

IN THE IOWA DISTRICT COURT FOR POLK COUNTY

Alexandra "Sondra" Wilson <i>Petitioner</i>	} 05771 _____
vs.	} Petition to commence Civil Action
State of Iowa and Kim Reynolds for Iowa <i>Respondents</i>	} } }

Your Honor, et al:

Affidavit of Alexandra "Sondra" Wilson

Alexandra Wilson, being first duly sworn on oath does hereby depose and state:

I hereby submit this petition to commence a lawsuit against the State of Iowa due to numerous torts and crimes committed against me by the following parties, each of whom either work(ed) as employees for the State of Iowa, or whose actions were enabled (through negligence) and/or aided and abetted by the State.

List of Defendants:

State of Iowa – *respondeat superior*¹
c/o Department of Management
1007 E Grand Ave g13
Des Moines, IA 50319

State of Iowa – *respondeat superior*
c/o Attorney General
Hoover Building, 1305 E Walnut St.
Des Moines, IA 50319

Kim Reynolds for Iowa
c/o Office of the Governor
ATTN: Kim Reynolds
Iowa State Capitol
1007 East Grand Avenue
Des Moines, IA 50319

This petition is divided into four sections, with the limitations period for each section which might otherwise be questioned at the end of those sections. Torts/crimes are listed and briefly described

1 Respondeat superior is a legal doctrine that makes employers responsible for actions their staff members do while on the job. When this doctrine applies, a victim who suffers an injury due to negligence or wrongdoing may be able to sue the employer of the person who harmed them. [Forbes: <https://www.forbes.com/advisor/legal/personal-injury/respondeat-superior/#:~:text=Respondeat%20superior%20is%20a%20Latin,by%20their%20employee%20or%20agent.>]

after each party's name. It is possible not all torts/injuries/crimes are listed.

- **Section 1** (*pp. 3 – 7*) describes instances from 2006 and 2009, wherein state employees' discriminatory actions caused to me remain homeless for approximately 8 years, afraid to return to my home state. Due to the *discovery rule* and the *doctrine of equitable tolling* (p. 7), the limitations period for these cases began to run in November 2022, at which time I discovered I was defrauded. The limitations period ought also be extended due to the complex nature of this case, and the fact that numerous successive State actions on both the local and statewide levels have caused me multiple injuries, for which I have been unable to secure legal representation or advocacy due to financial reasons and due to the political culture we live in, which is generally hostile toward transgender people, and defensive of discriminatory practices by businesses and state actions. Inability to file a timely action was exacerbated by the years of homelessness I endured.
- **Section 2** (*pp. 7 – 13*) describes discriminatory, tortious and criminal legislative and gubernatorial actions which occurred since my return to Iowa in 2018. Limitations periods for each of these instances was extended by subsequent, related tortious actions which caused continuing injuries to myself and my reputation.
- **Section 3** (*pp. 13 – 18*) describes inadequacies with regard to the Iowa Civil Rights Commission; how their website fraudulently misrepresents what they offer, and how their process causes a diminution (deprivation) of due process rights. This section describes how the State of Iowa aids and abets and/or enables (through negligence and/or willful disregard and/or malicious intent) discriminatory practices by businesses and non-profit organizations.
- **Section 4** (*pp. 18 – 19*) alleges that the State of Iowa violated Iowa's Ongoing Criminal Conduct Act, through continuous acts of misconduct, harassment of transgender persons in general, and malicious behavioral patterns which adversely impact transgender Iowans particularly, through rights violations and defamation. Defamation appears to be a common political tool used to subvert the law and erode protections for transgender Iowans. Additionally, it leads to widespread discrimination (e.g. bullying and harassment) throughout the state, to which the perpetrators don't witness, but whom people in my position suffer.

Collectively the four sections illustrate that the State of Iowa is in violation of Iowa's Ongoing Criminal Conduct Act, showing a pattern of performing discriminatory, rights-depriving actions against

transgender Iowans, enabled by local officials and on a statewide level. I have suffered multiple personal injuries as a result, described throughout this petition. Unless the Court provides injunctive relief I am requesting on pages 20 – 22, it is inevitable harm will be done to transgender Iowans, including myself, in the future.

I pray to the court for an award of damages and multiple forms of supplementary injunctive relief as auxiliary remedies pursuant to Iowa R. Civ. P. Rules 1.1106 and 1.1501. Relief requested is listed on pages 19 – 22.

