



# IOWA CIVIL RIGHTS COMMISSION

54 Years of Working for a State Free of Discrimination  
Through Enforcement of the Iowa Civil Rights Act

**Annual Report**  
Fiscal Year 2019

KIM REYNOLDS, GOVERNOR  
ADAM GREGG, LT. GOVERNOR

IOWA CIVIL RIGHTS COMMISSION  
ELIZABETH A. JOHNSON, EXECUTIVE DIRECTOR

November 27, 2019

Governor Kim Reynolds  
Governor of the State of Iowa  
The State Capitol  
Des Moines, IA 50319

Dear Governor Reynolds:

In accordance with the Code of Iowa, I hereby transmit to you and the General Assembly the Annual Report of the Iowa Civil Rights Commission for Fiscal Year 2019.

The ICRC has continued its efforts to process complainants alleging discrimination in a timely, efficient, and competent manner. In FY19, the ICRC experienced the turnover of the Executive Director and five Civil Rights Specialists. During the same year, the Screening and Housing Supervisor became the Interim Executive Director and filled both roles simultaneously. Despite these staffing challenges, I am pleased with the progress the ICRC made in FY19 toward reducing the time for processing discrimination complaints, enhancing the quality of screening and investigations, and helping parties negotiate mutually acceptable resolutions of complaints. Significantly, for the fourth year in a row, the ICRC's complaint processing time substantially decreased. The average number of days it took to process complaints in FY19 was 192, the lowest it has been in decades.

This decreased processing time has occurred while the number of complaints processed increased. In this fiscal year, the ICRC received 1,635 complaints of discrimination, just eight more than in FY18. The ICRC closed 1,253 complaints in FY19, which is less than we closed the year prior but which is still in line with ICRC's historical numbers.

The Commission conducted 216 mediations this year; 87 of those resulted in voluntary settlement, reflecting the success of our employee mediation training program. Through early voluntary resolutions of complaints, the ICRC is able to remedy discrimination, harassment, and retaliation early in the complaint process and to provide significant cost savings to parties and the taxpayers of Iowa.

Funding for the ICRC comes from a combination of state general funds and work-sharing agreements with federal agencies that have concurrent jurisdiction of discrimination and harassment complaints through equivalent federal laws. The ICRC received credit for 908 complaints with its work-sharing agreement with the EEOC, and 136 complaints were compensated through the work-sharing agreement with HUD, resulting in credit of

\$1,621,141 from the federal government for the next fiscal year for processing cases which also fall under the jurisdiction of federal law.

The ICRC processed 14 complaints that resulted in a probable cause finding, successfully conciliating four of those cases. Most of the other complaints which were not conciliated were closed by the ICRC after receiving a request for a right-to-sue letter. The ICRC pursued public hearing on six complaints in FY19; additional complaints were settled prior to hearing or are still pending. Through the public hearing process, the ICRC was able to help Iowans who have been discriminated against, such as Jennifer Spencer, who suffered housing discrimination because of a disability. Jennifer is a person with disabilities and requires the use of an assistance dog to help her detect seizures and control her PTSD. Jennifer was looking for a low-cost apartment in Waterloo, and applied to live at Respondent's property. When Jennifer told the landlord that she had an assistance dog, he told her he refused to allow dogs regardless of the reason and she should not have wasted his time. Jennifer was desperately in need of housing, so she attempted to move in and live without her assistance animal. Just three days later, she had a seizure. Jennifer then retrieved her assistance dog, brought the dog with her to the apartment, and was then better able to control her disabilities. Spencer was awarded \$5,000 in damages for emotional distress. Additionally, the administrative law judge ordered the housing provider to obtain fair housing training and adopt policies and forms for tenants to request reasonable accommodations.

In addition, the ICRC engages in substantial training and outreach to educate Iowans about state and federal laws prohibiting discrimination. Through our training and outreach efforts and our social media and website information, we were able to reach and have contact with over 76,000 Iowans.

The mission of the ICRC is to eliminate discrimination within the State of Iowa. A credible and effective Civil Rights Commission that enforces all provisions the Iowa Civil Rights Act ensures that Iowa has both a diverse and inclusive workforce and a productive and welcoming business environment. As you can see in the Annual Report, the ICRC is making real and sustained progress in its efforts toward eliminating discrimination through effective and efficient enforcement of the Iowa Civil Rights Act.

