### STATE APPEAL BOARD CLAIM FORM AND AFFIDAVIT PLEASE COMPLETE FORM LEGIBLY AND IN ITS ENTIRETY (see instructions on back) Call 515.281.5512 with questions about form or appeal process CLAIM NUMBER (assigned by Appeal Bd) SUBMIT COMPLETED CLAIM FORM TO: State Appeal Board Department of Management OR joseph.barry@iowa.gov State Capitol, Room G13 1007 E. Grand Ave DATE RECEIVED BY APPEAL BOARD Des Moines, Iowa 50319 Directions: Whether a TORT claim or GENERAL claim, a complete original Claim Form plus two copies, with any attachments, must be submitted. The CLAIMANT and a NOTARY PUBLIC must sign a TORT claim and the Notary must witness the Claimant's signature. A notary signature is not required for General Claims. Please see specific directions on the back of this form that pertain to the type of claim you are filing. 1. NAME OF CLAIMANT (please PRINT or TYPE full name) 2. TELEPHONE: Alexandra "Sondra" Distance Marie Wilson BUSINESS 3. ADDRESS OF CLAIMANT (Street, City, State, Zip Code) 4. Email Address: Ames, IA 50014 5. IDENTIFY STATE AGENCY OR DEPARTMENT INVOLVED Ames PD, Story Cty. Atty., Gov. Reynolds, Lowa Legislature, Iowa Civil Rights Commission 6. LOCATION OF ACCIDENT/INCIDENT For Tort Claims Only 7. DATE/TIME OF ACCIDENT/INCIDENT 2006, 2009, 2019, 2022, 2023; see claim Ames, Iowa, Story Cty, and Polk County 8. SELECT TYPE OF CLAIM: place an X in the box (A SEPARATE claim must be filed by each claimant for each of the three types of claims defined below) FOR TORT CLAIMS, INDICATE ONE OF THE FOLLOWING: 0 PROPERTY DAMAGES \$ (1) GENERAL CLAIM AMOUNT: 9,750,000 PERSONAL INJURY \$ (2) TORT CLAIM AGAINST THE STATE X (3) TORT CLAIM AGAINST STATE EMPLOYEE(S) WRONGFUL DEATH Give employee(s) name(s) and department(s): 9. BASIS OF CLAIM (Please provide all the information required on the reverse side of this form. Attach separate sheets if necessary.) See attached sheets. 10. NAME, ADDRESS, TELEPHONE # AND EMAIL ADDRESS OF ATTORNEY, IF ONE HAS BEEN RETAINED IN THIS CASE. This section to be completed by Notary Public I, the claimant, being duly sworn upon oath, depose and state that I have read the supplied information and the same SUMEETA GUNAGA PROPRIES OF EXPIRES is true and correct to the best of my belief. My Commission Expires July 6, 2025 NOTARY PUBLIC SIGNATURE (REQUIRED for all TORT claims) CLAIMANT'S SIGNATURE (REQUIRED) (NOTARY REQUIRED IF TORT CLAIM. NOTARY MUST WITNESS CLAIMANT SIGNING CLAIM FORM)

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State of Iowa Iowa Department of Management State Capitol Building, Room G13 1007 East Grand Avenue Des Moines, IA 50319

#### Notice of Claim Pursuant to the Iowa Tort Claims Act

#### **SYNOPSIS:**

I am a 41 year old transgender woman from Nevada, Iowa who left the state at age 21 in large part due to cultural and work environments which were not accepting toward transgender woman – I left in order to safely medically transition. While visiting in both 2006 and 2009, I experienced harassment and discrimination, including multiple instance of false arrests and false imprisonment, from local officials based on (their lack of knowledge, understanding, and compassion toward) me being transgender. Following the 2009 court appearance, an Ames police officer warned me to leave the state for my safety because several local officials were conspiring against me, and I was in danger. I left Iowa, remaining homeless and afraid to return for many years. After returning in 2018, on November 4, 2022 I discovered evidence that my attorney and a judge defrauded me from behind-the-scenes in three different, related criminal cases back in 2006 and 2009. I filed a complaint against the judge with Iowa's Judicial Qualifications Commission, and against the attorney with the Attorney Disciplinary Board in July 2023. According to the discovery rule, the doctrine of equitable tolling, and Iowa Code § 802.5 the statute of limitations for the 2006 and 2009 instances began to run on the date that I discovered the evidence that I was defrauded.

After returning in 2018, Iowa Supreme Court ruing *Eerieanna Good and Carol Beal v. Iowa Department of Human Services* confirmed that Medicaid must cover medically-necessary surgeries for transgender patients. However, one month later the State of Iowa passed HF766 (division XX), which defied the court's ruling and stopped coverage, thus violating multiple federal civil rights statutes (e.g. 18 U.S.C §§ 241 and 242), and the Iowa Civil Rights Act. The State of Iowa halted coverage on multiple occasions, and mine – as well as numerous other peoples' medical appointments – were canceled as a result. Meanwhile Governor Kim Reynolds repeatedly publicly defamed transgender people in order to further her goal of stopping coverage and turning Iowa's Citizenry against transgender people. Governor Reynolds, as well as many members of Iowa's Legislators' political campaigns, profited as a result of their continued promises to interfere with the rights of transgender Citizens, coupled with multiple acts of defamation by Reynolds and others in order to further that goal. I have found that Iowa's Legislature as well as Governor Reynolds violated Iowa Code Chapter 729 (Hate Crimes) and Iowa's Ongoing Criminal Conduct Act. Although I contacted ACLU of Iowa requesting they help me file for damages (because they were handling the Vasquez/Covington case), they did not respond to my request. That is why I'm filing for damages at this time.