It has taken me years of diligent research to be able to learn to file this petition without the luxury of being able to afford an attorney. Meanwhile, while doing so, I continued to cope with the emotional pain and suffering the State of Iowa has caused me, which I still endure to this day. This action is filed so that I may be made whole, and to prevent people in future generations from going through what I have.

Section 1 – personal injuries in 2006 and 2009 caused me to remain homeless for ~8 years, afraid to return to my home state:

- Mr. Blake Marshall, Sergeant – *false arrest, false imprisonment, harassment*
Ames Police Department
515 Clark Avenue
Ames, IA 50010
 - falsely arrested and falsely imprisoned me on two occasions in 2006. He discriminated against me based on my gender identity in both cases, which appeared to me to be his motive based upon his demeanor toward me. I plead not guilty to all three charges:
 - case # SMSM062530 – arrested me because my California records (Alexandra, female) did not match my Iowa or federal records (Alexander, male). After I explained to him I was transgender, he wrote false information into the arrest report (that I was not compliant and that I resisted) in order to charge me with “interfering with official acts” and “trespassing”. I recall being compliant and cooperative; his demeanor toward me changed after he ran my records, and I told him I was transgender and undergoing hormone replacement therapy.
 - case # SMSM062530 – arrested me for “trespassing” into women's restroom just before I entered the courtroom (and exited the restroom) for the case # SMSM062530 trial. At

this point I felt he was harassing me. I was not made aware Judge Van Marel ordered Officer Marshall to arrest me until 2022. Officer Marshall's demeanor, however, indicated harassment.

- Mr. Gordon Allen, Attorney – *extrinsic fraud, malpractice*
6835 NW 100th St.
Johnston, IA 50131-1761

and

State of Iowa² – *negligence, reckless endangerment*
1007 East Grand Avenue
Des Moines, Iowa 50319

- After Officer Marshall arrested me for case # SMSM062530, while in jail Mr. Allen volunteered to assist me with my case. He told me I could not sue because it was unprecedented, but that the City of Ames was offering me \$1500 and a letter of apology. He told me this letter would set a precedent so the next person could sue. I accepted the offer.

After fleeing the state and remaining homeless for years, in November 2022 I discovered Mr. Allen entered into a plea bargain on my behalf without my knowledge or consent. He changed my *not guilty* pleas to *guilty*! Mr. Allen and I did not discuss case # SMSM062530. As a result, I had criminal charges entered onto my record without a trial. No record of the apology letter or the State's wrongdoing were entered into the record. No precedent was set. I would not have agreed to the plea agreement Mr. Allen signed me into. Additionally, Mr. Allen misgendered me throughout his filings. Mr. Allen misinformed me about the case, and misrepresented my position. Mr. Allen commit extrinsic fraud, "intentional misrepresentation or deception which deprives someone(s) of informed consent, full participation. or due process."

The State recklessly endangers attorney clients, enables misconduct – The State of Iowa, within the Rules of Professional Conduct, does not require attorneys to obtain clients' signatures in order to change their pleas or file motions (attorneys aren't required to submit motions to their clients for review). In an email between myself and Mr. Allen, he claimed that I verbally consented to allowing him to do this, which I absolutely would not have. It is negligent on the part of the state – a failure of the law – to not require signatures

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of clients for major decisions such as entering into a plea deals. Requiring a signature on a contract is a basis for U.S. Law, and frankly just good practice the State of Iowa ought require. Attorneys especially should not be exempt from contract law. Additionally, clients ought be required to review any and all paperwork filed on our behalf. The State of Iowa does not require attorneys to offer clients the opportunity to review paperwork prior to submission. The state's negligence recklessly endangers lay persons who are not knowledgeable in the law, especially young people who are just out of high school, and who are not taught even the basics of law (or civics) in Iowa's schools. The State's negligence and/or willful disregard enables attorneys to commit fraud, and leaves defrauded clients without legal recourse.

- City of Ames – *neglect*
c/o Mr. Steve Schainker, City Manager
515 Clark Ave
Ames, IA 50010
 - Although the City of Ames issued me \$1500 and an apology letter for case #SMSM062317, the State and/or City of Ames neglected to enter the letter or any acknowledgment of their wrongdoing into the docket.