Elizabeth A. Johnson  
Executive Director

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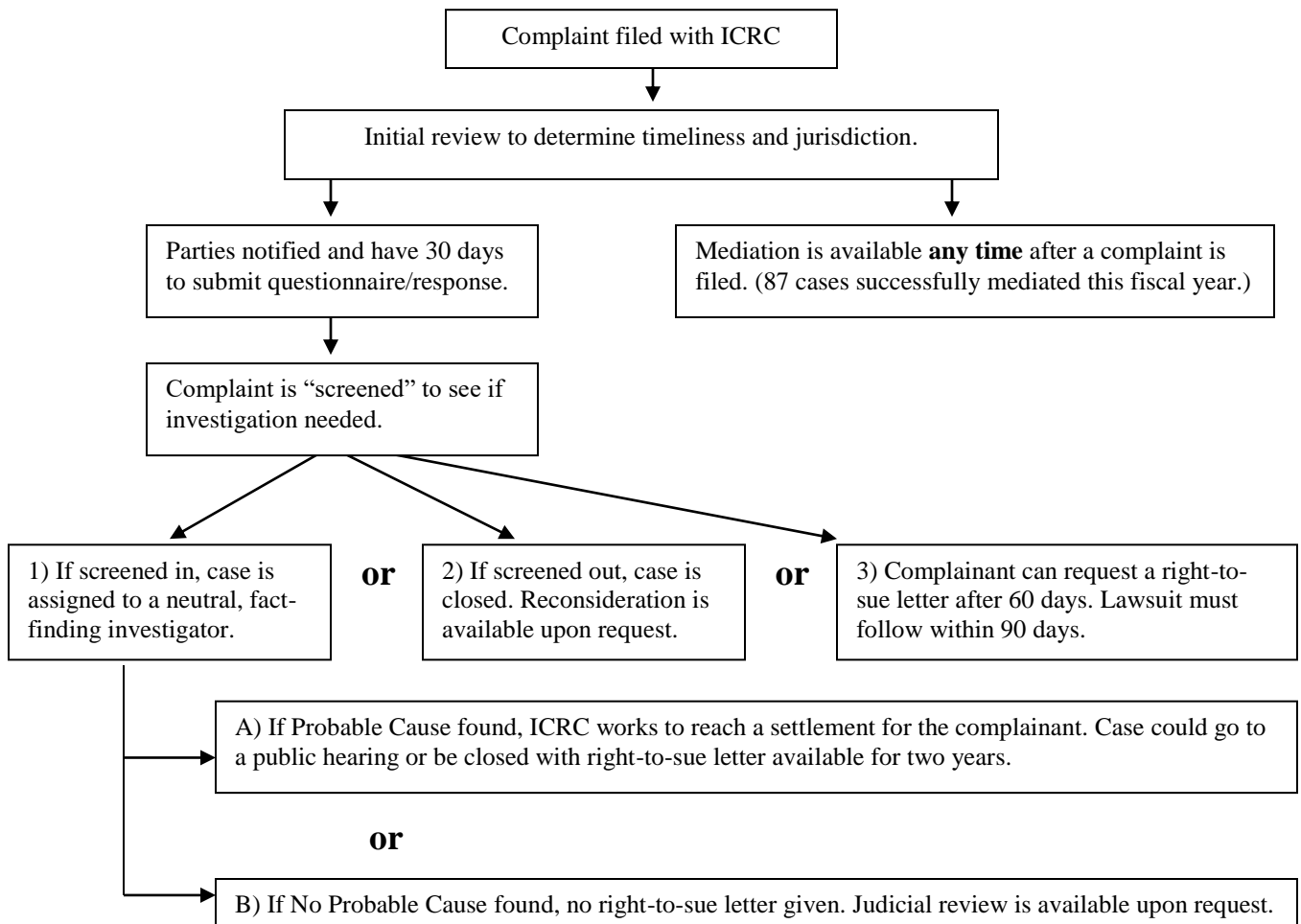
# About the Iowa Civil Rights Commission

The Iowa Civil Rights Commission is a neutral, law enforcement agency that enforces the “Iowa Civil Rights Act of 1965.” The Commission addresses discrimination in the following ways:

- Case resolution through intake, screening, mediation, investigation, conciliation, and public hearings
- Conducting state-wide public education and training programs to prevent and respond to discrimination
- Testing to determine the existence or extent of discrimination in Iowa

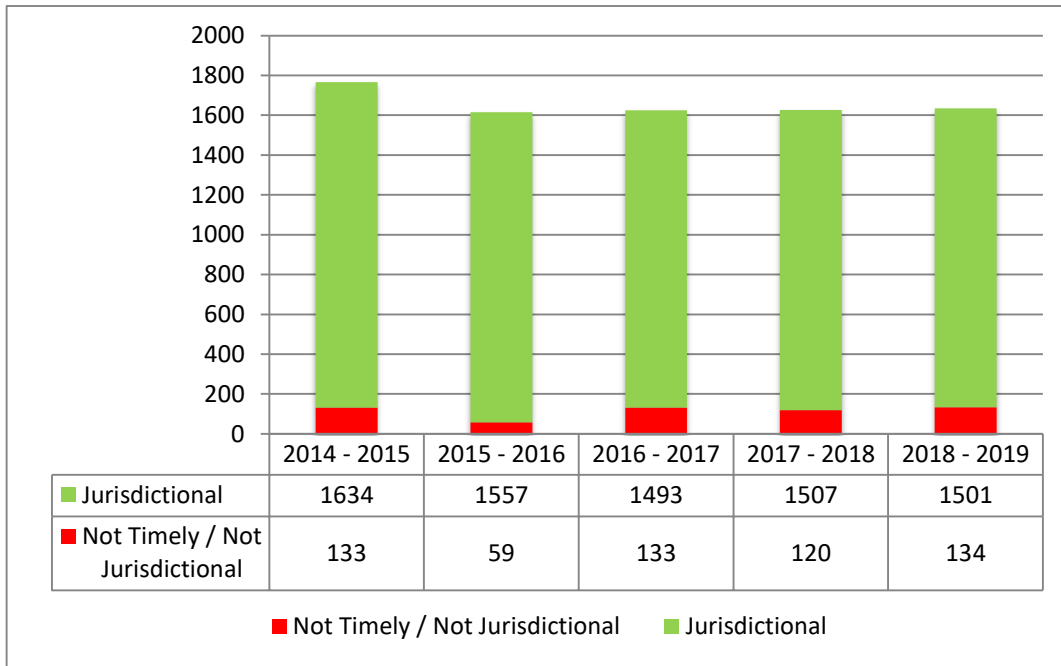
The Iowa Civil Rights Act of 1965 prohibits discrimination in the areas of employment, housing, credit, public accommodations (public services and buildings), and education. Discrimination and harassment are illegal if based on actual or perceived race, skin color, national origin, religion, creed, sex, pregnancy, sexual orientation, gender identity, physical disability, mental disability, age (in employment and credit), familial status (in housing and credit), or marital status (in credit).