Additionally, a business in Ames disc1riminated against me in March 2022. Multiple attorneys and the Better Business Bureau recommended I file a complaint with the Iowa Civil Rights Commission. In response to my complaint, the CEO and her friend submitted approximately ten false, defamatory statements against me to the Commission in order to persuade them to drop the case. Although I showed the Commission evidence which revealed several of their statements were false, the Commission administratively closed the case and decided not to investigate. The Commission advised me to *find a private attorney from the State Bar website*, however the least expensive quote I received was \$275/hr. When I brought this to the attention of the Commission, they provided a list of "free legal aid" organizations for low-income persons. Every organization on the list (except University of Iowa Law Clinic, which said they are not taking new cases due to Professor Allen's retirement) told me that they "don't take fee-generating cases" and could not handle this type of case. I believe the Commission was negligent with their determination, and the fact that they direct low-income minorities to legal aid organizations who literally *do not help with these types of cases* also shows negligence on the State's part. The State of Iowa does not adequately protect its most vulnerable populations from discrimination. Rather, the State of Iowa has shown a pattern of aiding and abetting businesses who discriminate against employees, and nonprofits who discriminate against volunteers.

I am seeking 8 million dollars from the State of Iowa to compensate me for the approximately eight years of homelessness I endured, caused largely by City of Ames officials and a local judge who caused multiple injuries to my rights and reputation. Many discrimination lawsuits result in multi-million dollar settlements. The fact that state officials caused me to remain homeless for many years is completely unacceptable: \$8 million is a meager settlement amount for the emotional pain and suffering I have endured and continue to endure. I am also seeking damages for the series injuries to my rights and reputation caused by State of Iowa officials, including those caused by Governor Reynolds' administration and Iowa's Legislature between 2018 and 2023.

The emotional pain and suffering, anxiety, and PTSD I continue to suffer from is a direct result of multiple incidents of mistreatment at the hand of several State of Iowa employees. This suffering adversely affects my college experience at DMACC, my work, and my day-to-day life in general. I pray the state honors this claim so we can resolve this asap. It is in the interest of the State of Iowa to protect its Citizens. It is a conflict of interest for the State of Iowa to usurp Citizens' rights and slander them.

## **FACTS:**

Harassment, discrimination, and fraud from local officials, causing me to remain homeless and afraid to return to my home state for 8 years –

While visiting family and friends in 2006, I experienced harassment, discrimination, and two instances of false arrests and imprisonment from a City of Ames Police Officer, Mr. (case #SMSM062530 and SMSM062317). Although the City of Ames later issued me \$1500 and an apology letter for case #SMSM062317 due to the fact that it was wrongly arrested for "trespassing" into the women's restroom (Exhibit A - apology letter and check), the state failed to enter the letter or any acknowledgment of their wrongdoing into the docket. Instead I ended up with criminal charges on my record due to a plea bargain my attorney, Mr. , entered into it without my knowledge or consent. However, I did not discover these criminal charges entered onto my record, nor the existence of said plea bargain until November 2022. That is why I filed a complaint with Iowa's Attorney Disciplinary Board against Mr. in July 2023 (Exhibit B – complaint against Mr. In 2009 a woman falsely accused me of assaulting her (case #SMSM066553) because she was politically then issued a ruling against me which drastically opposed to me I suppose. Local Presiding Judge contradicted witness testimonies, facts presented, and the state's burden of proof. Following this court appearance, an Ames police officer who witnessed this warned me to leave the state for my safety. He told me he agreed the case was unfair, and that behind the scenes several local officials were conspiring against me due to their beliefs about transgender people and their disdain toward the City of Ames issuing me the apology letter three years prior. He strongly urged me to leave the state for my safety because of what they had planned, so I heeded his warning, afraid to return to Iowa for nearly a decade. Henceforth, for his safety and to prevent witness tampering, he shall be referred to as Officer Doe. He was not the only City of Ames employee to issue me a similar warning. In addition to discovering attorney 's wrongdoing in November 2022, I also discovered that 's was legally required to have recused himself from case #SMSM066553 according to Iowa Code. Jud. Cond. Rule 51:2.11: "A judge shall disqualify himself or herself in any proceeding in which the judge's impartiality might reasonably be questioned....". Instead of recusing himself, however, Judge an unjust ruling (abuse of power) against me, which amounted to a denial of my right to a fair trial and to due process. Details regarding why he was required to recuse himself may be found in the complaint I filed with the Iowa Judicial Qualifications Commission in July 2023 (Exhibit C – complaint against Judge ). Again, I was not was required to have recused himself at the time of the trial. Extrinsic fraud is a type of fraud defined as, "intentional misrepresentation or deception which deprives someone(s) of informed consent, full participation, or due process." I believe extrinsic fraud is the exact type of

the warning from Officer Doe, I remained homeless and afraid to return to Iowa until 2018.

and Judge commit against me on separate occasions. As a result of their actions, and

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# Limitations period; still a valid claim -

Notice that Iowa Code § 802.5 establishes an extension of the limitations period for fraud cases and cases of fiduciary breach "within one year after discovery of the offense by an aggrieved party". Also both the discovery rule and doctrine of equitable tolling extend limitations periods in cases wherein fraud was not detected until after the plaintiff discovered the evidence. I did not discover evidence that Mr. and defrauded me until November 2, 2022, after ordering copies of the dockets in order to attempt to clear these unjust charges from my record.

- **discovery rule** The rule that a limitations period does not begin to run until the plaintiff discovers (or reasonably should have discovered) the injury giving rise to the claim. The discovery rule usually applies to injuries that are inherently difficult to detect.
- equitable tolling The doctrine that the statute of limitations will not bar a claim if the plaintiff, despite diligent efforts, did not discover the injury until after the limitations period had expired, in which case the statute is upended or tolled until the plaintiff discovers the injury. Equitable tolling does not require misconduct such as concealment by the defendant. It has been held that equitable tolling applies principally if the plaintiff is actively misled by the defendant about the cause of action or is prevented in some extraordinary way from asserting his or her rights. However, it has also been held that the equitable tolling doctrine does not require wrongful conduct on the part of the defendant, such as fraud or misrepresentation.

Prior to ordering the dockets and learning by what means I was defrauded back in 2006 and 2009, I remained homeless and scared-for-my-life to return to Iowa from 2009 through 2018 due to how I was repeatedly targeted by local officials, and because of the warning I had received from Officer Doe. During this approximately 8 years of homelessness, I endured numerous instances of being attacked, sexually assaulted, robbed, and harassed. In law, this is what is known as a **continuing injury**, or "an injury still in the process of being committed." It was essentially an 8 year continuing injury caused by fraud, which I would not discover evidence of until November 2022, at which time the limitations period began to run. The injury is still ongoing, in that I am currently diagnosed with PTSD which is largely caused by the numerous acts of violence I faced while homeless during these years, as well as the trauma faced from incidents described throughout this claim.

