

**STATE OF WASHINGTON  
SPOKANE COUNTY SUPERIOR COURT**

STATE OF WASHINGTON,

NO. 15-02-04271-2

Plaintiff,

FIRST AMENDED COMPLAINT  
FOR INJUNCTIVE AND OTHER  
RELIEF UNDER THE  
WASHINGTON LAW AGAINST  
DISCRIMINATION AND THE  
CONSUMER PROTECTION ACT

v.

FLAG HILL LUMBER CO. INC. d/b/a  
GREENACRES MOTORS,  
GREENACRES MOTORS LLC d/b/a  
GREENACRES MOTORS, AND  
MONTE L. MASINGALE in his  
individual capacity and as a member of  
the marital community of MONTE L.  
MASINGALE and ROSANA  
MANSINGALE,

Defendants.

Pursuant to Civil Rule 15(a), the Plaintiff, State of Washington, by and through its attorneys Robert W. Ferguson, Attorney General, and Colleen M. Melody, Assistant Attorney General, files this First Amended Complaint against the Defendants named below. The State alleges the following on information and belief:

**I. JURISDICTION AND VENUE**

1.1 This action is brought by the State of Washington to enforce the Washington Law Against Discrimination, RCW 49.60, and the Unfair Business Practices—Consumer Protection Act, RCW 19.86.

1 1.2 The Attorney General is authorized to commence this action pursuant to  
2 RCW 43.10.030(1) and RCW 19.86.080.

3 1.3 The violations alleged in this Complaint were committed in whole or in part in  
4 Spokane County, Washington, by the Defendants named herein.

5 1.4 Venue is proper in Spokane County pursuant to RCW 4.12.020 and  
6 RCW 4.12.025.

## 7 II. DEFENDANTS

8 2.1 Defendant Flag Hill Lumber Co. Inc. d/b/a Greenacres Motors is a Washington  
9 for-profit corporation engaged in the sale of goods and services, including used automobiles  
10 and recreational vehicles ("RVs").

11 2.2 Flag Hill Lumber Co. Inc. d/b/a Greenacres Motors is a licensed Motor Vehicle  
12 Dealer with Washington dealer license number 3755.

13 2.3 Rosana Masingale is the President, Treasurer, and Chairperson of Flag Hill  
14 Lumber Co. Inc. d/b/a Greenacres Motors. Le Ann Masingale is the Secretary of Greenacres  
15 Motors.

16 2.4 Defendant Greenacres Motors LLC d/b/a Greenacres Motors is an Idaho limited  
17 liability company engaged in the sale of goods and services, including used automobiles and  
18 RVs.

19 2.5 Monte Masingale and Curtis Nickel are the Managers of Greenacres Motors  
20 LLC d/b/a Greenacres Motors.

21 2.6 Flag Hill Lumber Co. Inc. d/b/a Greenacres Motors and Greenacres Motors  
22 LLC d/b/a Greenacres Motors do business collectively as "Greenacres Motors."

23 2.7 Greenacres Motors employs eight or more persons.

24 2.8 Greenacres Motors is an "employer" within the meaning of RCW  
25 49.60.040(11).



1 **IV. ALLEGATIONS**

2 4.1 At all times relevant to this action, Monte Masingale had the authority to hire,  
3 fire, affix compensation, and otherwise determine the terms and conditions of employment at  
4 Greenacres Motors.

5 4.2 Monte Masingale maintains a policy of refusing to hire males for secretarial  
6 positions.

7 4.3 From at least 2012 to the present, Monte Masingale on multiple occasions has  
8 subjected actual and prospective employees of Greenacres Motors to discrimination on the basis  
9 of sex, including sexual harassment.

10 4.4 Monte Masingale's discriminatory conduct targets young women who respond to  
11 help-wanted advertisements seeking a secretary.

12 4.5 Monte Masingale's conduct has included, but is not limited to:

13 4.5.1 Making unwelcome sexual advances to female employees and prospective  
14 employees;

15 4.5.2 Making unwelcome sexual comments to female employees and  
16 prospective employees;

17 4.5.3 Kissing, hugging, groping, grabbing, and otherwise touching female  
18 employees and prospective employees without their consent; and

19 4.5.4 Requiring and attempting to require sexual consideration from female  
20 employees and prospective employees for job benefits such as continued  
21 employment or compensation.

22 4.6 Monte Masingale engages in the above conduct on and off Greenacres Motors'  
23 property, often in enclosed places such as inside the office, an RV, or an automobile.

24 4.7 Monte Masingale's conduct was intentional, willful, deliberate, and/or taken in  
25 reckless disregard for the rights of others.

26

1 4.8 Monte Masingale's conduct created a working environment that was objectively  
2 and subjectively intolerable. Multiple employees resigned as a result of Monte Masingale's  
3 conduct.

4 4.9 Greenacres Motors authorized, knew, or should have known about  
5 Monte Masingale's conduct, which was open and obvious.