## The Discrimination Complaint Process

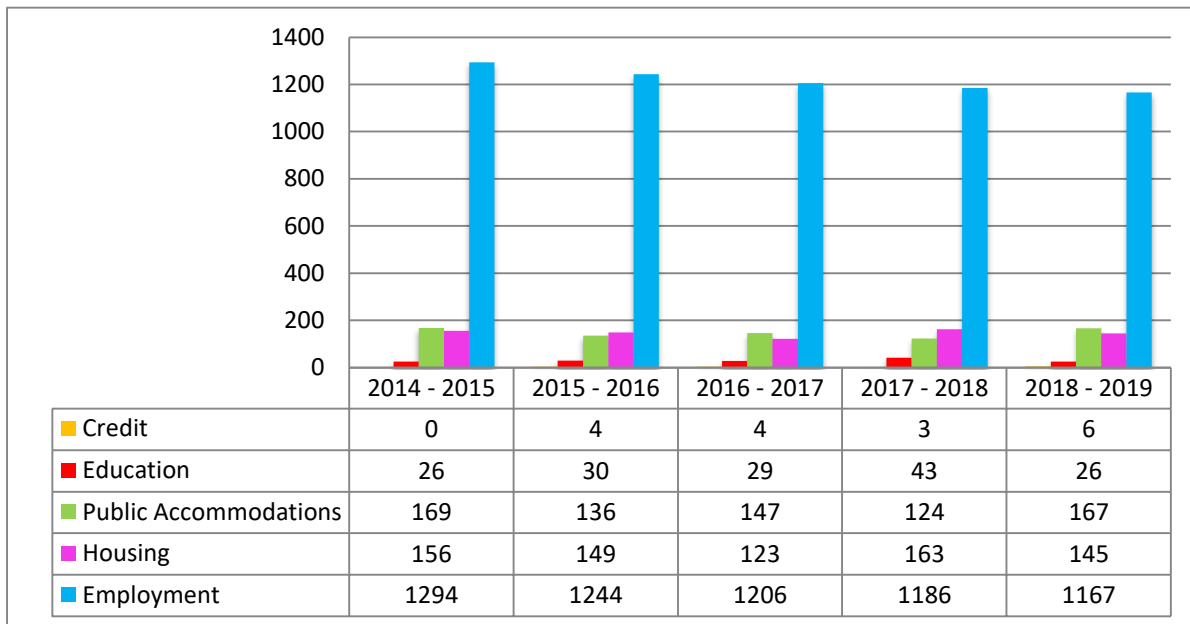


# Processing of Discrimination Complaints

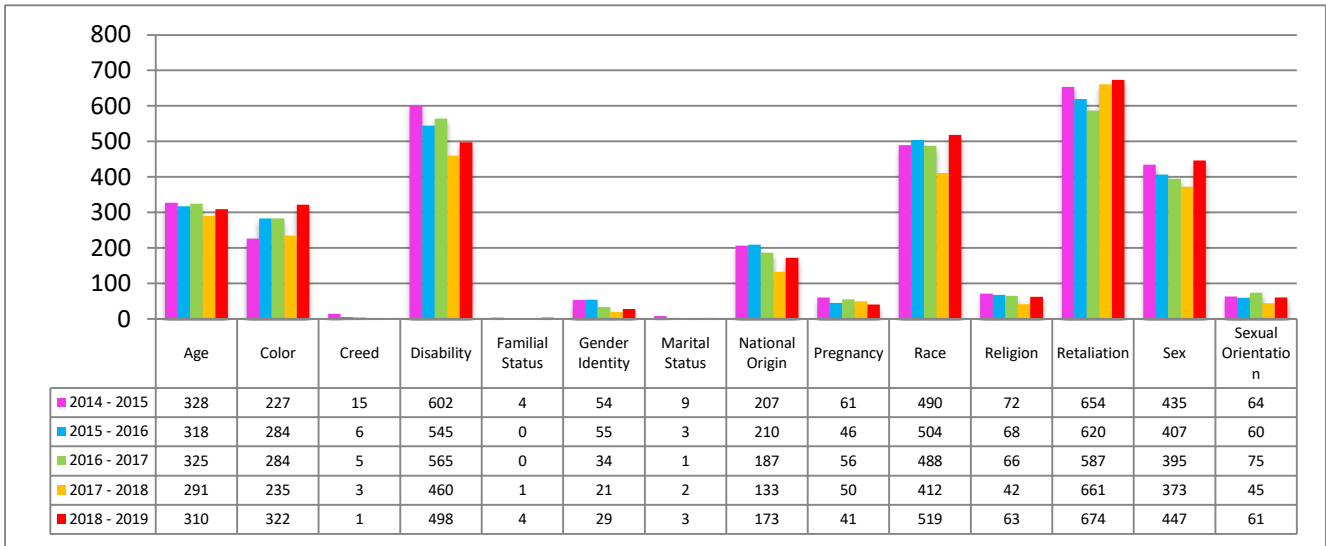
During FY19, the Commission received 1,635 discrimination cases. Of those complaints, 134 complaints either did not meet the jurisdictional requirements or the 300-day time limit since the last alleged incident took place.



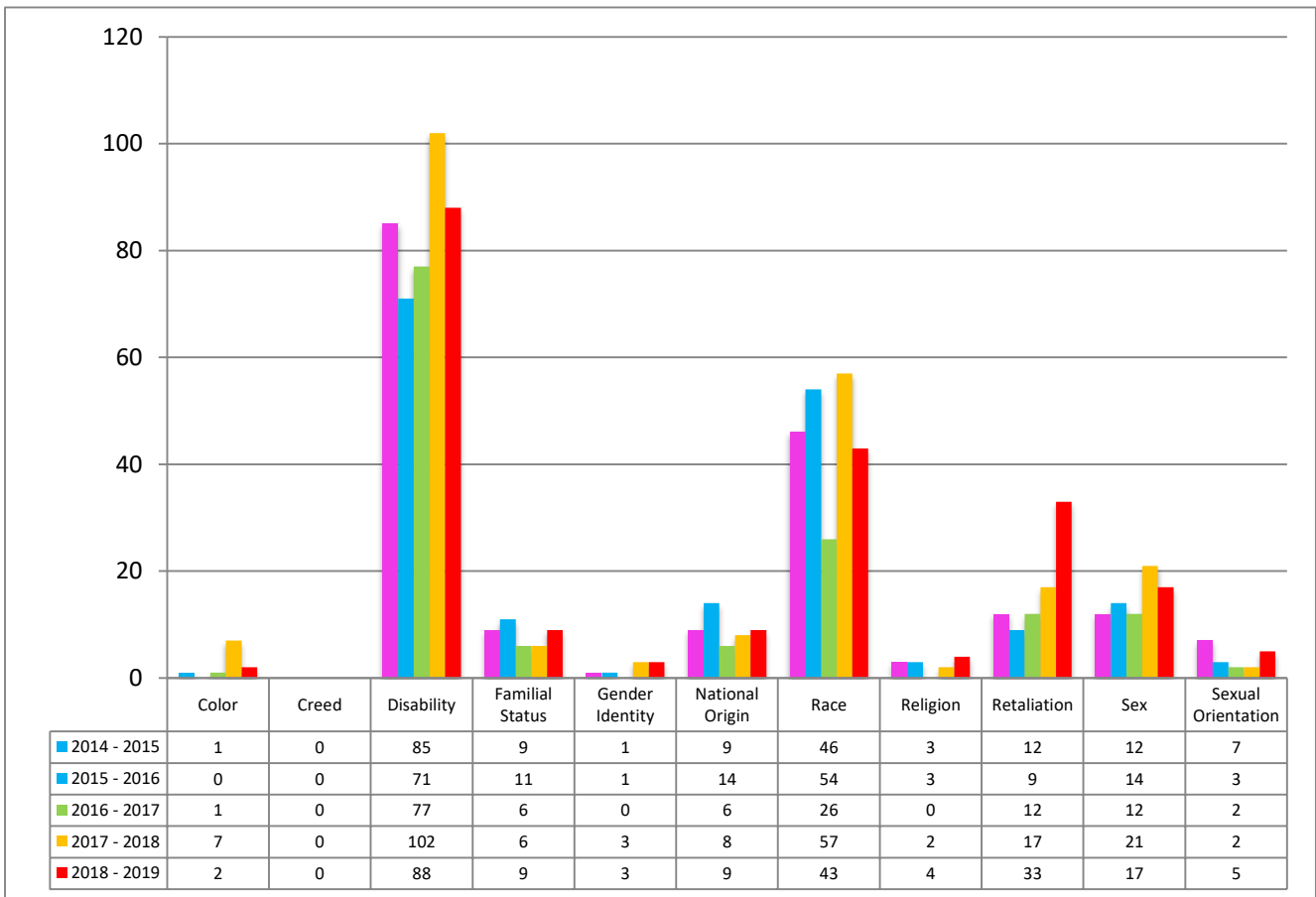
# Cases Docketed by Area and Fiscal Year