When I returned to Iowa in 2018, I had endured extreme poverty and hardship for many years. Although I was very nervous about returning to Ames, I was hopeful enough time had passed that things had blown over. I needed to stay in Iowa to help care for my parents as they get older, and a FAFSA grant which allowed me to attend college gave me a new lease on life.

<sup>2</sup> Black's Law Dictionary Deluxe Tenth Ed...

<sup>3 51</sup> American Jurisprudence 2d Limitation of Actions § 174 (2007)

<sup>4</sup> Black's Law Dictionary Deluxe Tenth Ed...

The State of Iowa violated my right to access medically-necessary procedures under Medicaid; violations of 18 U.S. Codes §§ 241, 242:

In 2019 I was extremely relieved when Iowa Supreme Court ruling *Eerieanna Good and Carol Beal v. Iowa Department of Human Services* confirmed that Iowa's Medicaid program must cover medically-necessary surgeries for transgender patients (because the Medicare and Medicaid Act guarantees patients' right to access medically-necessary procedures). One month later, however, Governor Reynolds and Iowa's Legislature defied the ruling via passing HF766, which included a provision (Division XX) used explicitly to stop transgender medical patients from accessing their right to medically-necessary procedures. That is why, in passing HF766, State of Iowa officials violated 18 USC § 241 Conspiracy against rights, "If two or more persons conspire to injure, oppress, threaten, or intimidate any person in any State... in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States.... They shall be fined under this title or imprisoned not more than ten years, or both...."

State of Iowa officials who enacted HF766 also violated 18 U.S. Code § 242 Deprivation of rights under color of law – Whoever, under color of any law, statute, ordinance, regulation, or custom, willfully subjects any person in any State... to the deprivation of any rights... protected by the Constitution or laws of the United States, or to different punishments, pains, or penalties, on account of such person being an alien, or by reason of his color, or race, than are prescribed for the punishment of citizens, shall be fined under this title or imprisoned not more than one year, or both....

42 U.S. Code § 1983 entitles myself, as an injured party, to relief for deprivation of rights. I – along with other transgender Iowans – was barred from scheduling surgical appointments, thus enduring a continuing injury upon my rights for an extended period of time, throughout which time I endured severe emotional pain and suffering as a result thereof, including suicidal thoughts.

Although I was eventually able to schedule surgical consultations following the November 2021 Polk County District Court ruling, wherein Judge William Kelly struck down HF766 provision, *soon after* the State of Iowa appealed the decision, and Iowa's Attorney General again halted coverage, thus continuing the conspiracy and extending the limitations period. It was at that time my doctor informed me that my appointments had to be canceled because they would no longer be covered. This happened after the American Medical Association issued a letter to state governors urging them to stop trying to cut off access to medically-necessary procedures for transgender patients, however Governor Reynolds and Iowa's legislature ignored this, instead relying on dogma and their own prejudice for guidance. As Judge Kelly stated when he struck down the HF766 provision, the law was "discriminatory and unconstitutional", and "violates the Iowa Constitution and the Iowa Civil Rights Act". Although I contacted the ACLU on multiple occasions requesting assistance in filing for damages (since they were handling the case), that is apparently not something they sought to do with their lawsuit. They chose not to assist in this way. That is why I am filing and including damages for these injuries within this claim.

<sup>5 &</sup>quot;Member Rights & Responsibilities." *Member Rights & Responsibilities* | *Iowa Department of Health and Human Services*, hhs.iowa.gov/ime/members/member-rights-and-responsibilities. Accessed 14 Aug. 2023.

<sup>6 &</sup>quot;Iowa Gov. Signs Law Allowing Medicaid to Deny Coverage for Transition-Related Health Care." *National Center for Transgender Equality*, transequality.org/press/releases/iowa-gov-signs-law-allowing-medicaid-to-deny-coverage-for-transition-related-health. Accessed 19 July 2023.

<sup>7</sup> Riley, John. "Iowa Governor Signs Bill barring Medicaid from Paying for Transgender Health Care." *Metro Weekly*, 7 May 2019, <a href="https://www.metroweekly.com/2019/05/jowa-governor-signs-bill-barring-medicaid-from-paying-for-transgender-health-care/?fbclid=IwAR3oZikx66xmhjjwwEwXaMN-pBTBsa8m-3JsZu\_sIhO1Ev7Rt9eeEzzm8nY.">https://www.metroweekly.com/2019/05/jowa-governor-signs-bill-barring-medicaid-from-paying-for-transgender-health-care/?fbclid=IwAR3oZikx66xmhjjwwEwXaMN-pBTBsa8m-3JsZu\_sIhO1Ev7Rt9eeEzzm8nY.</a>

<sup>8 &</sup>quot;AMA to States: Stop Interfering in Health Care of Transgender Children." *American Medical Association*, <u>www.ama-assn.org/press-center/press-releases/ama-states-stop-interfering-health-care-transgender-children</u>.

<sup>9</sup> Agency, Iowa Legislative Services. "House File 766." *Iowa Legislature – Billbook*, page 87: www.legis.iowa.gov/legislation/BillBook?ga=88&ba=HF+766. Accessed 19 July 2023.

# Governor Reynolds commit multiple acts of defamation against transgender Iowans, Overt acts of furtherance of 18 USC § 241 Conspiracy against rights –

Following Judge Kelly's ruling, Governor Reynolds' spokesperson stated that she was "disappointed in today's decision and disagrees with the district court's ruling on Medicaid coverage for transgender reassignment surgeries," and that were "reviewing the decision with our legal team and exploring all options [with regard to ending Medicaid coverage for transgender patients] moving forward." <sup>10</sup> Again – this was stated <u>after</u> the American Medical Association issued a letter to state governors urging them to stop trying to cut off access to medically-necessary procedures for transgender patients. Governor Reynolds' administration defied the Court's findings in *Eerieanna Good and Carol Beal v. Iowa Department of Human Service* and ignored experts in favor of furthering their political agenda of barring transgender people from exerting their right to access medically-necessary procedures. This was not based on science, but rather their own personal prejudices they have against transgender people (discrimination). Among a society wherein making fun of and belittling – <u>and</u> spreading false information about – transgender people has become commonplace, Governor Reynolds and many members of Iowa's Legislature have literally run their campaigns on targeting us in order to appeal to commonplace prejudice among the masses.

