

FILED

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CLERK OF COURT
U.S. DISTRICT COURT
CENTRAL DISTRICT OF ILLINOIS

**IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF ILLINOIS
PEORIA DIVISION**

THE UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 v.)
)
 MICHAEL J. DEWITTE,)
)
 Defendant.)

No. 24-1249

JURY TRIAL DEMANDED

COMPLAINT AT LAW

The United States of America alleges as follows:

INTRODUCTION

1. This is a civil action brought by the plaintiff, the United States of America, against Peoria, Illinois landlord Michael J. DeWitte (hereafter "Defendant"), for sexually harassing vulnerable female tenants in violation of the Fair Housing Act, 42 U.S.C. §§ 3601-3619.

2. As alleged below, Defendant has subjected female tenants to unwelcome and severe or pervasive sexual harassment, including sexual touching, sexual advances, exposure to his genitals, offers that he "strip" for tenants, sexual comments about women's bodies, invitations to date, and requests for sex in exchange for reduced rent or other housing benefits.

3. Defendant has further conditioned maintenance requests or ongoing tenancy on submission to his unwanted sexual advances.

4. Defendant's conduct is illegal under the Fair Housing Act and harmed the women who have rented or sought to rent from him, and their families.

5. The United States therefore brings this suit under the Fair Housing Act to seek redress for Defendant's unlawful conduct.

JURISDICTION & VENUE

6. 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”).

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

8. 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 Central District of Illinois, and Defendant resides in the Central District of Illinois.

FACTUAL ALLEGATIONS

9. Defendant Michael J. DeWitte resides in the City of Washington, in Tazewell County, Illinois.

10. During part or all of the period of time relevant to this action, Defendant owned and operated over 120 residential rental properties (the “Subject Properties”) located in and around Peoria County, Illinois, including in Peoria, East Peoria, Pekin, North Pekin, Creve Coeur, Peoria Heights, and elsewhere.

11. The Subject Properties include small single-family homes, duplexes, and apartment complexes.

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

13. At all times relevant to this action, Defendant has been actively involved in the management of the Subject Properties, including, but not limited to, showing the properties to prospective tenants, establishing the terms of oral and written leases, collecting rent, receiving maintenance requests, hiring maintenance workers and crews for repairs, inspecting completed

maintenance work, communicating with tenants regarding difficulties paying rent, and initiating eviction proceedings.

14. Since at least approximately 2002, and continuing until the present, Defendant has subjected actual and prospective female tenants of the Subject Properties to discrimination because of sex, including unwelcome and severe or pervasive sexual harassment. This conduct has included, but is not limited to:

- a. Offering to grant tangible housing benefits—such as reducing rent or excusing late or unpaid rent—to female tenants in exchange for sexual acts;
- b. Subjecting actual and prospective female tenants to unwelcome sexual touching;
- c. Making unwelcome sexual comments and sexual advances to actual and prospective female tenants;
- d. Exposing his genitals to actual and prospective female tenants;
- e. Offering to “strip” for actual and prospective female tenants;
- f. Asking female tenants on dates; and
- g. Taking adverse housing actions, such as refusing to provide needed maintenance services or initiating eviction actions, or threatening to do so, against female tenants who objected to or refused his sexual advances.

15. For example, from approximately April 2022 until February 3, 2023, Defendant subjected a female tenant to repeated unwelcome sexual touching, sexual comments, and sexual advances. On one occasion, while meeting with the woman in his rental office, Defendant told her that “your titties look so nice,” or words to that effect, exposed his genitals, masturbated, requested oral sex, requested sex by saying, among other things, “I wanna fuck,” or words to that effect, lifted the woman’s shirt without consent, and ejaculated onto the woman’s breasts. On multiple

occasions, Defendant asked the woman if he could strip for her. While collecting rent in her home, Defendant repeatedly asked the woman for sex by saying, among other things, “I would love to fuck you,” and “do you have some ass to go with the rent?” or words to that effect. Defendant refused the woman’s maintenance requests and eventually evicted her because she did not give in to his repeated sexual advances.

