

IN THE CIRCUIT COURT OF CRAIGHEAD COUNTY, ARKANSAS
CIVIL DIVISION

STATE OF ARKANSAS, *ex rel.*
TIM GRIFFIN, ATTORNEY GENERAL

PLAINTIFF

v. CASE NO. _____

CHARLES WARREN AND
JUDY WARREN

DEFENDANTS

COMPLAINT

I. INTRODUCTION

1. This is an action brought to redress Charles Warren (“Charles”) and Judy Warren’s (“Judy”) (collectively referred to as “Defendants”) pattern and practice of discrimination on the basis of sex in the rental of single-family residences in violation of Ark. Code Ann. § 16-123-301 *et seq.* (“Arkansas Fair Housing Act”)

2. Defendant Charles sexually harassed female applicants and tenants (collectively referred to as “tenants”) in Jonesboro, Arkansas, and in the surrounding areas in Craighead County by subjecting them to hostile housing environments and requests for sexual acts in exchange for rental benefits. Defendant Charles made unwelcome sexual comments to the tenants, touched their bodies without consent, requested sexual acts from them, and offered them rental benefits in exchange for sexual acts. Defendant Judy is vicariously liable for Defendant

Charles's discriminatory conduct because Defendant Charles acted as the agent of both Defendants when he sexually harassed tenants at properties in which Defendant Judy had an ownership interest or was responsible for the management of the properties with Defendant Charles.

3. The Arkansas Fair Housing Act prohibits a person from refusing to sell or rent after the making of a bona fide offer or refusing to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to persons because of sex. Ark. Code Ann. § 16-123-310(a).

4. It is also unlawful for a person to discriminate "against a person in in the terms, conditions, privileges of sale or rental of a dwelling or in providing services or facilities in connection with the sale or rental" because of sex. Ark Code Ann. § 16-123-310(b).

5. Additionally, it is unlawful for a person to "make, print, or publish or cause 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 ... or an intention to make such a preference, limitation, or discrimination" because of sex. Ark. Code Ann. § 16-123-311.

6. Further, it is unlawful for a person to intentionally intimidate or interfere with or attempt to intimidate or interfere with a person exercising his or her rights under the Arkansas Fair Housing Act. Ark. Code Ann. § 16-123-344.

7. The State brings this action to enforce the provisions of the Arkansas Fair Housing Act.

II. DEFENDANTS AND SUBJECT PROPERTIES

8. At all times relevant to this action, Defendants resided at 4507 Finn Road, Jonesboro, Arkansas 72404 located in Craighead County.

9. During the time period relevant to this action, Defendants were the owners, lessors, and managers of approximately 19 residential rental properties in or around Jonesboro, Arkansas (the “Subject Properties”).

10. The Subject Properties included, but are not limited to, the following locations: 1305 S. Culberhouse St., Jonesboro, AR 72401; 1605 W. Washington Ave., Jonesboro, AR 72401; 707 Creath Ave., Jonesboro, AR 72401; and 3528 Viking St., Jonesboro, AR 72401.

11. The Subject Properties are “dwellings” within the meaning of Ark. Code Ann. § 16-123-302(9).

12. Defendant Charles owned or was involved in the management of the Subject Properties, including, but not limited to, showing the properties to prospective tenants, executing leases, collecting rent, receiving maintenance requests, and communicating with tenants.

13. Defendant Judy owned or was involved in the management of the Subject Properties, including, but not limited to, reviewing applications, approving tenants, and communicating with tenants.

III. JURISDICTION

14. This Court has jurisdiction over this matter pursuant to Ark. Code Ann. § 16-123-341(a).

15. Venue is proper in this Court pursuant to Ark. Code Ann. § 16-123-341(a) because Defendants reside and conduct business in Craighead County, Arkansas, and because the events giving rise to this action occurred in Craighead County, Arkansas.

IV. FACTUAL ALLEGATIONS

16. Since at least 2019, Defendants subjected female tenants of the Subject Properties to discrimination on the basis of sex, including unwelcome and severe or pervasive sexual harassment. The discriminatory conduct included, but was not limited to:

- a. Offering to grant tangible housing benefits, such as reducing rent to female tenants in exchange for sexual acts;
- b. Subjecting female tenants to unwelcome sexual touching, including touching their breasts and buttocks;
- c. Subjecting female tenants to indecent exposure, such as unwelcome exposure of genitals;
- d. Making unwelcome comments and sexual advances to female tenants, including commenting on tenants' bodies and inviting them to engage in sexual acts;
- e. Menacing female tenants by entering their homes without their permission and with no apparent legitimate reason; and
- f. Taking adverse housing actions, or threatening to do so, against female tenants who objected to or refused sexual advances.