- Mr. Steven Van Marel, District 2B Associate Judge – *extrinsic fraud, abuse of power, malfeasance (misconduct)*
1315 South B Avenue
Nevada, IA 50201
 - After Judge Van Marel ordered Officer Marshall to arrest me for case #SMSM062317, Mr. Allen filed a motion for Judge Van Marel to recuse himself. Although I am appreciative Mr. Allen did so, he did not inform me about this or any other paperwork he filed.

Despite the motion to recuse, and his role in case #SMSM062317, Judge Van Marel did not recuse himself in 2009 during case #SMSM06655, as required by 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....".

The case involved a woman who falsely accused me of assaulting her (presumably based on her political stance). She brought in two witnesses, each of whom gave opposing testimonies, neither of which aligned with her's. One of her witnesses told the truth: that I

did not assault or touch her in any way. Judge Van Marel found me guilty despite the fact that the State was not even close to meeting the burden of proof “beyond a reasonable doubt”. Judge Van Marel commit extrinsic fraud against me. He denied my right to due process and a fair trial, and commit an abuse of power.

- Officer Doe – *key witness*
Ames Police Department
515 Clark Avenue
Ames, IA 50010

and

- Librarian Doe – *key witness*
Ames Public Library
515 Douglas Ave.
Ames, IA 50010
 - Immediately following the trial for case #SMSM06655, Officer Doe privately flagged me down in the hallway and told me he saw that the trial was unfair. He then warned me that – based on what he was hearing “behind the scenes” – that I should leave the state for my safety. He claimed that some local officials were upset about me getting arrested for using the women's restroom three years prior, and that they did not like that (1) I received an apology letter (2) that they were required to take a class to learn about transgender people. “Now that they have this violent crime attached to your record”, he told me, “I'm just telling you – based on what I am hearing – you should leave the state.” He was one of two City of Ames employees to issue me a similar warning. The other was a Librarian. I am keeping their names anonymous at this time for their safety, and to prevent witness tampering.

I heeded Officer Doe and Librarian Doe's warnings, remaining homeless for approximately 8 years – afraid to return to my home state until 2018. 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."⁴ 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 petition.

LIMITATIONS PERIOD

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 Mr. Allen and Judge Van Marel 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.² 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.³

Section 2: discriminatory State actions violated my right to access medically necessary surgeries; emotional pain and suffering exacerbated by multiple acts of defamation by Governor Reynolds and Kim Reynolds for Iowa

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 was awarded a Pell Grant which enabled me to attend Des Moines Area Community College,

which gave me a new lease on life.

Unfortunately soon after my return, I was harmed by statewide actions, described here within Section 2, and local discrimination, described within Section 3.

- State of Iowa³ – *violated 18 U.S.C § 241, 18 U.S.C § 242, and Iowa Code 729A. I (Hate Crimes), actual malice*
1007 East Grand Avenue
Des Moines, Iowa 50319
 - After returning to Iowa in 2018, I was extremely relieved when an Iowa district court found that transgender surgeries are medically-necessary, and that they must therefore be covered by Medicaid (*Eerieanna Good and Carol Beal v. Iowa Department of Human Services*). The Iowa Department of Human Services appealed the district court's ruling, however, determined to deny coverage. In March 2019, the Iowa Supreme Court confirmed the lower court's ruling. Throughout this time I was unable to schedule medically-necessary surgery appointments, despite having the right to do so under the Medicare and Medicaid Act. This constituted a continuing injury, or "an injury still in the process of being committed."

In response to the ruling, in 2021 the State of Iowa passed HF766 (division XX), which knowingly and willingly defied the Iowa Supreme Court and stopped coverage, thus violating:

- 18 U.S.C § 241 Conspiracy against rights;
- 18 U.S.C § 242 Deprivation of rights under color of law;
- Iowa Civil Rights Act; and
- Medicare and Medicaid Act.

I was unable to schedule surgery consultations as a result, thus causing me severe emotional pain and suffering, and 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. It was at that time my doctor informed me that my appointments had to be canceled because they would not be covered. This happened after the American Medical Association (AMA)

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issued a letter to state governors urging them to stop trying to cut off access to medically-necessary procedures for transgender patients. Governor Reynolds and Iowa's legislature ignored this, indicating actual malice. 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 to request assistance in filing for damages (since they were handling the Vasquez/Covington case), they did not respond. So, I researched how to file a claim for damages without the help of an attorney, and filed a claim as soon as possible (on 9/9/2023).

