
LEGAL UPDATE

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IOWA SUPREME COURT DECISION — STATE COURT JURISDICTION OVER CLAIMS ARISING UNDER MUNICIPAL CIVIL RIGHTS ORDINANCES

Purpose. *Legal updates are prepared by the nonpartisan Legal Services Division of the Legislative Services Agency. A legal update is intended to provide legislators, legislative staff, and other persons interested in legislative matters with summaries of recent meetings, court decisions, Attorney General Opinions, regulatory actions, federal actions, and other occurrences of a legal nature that may be pertinent to the General Assembly's consideration of a topic. Although an update may identify issues for consideration by the General Assembly, it should not be interpreted as advocating any particular course of action.*

Petro v. Palmer College of Chiropractic
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No. 18-2201

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Facts and Procedural Background. Mr. Petro enrolled as a student at Palmer College of Chiropractic (Palmer) in 2012. Mr. Petro was 44 years old at the time he enrolled. Prior to enrolling, Mr. Petro served as an officer in the United States Navy and in various roles with the Central Intelligence Agency. Mr. Petro sustained a lower back injury in 2009 while serving in Iraq. In February 2014, Mr. Petro left the Palmer campus and did not return. Mr. Petro alleged that, while he was a student, agents of Palmer engaged in a series of discriminatory acts based on his age and a real or perceived disability. Mr. Petro also alleged agents of Palmer engaged in unlawful retaliatory actions when he complained about this conduct.

In April 2014, Mr. Petro filed a civil rights complaint with the Iowa Civil Rights Commission (ICRC). The ICRC found that Mr. Petro's complaint did not warrant investigation and closed the file. In October 2014, Mr. Petro filed a civil rights complaint with the Davenport Civil Rights Commission (DCRC), based on the same set of facts upon which his ICRC complaint was based. Unlike the Iowa Civil Rights Act (ICRA), the Davenport civil rights ordinance prohibits age discrimination in education. The DCRC cross-filed Mr. Petro's DCRC complaint with the ICRC. Roughly three years later, the DCRC issued a finding of probable cause, finding there was sufficient evidence to support Mr. Petro's discrimination claims based on age, disability, and retaliation. The DCRC provided Mr. Petro with a right-to-sue letter. In January 2018, Mr. Petro filed suit in the Iowa District Court for Scott County (district court).

The complaint Mr. Petro filed with the district court alleged only claims under the Davenport civil rights ordinance. Palmer then filed a motion to dismiss Mr. Petro's complaint, arguing that the ICRA did not authorize the district court to hear a direct action brought under a right-to-sue letter issued by a local commission. In response, Mr. Petro sought and obtained a right-to-sue letter from the ICRC based on the complaint the DCRC cross-filed with the ICRC. Mr. Petro then amended his complaint to include claims arising under the ICRA. Subsequently, Palmer filed a motion for summary judgment on Mr. Petro's ICRA claims, arguing the claims were barred by Iowa Code section 216.19(6).

In November 2018, the district court granted Palmer's motion to dismiss the claims arising under the Davenport civil rights ordinance. The district court held the ICRA did not authorize the district court to adjudicate an action brought by a private party pursuant to a right-to-sue letter issued by a local commission. In December 2018, the district court granted Palmer's motion for summary judgment on the

ICRA claims. The district court held the claims were barred by Iowa Code section 216.19(6). The district court stated Mr. Petro's first civil rights complaint, which was filed with the ICRC, and his second civil rights complaint, which was filed with the DCRC, were based on the same set of facts. As a result, the district court found that Mr. Petro could not pursue the second complaint, which was the basis for the district court action, because it was this second complaint that the DCRC filed with the ICRC. Mr. Petro appealed to the Iowa Supreme Court (Court).

Issue. Whether the ICRA provides state courts with jurisdiction to hear claims asserted by private parties arising under municipal civil rights ordinances.

Holding. The Court affirmed the decision of the district court. The Court held the ICRA does not provide state courts with jurisdiction to hear claims asserted by private parties arising under municipal civil rights ordinances.

Analysis. The Court briefly discussed whether a municipal ordinance can provide state courts with jurisdiction to hear claims. The Court stated Iowa Code section 364.1 clarifies that the grant of home rule authority in the Iowa constitution "does not include the power to enact private or civil law governing civil relationships, except as incident to an exercise of an independent city power." The language related to "civil relationships" has been interpreted to mean the relationship between a plaintiff and defendant in a civil lawsuit. The Court then cited to a previous Court case, *Molitor v. City of Cedar Rapids*, 360 N.W.2d 568 (Iowa 1985), in which it held a city ordinance could not confer jurisdiction on a district court. The Court in *Molitor* reasoned this was because "[i]f municipal corporations had the power to confer jurisdiction on the district court, the jurisdiction of the court could potentially be fragmented into as many components as there are municipalities." According to the Court, pursuant to Iowa Code section 364.1 and *Molitor*, an affirmative grant of authority from the General Assembly is necessary in order for a municipal ordinance to provide state courts with jurisdiction for claims alleged under municipal ordinances.