Governor Reynolds' sentiment toward transgender medical patients is not isolated to her above statement. On October 31, 2022 Governor Reynolds used her powerful political influence to defame transgender people within her televised campaign ad for re-election, stating, "Iowans still know boys from girls." In Iowa, this type of defamation is classified as *libel per quod*. In *libel per quod*, the defamatory nature of the statement is not immediately apparent and requires some other fact to reveal it. It requires an audience to refer to facts or circumstances beyond the words actually used to establish the defamation. 975 N.W.2d 656. *Jerry HOFFMANN and Hoffmann Innovations, Inc. v. Scott CLARK and RealTimers, LLC*. Reynolds' condescending statement was used to imply that "transgender women are not women, and transgender men are not men." Her statement an example of how she literally ran her campaign on the promising Iowans that *she would be the candidate to go after transgender people*. It also exemplifies how Governor Reynolds actively encourages people to misgender/bully transgender people, thus fostering hostile cultural and work environments for a marginalized class of Citizens throughout the state. 

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On April 26, 2023 Governor Reynolds defamed transgender people via promoting "real women" fake Bud Light cans in order to imply that transgender women are not "real women". <sup>12</sup> Another example of how Governor Reynolds promotes misgendering/bullying transgender people.

Governor Kim Reynolds has repeatedly publicly defamed transgender people and provided statements which demonstrate acts of furtherance with regard to violating 18 USC § 241. Although 18 USC § 3282 sets forth that "Prosecution for a non-capital offense shall be instituted within five years after the offense was committed," the Department of Justice recognizes conspiracy (two or more perpetrators) as a continuing offense, requiring an "overt act in furtherance of the conspiracy," The statute of limitations begins to run on the date of the last overt act. <sup>13</sup> 28 U.S. Code § 1658 establishes the limitations period for civil cases as "4 years after the cause of action accrues." Each of Governor Reynolds' defamatory statements against transgender Citizens extended the limitations period from the time period of the initial passing of HF766/Div. XX so that the limitations period then began to run on each of those dates.

Through repeated hostile rhetoric toward transgender Iowans, Governor Reynolds has *exacerbated an unsafe* political culture for transgender Iowans to live, and furthered conspirators' agenda of violating transgender Citizens' right to access medically-necessary surgical procedures and eroding legal protections in place for transgender Iowans. I have personally experienced an increase in harassment against me following Reynolds' statements.

<sup>10</sup> Clark Kauffman, Iowa Capital Dispatch November 22. "Reynolds 'disappointed' in Ruling on Transgender Medicaid Coverage." *Iowa Capital Dispatch*, 23 Nov. 2021, <u>iowacapitaldispatch.com/2021/11/22/reynolds-disappointed-in-ruling-on-transgender-medicaid-coverage/?fbclid=IwAR3rqi\_qOH9anYILg4tdy2zIFr4KVNruvwwplbH8fB2gqeK6-GD2dL3i7XQ.</u>

<sup>11</sup> Gov. Kim Reynolds Ad: "Iowans Still Know Boys from Girls" - Axios, www.axios.com/local/desmoines/2022/11/03/kim-revnolds-ad-iowans-transgender. Accessed 22 July 2023.

<sup>12 &</sup>quot;Kim Reynolds Touts 'real Women' Coolers Parodying Bud Light Trans Influencer." *Yahoo! News*, news, yahoo.com/kim-reynolds-touts-real-women-204553736.html. Accessed 30 July 2023.

<sup>13 &</sup>quot;652. Statute of Limitations for Conspiracy." *The United States Department of Justice*, 22 Jan. 2020, www.justice.gov/archives/jm/criminal-resource-manual-652-statute-limitations-conspiracy.

# The State of Iowa violated Iowa Code Chapter 729 (Hate Crimes) -

The State of Iowa violated Iowa Code Chapter 729A.1 (Hate Crimes), which makes "violations of an individual's rights prohibited". Unfortunately, however, Iowa Code Chapter 729A.1 is written in such a way so as not to explicitly protect *transgender* Citizens against hate crimes; instead it only covers race, color, religion, ancestry, national origin, political affiliation, sex, sexual orientation, age, and disability. This is an example of how the state has neglected its transgender population, even though statistically (as follows) we are a vulnerable population who needs more legal protections:

- poverty 15.7% cisgender straight people are in poverty, while 29.4%. of transgender people are. 14
- **suicide rate** highest of any group in the country nearly 10 times the average suicide rate for the country. <sup>15</sup> The Trevor Project's third annual National Survey on LGBTQ Youth Mental Health found that 52% of all transgender in the U.S. seriously contemplated killing themselves in 2020. <sup>16</sup>
- **murder** 2021 was the deadliest year on record for transgender people, with 375 murdered. 2020 was the deadliest year on record before that.<sup>17</sup> <sup>18</sup> There are more transgender people percentage wise not total numbers murdered than any other demographic which is covered as a "hate crime" combined.
- **sexual assault** Statistics document shockingly high levels of sexual abuse and assault. One in two transgender individuals are sexually abused or assaulted at some point in their lives. <sup>19</sup> Some reports estimate that transgender survivors may experience rates of sexual assault up to 66 percent, often coupled with physical assaults or abuse. <sup>20</sup> This indicates that the majority of transgender individuals are living with the aftermath of trauma and the fear of possible repeat victimization.

Although the State of Iowa did not violate "the letter of the law" due to the fact Iowa's Legislature neglected to include transgender Citizens as a protected class within Iowa Code 729A, it is without a doubt the State, in passing HF766/div XX, violated what is called *the spirit of the law*. The State of Iowa recognizes and honors the spirit of the law doctrine. Iowa Supreme Court Ruling 14 N.W.2d 717,234 Iowa 869 Case v. Olsen held that "The court should give effect to the spirit of the law rather than the letter, especially so where adherence to the letter would result in absurdity, or injustice, or would lead to contradiction, or would defeat the plain purpose of the act..."