17. For example, on October 13, 2020, Defendant Charles subjected Ms. Devonnia Horner to unwelcome sexual contact and comments. Defendant Charles showed Ms. Horner and her two children a Subject Property that was available for rent. After viewing the Subject Property, Ms. Horner completed the rental application. While Ms. Horner was completing the rental application, Defendant Charles brushed his elbow against her breast. As Ms. Horner was leaving the Subject Property, Defendant Charles grabbed Ms. Horner's breasts and stated, "I

would love to suck on those titties.”¹ Ms. Horner began to gather her belongings to leave when Defendant Charles also grabbed Ms. Horner’s hand and brushed it against his penis.²

18. Ms. Horner filed a police report concerning Defendant Charles’s conduct that same day.³ A criminal case was opened against him, and a No Contact Order was issued on November 4, 2020.

19. On or around November 4, 2020, Ms. Horner filed a complaint with the Department of Housing and Urban Development, No. 06-21-9889-8, and the Arkansas Fair Housing Commission (“AFHC”), No. 21-011. She alleged she was injured by Defendant Charles’s sexual harassment and the harassment subjected her to discriminatory terms, conditions, or privileges of a rental unit based on her sex. Ms. Horner also alleged that Defendant Charles made discriminatory statements based on her sex.⁴

20. AFHC determined that reasonable cause existed to believe the Defendants discriminated against Ms. Horner based on sex in violation of Ark. Code Ann. §§ 16-123-310(b), 13-123-311, and 16-123-344. On September 22, 2021, AFHC issued a Charge of Discrimination⁵ and Reasonable Cause Determination.⁶

¹ Exhibit A.

² *Id.*

³ *Id.*

⁴ Exhibit B.

⁵ Exhibit C.

⁶ Exhibit D.

21. During the investigation of Ms. Horner's complaint, AFHC determined that reasonable cause existed to believe Defendants engaged in a pattern or practice of discriminatory conduct towards female tenants.

22. For example, in and around November to December of 2019, Defendant Charles subjected a female tenant ("Tenant A") to unwelcome sexual contact and indecent exposure when he touched her buttocks and exposed himself to the female tenant while performing a sexual act upon himself.⁷ The first inappropriate encounter occurred when Defendant Charles claimed he needed to enter the female tenant's apartment to check the heat. While Tenant A was bent over attaching a cable to the TV for the children, Defendant Charles touched her buttocks without her consent. The second encounter occurred when Defendant Charles again claimed he needed to check the heat. During this encounter, Defendant Charles repeatedly stated how beautiful he thought Tenant A was while he exposed his penis. Defendant Charles's inappropriate conduct was unwelcome, unwanted, and made Tenant A feel uncomfortable and unwelcome in her home.

23. In another example, in and around July 2020, Defendant Charles subjected a female tenant ("Tenant B") to unwelcome sexual comments, advances, and contact.⁸ Defendant Charles was "very flirty" with Tenant B and would frequently touch her in an inappropriate manner by grabbing her breasts and touching her body.⁹ Even after being told to stop, Defendant Charles continued to sexually harass Tenant B. On another occasion, Defendant Charles stated,

⁷ Exhibit E.

⁸ Exhibit F.

⁹ *Id.*

“they would help with paying [Tenant B’s] rent” while staring at her breasts.¹⁰ On another occasion, Defendant Charles indecently exposed himself and asked Tenant B “if [she] knew how to give oral sex.”¹¹ Defendant Charles’s inappropriate conduct was unwelcome, unwanted, and made Tenant B feel uncomfortable and unwelcome in her home.

24. In another example, in and around August 2019, Defendant Charles subjected a female tenant (“Tenant C”) to unwelcome sexual comments and contact. Defendant Charles would frequently touch Tenant C’s breast when he came to her unit to collect rent. On at least one occasion, Defendant Charles commented on Tenant C’s breasts by stating “damn you got some big boobs.”¹² Tenant C attempted to get Defendant Charles to stop the inappropriate conduct by stating she would tell his wife. However, Defendant Charles did not stop the inappropriate sexual conduct until the father of Tenant C’s children confronted him. Defendant Charles’s inappropriate conduct was unwelcome, unwanted, and made Tenant C feel uncomfortable and unwelcome in her home.

25. In another example, Defendant Charles subjected a female tenant (“Tenant D”) to unwelcome sexual comments, advances, and contact. Defendant Charles would frequently lift Tenant D’s shirt, pinch her nipples, and rub his crotch area while speaking to her. Due to Defendant Charles’s conduct, Tenant D started having a male present when Defendant Charles would come to the unit to collect rent or any other purpose and eventually moved out of the unit. Tenant D or her mother informed Defendant Judy of Defendant Charles’s conduct. Defendant

¹⁰ *Id.*

¹¹ *Id.*

¹² Exhibit G.

Charles's inappropriate conduct was unwelcome, unwanted, and made Tenant D feel uncomfortable and unwelcome in her home.