# Cases Docketed in Non-Housing by Basis



# Cases Docketed in Housing by Basis



# Filings by County

The Iowa Civil Rights Commission received complaints from 90 of the 99 counties.

County	Filings
Adair	2
Adams	1
Allamakee	0
Appanoose	1
Audubon	1
Benton	4
Black Hawk	122
Boone	2
Bremer	4
Buchanan	9
Buena Vista	6
Butler	4
Calhoun	1
Carroll	7
Cass	2
Cedar	2
Cerro Gordo	20
Cherokee	5
Chickasaw	3
Clarke	5
Clay	9
Clayton	1
Clinton	16
Crawford	6
Dallas	29
Davis	4
Decatur	1
Delaware	2
Des Moines	12
Dickinson	2
Dubuque	53
Emmet	1
Fayette	5

County	Filings
Floyd	8
Franklin	2
Fremont	1
Greene	3
Grundy	2
Guthrie	3
Hamilton	3
Hancock	2
Hardin	9
Harrison	1
Henry	7
Howard	6
Humboldt	2
Ida	5
Iowa	8
Jackson	3
Jasper	16
Jefferson	10
Johnson	79
Jones	2
Keokuk	2
Kossuth	6
Lee	14
Linn	106
Louisa	0
Lucas	0
Lyon	2
Madison	5
Mahaska	10
Marion	7
Marshall	10
Mills	2
Mitchell	2

County	Filings
Monona	0
Monroe	4
Montgomery	4
Muscatine	15
O'Brien	0
Osceola	1
Page	3
Palo Alto	1
Plymouth	4
Pocahontas	1
Polk	398
Pottawattamie	30
Poweshiek	4
Ringgold	1
Sac	0
Scott	157
Shelby	6
Sioux	7
Story	39
Tama	6
Taylor	0
Union	4
Van Buren	0
Wapello	20
Warren	12
Washington	7
Wayne	1
Webster	16
Winnebago	10
Winneshiek	0
Woodbury	47
Worth	2
Wright	3



# Mediation

The ICRC continues to run a robust mediation program designed to assist parties in the voluntary resolution of discrimination complaints at the earliest stage possible. Mediation services are available any time after a complaint is filed. Mediations can be conducted throughout the state of Iowa. Onsite mediations encourage Complainants and Respondents to resolve disputes within a limited time frame, which significantly decreases the length of time expended in case resolution and reduces the costs associated with litigation. Both parties must be willing to resolve the dispute. If mediation succeeds, the case is closed. If mediation fails, the case is moved on to investigation. During this fiscal year, the Commission mediated approximately 216 cases, 87 of which were successful. A notable percentage of the remaining cases were voluntarily resolved by the parties after the in-person mediation, as the parties continued discussions after the initial sessions facilitated by ICRC mediators.

The ICRC utilizes offices of local commissions, if available or public libraries so that the mediations can take place on neutral ground and in the location of the parties. Mediations are commonly conducted outside the city of Des Moines, thereby decreasing the amount of travel for the parties. A mediator's role is as a neutral third party who facilitates the discussions between the Complainant and Respondent. The purpose is to assist the parties to reach a compromise without having to go through a full investigation.

# Conciliation

Conciliation occurs after a finding of probable cause has been made. Until this point, the Iowa Civil Rights Commission is a neutral, fact finding agency. Conciliation is the first point in the process that the Commission becomes an advocate to resolve the discrimination that has been found through the investigation. The ICRC's submission of strong probable cause recommendations to administrative law judges renders the conciliation process a useful and attractive dispute resolution alternative. Conciliation is accomplished with the ICRC staff members' efforts in determining and implementing the appropriate remedies to address the situation and make Complainant whole, as well as provide public relief and ensure discrimination is not repeated. During this fiscal year, there were 12 cases assigned to conciliation, with four successful conciliations.

# Cases Handled by the Attorney General's Office

FY19 (July 1, 2018 – June 30, 2019)

## State Courts

### **Steve Kuhle as Fraternal Order of Eagles #568 v. Iowa Civil Rights Commission, Dubuque County, CVCV106156, Appellate No. 18-0495**

Steve Kuhle as Fraternal Order of Eagles #568 appealed a judicial review ruling of the Commission's decision in favor of the Iowa Civil Rights Commission, case numbers DIA No. 14ICRC009-010. The Iowa Court of Appeals affirmed, finding in favor the Commission.