<sup>14</sup> LGBT Poverty in the United States - Williams Institute. <a href="https://williamsinstitute.law.ucla.edu/wp-content/uploads/National-LGBT-Poverty-Oct-2019.pdf">https://williamsinstitute.law.ucla.edu/wp-content/uploads/National-LGBT-Poverty-Oct-2019.pdf</a>.

<sup>15</sup> Ennis, Dawn. "Terrible Time for Trans Youth:' New Survey Spotlights Suicide Attempts - and Hope." Forbes, Forbes Magazine, 19 May 2021, <a href="https://www.forbes.com/sites/dawnstaceyennis/2021/05/19/terrible-time-for-trans-youth-new-survey-spotlights-suicide-spike---and-hope/?sh=3a77db10716e">https://www.forbes.com/sites/dawnstaceyennis/2021/05/19/terrible-time-for-trans-youth-new-survey-spotlights-suicide-spike---and-hope/?sh=3a77db10716e</a>.

<sup>16</sup> Beech, Kai. "Trans Center Aims to Curb Suicide Rate, Help LGBTQ People." WPTV, 13 Nov. 2019, <a href="https://www.wptv.com/news/national/the-suicide-rate-for-transgender-people-is-nearly-10-times-the-national-rate-a-center-is-changing-that.">https://www.wptv.com/news/national/the-suicide-rate-for-transgender-people-is-nearly-10-times-the-national-rate-a-center-is-changing-that.</a>

<sup>17</sup> Hall, Madison, and Canela López. "2020 Was the Deadliest Year on Record for Transgender People in the US, Insider Database Shows. Experts Say It's Getting Worse." *Insider*, Insider, 9 Nov. 2021, <a href="https://www.insider.com/insider-database-2020-deadliest-year-on-record-for-trans-people-2021-4">https://www.insider.com/insider-database-2020-deadliest-year-on-record-for-trans-people-2021-4</a>.

<sup>18</sup> Webber, Daniel. "Honoring Lives Lost to Violence for Transgender Day of Remembrance." The Suffolk Journal, <a href="https://thesuffolkjournal.com/36214/news/honoring-lives-lost-to-violence-for-transgender-day-of-remembrance/">https://thesuffolkjournal.com/36214/news/honoring-lives-lost-to-violence-for-transgender-day-of-remembrance/</a>.

<sup>19</sup> FORGE, 2005, Sexual Violence in the Transgender Community Survey, unpublished data; G. Kenagy, 2005, "The Health and Social Service Needs of Transgender People in Philadelphia," *International Journal of Transgenderism* 8(2/3):49–56; G. Kenagy and W. Bostwick, 2005, "Health and Social Service Needs of Transgender People in Chicago," *International Journal of Transgenderism* 8(2/3):57–66.

<sup>20</sup> J. Xavier, J.A. Honnold, and J. Bradford, 2007, <u>The Health, Health-Related Needs, and Lifecourse Experiences of Transgender Virginians</u>, Richmond, VA: Community Health Research Initiative, Center for Public Policy, Virginia Commonwealth University, accessed Sept. 7, 2010; C. Reback, P. Simon, C. Bemis, and B. Gatson, 2001, <u>The Los Angeles Transgender Health Study: Community Report</u>, Los Angeles, CA: University of California at Los Angeles; J. Xavier, M. Bobbin, B. Singer, and E. Budd, 2005, "A Needs Assessment of Transgender People of Color Living in Washington, DC," <u>International Journal of Transgenderism</u> 8(2/3):31–47; C.K. McGowan, 1999, <u>Transgender Needs Assessment</u>, New York, NY: New York City Department of Health, HIV Prevention Planning Unit; E. Lombardi, R. Wilchins, D. Priesing, and D. Malouf, 2001, "Gender Violence: Transgender Experiences With Violence and Discrimination," <u>Journal of Homosexuality</u> 42(1):89–101; K. Clements, M. Katz, and R. Marx, 1999, <u>The Transgender Community Health Project: Descriptive Results</u>, San Francisco, CA: San Francisco Department of Public Health.

# State Officials violated Iowa's Ongoing Criminal Conduct Act; Unjust Enrichment through trans-targeting political campaigns—

Iowa's Ongoing Criminal Conduct Act ("IOCCA") is designed to punish the crime of *racketeering*, which is defined as "a pattern of illegal activity carried out as part of an enterprise that is... controlled by those engaged in the illegal activity."<sup>21</sup>

The IOCCA states that "[1]t is unlawful for a person to: (1) knowingly conduct or participate in the affairs of an enterprise (2) through "specified unlawful activity" (3) on a continuing basis." Id. § 706A.2(1)(c).

- "Enterprise" includes any... corporation... or other legal entity... and includes unlawful as well as lawful enterprises. Id. § 706A.1(2)
  - Legally, states are considered *public corporations*; they are also considered *entities* according to the U.S.
     Constitution.
- "Specified unlawful activity" means any act, including any preparatory or completed offense, committed for financial gain on a continuing basis, that is punishable as an indictable offense under the laws of the state in which it occurred and under the laws of this state. Id. § 706A.1(5)
  - Specified unlawful activity, in this case, shall refer to repeated and ongoing acts of violating Iowa Code Chapter 729A.1 and 18 U.S. Codes §§ 241 and 242, as well as related activities pertaining to furthering the goal of undermining and/or violating the rights of transgender medical patients, including but not limited to repeated acts of defamation against the class of transgender Citizens during the campaign process in order to raise money (financial gain) to further this political agenda.

The IACCA states that, "It is unlawful for any person to knowingly... maintain, directly or indirectly, any... control of any enterprise... through specified unlawful activity. It is unlawful for any person to knowingly conduct the affairs of any enterprise through specified unlawful activity or to knowingly participate, directly or indirectly, in any enterprise that the person knows is being conducted through specified unlawful activity." Id. § 706A.2(b)

Members of the State of Iowa's legislature and Governor Reynolds, et al, have commit multiple acts of furtherance with regard to violating the rights of transgender Citizens, in direct violation to both state and federal laws. Multiple candidates, including Reynolds, have run their campaigns, either directly and/or indirectly (liberl per se and libel per quod), on promising constituents that they will help overturn and stamp out legal protections in place for transgender Citizens. Such campaigns have included acts of defamation, with malice, as well as actual rights violations. Successful political campaigns wherein the candidate was elected for office, at the expense of transgender Citizens who were defamed during those campaigns and had their rights violated by those politicians after they were elected to office, are cases of unjust enrichment. "The doctrine of unjust enrichment is based on the principle that a party should not be permitted to be unjustly enriched at the expense of another or receive... benefits without paying just compensation." State ex rel. *Palmer v. Unisys Corp.*, 637 N.W.2d 142, 154 (Iowa 2001). It is an equitable principle that "serves as a basis for restitution." Id. The three elements a plaintiff must prove to recover under unjust enrichment are: "(1) [the] defendant was enriched by the receipt of a benefit; (2) the enrichment was at the expense of the plaintiff; and (3) it is unjust to allow the defendant to retain the benefit under the circumstances." Id. At 154-55.

