

Hearing date: N/A
Hearing time: N/A
Judge/Calendar: N/A

**STATE OF WASHINGTON
THURSTON COUNTY SUPERIOR COURT**

WASHINGTON STATE HUMAN RIGHTS COMMISSION, presenting the case in support of the complaint filed by KATHRYN HULBERT and MICHAEL LOHNES,

Plaintiff,

v.

EVERGREEN-OLYMPIC PROPERTIES, INC. d.b.a. THE RANTS GROUP, LEGION SQUARE, LLC, BRYAN KOLB, PATRICK RANTS, DANIELLE RANTS, and TERI HAGLUND

Defendants.

NO. 24-2-03511-34

COMPLAINT

I. INTRODUCTION

1.1 Plaintiff Washington State Human Rights Commission (the Commission), by and through its attorneys, Robert W. Ferguson, Attorney General, and May Che, Assistant Attorney General, files this action against Defendants Evergreen-Olympic Properties, Inc. d.b.a. The Rants Group (Rants Group), Legion Square, LLC (Legion Square), Bryan Kolb, Patrick Rants, Danielle Rants, and Teri Haglund, who owned, managed, and/or operated Legion Square Apartments, to remedy unlawful discrimination on the basis of disability, retaliation, and

1 failure to provide reasonable accommodation in a residential housing transaction, facility, or
2 service.

3 1.2 This is an action under the Washington Law Against Discrimination (WLAD) to
4 correct unlawful and discriminatory housing practices, and to provide appropriate relief to
5 tenants Kathryn Hulbert and Michael Lohnes, who were adversely affected by such practices.
6 The Commission alleges Defendants unlawfully discriminated against Ms. Hulbert and
7 Mr. Lohnes because of disability by terminating their tenancy, failing to provide reasonable
8 accommodations of the disabilities of Ms. Hulbert, and changing the terms and conditions of
9 their tenancy because of disability and in retaliation for requesting a reasonable accommodation,
10 in violation of RCW 49.60.030(1)(c); RCW 49.60.222(1)(b), (1)(f), (1)(i), 2(b); and
11 RCW 49.60.210(1).

12 II. JURISDICTION

13 2.1 The legislature created the Commission with “general jurisdiction and power” to
14 eliminate and prevent “discrimination in . . . in real property transactions because of . . . the
15 presence of any sensory, mental, or physical disability.” RCW 49.60.010; RCW 49.60.030(2);
16 RCW 49.60.210(1); RCW 49.60.222(1)(b), 1(f), 1(i), 2(b). Ms. Hulbert and Mr. Lohnes filed a
17 complaint with the Commission, alleging disability discrimination in a real estate transaction.
18 RCW 49.60.230(1)(a), 2(a). The Commission investigated and found reasonable cause for
19 believing that Defendants engaged in disability discrimination, failure to accommodate a
20 disability, and retaliation, all in a real estate transaction. RCW 49.60.240(1)–(2). The
21 Commission provided its written findings to the Complainants and Defendants and attempted
22 conciliation to resolve the matter, which failed. RCW 49.60.240(2)–(3). Complainant
23 Kathryn Hulbert and Defendant Rants Group elected to have the claims decided in a civil action,
24 and properly and timely served on the Commission and all other Complainants and Defendants
25 notice of their election to pursue a civil action in lieu of an administrative hearing.
26 RCW 49.60.340(1).

1 4.2 On April 15, 2015, Defendants entered into a one-year residential lease and
2 written residential landlord-tenant agreement with Michael Lohnes for the rental of unit #205.
3 After one year, the tenancy was based on a month-to-month lease. On or about October 6, 2017,
4 Kathryn Hulbert was added as an additional tenant to the residential lease.

5 4.3 Throughout their tenancy with Defendants, Ms. Lohnes and Ms. Hulbert met the
6 tenancy requirements and were not issued any notices of violation of Defendants' lease
7 agreement.

8 4.4 The lease agreement contains a provision that loud noises and nuisances are
9 prohibited.

10 4.5 Kathryn Hulbert is a person with a mental health disability.

11 4.6 Ms. Hulbert and Mr. Lohnes were involved in an intimate relationship. In
12 August 2018, Ms. Hulbert became pregnant, with Mr. Lohnes as the biological father.

13 4.7 On May 24, 2019, while Ms. Hulbert and Mr. Lohnes were returning home from
14 a medical appointment and prior to entering the subject property, Ms. Hulbert suffered a mental
15 health event due to her disability. On orders from her medical provider, Ms. Hulbert was not
16 taking her prescribed medication that helped her regulate her mental health condition because
17 she was pregnant—in her 39th week at the time.