16. In another example, from approximately August 2020 until August 2021, Defendant made repeated unwelcome sexual comments and sexual advances to a female tenant. Defendant, while touring an available property, told the woman she was “the most beautiful woman he had ever seen” and “gorgeous,” or words to that effect. Defendant later told the woman the only reason he rented a house to her was because she was the most beautiful woman who had applied. Defendant offered the woman rent reductions in exchange for sexual acts and on one occasion, after mowing the property’s lawn, told the woman she could pay rent in “ass, cash, or grass,” or words to that effect. Defendant refused the woman’s maintenance requests, including a request that he get an exterminator to address a rat problem, because she did not give in to his repeated sexual advances. His refusal to address these issues created serious habitability issues. Defendant repeatedly asked the woman to leave her boyfriend and date him, which she declined. Defendant even called the woman and asked her on a date after he evicted her.

17. In another example, in approximately late 2015 until early 2016, Defendant sexually harassed a woman by making unwelcome sexual comments and subjecting her to unwelcome sexual advances, including by, among other things, exposing himself to the woman. While showing an available property to the woman, Defendant took off his pants, exposed his genitals, and walked around the property naked from the waist down. Defendant also requested sex in exchange for rent or a rent discount by, among other things, telling the woman, while

collecting rent in her home, “if you’re short on rent, there are other ways you can pay,” and “you help me, I’ll help you,” or words to that effect. Defendant further made repeated, unwelcome sexual comments about his own sexual activities, as well as unwelcome sexual comments about the woman and her body.

18. The experiences of the women described above were not the only instances of Defendant’s sexual harassment of actual and prospective female tenants. Rather, they were part of Defendant’s longstanding pattern and practice of illegal sexual harassment of multiple actual and prospective female tenants from at least 2002 to the present.

19. Defendant’s conduct, as described above, caused actual and prospective 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

FAIR HOUSING ACT

20. By the actions and statements described above in paragraphs 9-19, Defendant has violated the Fair Housing Act. 42 U.S.C. § 3604. Specifically, Defendant has:

- a. Refused to rent or negotiate for the rental of, or otherwise made unavailable or denied, dwellings to persons 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.

21. Under 24 C.F.R. § 100.600, Defendant's conduct as described in the foregoing paragraphs constitutes hostile environment harassment because of sex as his unwelcome conduct was severe or pervasive and interfered with the availability, sale, rental, or use or enjoyment of a dwelling; the terms, conditions, or privileges of the sale or rental of a dwelling; or the provision or enjoyment of services or facilities in connection with such sale or rental.

22. Under 24 C.F.R. § 100.600, Defendant's conduct as described in the foregoing paragraphs constitutes quid pro quo harassment because of sex because he made unwelcome requests or demands to engage in conduct where submission to the request or demand, either explicitly or implicitly, was made a condition related to the availability, terms, conditions, or privileges of the sale or rental of a dwelling.

23. Under 42 U.S.C. § 3614(a), Defendant's conduct as described in the foregoing paragraphs 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 of rights granted by the Fair Housing Act to a group of persons, which denial raises an issue of general public importance.

24. Defendant's discriminatory conduct has harmed actual and prospective female tenants. These persons are "[aggrieved person[s]]" as defined in 42 U.S.C. § 3602(i) and have suffered damages because of Defendant's conduct.

25. Defendant's conduct was intentional, willful, or 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 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. Discriminating on the basis of sex in the terms, conditions, or privileges of the sale or rental of a dwelling, or in the provision of services or facilities in connection therewith;
 - iii. Making statements with respect to the sale or rental of a dwelling that indicate a preference, limitation, or discrimination based on sex;
 - iv. Coercing, intimidating, 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;
 - v. 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

- vi. Failing or refusing to take such affirmative steps as may be necessary to prevent the recurrence of any discriminatory conduct in the future;
- c. Awards monetary damages to each person aggrieved by Defendant's discriminatory conduct, under 42 U.S.C. § 3614(d)(1)(B);
- d. Assesses a civil penalty against Defendant to vindicate the public interest, in an amount authorized by 42 U.S.C. § 3614(d)(1)(C) and 28§ CFR 85.5; and
- e. Awards such additional relief as the interests of justice may require, including ordering any necessary permanent injunctive relief as required to prevent further discrimination as determined by the Court subject to the evidence.

JURY TRIAL DEMAND

Pursuant to Rule 38 of the Federal Rules of Civil Procedure, the United States hereby demands trial by jury in this action for all issues so triable.

Dated: July 18, 2024

Respectfully submitted,

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