

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF FLORIDA  
TALLAHASSEE DIVISION**

**UNITED STATES EQUAL EMPLOYMENT )  
OPPORTUNITY COMMISSION, )**

**Plaintiff, )**

**v. )**

**ASSOCIATED SECURITY ENFORCEMENT, )  
INC., )**

**Defendant. )**  
\_\_\_\_\_)

**CIVIL ACTION NO.**

**4:04CV391-Spm/AK**

**COMPLAINT**

**JURY TRIAL DEMANDED**

**INJUNCTIVE RELIEF**

**SOUGHT**

**NATURE OF THE ACTION**

This is an action under Title VII of the Civil Rights Act of 1964 and Title I of the Civil Rights Act of 1991 to correct unlawful employment practices on the basis of sex and retaliation, and to provide appropriate relief to Kimeny Billington, Ellen Glass, and other similarly situated individuals who were adversely affected by such practices. As stated with greater particularity in paragraph 7, the Commission alleges that Kimeny Billington, Ellen Glass, and other similarly situated individuals were subjected to sexual harassment by Defendant's Owner. The conduct was sufficiently severe and pervasive to constitute an intimidating, hostile and offensive work environment. The Commission further alleges that

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Defendant demoted Ellen Glass for rejecting the Owner's sexual advances and/or in retaliation for complaining of the sexual harassment. The Commission also alleges that Defendant ultimately discharged Ellen Glass for rejecting the Owner's sexual advances and/or in retaliation for Ms. Glass filing a charge of discrimination against the Defendant.

### JURISDICTION AND VENUE

1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§ 451, 1331, 1337, 1343 and 1345. This action is authorized and instituted pursuant to Section 706(f)(1) and (3) of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e-5(f)(1) and (3) ("Title VII"), and Section 102 of the Civil Rights Act of 1991, 42 U.S.C. § 1981A.

2. The employment practices alleged to be unlawful were committed within the jurisdiction of the United States District Court for the Northern District of Florida, Tallahassee Division.

### PARTIES

3. Plaintiff, the United States Equal Employment Opportunity Commission (the "Commission"), is the agency of the United States of America charged with the administration, interpretation and enforcement of Title VII, and is expressly authorized to bring this action by Section 706(f)(1) and (3) of Title VII, 42 U.S.C. § 2000e-5(f)(1) and (3).

4. At all relevant times, Associated Security Enforcement, Inc., (the "Employer"), has continuously been a Florida corporation doing business in the State of Florida and the City of Tallahassee, and has continuously had at least 15 employees.

5. At all relevant times, Defendant Employer, has continuously been an

employer engaged in an industry affecting commerce within the meaning of Sections 701(b), (g) and (h) of Title VII, 42 U.S.C. §§2000e (b), (g) and (h).

#### STATEMENT OF CLAIMS

6. More than thirty days prior to the institution of this lawsuit, Kimeny Billington and Ellen Glass filed charges with the Commission alleging violations of Title VII by the Defendant. All conditions precedent to the institution of this lawsuit have been fulfilled.

7. Since at least July, 2002, Defendant Employer engaged in unlawful employment practices at its Tallahassee, Florida location in violation of Section 703(a) and Section 704(a) of Title VII, 42 U.S.C. §2000e-2(a) and § 2000e-3(a).

- a. Kimeny Billington was subjected to sexual harassment by Defendant's Owner in the form of unwelcome verbal conduct of a sexual nature which was sufficiently severe and pervasive to constitute an intimidating, hostile and offensive work environment. The harassment included, but was not limited to, requests for sex in exchange for money; comments about his personal sex life; numerous invitations to his home for sex; comments about his strong sex drive; and discussions about his multiple affairs with other women.
- b. Kimeny Billington repeatedly objected to the Owner's sexually offensive conduct, but the conduct continued.
- c. Defendant Employer is liable for the unlawful sexual harassment to which it

subjected Kimeny Billington during her employment.

- d. Ellen Glass was subjected to sexual harassment by Defendant's Owner in the form of unwelcome verbal conduct of a sexual nature which was sufficiently severe and pervasive to constitute an intimidating, hostile and offensive work environment. The harassment included, but was not limited to, requests for sex in exchange for money; comments about his personal sex life; numerous invitations to his home for sex; comments about his strong sex drive; and discussions about his multiple affairs with other women.
- e. Ellen Glass repeatedly objected to the Owner's sexual harassment, but the conduct continued.
- f. Defendant unlawfully demoted Ellen Glass for rejecting the Owner's sexual advances and/or for complaining of the sexual harassment to which she was being subjected.
- g. Defendant unlawfully terminated Ellen Glass' employment for rejecting the Owner's sexual advances and/or in retaliation for filing a charge of discrimination against the Defendant.
- h. Defendant Employer is liable for the unlawful sexual harassment and/or unlawful retaliation to which it subjected Ellen Glass during her employment.
- i. Other similarly situated female employees of the Defendant Employer were subjected to sexual harassment by Defendant's Owner in the form of unwelcome conduct of a sexual nature which was sufficiently severe and

pervasive to constitute an intimidating, hostile and offensive work environment. Defendant Employer is liable for the unlawful sexual harassment to which it subjected other similarly situated females to during their employment.

8. The effect of the conduct complained of in paragraph 7 above has been to deprive Kimeny Billington, Ellen Glass and other similarly situated individuals of equal employment opportunities and otherwise adversely affect their status as employees because of their sex and/or in retaliation for their opposition to unlawful employment practices.

9. The unlawful employment practices complained of in paragraph 7 above were intentional.

10. The unlawful employment practices complained of in paragraph 7 above were done with malice or with reckless indifference to the federally protected rights of Kimeny Billington, Ellen Glass, and other similarly situated individuals.

#### PRAYER FOR RELIEF

Wherefore, the Commission respectfully requests that this Court:

A. Grant a permanent injunction enjoining Defendant, its officers, successors, assigns, and all persons in active concert or participation with Defendant, from engaging in sexual harassment or any other employment practice which discriminates on the basis of sex and/or opposition to an unlawful employment practice.

B. Order Defendant, to institute and carry out policies, practices, and programs which provide equal employment opportunities for females, and which eradicate the effects

of its past unlawful employment practices.

C. Order Defendant to make whole Ellen Glass by providing appropriate back pay with prejudgment interest, in amounts to be determined at trial, and other affirmative relief necessary to eradicate the effects of its unlawful employment practices, including but not limited to reinstatement or front pay.

D. Order Defendant to make whole Kimeny Billington, Ellen Glass, and other similarly situated individuals by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices described in paragraph 7 above, including out of pocket losses in amounts to be determined at trial.

E. Order Defendant to make whole Kimeny Billington, Ellen Glass, and other similarly situated individuals by providing compensation for past and future nonpecuniary losses resulting from the unlawful practices complained of in paragraph 7 above, including emotional pain, suffering, inconvenience, humiliation, and loss of enjoyment of life, in amounts to be determined at trial.

F. Order Defendant to pay Kimeny Billington, Ellen Glass, and other similarly situated individuals punitive damages for its malicious and reckless conduct described in paragraph 7 above, in amounts to be determined at trial.

G. Grant such further relief as the Court deems necessary and proper in the public interest.

H. Award the Commission its costs of this action.

JURY TRIAL DEMAND

The Commission requests a jury trial on all questions of fact raised by its complaint.

Respectfully Submitted,

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