18 4.8 Defendant Bryan Kolb, the owner of Legion Square, observed Ms. Hulbert during
19 her mental health event and approached Mr. Lohnes. Defendant Kolb told Mr. Lohnes that he
20 and Ms. Hulbert needed to leave. Mr. Lohnes told Defendant Kolb that Ms. Hulbert was pregnant
21 and experiencing a mental health event. Defendant Kolb responded that he could clearly see that
22 Ms. Hulbert was mentally ill.

23 4.9 Defendant Teri Haglund also observed Ms. Hulbert during her mental health
24 event and approached Mr. Lohnes. Defendant Haglund told Mr. Lohnes she received noise
25 complaints. Mr. Lohnes told Defendant Haglund that Ms. Hulbert's conduct was triggered by
26 her mental health disability which was exacerbated by pregnancy.

1 4.10 Ms. Hulbert was admitted to the hospital on May 24, 2019, due to her mental
2 health event earlier that day.

3 4.11 On May 28, 2019, while Ms. Hulbert was still in the hospital, Mr. Lohnes
4 received a 30-day notice of termination of tenancy signed by Defendant Haglund, dated
5 May 24, 2019. The notice stated “[t]his is a notification to you that your landlord, Evergreen
6 Olympic Properties, Inc. d.b.a. The Rants Group, in accordance with the Residential
7 Landlord-Tenant Act, has been informed by the owner that, effective 06/30/2018, you will need
8 to terminate your tenancy of the property at: 404 Legion Way SE, Apt 205, Olympia, WA 98501.
9 Please vacate the premises in a clean and sanitary condition on 06/30/2019.”

10 4.12 On or about May 29, 2019, Mr. Lohnes emailed Defendant Haglund stating, “I
11 just received the *Notice to Terminate Tenancy* you sent on behalf of the property owner and was
12 hoping you could provide me with more information as to why this action is being pursued. With
13 a 40 week pregnant girlfriend in the hospital about to give birth any day, this seems ill timed and
14 comes as a bit of a shock. Any information you can provide to help me understand would be
15 appreciated.” Mr. Lohnes never received a response from Defendants Haglund or Rants Group.

16 4.13 During the Commission’s investigation, Defendants failed to produce copies of
17 notices of termination issued to other Legion Square Apartments residents.

18 4.14 In early June 2019, Ms. Hulbert’s father, Dave Hulbert, spoke with Defendant
19 Rants Group on several occasions, specifically with Vice President Danielle Rants and President
20 Patrick Rants. Mr. Hulbert asked for leniency for his daughter and told Rants Group that
21 Ms. Hulbert was pregnant, had a mental health disability, and that Defendants could not kick
22 Ms. Hulbert and Mr. Lohnes out based on Ms. Hulbert’s disability and pregnancy or kick her out
23 within thirty days.

24 4.15 Defendants Rants Group, Legion Square, Bryan Kolb, Teri Haglund, and either
25 Patrick Rants or Danielle Rants decided to extend the 30-day termination to a 60-day
26 termination.

1 4.16 Defendants issued Ms. Hulbert and Mr. Lohnes an updated tenancy termination
2 notice reflecting that their tenancy would now be terminated effective August 1, 2019. The notice
3 also stated that as of July 1, 2019, their monthly rent would be increased from \$895 to \$1000.
4 The notice was dated June 3, 2019, which means that Defendants did not give Ms. Hulbert and
5 Mr. Lohnes the required 60-day written notice of an increase in rent as required under
6 Washington's Residential Landlord Tenant Act (RLTA), RCW 59.18.140(3)(a).

7 4.17 On June 7, 2019, Ms. Hulbert gave birth, and Ms. Hulbert and Mr. Lohnes
8 brought their newborn home to the Legion Square Apartments.

9 4.18 Defendants knew or should have known about Ms. Hulbert's disability and her
10 need for accommodation. Not only did Mr. Lohnes and Ms. Hulbert's father inform them about
11 Ms. Hulbert's health conditions, but they were open and obvious, and Defendants actually saw
12 them.

13 4.19 On July 5, 2019, Rants Group provided a rental reference to Ms. Hulbert's and
14 Mr. Lohnes' prospective landlord stating that there were no complaints from neighbors about
15 Ms. Hulbert and Mr. Lohnes, that they were not served any 10-day or 3-day notices, that they
16 fulfilled their lease requirements, and gave proper notice to vacate.

17 4.20 On August 1, 2019, Ms. Hulbert and Mr. Lohnes were forced to move and vacate
18 the unit as a result of Defendants' discrimination and failure to provide reasonable
19 accommodation of Ms. Hulbert's mental health disability and pregnancy.