The State of Iowa violated my right to access medically-necessary procedures, as guaranteed under the Medicare and Medicaid Act. The State of Iowa violated Iowa Code Chapter 729A. I (Hate Crimes), which makes "violations of an individual's rights (of a vulnerable and protected class) prohibited". Although Iowa Code Chapter 729A does not explicitly protect transgender Citizens against hate crimes, protection is implied by the Iowa Civil Rights Act. Exclusion of transgender Iowans from legal protection against hate crimes is an example of how the State of Iowa has neglected to adequately protect transgender Citizens. Although the State of Iowa did not violate "the letter of the law", it violated the *spirit of the law*. Iowa Courts recognize the spirit of the law doctrine: 14 N.W.2d 717,234 Iowa 869 *Case v. Olsen* held "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..."

The following statistics are but a snapshot indicating the vulnerable state of transgender Citizens:

- **poverty**- 15.7% cisgender straight people are in poverty, while 29.4%. of transgender people are.⁴
- **suicide rate** - highest of any group in the country - nearly 10 times the average suicide rate for the country.⁵ The Trevor Project's third annual National Survey on LGBTQ

4 *LGBT Poverty in the United States - Williams Institute*. <https://williamsinstitute.law.ucla.edu/wp-content/uploads/National-LGBT-Poverty-Oct-2019.pdf>.

5 Ennis. Dawn. "'Terrible Time for Trans Youth:' New Survey Spotlights Suicide Attempts - and Hope." *Forbes*. Forbes Magazine, 19 May 2021, <https://www.forbes.com/sites/dawnstaci-venni/2021/05/19/terrible-time-for-trans-youth-new-mrvcv-spotlights-suicide-spike---and-hord?sh=3;c177db10716e>.

Youth Mental Health found that 52% of all transgender in the U.S. seriously contemplated killing themselves in 2020.⁶ In my experience these thoughts have to do with lack of access to medical care and legal protections, and commonplace bigotry made popular in part by media and politicians.

- **murder** - 2021 was the deadliest year on record for transgender people, with 375 murdered. 2020 was the deadliest year on record before that.^{7 8}
 - **sexual assault** - One in two transgender individuals are sexually abused or assaulted at some point in their lives.⁹ Reports estimate that transgender survivors may experience rates of sexual assault up to 66 percent, often coupled with physical assaults or abuse.¹⁰
- Kim Reynolds, Governor for the State of Iowa, Candidate – *defamation, unjust enrichment*
 Kim Reynolds for Iowa, Candidate Committee
 Iowa State Capitol
 1007 East Grand Avenue
 Des Moines, IA 50319
 - Iowa Courts recognize a type of defamation known as libel per quod (subtle but effective defamation), wherein “the defamatory nature of the statement is not immediately apparent”, and “requires an audience to refer to facts or circumstances beyond the words actually used

6 Beech, Kai. "Trans Center Aims to Curb Suicide Rate. Help LGBTQ People." *WPTV*; 13 Nov. 2019, <https://www.wptv.com/11.:ws/national/the-suicide-rate-for-transgender-people-i.-nearly-10-times-the-national-rate-a-center-is>

7 Hall, Madison, and Canela Lopez. "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, <https://www.insider.com/insider-database-2020-deadliest-year-on-record-for-trans-people-2021-4>

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

9 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.

10 J. Xavier, J.A. Honnold. and J. Bradford. 2007, *The Health, Health-Related Needs, and Lifecourse Experiences of Transgender Virgilians*, 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, *The Los Angeles Transgender Health Study: Community Report*, 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," *International Journal of Transgenderism* 8(2/3):31-47; C.K. McGowan. 1999, *Transgender Needs Assessment*, 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," *Journal of Homosexuality* 42(1):89-101; K. Clements. M. Katz, and R. Marx. 1999, *The Transgender Community Health Project: Descriptive Results*, San Francisco, CA: San Francisco Department of Public Health.

to establish the defamation.” 975 N.W.2d 656. *Jerry HOFFMANN and Hoffmann Innovations, Inc. v. Jerry Scott CLARK and RealTimers*.

