

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF KENTUCKY
SOUTHERN DIVISION AT LONDON

UNITED STATES OF AMERICA,

Plaintiff,

v.

DANNY T. BELL,

Defendant.

Civil Action No. 6:23-cv-00058-CHB

COMPLAINT

DEMAND FOR JURY TRIAL

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, as amended, 42 U.S.C. §§ 3601-3619 (“Fair Housing Act”).

JURISDICTION AND VENUE

2. The Court has jurisdiction over this action under 28 U.S.C. §§ 1331 and 1345, and 42 U.S.C. § 3614(a).

3. Venue is proper in this district under 28 U.S.C. § 1391(b) because the actions and omissions giving rise to the United States’ allegations occurred in the Eastern District of Kentucky, and the Defendant resides in the Eastern District of Kentucky.

FACTUAL ALLEGATIONS

4. Defendant Danny T. Bell resides in Somerset, Pulaski County, Kentucky.

5. During the period of time relevant to this action, the Defendant owned and operated approximately seventeen residential rental properties (the “Subject Properties”) in Pulaski County.

6. The Subject Properties include, but are not limited to, the following properties on South Main Street, in Somerset: Somer Place Apartments and Eagle’s Landing Apartments.

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

8. At all times relevant to this action, the Defendant has been actively involved in the management of the Subject Properties, including, but not limited to, showing the properties to prospective tenants, collecting rent, receiving maintenance requests, inspecting completed maintenance work, communicating with tenants regarding paying rent, and initiating eviction proceedings.

9. Since at least 2010, and continuing until the present, the Defendant has subjected female tenants of the Subject Properties to discrimination on the basis of sex, including unwelcome and severe or pervasive sexual harassment. This conduct has included, but has not been limited to, the following examples:

- a. Offering to grant tangible housing benefits—such as reducing rent or excusing late or unpaid rent—to tenants in exchange for sexual favors;
- b. Subjecting tenants to unwelcome sexual touching;
- c. Making unwelcome sexual comments and sexual advances to tenants; and
- d. Taking adverse housing actions, such as initiating eviction actions, or threatening to do so, against tenants who objected to or refused his sexual advances.

10. For example, from approximately 2019 to around November 2021, the Defendant subjected a female tenant to repeated unwelcome and unwanted sexual comments and unwelcome sexual contact, including touching her breasts. On multiple occasions, the Defendant invaded the female tenant’s personal space and rubbed against her breasts without her consent, he told the female tenant that she was pretty and “sexy as f*ck,” and he commented on how pretty the female tenant’s young daughter was. These comments made the female tenant extremely uncomfortable and feel unwelcome in her own home.

11. In another example, from approximately 2010 to 2015, the Defendant repeatedly made unwelcome sexual comments to a female tenant and rubbed up against her breasts and body without her consent. On one occasion, he told the female tenant that she was “well-endowed,” and on another he said words to the effect that “Dolly Parton’s got nothing on you.” The Defendant’s repeated sexual comments and unannounced visits to her home made the female tenant feel unsafe and unwelcome in her own home.

12. The experiences of the women described above were not the only instances of the Defendant’s sexual harassment of tenants. Rather, they were part of the Defendant’s longstanding pattern or practice of illegal sexual harassment of multiple tenants from at least 2010 to the present.

13. The conduct of the Defendant described above caused female tenants to suffer physical harm, fear, anxiety, and emotional distress, and interfered with their ability to secure and maintain rental housing for themselves and their families.

CAUSE OF ACTION

14. By the actions and statements described above, the Defendant has:
- a. Denied dwellings or otherwise made dwellings unavailable because of sex, in violation of 42 U.S.C. § 3604(a);
 - b. Discriminated 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 42 U.S.C. § 3604(b);
 - c. Made statements with respect to the rental of dwellings that indicate a preference, a limitation, or discrimination based on sex, in violation 42 U.S.C. § 3604(c); and

- d. Coerced, intimidated, threatened, or interfered with persons in the exercise or enjoyment of, or on account of their having exercised or enjoyed, their rights granted or protected by the Fair Housing Act, in violation of 42 U.S.C. § 3617.
15. Under 42 U.S.C. § 3614(a), the Defendant's conduct constitutes:
 - a. A pattern or practice of resistance to the full enjoyment of the rights granted by the Fair Housing Act, and
 - b. A denial to a group of persons of rights granted by the Fair Housing Act that raises an issue of general public importance.
 16. Female tenants have been injured by the Defendant's discriminatory conduct. These persons are "aggrieved persons" as defined in 42 U.S.C. § 3602(i), and have suffered damages as a result of the Defendant's conduct.
 17. The Defendant's conduct was intentional, willful, and taken in reckless disregard of the rights of others.

PRAYER FOR RELIEF

WHEREFORE, the United States requests that the Court enter an Order that:

- a. Declares that the Defendant's discriminatory practices violate the Fair Housing Act, as amended, 42 U.S.C. §§ 3601-3619;
- b. Enjoins the Defendant, his agents, employees, and successors, and all other persons in active concert or participation with him, from:
 - i. Discriminating on the basis of sex, including engaging in sexual harassment, in any aspect of the rental of a dwelling;

- ii. 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;
- iii. Failing or refusing to take such affirmative steps as may be necessary to restore, as nearly as practicable, the victims of the Defendant's past unlawful practices to the position they would have been in but for the discriminatory conduct; and
- iv. 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, as nearly as practicable, the effects of the Defendant's unlawful practices;
- c. Awards monetary damages to each person aggrieved by the Defendant's discriminatory conduct, under 42 U.S.C. § 3614(d)(1)(B);
- d. Assesses a civil penalty against the Defendant to vindicate the public interest, under 42 U.S.C. § 3614(d)(1)(C); and
- e. Awards such additional relief as the interests of justice may require.

Dated: April 17, 2023

Respectfully submitted,

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