Governor Reynolds received more than \$5 million in campaign contributions during her campaign for reelection in 2022.<sup>22</sup> Reynolds' campaign was run largely upon her condescending statements against transgender Citizens (as shown through repeated acts of defamation and statements of intent), and promises and actions demonstrating her ongoing efforts to undermine and erode legal protections in place for transgender Citizens.

State officials – especially those who continue to capitalize upon widespread bigotry against transgender Citizens – are violating Iowa's Ongoing Criminal Conduct Act, and their campaigns for re-election are in fact cases of unjust enrichment.

<sup>21</sup> Black's Law Dictionary Deluxe Tenth Edition by Henry Campbell Black, Editor in Chief Bryan A. Garner. ISBN: 978-0-314-61300-4

<sup>22</sup> DR-2 Disclosure Summary Page Generated on (UTC): 7/19/2022 5:45:13 Pm, iecdbblobstorage.blob.core.windows.net/reports-prod/5173 DR2 Summary 07-19-2022T17.45.13.763.pdf. Accessed 30 Aug. 2023.

# Fraudulent misrepresentation by the Iowa Civil Rights Commission –

In 2022 I filed a complaint against a business with the Iowa Civil Rights Commission because the Better Business Bureau and multiple attorneys recommended to based on my testimony. In response, the CEO and her friend submitted approximately ten false, defamatory accusations against me to the Commission. My appeal included evidence which exposed several of their statements were false (which should have brought into question some of their other lies), however the Commission denied my appeal regardless. Although the Commission's website states, "If the collected information indicates a reasonable possibility of a probable cause determination, the complaint will be 'screened in'", and "[T]he Commission draws all 'rational, reasonable, and otherwise permissible' inferences in Complainant's favor," the Commission's decision appears to show the exact opposite.

Afterward I filed with the Office of the Ombudsman, requesting them to review the Commission's findings. The Ombudsman's response reviewed whether or not the Commission adhered to proper administrative procedure, but not whether or not their determinations were meritorious. Two parts of the Ombudsman's response brought me deep concern:

- "[N]othing in the administrative rule describes a process by which the Iowa Civil Rights Commission must detail or explain the reason for denying a reopening. All that is required under rule 161-3.16(3) is a notice to the parties that the denial was made."
- "Estabrook v Iowa Civil Rights Commission 283 N.W.2d 306 (Iowa 1979). The Court viewed the Iowa Civil Rights Commission's process as a mere administrative remedy, with the complainant having the option of filing a civil claim of discrimination in state or federal court once that administrative process is exhausted. Id. At 310. The Court determined that the legislature did not intend the Iowa Civil Rights Commission to process every complaint even if it generated a prima facie case for discrimination.... This gives the Iowa Civil Rights Commission broad authority to determine which cases to process, even for cases that present a prima facie showing of discrimination."

If the Commission is under absolutely no obligation to screen in a case even if there is probable cause – and if they do not in fact, then they should <u>not</u> state on their website that they "will" do so; what they have written on their website is misleading, and amounts to fraudulent misrepresentation on the state's part. The state ought write what reasonably to expect on the website.

# The State aids and abets businesses who provide false information to the Iowa Civil Rights Commission —

Upon administratively closing my case, the Iowa Civil Rights Commission advised me to "find a private attorney" from the State Bar website (which redirects people to www.IowaFindALawyer.com). After contacting more than 50 *fraud, discrimination, civil rights,* and *civil litigation* attorneys from their website (and other searches – see Exhibit D – attorneys contacted), the least expensive quote I received was \$275/hr.

Due to the fact that 61% of Americans say they are living paycheck to paycheck,<sup>23</sup> I am among the majority in saying, "That is <u>way</u> beyond what I can afford!" So, of course, I clicked on the link for "free legal aid options" which is also recommended on the State Bar's website. That link includes:

- Polk County Bar Association Volunteer Lawyers Project doesn't take "fee-generating cases".
- Story County Legal Aid doesn't take "fee-generating cases".
- **Drake University Legal Clinic** Only handles: Divorces, Child Custody, Adult Guardianships, Small Claims, Unemployment, Landlord Tenant Polk County Cases only. Recommended I contact the Lawyer Referral Service at 515-243-3179; they also could not help.
- University of Iowa Clinical Law Program was told they are unable to assist because Professor Allen is retiring and not taking on any new cases.

<sup>23 &</sup>quot;New Reality Check: The Paycheck-to-Paycheck Report - July 2023." *Pymnts.Com*, PYMNTS.com, 31 July 2023, www.pymnts.com/study/reality-check-paycheck-to-paycheck-inflation-household-spending-shared-expenses/.

On November 2, 2022 I emailed the Commission's Intake Specialist , and informed them that I had contacted every attorney I could find in Iowa (including those on the State Bar's website – where the Commission directed me), and the cheapest quote I received was \$275/hr. I asked, "What is someone who cannot afford an attorney supposed to do?" In response, Ramona sent me Exhibit E—list of legal aid organizations that do not help with discrimination cases. It is negligent for the Iowa Civil Rights Commission to advise victims of discrimination to contact a list of organizations who do not assist with these types of cases.

I attempted to file a complaint with the Story County Attorney's Office and Ames PD against the CEO and her friend for violating Iowa Code §714.8(4), "[A]ny person who makes any entry in... any public records... knowing the same to be false," is guilty of fraud (records generated by the Iowa Civil Rights Commission are "public records" according to Section 22.1). The County Attorney's Office told me that it is "not illegal to submit false statements to the Iowa Civil Rights Commission", and that they would not be taking action.