Governor Reynolds commit libel per quod against transgender persons on at least the following three occasions, presumably to further her political goal of stopping medical coverage for transgender Iowans to appease her voter base. Regardless of her motive, her statements had a defamatory effect on transgender Iowans, including myself. These actions exemplify 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.¹¹

- Following the Iowa District court's 2018 ruling, Governor Reynolds' spokesperson stated that Governor Reynolds 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."¹² Again, she stated this after the AMA issued a letter to state governors urging them to stop trying to cut off access to medically-necessary procedures for transgender patients. The fact that Reynolds was notified by an authoritative scientific-administrative body, and disregarded such notice, shows actual malice on the part of Reynolds, “knowledge of falsity or reckless disregard for the truth.” *New York Times Co. v. Sullivan*, 376 U.S. 254, 279–80, 84 S. Ct. 710, 726, 11 L. Ed. 2D 686, 706 (1964).¹³ Note that [actual malice] deprives a defendant in a defamation action of the ability to defend on the ground that his statement is privileged.¹⁴
- On October 31, 2022, Reynolds (as a Candidate) used her powerful political influence to defame transgender people within her televised campaign ad for re-election, stating, "Iowans still know boys from girls." Reynolds' condescending

11 *Gov. Kim Reynolds Ad: "Iowans Still Know Boys from Girls" -Axios*, www.axios.com/local/desmoines/2022/11/03/kim-reynolds-ad-iowanS;transgends:r. Accessed 22 July 2023.

12 Clark Kauffman, Iowa Capital Dispatch November 22. "Reynolds 'disappointed' in Ruling on Transgender Medicaid Coverage." *Iowa Capital Dispatch*, 23 Nov. 2021, [iowacapitaldispatch.com/2021/11/22/reynolds-disappointed-in-rulin_g: on-transgender-medic; id-coverage/?fbclid=""IwAR3rqLqOH9anYI Lg4tdy2zIFr4K V.NuvwwplbH8f132gqK6-QD2dL3j7XQ](http://iowacapitaldispatch.com/2021/11/22/reynolds-disappointed-in-rulin_g: on-transgender-medic; id-coverage/?fbclid=).

13 *Black's Law Dictionary Deluxe Tenth Edition* by Henry Campbell Black & Editor in Chief Bryan A. Garner. ISBN: 978-0-314-62130-6

14 *Ballantine's Law Dictionary Legal Assistant Edition* by Jack Ballantine (*James Arthur 1871-1949*). Doctored by Jack G. Handler, J.D. © 1994 Delmar by Thomson Learning. ISBN 0-8273-4874-6.

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.*

- Kim Reynolds' campaign committee, Kim Reynolds for Iowa, earned \$327,500 for her re-election in 2022.¹⁵ Her campaign capitalized and profited off her continued attempts to interfere with the rights of transgender Citizens, and her repeated political jabs which were used to garner popular support erode legal protections in place for transgender persons. Kim Reynolds and her campaign committee were unjustly enriched at the expense of transgender Citizens.
- On April 26, 2023 Governor Reynolds defamed transgender people via promoting "real women" fake Bud Light cans in order to blatantly imply that transgender women are not "real women".¹⁶
- Kim Reynolds uses her powerful political influence to transform Iowa's political culture into one which is hostile toward its transgender Citizenry.

UNJUST ENRICHMENT

Members of the State of Iowa's legislature and Governor Reynolds, et al, have committed 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, 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 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

¹⁵ "Vendor/Recipient Profile: Kim+Reynolds+for+Iowa." *OpenSecrets*, www.opensecrets.org/campaign-expenditures/vendor?vendor=Kim%2BReynolds%2Bfor%2BIowa. Accessed 10 Jan. 2024.

¹⁶ "Kim Reynolds Touts 'real Women' Coolers Parodying Bud Light Trans Influencer." *Yahoo¹ News*, news.yahoo.com/kim-reynolds-touts-real-women-20455.3736.html. Accessed 30 July 2023.

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.

LIMITATIONS PERIOD

Reynolds' repeated acts of defamation against transgender persons were used to further a political agenda of violating transgender peoples' rights. Such acts demonstrate "acts of furtherance" with regard to violating 18 USC § 241 Conspiracy against rights, thus extending the limitations period. 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.¹⁷ 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.