20 4.21 Defendants Legion Square and Rants Group are directly liable for the acts and
21 omissions of their agents, managers, employees, contractors and/or vendors. In addition,
22 Defendants and their agents, managers, employees, contractors and/or vendors knew or should
23 have known about Ms. Hulbert's disability and need for accommodation. Following their receipt
24 of reasonable accommodation request(s), Defendants failed to provide reasonable
25 accommodation, raised the rent, and terminated Ms. Hulbert's and Mr. Lohnes' tenancy.
26

1 otherwise make unavailable or deny a dwelling, to any person, or to any person associated with
2 the person renting. RCW 49.60.222(1)(f).

3 5.6 Defendants unlawfully discriminated in the rental of a dwelling by terminating
4 the tenancy of Kathryn Hulbert and her partner, Michael Lohnes, and making the dwelling
5 unavailable, because of Ms. Hulbert's mental disability.

6 **THIRD CAUSE OF ACTION**
7 **(Violation of the Washington Law Against Discrimination – Discriminatory Expulsion)**

8 5.7 It is an unfair practice for any person, whether acting for himself, herself, or
9 another, to expel a person from occupancy of real property because of the presence of a mental
10 disability. RCW 49.60.222(1)(i).

11 5.8 Defendants unlawfully discriminated against Kathryn Hulbert and her partner,
12 Michael Lohnes, by terminating their tenancy and expelling them from housing because of Ms.
13 Hulbert's mental disability. RCW 49.60.222(1)(i).

14 **FOURTH CAUSE OF ACTION**
15 **(Violation of the Washington Law Against Discrimination – Failure or Refusal to Provide
16 Reasonable Accommodation Related to Disability)**

17 5.9 It is unlawful to refuse to make reasonable accommodation in rules, policies,
18 practices, or services when such accommodations may be necessary to afford a person with the
19 presence of any mental disability equal opportunity to use and enjoy a dwelling.
RCW 49.60.222(2)(b).

20 5.10 Defendants unlawfully discriminated against Kathryn Hulbert and her partner,
21 Michael Lohnes, by refusing to make reasonable accommodations for Ms. Hulbert's mental
22 disability that would allow Ms. Hulbert and Mr. Lohnes an equal opportunity to use and enjoy
23 their dwelling.

1 **FIFTH CAUSE OF ACTION**
2 **(Violation of the Washington Law Against Discrimination – Retaliation)**

3 5.11 It is an unfair practice for any person to expel or otherwise discriminate against
4 any person because he or she has opposed an unfair practice under RCW 49.60.
5 RCW 49.60.210(1).

6 5.12 Defendants unlawfully retaliated against Kathryn Hulbert and her partner,
7 Michael Lohnes, by raising their rent in violation of the RLTA and terminating their tenancy
8 upon learning of Ms. Hulbert’s mental disability and need for reasonable accommodation.

9 **VI. PRAYER FOR RELIEF**

10 WHEREFORE, Plaintiff Washington State Human Rights Commission prays that the
11 Court:

12 6.1 Adjudge and decree that Defendants have engaged in the conduct complained of
13 in this Complaint pursuant to RCW 7.24.010.

14 6.2 Adjudge and decree that Defendants’ conduct violates the Washington Law Against
15 Discrimination, including RCW 49.60.030(1)(c); RCW 49.60.222(1)(b), (1)(f), (1)(i), and 2(b);
16 and RCW 49.60.210, pursuant to RCW 7.24.010.

17 6.3 Enjoin Defendants from discriminating against persons based on disability,
18 refusing to provide reasonable accommodations to persons with disabilities, and retaliating for
19 requesting a reasonable accommodation pursuant to RCW 49.60.030(2), RCW 49.60.340(4),
20 and RCW 7.40.010.

21 6.4 Order other equitable relief that the Court finds necessary to eliminate the effects
22 of past discrimination, to prevent future discrimination, and to position Ms. Hulbert and
23 Mr. Lohnes as close as possible to the situation they would have been in but for the
24 discrimination pursuant to RCW 49.60.030(2), RCW 49.60.340(4), and RCW 7.24.010. This
25 includes retaining jurisdiction if necessary to fulfill the Court’s order.

26 6.5 Award damages or other appropriate monetary relief in an amount to be proven

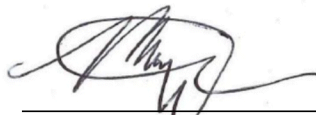
1 at trial pursuant to RCW 49.60.030(2) and RCW 49.60.340(4).

2 6.6 Assess a civil penalty against Defendants in the amount of \$10,000 pursuant to
3 RCW 49.60.225(1)(a).

4 6.7 Award such other relief as the Court may deem just and proper.

5 DATED this 1st day of October, 2024.

6
7 ROBERT W. FERGUSON
Attorney General

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