26. The experiences of these four women described in the preceding paragraphs were not isolated instances. Rather, these instances were part of Defendant Charles's longstanding pattern or practice of illegal sexual harassment of multiple female tenants.

27. Defendants' conduct described in this complaint caused female tenants to suffer fear, anxiety, and emotional distress, and interfered with their ability to secure and maintain rental housing for themselves and their families.

28. Defendant Charles's discriminatory conduct as described above occurred at the Subject Properties co-owned or co-managed by Defendant Judy. Defendant Charles's discriminatory conduct occurred while he was exercising his authority as an agent or representative for Defendant Judy. Defendant Judy is therefore vicariously liable for Defendant Charles's conduct, regardless of whether she knew or should have known.

29. Defendant Judy knew, or should have known, about Defendant Charles's discriminatory conduct because at least one person informed Defendant Judy of such. Defendant Judy had the authority to take preventative and corrective action yet failed to take reasonable preventative or corrective measures to prevent or redress Defendant Charles's discriminatory conduct.

30. AFHC requested the State to file a civil action against Defendants in accordance with Ark. Code Ann. § 16-123-341.¹³

¹³ Exhibit H.

V. CAUSES OF ACTION

31. The State realleges and incorporates each allegation contained in the preceding paragraphs as if set forth fully herein.

32. By the actions and statements described above, Defendants have:

- a. Refused to sell or rent after the making of a bona fide offer, or refused to negotiate for the sale or rental of, or otherwise made unavailable or denied, a dwelling to persons because of sex, in violation of Ark. Code Ann. § 16-123-310(a);
- b. Discriminated in the terms, conditions, or privileges of the rental or sale of dwellings, or in the provision of services or facilities in connection thereof, because of sex, in violation of Ark. Code Ann. § 16-123-310(b);
- c. Made statements with respect to the sale or rental of dwellings that indicate a preference, a limitation, or discrimination based on sex, in violation of Ark. Code Ann. § 16-123-311; and
- d. Intimidated or interfered with or attempted to intimidate or interfere with persons because of sex and because the persons are or have been selling, purchasing, renting, financing, occupying, contracting, or negotiating for the sale, purchase, rental, financing, or occupation of any dwelling, in violation of Ark. Code Ann. § 16-123-344.

33. Under Ark. Code Ann. § 16-123-341(a), Defendants' conduct constitutes:

- a. A pattern or practice of resistance to the full enjoyment of the rights granted by the Arkansas Fair Housing Act; and,
- b. A denial to a person or group of persons of rights granted by the Arkansas Fair Housing Act that raises an issue of general public importance.

34. Female tenants have been injured by Defendants' discriminatory conduct. These persons are "aggrieved persons" as defined in Ark. Code Ann. § 16-123-302(1) and have suffered damages as a result of Defendants' conduct.

VI. PRAYER FOR RELIEF

35. As a result of Defendants' discriminatory practices, the female tenants suffered damages including, but not limited to, emotional distress, mental anguish, loss of dignity, inconvenience, and loss of an important housing opportunity.

36. The State seeks injunctive and declaratory relief, compensatory and punitive monetary damages, reasonable attorney's fees, court costs, and any other relief as may be appropriate pursuant to Ark. Code Ann. § 16-123-341(b).

37. The State demands a jury trial.

WHEREFORE, the State of Arkansas prays that this Court enter an Order that:

38. Declares that Defendants' discriminatory practices violate the Arkansas Fair Housing Act;


39. Enjoins Defendants, their agents, employees, and successors, and all other person in active convert or participation with them, from:

- a. Discriminating on the basis of sex, including engaging in sexual harassment, in any aspect of the rental of a dwelling;
- b. 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;
- c. Making statements with respect to the sale or rental of a dwelling that indicate a preference, limitation, or discrimination based on sex;
- d. Interfering with, or threatening to take any action against, any person engaged in the exercise or enjoyment of rights granted or protected by the Arkansas Fair Housing Act;
- e. Failing or refusing to take such affirmative steps as may be necessary to restore, as nearly as practicable, the victims of Defendants' past unlawful practices to the position they would have been in but for the discriminatory conduct; and

- f. 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 Defendants' unlawful practices.
40. Awards other appropriate relief, including monetary damages to each person aggrieved by Defendants' discriminatory conduct, reasonable attorney's fees, and court costs, under Ark. Code Ann. § 16-123-341(b)(2);
41. Assess civil penalties against Defendants to vindicate the public interest, under Ark. Code Ann. § 16-123-341(b)(3); and
42. Awards such additional relief as the interests of justice may require.

Respectfully submitted,

TIM GRIFFIN
ATTORNEY GENERAL

By: 
Reid Adkins, Ark. Bar No. 2015216
Assistant Attorney General
Arkansas Attorney General's Office
323 Center Street, Suite 200
Little Rock, AR 72201
Phone: (501) 682-6491
Fax: (501) 682-8118
Email: Reid.Adkins@ArkansasAG.gov