### **Palmer College of Chiropractic v. Iowa Civil Rights Commission, Scott County, CVCV298255**

Palmer College filed a Petition for Judicial Review challenging the Commission's issuance of a right to sue letter on a complaint Palmer College alleged was duplicative of a previously filed complaint. The district court found in favor of the Commission, holding that the Commission's issuance of the right to sue letter was proper and Palmer College could challenge the alleged duplicity of the complaint before the district court in the discrimination against filed against it.

### **Hager v. Iowa Civil Rights Commission, Polk County, CVCV056404**

Petitioner Hager filed a Petition for Judicial Review challenging the Commission's administrative closure of his civil rights complaint. The Commission moved to dismiss the Petition arguing Mr. Hager was not an aggrieved party under the Iowa Administrative Procedure Act due to the Commission's action. The district court found in favor of the Commission.

### **Iowa Civil Rights Commission ex rel A.W. v. Barkalow et al, Johnson County, CVCV080396**

The Commission filed a Petition in district court alleging Tracy Barkalow, Big Ten Property Management, LLC, and TSB Holdings, LLC, discriminated against A.W. in the area of housing by unduly delaying in responding to her request for her assistance animal to reside with her in her rental unit. The case is set for jury trial in August 2020.

### **Iowa Civil Rights Commission v. AAA Allied Building Services et al, Polk County, CVCV057382**

The Commission filed a Petition to Enforce the judgment it obtained against Defendants, in which an administrative law judge found the defendants discriminated against a complainant due to his race. The Commission obtained a default judgment and assigned the judgment to the victim of the discrimination.

### **Iowa Civil Rights Commission ex rel D.S. v. City of Earling et al, Shelby County, CVCV020211**

The Commission filed a Petition in district court alleging the City of Earling discriminated against D.S. in the area of housing by refusing to grant a variance to its animal control ordinance as a reasonable

accommodation to allow D.S.'s assistance animals to stay in the city limits. The case is set for bench trial in March 2020.

**Sioux City Human Rights Commission and James Rixner v. James W. Boyd Revocable Trust et al, Supreme Court No. 18-0811**

The Commission filed an Amicus Curie brief in support of the Sioux City Human Rights Commission, arguing that testers who are subjected to discriminatory housing practices have standing to file suit under the Iowa Civil Rights Act. The case will be decided in the Court of Appeals' 2019-20 term.

**Administrative Actions**

**Iowa Civil Rights Commission ex rel Bret Holle and Melissa McCord-Holle v. Rainey and Wedemeyer-Rainey, DIA No. 19ICRC005**

The Commission filed an administrative action charging the respondent with housing discrimination on the basis of disability. The case is set for hearing in November 2019.

**Iowa Civil Rights Commission v. Dearborn and Dearborn Enterprises, DIA No. 19ICRC004**

The Commission filed an administrative action charging the respondent with housing discrimination on the basis of disability. The parties reached a no-fault settlement agreement in September 2019, in which Respondents agreed to pay the complainants \$650, as well as obtain fair housing training.

**Iowa Civil Rights Commission v. John E. Yoder & Mildred F. Yoder Irrevocable Trust and Stuart Yoder, DIA No. 19ICRC003**

The Commission filed an administrative action charging the respondents with housing discrimination on the basis of disability. After hearing, an administrative law judge found in favor of the Commission and enjoined Respondents from further violations of the Iowa Civil Rights Act, as well as required them to obtain fair housing training and adopt policies and forms for tenants to make requests for reasonable accommodation.

**Iowa Civil Rights Commission v. Sam's West, Inc. d/b/a Sam's Club, DIA No. 19ICRC002**

The Commission filed an administrative action charging the respondent with employment discrimination on the basis of disability. The parties reached a no-fault agreement before hearing, including a payment of \$19,500 to the complainant and training requirements for Respondent.

**Iowa Civil Rights Commission ex rel Jennifer Spencer v. Vincent Kobliska, DIA No. 19ICRC001**

The Commission filed an administrative action charging the respondent with housing discrimination on the basis of disability. After hearing, an administrative law judge found in favor of the Commission and awarded the complainant \$5,000 in damages, as well as required Respondent to obtain fair housing training and adopt policies and forms for tenants to make requests for reasonable accommodation. Subsequently, the respondent appealed the decision to the Commissioners, who adopted the

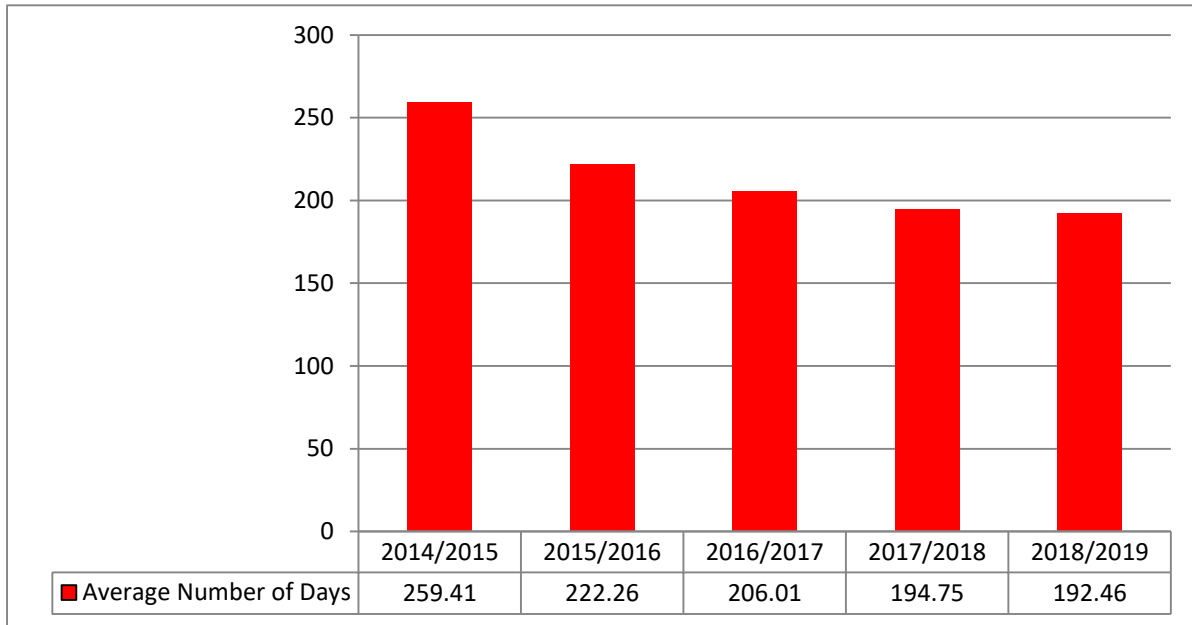
administrative law judge's decision and damages award. In FY20, Respondent filed for judicial review in district, and that action remains pending.

