone that I can share a fire and a glass of wine with in the evning. Please no pets or children. Non-smoke and no drugs or disease.

e. **Posting 5, March 15, 2010**

Title: \$300 Elegant Large Apt Private BR & BATH (Far West End)

I was informed today by Housing Opportunities Made Equal of Virginia that I could not choose you, but I am willing to take that chance. I have an extra large bed room with walk-in closet and an adjoining private full bath. The apartment is convenient to 65 and Short Pump. It has all the bells and whistles, but is only lacking YOU. Would you CHOOSE to tell me about you and I will certainly tell you about me. You ask first. We will talk about utilities and anything else that concerns us both. I made the mistake of thinking we as Americans could choose with whom we live.

6. Defendant made the following three postings to the personals section of richmond.craigslist.org in the men seeking women category:

a. **Posting 6, May 16, 2010**

Title: MATE or just ROOMMATE - 50 (Short Pump)

Lonely & going through a divorce. Will share high end 2BR 2 BATH Apt. with the right person from FREE up to \$300./month according to our mutual interests and compatability. If you are in your 30's and down to 18 you qualify . I prefer slender and beautiful & white or oriental. Being loving is a GREAT PLUS. Tell me about you

b. **Posting 7, May 31, 2010**

Title: Roommate that's a TOTAL MATE – 60 (Short Pump)

No, you don't have to live with me all the time, but thats great too. Short term or LOOONG term, I don't need a new gal every night. I want white or oriental, loving in all ways and respects. No rent is required if you and I mesh properly in a two BR and two bath high end. Apt. I like young women from late teens to mid 30's.slender and beautiful of course! PLEASE do not answer if you want to send me to some web site that ONLY wants a dollar and

\$40/month for the rest of my life. NO THANKS! Pics are great but I am willing to meet at the secure place of your choice. You would NEVER be ashamed of me. We can make a plan and establish a great relationship that fits two people that can satisfy the needs of each other and go from there. No kids, no drugs, no disease, no excess drinking, prefer nonsmoking. I have had a vas so that is no problem. LIVING AND LOVING IS THE ANSWER!

c. Posting 8, June 1, 2010

Title: Play 4 pay or just PLAY & LOVE - 56 (Richmond West end)

ONE HARD FAST RULE I WILL NOT GO TO SOME WEB SITE TO DO ANYTHING.

I have a great apartment near Short Pump. You may live there free with your own room and private bath. I want a full intimate relationship with the RIGHT person. She ideally should be 18 to 40, slender, cute to beautiful, smart, educated, non-smoke and drugs, enjoy a glass or two of wine, love the GOOD things of life INCLUDING SEX, know how to be loyal and love. Not be a gold digger but enjoy thoughtful gifts. MORE ON REQUEST. This will include answers to your questions.

7. HOME is a nonprofit organization based in Richmond, Virginia that is dedicated to eliminating housing discrimination and ensuring equal access to housing for all people.

8. Fair housing testers working for HOME who purported to be young women seeking housing sent email messages to Defendant in response to his postings on craigslist.org.

In responding to those emails, Defendant made the following statements:

a. [Answering why he preferred a female roommate:] "I will answer you truthfully GOD MADE US FOR EACH OTHER! MALE AND FEMALE...MAN AND WIFE....ADAM AND EVE.... I didn't invent the magnet that draws NORMAL people together. I am normal and I hope you are. Why would I EVER want to live with a man?" (Email dated January 27, 2010, 3:22 PM.)

b. "I would enjoy a total relationship with the right person and share my bedroom. That changes the picture. However, I have a room for rent. That is not a

requirement but an incentive for both. I would not expect a commitment of that nature until we at least met. I think the next step would be for me to ask you, should you be so inclined what might my expectations be? ROOMMATE OR MATE?? That answer and that opportunity is strictly up to you. We are both adults and can consent or not.” (Email dated May 28, 2010, 6:06 PM.)

c. “Being as tactful as possible, the relationship that we might understand would certainly affect what rent I might expect. Were we very close I could not charge any rent.” (Email dated May 28, 2010, 6:12 PM.)

d. “As with any relationship in today’s world the degree of intimacy dictates a lot of things. I could just ‘use you’ but have no intention of doing so. I could not take rent money if we had a full relationship. Unless we were close, I certainly could.” (Email dated May 29, 2010, 3:39 AM.)

9. As a result of the Defendant’s discriminatory conduct, the mission of HOME has been frustrated. It has expended funds, and its staff has spent time on this matter and diverted resources that could have been spent working in other areas.

HUD ADMINISTRATIVE PROCESS

10. On or about February 16, 2010, HOME filed a timely fair housing complaint with the United States Department of Housing and Urban Development (“HUD”), alleging violations of the Fair Housing Act.

11. Pursuant to 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 Defendant had engaged in illegal discriminatory housing practices. Accordingly, on February 18, 2011, the Secretary issued a Charge of Discrimination, pursuant to 42 U.S.C. § 3610(g)(2)(A).

12. The Secretary charged Defendant with engaging in discriminatory practices in violation of the Fair Housing Act, 42 U.S.C. § 3604(c).

13. On February 28, 2011, HOME filed an election to have the case heard in federal district court. On this same date, HUD's Office of Administrative Law Judges issued a Notice of Election to Proceed in United States Federal District Court and terminated the administrative proceedings on the complaint against Defendant.

14. 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).

15. By the actions set forth above, Defendant has:

a. Discriminated in the terms, conditions, or privileges of the rental of a dwelling because of sex, in violation of 42 U.S.C. § 3604(b); and

b. Made, printed, or published, or caused to be made, printed, or published a notice, statement, or advertisement with respect to the rental of a dwelling that indicates a preference, limitation, or discrimination based on race, color, sex, or national origin, or an intention to make such a preference, limitation, or discrimination, in violation of 42 U.S.C. § 3604(c).

16. HOME is an "aggrieved person" within the meaning of 42 U.S.C. § 3602(i), and has suffered injuries as a result of Defendant's discriminatory conduct.

17. Defendant's discriminatory actions were intentional, willful, and taken in disregard for the rights of others.

PRAAYER FOR RELIEF

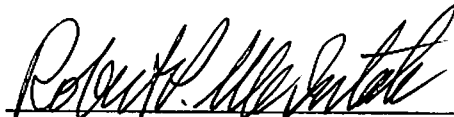
WHEREFORE, the United States prays that the court enter an ORDER that:

1. Declares that the discriminatory conduct of Defendant as set forth above violates the Fair Housing Act;
2. Enjoins Defendant, his agents, employees, successors, and all other person in active concert or participation with him from:
 - a. Discriminating in violation of the Fair Housing Act against any person in any aspect of the sale or rental of a dwelling because of race, color, sex, or national origin;
 - b. Discriminating in violation of the Fair Housing Act against any person in the terms, conditions, or privileges of the sale or rental of a dwelling because of race, color, sex, or national origin;
 - c. Making, printing, or publishing, or causing to be made, printed, or published any notice, statement, or advertisement with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on race, color, sex, or national origin; and
 - d. Failing or refusing to take such affirmative steps that 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's unlawful housing practices.
3. Awards monetary damages to HOME, 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.

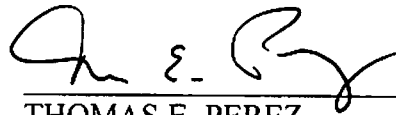
Dated: March 30, 2011

NEIL H. MACBRIDE
United States Attorney

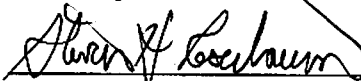

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