6 4.10 Greenacres Motors failed to take prompt and corrective action to end  
7 Monte Masingale's harassing conduct.

8 4.11 The Defendants' advertisements and conduct described herein occurred at all  
9 three Greenacres Motors locations. Advertisements and conduct at all three locations was  
10 directed at, and had an impact on, Washington State.

#### 11 V. CAUSES OF ACTION

12 5.1 Plaintiff realleges paragraphs 1.1 through 4.11 and incorporates them herein as if  
13 set forth in full.

#### 14 Washington Law Against Discrimination

15 5.2 By the actions described above, the Defendants have:

16 5.2.1 Discriminated against applicants, employees, prospective employees,  
17 and/or independent contractors on the basis of sex, in violation of RCW  
18 49.60.030(1).

19 5.2.2 Discriminated against female employees and prospective employees in the  
20 terms and conditions of employment because of sex, in violation of RCW  
21 49.60.180(3);

22 5.2.3 Discharged female employees because of sex, in violation of  
23 RCW 49.60.180(2);

24 5.2.4 Refused to hire male employees or prospective employees because of sex,  
25 in violation of RCW 49.60.180(1);  
26

1 5.2.5 Aided, abetted, encouraged, or incited the commission of unfair  
2 employment practices, in violation of RCW 49.60.220.

3 **Consumer Protection Act**

4 5.3 By the actions described above, the Defendants have:

5 5.3.1 Engaged in unfair or deceptive acts or practices in the conduct of trade or  
6 commerce, in violation of RCW 19.86.020.

7 **VI. PRAYER FOR RELIEF**

8 WHEREFORE, Plaintiff, State of Washington, prays that the Court:

9 6.1 Adjudge and decree that the Defendants have engaged in the conduct  
10 complained of herein.

11 6.2 Adjudge and decree that the Defendants' conduct violates the Washington Law  
12 Against Discrimination, RCW 49.60.

13 6.3 Adjudge and decree that the Defendants' conduct constitutes an unfair or  
14 deceptive act or practice in trade or commerce in violation of the Consumer Protection Act,  
15 RCW 19.86.

16 6.4 Issue a permanent injunction enjoining and restraining the Defendants, and their  
17 representatives, successors, assigns, officers, agents, servants, employees, and all other persons  
18 acting or claiming to act for, on behalf of, or in active concert or participation with the  
19 Defendants, from continuing or engaging in the unlawful conduct complained of herein.

20 6.5 Assess penalties, pursuant to RCW 19.86.140, of two-thousand dollars (\$2,000)  
21 per violation against the Defendants for each and every violation of RCW 19.86.020 caused by  
22 the conduct complained of herein.

23 6.6 Enter such orders or judgments as may be necessary to restore victims' interests  
24 in moneys or property that were lost due to the Defendants' unlawful conduct pursuant to  
25 RCW 19.86.080(2) and RCW 49.60.030(2).



# EXHIBIT 1

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### **No Experience Needed (Spokane)**

Will train secretary in the Spokane Valley.

For Automotive and RV Dealership.

Basic computer skills helpful.

Please no texts or E-mails.

Please call 509-998-3326

Thank You.

- Principals only, Recruiters, please don't contact this job poster.
- do NOT contact us with unsolicited services or offers

compensation: TBD



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Posted: 2015-07-22 7:50am

### Help Wanted (Spokane Valley)

Need a secretary.

Part time to start.

Later full time.

This a real opportunity for the right person.

When responding to this ad

Please No texts or E-mail.

Please call 509-998-3326

Thank you.

- Principals only. Recruiters, please don't contact this job poster.
- do NOT contact us with unsolicited services or offers

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part-time

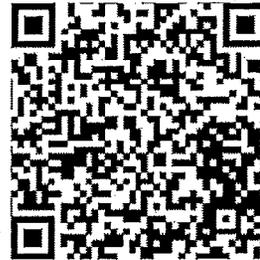
preferred contact method:

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reply by email:

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5135072264@job.craigslist.org



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Will train secretary in the Spokane Valley.

For Automotive and RV Dealership.

Basic computer skills helpful.

Please no texts or E-mails.

Please call 509-998-3326

Ask for Gary

Thank You.

- Principals only. Recruiters, please don't contact this job poster.
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Posted: Monday, August 3, 2015 3:22 PM

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Need a secretary.

Part time to start.

Later full time.

This a real opportunity for the right person.

Car and/or apartment available.

When responding to this ad

Please No texts or E-mail.

Please call 509-998-3326

Thank you.

- Location: Spokane, Spokane / North Idaho
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### Help Wanted (Spokane Valley)

Need a secretary.

Part time to start.

Later full time.

This a real opportunity for the right person.

When responding to this ad

Please No texts or E-mail.

Please call Gary @ 509-998-3326

Thank you.

- Principals only, Recruiters, please don't contact this job poster.
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part-time