**Iowa Civil Rights Commission v. AAA Allied Building Services, Bruce Smith, and Bruce Smith d/b/a AAA Allied Building Services, DIA No. 18ICRC002**

The Commission filed an administrative action charging the respondent with race discrimination. The respondent did not appear for the scheduled hearing, and an administrative law judge found in favor of the Commission and awarded \$14,700 in lost wages and emotional distress damages. The respondent appealed the judgment to the Iowa Civil Rights Commissioners, and the Commissioners found in favor of the Commission and adopted the ALJ's decision and damages award.

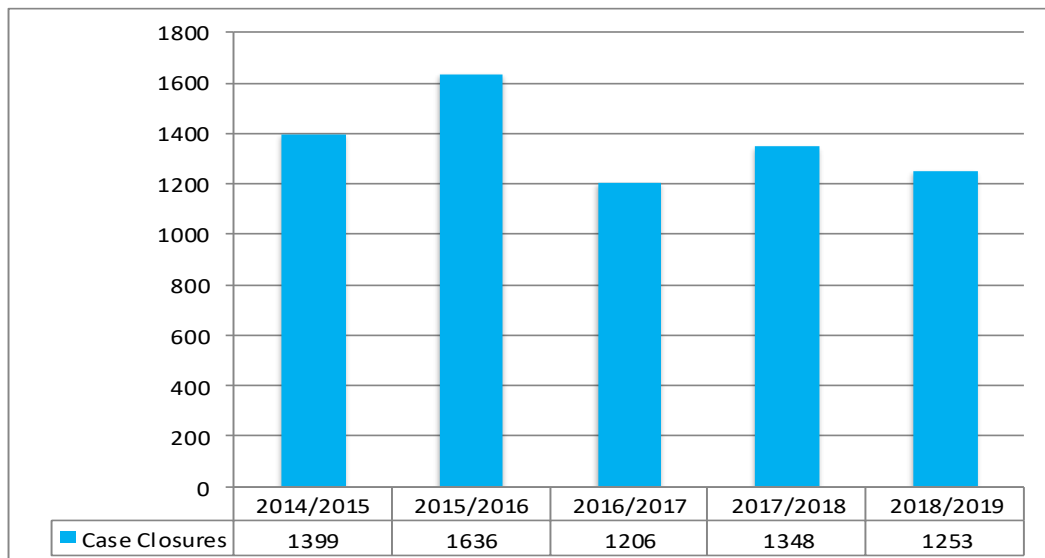
# Average Number of Days to Process a Case

In FY 2019, the average number of days to process a case from open to close was 192 days. This is the fourth consecutive year that the number of days to process a case has substantially decreased. It is the lowest number of average days it has taken the ICRC to process a case in decades. Yet, the ICRC closed more cases than in FY 2017.