Section 3 – the state aids and abets businesses who discriminate, and does not protect volunteers for non-profits:

- Iowa Civil Rights Commission – *nonfeasance (misconduct), fraudulent misrepresentation, deprivation of due process rights*
ATTN: Sierra Walker, Attorney 1
Sarah Vanderploeg, Civil Rights Specialist
6200 Park Avenue, Suite 100
Des Moines, IA 50321-1270
icrc@iowa.gov

¹⁷ "652. Statute of Limitations for Conspiracy." *The United States Department of Justice*, 22 Jan. 2020, www.justice.gov/archives/im/criminal-resource-manual.-652-statute-limitations-conspiracy.

- **nonfeasance** – In April 2022 I filed a complaint with the Iowa Civil Rights Commission (ICRC) against two businesses in Ames, IA (see *Wilson v. Reliable Street Inc, et al*). Respondents retaliated via submitted approximately ten false, extremely defamatory statements against me to ICRC in order to persuade them to drop the case. Although I showed ICRC evidence which revealed several of their statements were false (which ought indicate probable cause), ICRC administratively closed the case and decided not to investigate.

fraudulent misrepresentation – ICRC'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." ICRC's decision, however, shows the opposite.

So, I filed with the Office of the Ombudsman, requesting them to review ICRC'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 indicate that ICRC's website misrepresents what is to be expected from them:

- "[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 [ICRC]'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 [ICRC] 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 ICRC is under no obligation to screen in a case even if there is probable cause, they should state that on their website. What they currently have written on their website is

misleading, and amounts to fraudulent misrepresentation on the state's part. The state ought write what one might reasonably expect on the website, that they are under no obligation to screen in a case, even when there is prima facie evidence of discrimination. What they currently have written misleads victims (of discrimination) and taxpayers.

ICRC 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 their attention, they provided a list of legal aid organizations for low-income persons. Every organization on the list they provided me (except University of Iowa Law Clinic) told me that they "don't take fee-generating cases" and could not handle this type of case. The fact that ICRC directs low-income, vulnerable populations to legal aid organizations who literally do not help with these types of cases shows negligence on the State's part: "the left hand doesn't know what the right hand is doing".

ICRC's unfair process causes deprivation of due process rights – When ICRC sent me a determination letter that they would not be screening in (investigating) the case, they also sent their assessment of the various parties' responses to ICRC. Their assessment included hearsay, such as, "[Owner] states that [Employee] stated X." This made it impossible for me to determine if the owner was lying, or if the employee actually said defamatory statements about me. After ICRC denied my appeal (to re-open the case), I requested a copy of the file so I could view the actual documents sent to ICRC by Respondents. However, ICRC would not send it until after I requested a "letter for the right to sue". This caused two issues:

- Although ICRC allows two years to request the letter, once you request it you are given an arbitrary 90 day deadline to file a the suit. Immediately after I requested the letter, I requested a copy of the file, which took 30 days. This gave me only 60 days to file the suit from the time I received the evidence. Although the limitations period for this action was March 31, 2024, ICRC's arbitrary, unfair deadline required me to file by Dec. 6, 2023, thereby substantially reducing my limitations period and diminishing my due process rights.
- Within the file, I was able to see (for the first time) a falsified document presumably submitted to the owner by the employee. Had I been shown this document at the time

ICRC sent me their determination letter, I could have proven this within my appeal, or used it to show one of the numerous attorneys I contacted in order to prove to them my case. The fact that ICRC did not send this sooner served to shield the business from liability. Had I not worked extremely diligently to untangle the Iowa Rules of Procedure within the 60 day time limit, I would have lost my opportunity to file the suit.

ICRC's process serves to shield businesses from liability and substantially reduce the limitations period for victims of discrimination. ICRC has a score of 1.3 for its Google review score. Reviews show similar experiences as I had, showing “overwhelming evidence” to ICRC only to have cases closed. Related articles printed in Des Moines Register in 2023:

- “Why 60% of Iowa workers’ civil rights complaints aren’t investigated: why process is so difficult” by F. Amanda Tugade.¹⁸
- “Iowa should stop tilting the scales in civil rights cases” by Lucas Grundmeier.¹⁹