Officer Schieffer). Supervising Officer for Ames Police Department, would not allow me to file a complaint based on the County Attorney's decision/determination, stating, "The Story County Attorney's Office advised that the case was not within our jurisdiction. Additionally, when they looked over the information that you provided in the email, they advised that they not prosecute the case even if it was in our jurisdiction." (see Exhibit F – email from Officer Schieffer).

Des Moines Police Officer informed me, however, that if the case was not within Story County's jurisdiction, the Ames Police ought still allow me to file a complaint, at which point they ought then transfer it to Polk.

The Story County Attorney appears to be guilty of a form of official misconduct called nonfeasance (choosing not to do his job). If *choosing not to prosecute*, however, is a discretionary function, and I was in fact a crime victim (which I believe I am), then I was not provided equal protection of the laws. The Ames Police Department, too, ought to have at lest allowed me to fill out and file a complaint form, as I have a right to file a complaint. However, if the County Attorney was correct – that it is not illegal to provide false information to the Iowa Civil Rights Commission – that is failure on Legislature's part. It is possible, however, that the Story County Attorney and Ames Police are at fault for violating the Iowa Civil Rights Act, for denying me "public accommodation". Id. § 216.2(13b)

This brings me to a conversation I held with attorney in February this year. He told me that because Iowa is an at-will state, employers can come up with nearly any-excuse-under-the-sun to fire someone. Because of this, it is nearly impossible to win a discrimination case – businesses can make up any excuse other than discrimination as to why a person was fired in order to get away with it. That is what happened in my case, and when I informed and showed evidence to the Commission that some of the people who responded to the questionnaire had lied, they simply pointed me toward resources who either could not or would not help.

WHEREAS the State of Iowa allows businesses to simply lie to the Iowa Civil Rights Commission in order to get away with discrimination, and the State does not hold people accountable for doing so,

THEREFORE the State of Iowa aids and abets businesses who commit fraud against the State in this manner. A byproduct of this is that victims of this sort of fraud may not apply for aid through the Iowa Attorney General's *crime victim compensation portal* (located on their website) even when they have been adversely affected and are victims in fact

According to my research, Citizens of Iowa appear to be on par with the rest of the country: that is, 92% of low-income Americans receive no or inadequate legal assistance for civil legal problems that impact them substantially.<sup>24</sup> I speak from firsthand experience that Iowa's current government administration does not sufficiently protect transgender Citizens against discrimination. Rather, the state aids and abets those who discriminate, while state officials (e.g. Kim Reynolds) simultaneously seek to undermine and overturn protections granted federally and by previous governors and legislative bodies within the State of Iowa.

<sup>24 &</sup>quot;Low-Income Americans Face Immense Justice Gap According to New Legal Services Corporation Report." *LSC*, 29 Apr. 2022, <a href="https://www.lsc.gov/press-release/low-income-americans-face-immense-justice-gap-according-new-legal-services-corporation-report">www.lsc.gov/press-release/low-income-americans-face-immense-justice-gap-according-new-legal-services-corporation-report</a>.

The State of Iowa keeps much of Iowa's Citizenry ignorant and defenseless against injustice -

I graduated from Nevada High School in 2000. Nevada's school system did not educate us on even the basics of law. In 2006, when Officer states are demonstrated to demonstrate the basics of law. In 2006, when Officer states are demonstrated after I told him I was transgender, and he then arrested me on multiple occasions in relation thereto, I did not know how to handle that situation from a legal perspective. Again – we weren't even taught *the basics* – I did not know what the word "docket" or "affidavit" *meant*. We weren't taught the difference between *civil* and *criminal* law in school, nor that we could file a complaint against an officer in such situations. I was left wholly unprepared for facing color of law crimes at the time of these arrests in my younger years.

When Judge issued the assault charge against me, I remember losing faith in the government and the system in general. We were taught good things about the country in school – that we believe in "liberty and justice for all" – but when Officer and Judge treated me in these ways, it was a turning point. I began to no longer feel safe around officers, judges, and other people in positions of authority. I did not know that filing a complaint against a judge or an officer was even an option. I wish I'd had the foresight to request an audio-video recording of that trial, but again – as students we were not properly equipped with the knowledge needed to remedy this sort of situation. Unable to find legal assistance, I fled the state and remained homeless following Officer Doe's warning.

When the State of Iowa passed HF766, I did not yet possess the knowledge regarding how to challenge such a law. I did the best I could, contacting attorney after attorney, legal aid organizations, and the ACLU of Iowa who was handling the case to request assistance in filing a claim for damages. Professional assistance was nowhere to be found, so here I am filing this claim without help of an attorney.

After being discriminated against by a group of business persons in Ames, the Iowa Civil Rights Commission appeared to me more interested in protecting the business than in investigating the complaint. When the CEO and her friend submitted false statements against me to the Commission, Ames Police and the Story County Attorney chose not to allow me to even file a complaint, stating that they simply would not prosecute even if they did submit false statements to the Commission. In these types of situations, we as Iowans have come to depend upon the services of our government agencies. Iowa's school system did not adequately prepare me for when the government fails me, or when government officials harm me.

While desperately attempting to find legal representation for the series of injustices described throughout this claim *and* keep up with my college classes, Governor Reynolds exacerbated the emotional hardship I was facing via repeated acts of defamation and openly promoting violating of my right to access medically-necessary procedures. As a result of being overburdened with handling legal work during the school year *while* going through extreme emotional hardship and stress caused by HF766 and the lack of support through the Iowa Civil Rights Commission, <sup>25</sup> I felt especially discouraged because written across the top of the Iowa Civil Rights Commission's letter *administratively closing my case* (see Exhibit H – letter of denial), Governor Kim Reynolds name was printed in large letters. *Why am I trying to find help from an executive branch which has been subverted by our current Governor*,? Governor Reynolds seems hellbent on turning Iowa's citizenry against transgender people in order to weaken legal protections granted under the Iowa Civil Rights Act and the Medicare and Medicaid Act. Through repeated acts of defamation she continues to try to popularize misgendering/bullying transgender Citizens,

I am the only transgender person in Iowa I know who has survived to be my age. I am also the only person I know whom these issues personally affect *and* who has at least some knowledge of the law. I know what it is like to live with rejection from family, friends, and various members of society, as well as isolation and loneliness while being bullied by politicians, media personalities, and internet trolls. Although I am not an attorney, I know that filing this claim against the state is extremely important for Iowans today and for future generations. If I don't file it, *no one will, and the bullying and rights violations will very likely continue*.