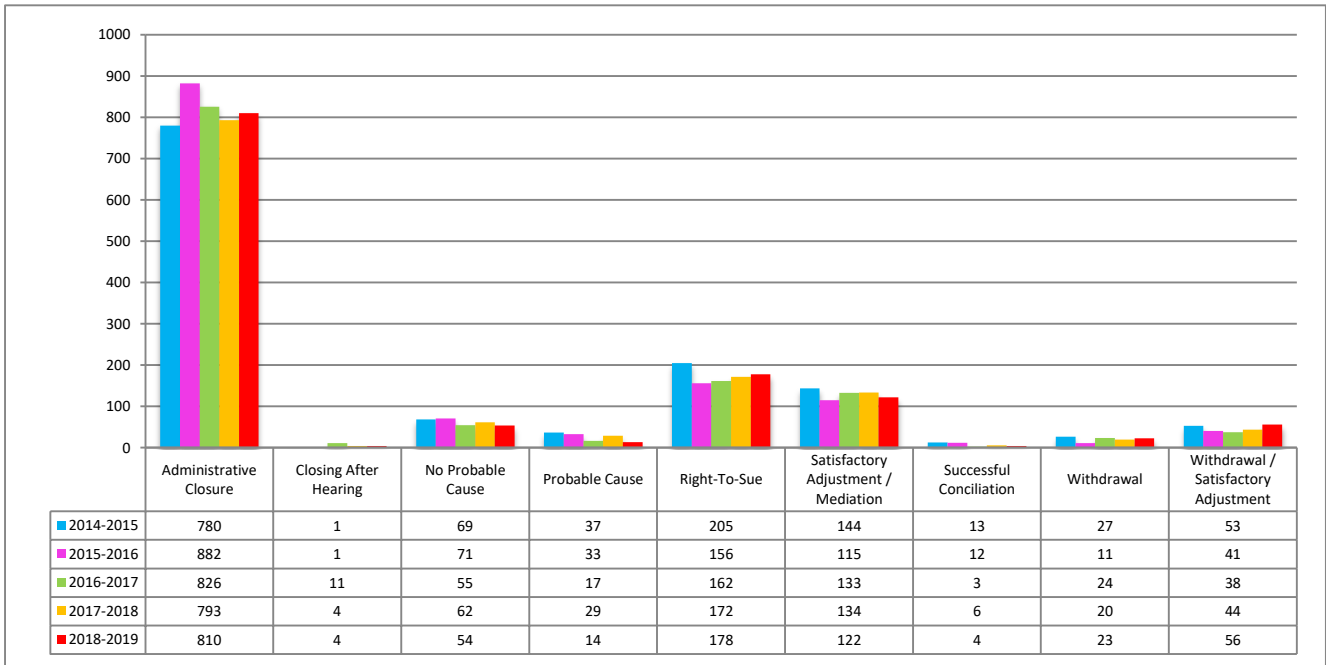


# Case Closures

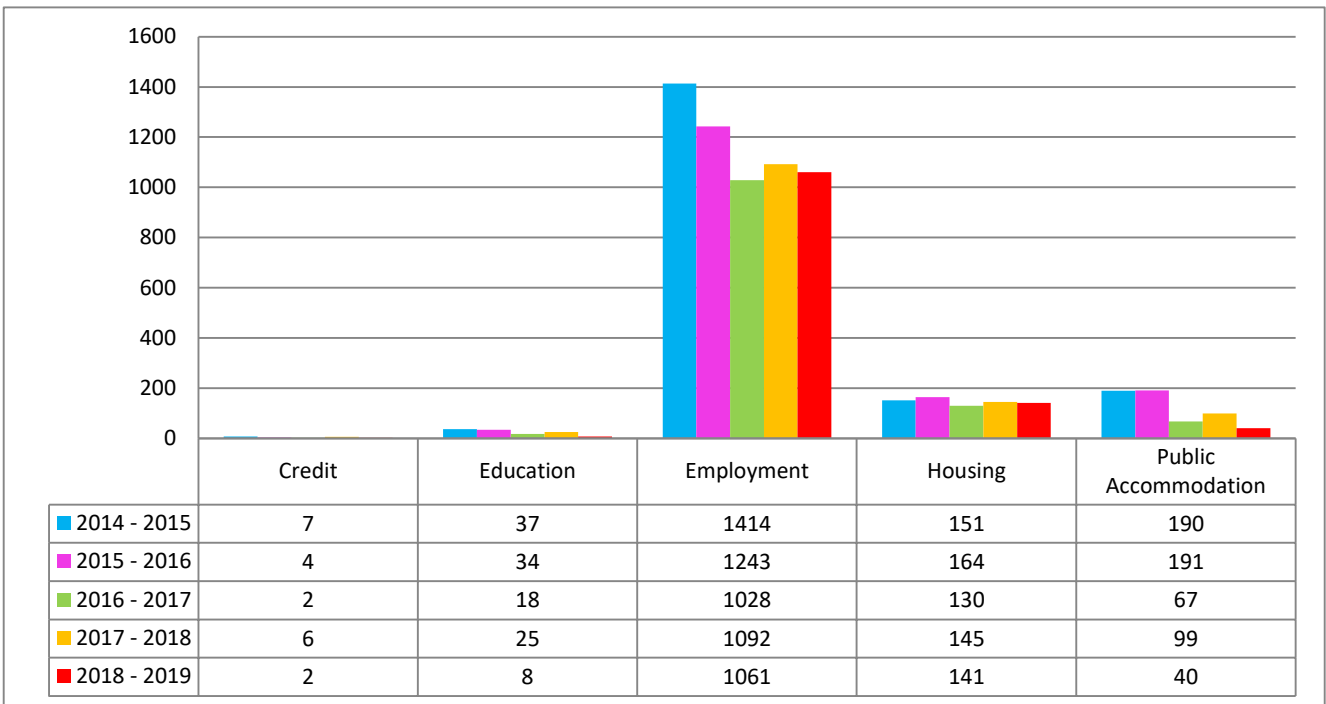
During the year, the Commission closed 1,253 cases. Of these case closures, the largest category was “does not warrant further investigation/administrative closure.” This was followed by right-to-sue, satisfactory adjustment / mediated settlement, no probable cause, and withdrawal/satisfactory adjustment.