- Ames Police Department – *nonfeasance (misconduct)*
ATTN: Mr. Schieffer
515 Clark Avenue
Ames, IA 50010

and

Story County Attorney's Office – *nonfeasance (misconduct)*
ATTN: Mr. Timothy C. Meals
4934 Utah Dr.
Ames, IA 50014
timothy.meals@gmail.com

and

Office of the Attorney General of Iowa – *nonfeasance*
Hoover Building, 1305 E Walnut St.
Des Moines, IA 50319

- I contacted Ames Police and the Story County Attorney's Officer to file a complaint against

¹⁸ Tugade, Amanda. *Why 60% of Iowa Workers’ Civil Rights Complaints Aren’t Investigated*, The Des Moines Register, www.desmoinesregister.com/story/news/2023/05/08/iowa-civil-rights-commission-60-percent-complaints-discrimination-not-investigated-employees-workers/70177674007/. Accessed 15 Nov. 2023.

¹⁹ Grundmeier, Lucas. *Opinion: Iowa Should Stop Tilting the Scales in Civil Rights Cases*, The Des Moines Register, www.desmoinesregister.com/story/opinion/editorials/2023/05/14/iowa-civil-rights-commission-tilting-scales/70204156007/. Accessed 15 Nov. 2023.

Respondents 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).²⁰

The Story 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.

Ames Police Department's Supervising Officer Schieffer would not allow me to file a complaint, 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."

It appears to me that one of two things has occurred:

1. The Ames Police Department and Story County Attorney's Office are guilty of a form of official misconduct called nonfeasance (not doing their job). In this case, as a victim of criminal fraud, I was not provided equal protection of the laws (14th Amendment). The Ames Police Department ought to have, at the very least, allowed me to file a complaint. It is possible 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(136)
2. Lying to the Iowa Civil Rights Commission is not a crime in the State of Iowa, in which case the state aids and abets businesses who commit fraud against the State, and against victims of discrimination. If this is the case, I pray that the Court will compel the State to make "knowingly and willingly submitting false information to the Iowa Civil Rights Commission a crime" in order to prevent harm from being caused to others in the future. "It is emphatically the province and duty of the Judicial Department to say what the law is." *Marbury v. Madison* (1803). A byproduct of this is that victims of this sort of fraud may not apply for compensation through the Iowa Attorney General's *crime victim compensation portal* (located on their website) even when

²⁰ "13AO:0001 Request for Advisory Opinion, Iowa Civil Rights Commission." *Iowa Public Information Board*, 27 Nov. 2023, ipib.iowa.gov/advisory-opinion-icrc.

they have been adversely affected and are victims in fact.

- I attempted to file a complaint with the Iowa Attorney General's Office to report fraud, however I was informed that they do not investigate "this type of fraud" (false statements/documentation submitted to the Iowa Civil Rights Commission). I was told they mainly only investigate identity theft.

I believe I exhausted all administrative remedies. I met with my legislators about the issue. There does not appear to be any oversight with regard to the ICRC except through the Courts. The State of Iowa ought to create real oversight and accountability for ICRC instead of tipping discrimination cases in favor of businesses, against victims, through their process which creates undue burden on victims.

Section 4: State of Iowa violated Iowa's Ongoing Criminal Conduct Act, jurisdiction, and claim for relief:

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

The IOCCA states that "[I]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. Tq. § 706A.1(5)

- Specified unlawful activity, in this case, shall refer to repeated and ongoing acts of violating Iowa Code Chapter 729A (hate crime) and § 708.7 (harassment). I 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.

JURISDICTION:

This Court has jurisdiction over the subject matter of this action as due to the fact that the falsified evidence and fraudulent statements against me were submitted into the public record through the Iowa Civil Rights Commission, which is located within the jurisdiction of Polk County District 5. Furthermore, the Iowa Tort Claims Act specifies this court for actions taken against the State.

CLAIM FOR RELIEF:

I am requesting from the Court a judgment in favor of damages and a declaratory judgment for supplemental relief in accordance with Iowa R. Civ. P. 1.1106, in the form of an auxiliary remedies (injunction(s)) in accordance with Rule 1.1501. 42 U.S. Code § 1983 entitles myself, as an injured party, to relief. Damages sought and supplementary relief are as follows:

- **DAMAGES:**

- At minimum \$8M 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 and an attorney whose actions were enabled by the State's lack of protection for attorneys' clients caused me to remain

homeless for many years is completely unacceptable: \$8 million is a meager settlement amount for the emotional pain and suffering, including PTSD, I have endured and continue to endure, as a result of the many acts of violence, sexual assault, harassment, and poverty I experienced throughout those years.