<sup>25</sup> Gov. Kim Reynolds Ad: "Iowans Still Know Boys from Girls" - Axios, www.axios.com/local/desmoines/2022/11/03/kim-reynolds-ad-iowans-transgender. Accessed 22 July 2023.

# **Injuries and damages:**

As a result of the aforementioned incidents, I have suffered **continual injuries** (repeated injuries at varying intervals) to my reputation and rights, in relation to me being diagnosed with gender dysphoria and transgenderism, and in relation to various prejudicial, discriminatory acts by State of Iowa officials against me in relation thereto, both directly and indirectly. Such injuries, including <u>repeated acts of slander by Governor Reynolds</u> against an entire federally and state-protected class of Iowa Citizens including myself, are completely uncalled for and have caused me (and likely a multitude of others) **severe emotional pain and suffering** and **injuries to our reputations**. Article I of the State of Iowa's Constitution reads, "Government is instituted for the protection, security, and benefit of the people," however several State of Iowa employees, including Governor Reynolds, have made life less safe and less accepting for transgender Citizens through defamation and via crafting, enacting, and enforcing discriminatory, unconstitutional laws (House File 766 – Division XX) which barred a vulnerable and protected class of Iowa Citizens from accessing medically-necessary medical care for varying, prolonged periods of time.

No class of Citizens ought ever be singled out and defamed by a State's Governor. Governor Reynolds and the Iowa's Legislature's actions, including – with malice – repeatedly cutting off Medicaid payments for use on medically-necessary surgical procedures for a vulnerable and legally-protected class of Iowa Citizens, displayed severe malfeasance on the State's behalf, thereby causing a public injury (stemming from a breach of a duty or violation of a right that affects the community as a whole). As Polk County District Court Judge William Kelly pointed out on November 22, 2022, the law that the State of Iowa passed was "discriminatory and unconstitutional" and "violates the Iowa Constitution and the Iowa Civil Rights Act". While I am unsure why the ACLU did not file for damages on behalf of the class of persons affected by the discriminatory law (in fact, I requested they do so on multiple occasions, and informed them that I was in fact injured), it appears the facts of this case have been decided. I hereby claim the following damages from the State of Iowa, as compensation for injuries, emotional pain and suffering, and consequences I continue to endure as a result of various actions by a multitude of state employees.

- **deprivation of rights** 42 U.S. Code § 1983 entitles myself, as an injured party, to relief for deprivation of rights.
  - violation of right to due process and a fair trial: \$40,000.
  - violation of right to access medically-necessary procedures under Medicaid. \$40,000.

#### severe emotional pain and suffering –

- o approximately 8 years of homelessness while being afraid to return to my home town from 2009 through January 2018. Endured extreme poverty and numerous incidents of being attacked, sexual assaulted, robbed, and harassed throughout this time period. \$1,000,000 per year x 8 years = \$8,000,000
- o barred from scheduling surgery following House File 766. Finally was allowed to schedule in 2022, but then appointments were canceled following the state's second halting of coverage. Experienced severe emotional pain and suicidal thoughts as a result. \$100,000.
- malicious injuries to my reputation (continuing damages)
  - **criminal record for crimes I never committed** caused by local officials taking fraudulent and discriminatory actions against me. Prevented me from getting tags on my vehicle 2021-2023. Caused me not be approved for an apartment in 2022. \$50,000.
  - two instances of false arrest and imprisonment \$20,000.
  - repeated acts of defamation (restitution damages) Governor Kim Reynolds has been unjustly

enriched at the expense of transgender persons she has repeatedly publicly defamed to build her campaign and following upon. \$10,000 per incident x 3 = \$1,000,000.

Award of \$1 million for libel per se is not excessive in the State of Iowa. 975 N.W.2d 656. Jerry HOFFMANN and Hoffmann Innovations, Inc., d/b/a DIY AutoTune.

## • loss of time and energy -

o It has taken me <u>years</u> to study law and compile evidence to finally be able to file this claim. We were not even taught the basics of law in high school, and yet just after I graduated I was severely harmed by state officials, and without the knowledge or resources to afford recourse. Upon returning in 2018 I endured multiple injuries from state officials, and keeping up with the casework severely impacted my college experience. The casework interrupted my discipline project at DMACC in fall 2022, and also in fall 2022. I am charging for my labor thus far rendered: \$500,000.

<u>Total Damages: \$9,750,000</u>

# In addition, I demand the following equitable remedies:

- expunge all charges for case numbers SMSM062530, SMSM062317, and SMSM066553.
- Public apologies from Governor Reynolds and Speaker of the House to transgender Iowans whom she and Iowa's Legislature adversely impacted.
- Amend the Civil Rights Act to include *volunteers* (e.g. for non-profits) instead of just *employees*.
- Amend Iowa Code Chapter 729 (Hate Crimes) to include transgender persons.
- Make "submitting false statements to the Iowa Civil Rights Commission" a crime (if it is not already see pages 8–9).
- Note that if the State of Iowa chooses not to honor these demands, I will request injunctive relief from the court as well as additional damages.
- Also note that improving Iowa's laws, and making the judicial system more accessible to the average Iowan, ought be Legislature's priority *instead of* passing laws making life more difficult for marginalized populations who already have it hard enough as is.

I hereby submit this notice of claim pursuant to the Iowa Tort Claims Act, Iowa Code Chapter 669, for the purpose of seeking compensation for the damages and injuries that I have suffered as a result of various actions by several State of Iowa officials throughout the past two decades.

I request that this claim be investigated and that I be compensated for the damages and injuries that I have suffered. Pursuant to Iowa Code Section 669.14, I demand that this claim be resolved within 60 days of the date of this notice, unless an extension is granted.

Please acknowledge receipt of this notice by signing and returning the attached copy of this letter to me at the above address.

S	incerely
Alexandra "Sondra'	'Wilson