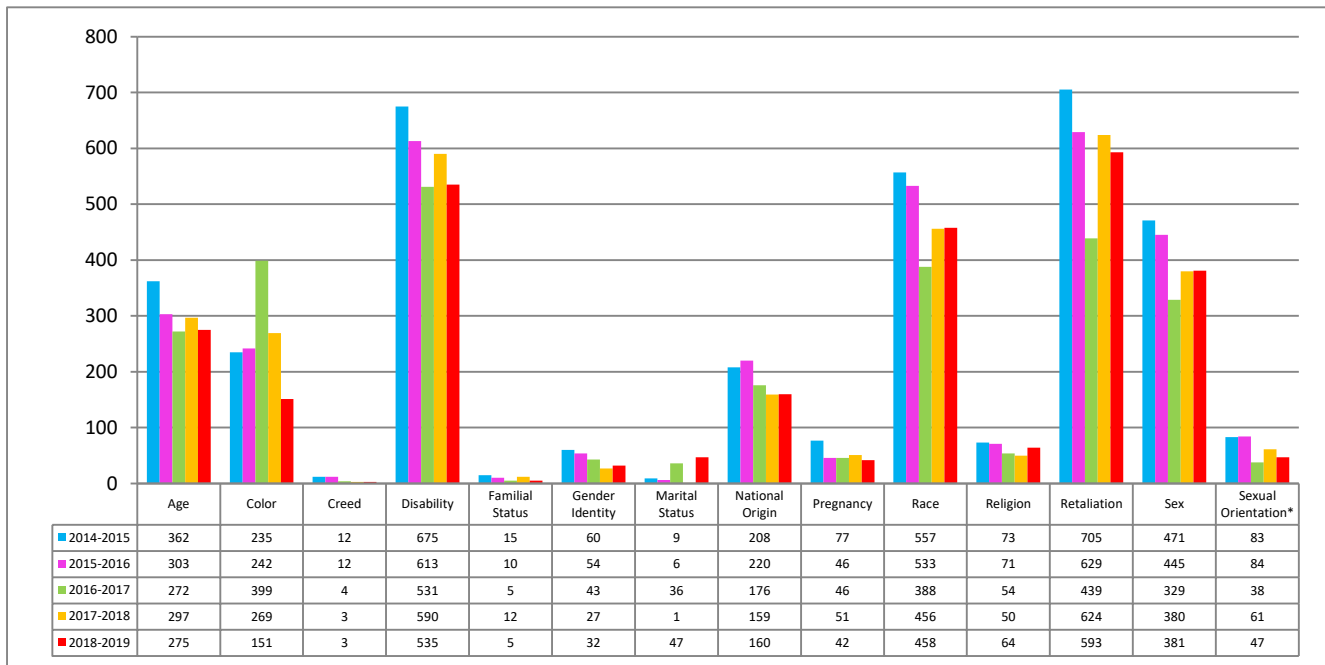
# Case Closures by Type



# Case Closures by Area



# Case Closures by Basis



## Education, Outreach, and Training

The Commission’s educational programs teach people about their rights under the law, how to prevent discrimination, and why diversity is important in Iowa. In FY19, ICRC staff participated in presentations / outreach events, reaching nearly 26,000 participants and distributing approximately 25,900 items. The largest outreach event was our booth at the Iowa State Fair. The ICRC engaged in social media outreach in conjunction with its booth, giving out over 24,100 promotional items to all age groups who either responded to Iowa Civil Rights trivia questions or tagged the ICRC in social media posts.

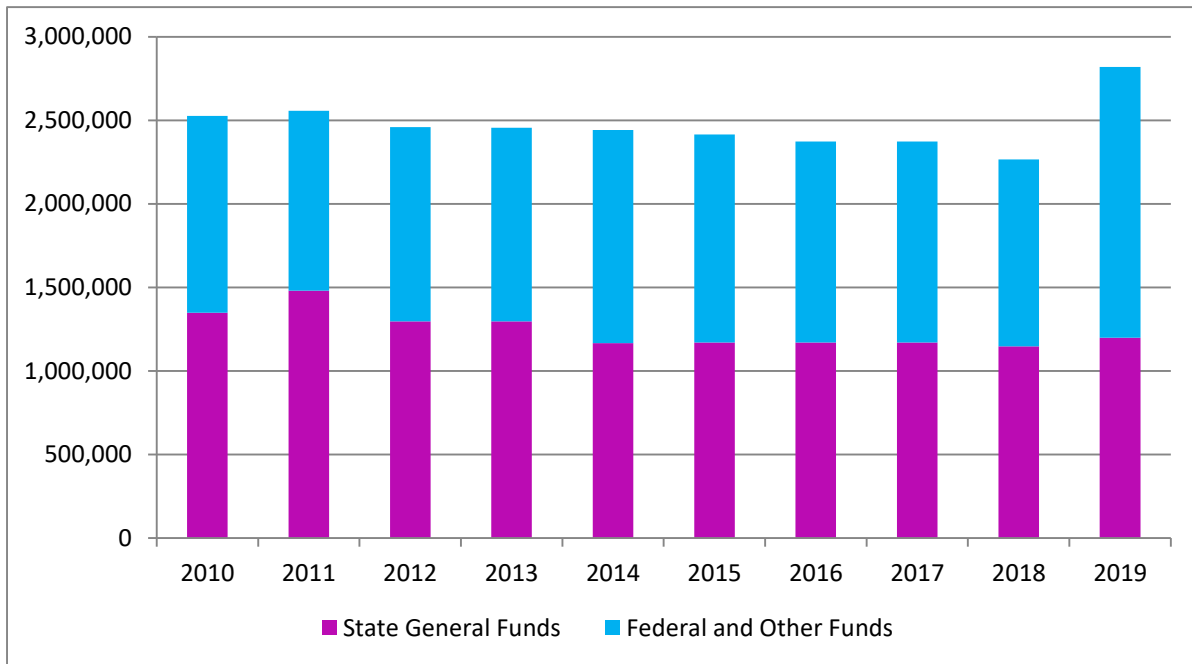
The Commission’s website, <https://icrc.iowa.gov>, received visits from approximately 39,739 individuals between July 1, 2018 and June 30, 2019. The Commission reached over 11,000 individuals through the Commission’s social media presence on Facebook, Twitter, and Instagram.

The Commission conducts workshops, seminars, and training sessions on a variety of civil rights topics, and publishes and distributes materials on civil rights. The Commission publishes fact sheets; posters and brochures, Fair Housing Guides, Annual Reports, and many other educational materials. These are also available from our website. The Commission offers fair housing training to educate landlords and tenants on their rights and responsibilities under fair housing laws. The ICRC held its 6<sup>th</sup> Annual “Be the Change” Symposium and 3<sup>rd</sup> Annual “Build It Right” Conference, its largest annual training event and the premier education event in Iowa focused on issues of discrimination.

# Fiscal Year 2019 Funding

- The total funding for the Iowa Civil Rights Commission for FY19 was \$2,819,407.
- \$1,198,266 was state general funding.
- \$1,621,141 was from federal contract funding (EEOC and HUD FY19 work sharing) and other contracts and grants.
  - \$637,200 was from EEOC contract funding.
  - \$983,941 was from HUD contract funding.
    - \$477,284
    - \$506,657 (received early due to Federal Government shutdown)
- \$31,996 was for reimbursement for presentations, copying and training (offset by costs of same).
  - \$24,234 spent/received for copying.
  - \$7,762 spent/received for training.

## ICRC Funding Fiscal Years 2009 – 2018





# **Iowa Civil Rights Commission Staff**

**Elizabeth A. Johnson, Executive Director**

Stephanie Adkisson  
Kathryn Austin  
Jaimee Bullock  
Rachel Campbell  
Hilda Coelho  
Thomas Collins  
Katie Fiala  
Annette Flaherty  
Mathew Gore  
Linda Grathwohl  
Andrew Greenberg  
Kerry Hainline

Anne Johnson  
SueAnn Johnson  
Emigdio Lopez-Sanders  
Dean Meester  
Sylvia Owens  
Amy Quail  
Trena Rogers  
Alexis Rowe  
Kaitlin Smith  
Debra Stewart  
Ramona Ubaldo

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Urbandale

Ashley Hunt  
Des Moines

Patricia Lipski, Vice Chair  
Washington

Douglas Oelschlaeger  
Cedar Rapids

Justin Johnston  
Sioux City

Sam Kooiker  
Sheldon

Marcelena Ordaz  
Eldridge