- consequential damages for the PTSD-related emotional pain and suffering I continue to endure. This suffering adversely affects my college life, work, and day-to-day life in general. I do not feel safe in the work environment, including nonprofit sectors, here in Iowa due to lack of legal protections against harassment (including misgendering) and discriminatory practices tolerated here in Iowa, the lack of enforcement by Iowa's executive branch and other administrative agencies, and the commonplace bigotry within our political culture that Kim Reynolds and other Republican politicians have fostered.
- 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.
- Damages for other tortious and criminal acts described throughout this petition.

- **SUPPLEMENTAL RELIEF**

According to Iowa Rule Civ. P. 1. 1502(1), a temporary injunction may be allowed when the petition, supported by affidavit, shows the plaintiff is entitled to relief which includes restraining the commission or continuance of some act which would greatly or irreparably injure the plaintiff. I am seeking the following forms of injunctive relief to prevent

- criminal charges continuing to disparage me via my public record
- repeated rights infringements and/or attempts thereupon
- repeated acts of defamation by politicians and media entertainers aided and abetted by the State of Iowa (e.g. provided unrestricted platform for).²¹
 - 1. 1502(2) Where, during the litigation, it appears that a party is doing, procuring or suffering to be done, or threatens or is about to do, an act violating the other party's right

²¹ Note that although the First Amendment

respecting the subject of the action and tending to make the judgment ineffectual.


- 1. 1502(3) In any case specially authorized by statute.
- 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.
- Reforms to the Iowa Civil Rights Commission:
 - The Commission must send a copy of the file to each party at the time the Commission makes their determination – currently, at the time they make a determination, the Commission sends their evaluation of the materials sent to them by either party. Their evaluation often contains hearsay (e.g. “The owner of the business said that the employee stated X”). This leaves the complainant not knowing if the owner lied about the employee saying that, or if the employee actually said that. In order to receive the file (which often includes actual evidence), you must request a “letter for the right to sue”. The problem is that, from the time you request the letter, you then are put on a strict 90 day time limit to file in court. Even though there is generally a two year limitations period for civil cases, you have less than 90 days to evaluate the evidence and file the case. The complainant should receive a copy of the file at the time they receive the Commission's determination – this is also important so that evidence can be countered in the complainant's appeal.
 - Allow 60 days instead of 30 for plaintiffs to file an appeal – after receiving a slough of information to assess, a strict 30 day time limit is often too short of a deadline to create an effective appeal.
 - Make it a crime to lie to or deceive the Commission – it is not a crime in Iowa for a defendant to submit false statements to the Iowa Civil Rights Commission. This allows businesses to come up with “any reason under the sun” (other than discrimination) in order to get away with it. Additionally, this allows businesses to

submit disparaging lies against the complainant (in retaliation), into the public record. By submitting evidence to the complainant at the time of the Commission's determination, complainants will more easily be able to prove an employer submitted false statements (hopefully this acts as a deterrent!).

Your Honor, as an older transgender woman who has faced many instances of discrimination and years of hardship, and who has also diligently studied U.S. law for years in hopes to protect myself against future instances, I find myself in a unique position to be able to file this lawsuit which might help bring safety and understanding to people of future generations. I believe we are at a precipice with regard to civil rights laws: we will either become a state and nation "with liberty and justice for all", or our nation and state will fail, and fall to prejudice and the tyranny of the majority. I pray wisdom upon the courts, and upon my home state of Iowa.

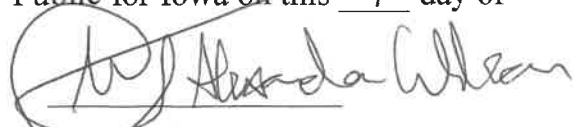

Alexandra "Sondra" Wilson
4733 Toronto St. Apt. #112
Ames, IA 50014
Sondra.Wilson777@gmail.com
(515)-357-9725

I certify under penalty of perjury and pursuant to the laws of the state of Iowa that the preceding is true and correct.

2-7-2024
Date

Signature

Subscribed and sworn to before me a Notary Public for Iowa on this 7 day of February ~~2022~~ 2024




(Affiant signature)

(Notary signature)

Iowa R. Civ. P.
1.413(4)