The Court analyzed whether the ICRA contains such an affirmative grant of authority. Iowa Code section 216.19(8) provides that the referral of a complaint by the ICRC to a commission like the DCRC, or by a commission like the DCRC to the ICRC, "shall not affect the right of a complainant to commence an action in the district court under [Iowa Code] section 216.16." The Court stated this provision does not create an additional right to sue under a municipal ordinance. Instead, it preserves a complainant's otherwise existing right to sue under Iowa Code section 216.16. The Court noted that Iowa Code section 216.16 concerns right-to-sue letters under the ICRA and does not authorize a party to sue for a violation of a municipal ordinance.

The Court found that Iowa Code section 216.19(8) does not authorize a party to sue for a violation of a municipal ordinance. The Court stated Iowa Code section 216.19(7), which provides that a final decision by a commission like the DCRC is subject to judicial review in the same way that a final decision by the ICRC is, indicates the General Assembly was aware of how to provide district courts with jurisdiction, but the General Assembly chose not to do so in the case of complainants to commissions like the DCRC who are suing for a violation of a local civil rights ordinance. Additionally, to the extent Iowa Code section 216.19(8) is ambiguous, Iowa Code section 4.6(3) (interpretation of ambiguous statutes) and the legislative history indicates the Court should not add to that Iowa Code section because it was added to the ICRA by the same legislation that added Iowa Code section 216.16, and the General Assembly specified the interplay between the two statutory provisions. Further, the Court stated its holding will not hinder municipal civil rights enforcement because commissions like the DCRC have not issued many right-to-sue letters, with the DCRC issuing one or two right-to-sue letters per year, the Iowa City Human Rights Commission issuing no right-to-sue letters in the previous two years, and the Cedar Rapids Civil Rights Commission issuing one right-to-sue letter in the previous two years.

The Court analyzed Iowa Code section 216.19(1)(b), which provides that nothing in Iowa Code chapter 216 shall be construed to indicate an intent to prohibit a local commission like the DCRC from "developing procedures and remedies necessary to insure the protection of rights secured by this chapter." The Court noted that Mr. Petro's case involves an age discrimination claim (a right to attend an educational

institution regardless of age). The Court stated that right is protected by the Davenport civil rights ordinance, but is not a right protected by Iowa Code chapter 216. Additionally, the Court stated Iowa Code section 216.19(1)(b) is a savings clause; it is not an “independent grant of authority to cities to enact local law governing relationships between private parties” Iowa Code section 216.19(1)(b) does not provide state courts with jurisdiction to hear claims asserted by private parties arising under municipal civil rights ordinances.

The Court then analyzed Iowa Code section 216.19(1)(c), which provides that nothing in Iowa Code chapter 216 shall be construed to limit a local commission like the DCRC from “enacting any ordinance or other law which prohibits broader or different categories of unfair or discriminatory practices.” The Court stated a local commission’s authority to prohibit practices “should not be confused with authority to *grant private rights of action*—which is expressly covered by [Iowa Code] section 216.9(8) [sic].” Iowa Code section 216.19(1)(c) does not provide state courts with jurisdiction to hear claims asserted by private parties arising under municipal civil rights ordinances.

The Court analyzed Iowa Code section 216.19(4), which provides that a local commission like the DCRC is required to afford “the same rights and remedies as are provided in [Iowa Code chapter 216].” In determining whether a municipal ordinance must provide a right to sue under Iowa Code chapter 216 or whether this language requires municipalities to provide rights to sue under their own civil rights ordinances that may be broader than Iowa Code chapter 216, the Court noted that Davenport’s civil rights ordinance, which prohibits age discrimination in education, established an additional right that is not protected by Iowa Code chapter 216. The Court stated a municipal ordinance that creates an additional right and allows private suits to enforce that right is not providing “the same rights and remedies” as those provided in Iowa Code chapter 216. Instead, such a municipal ordinance is protecting additional rights. Iowa Code section 216.19(4) does not provide state courts with jurisdiction to hear claims asserted by private parties arising under municipal civil rights ordinances.

The Court indicated that nothing in its opinion limited the enforcement of local civil rights ordinances by local civil rights commissions like the DCRC. The Court’s opinion only impacts private rights of action.

Dissent. Justice Appel filed a dissent in which he argued that three specific provisions in the ICRA indicate the majority’s interpretation of the ICRA is incorrect and that state courts do have jurisdiction to hear claims asserted by private parties arising under municipal civil rights ordinances: Iowa Code section 216.19(4), which provides that local commissions, in relation to the ICRC, are to have “the same rights and remedies as are provided in this chapter”; Iowa Code section 216.19(1)(b), which provides that nothing in Iowa Code chapter 216 shall be construed to indicate an intent to prohibit a local commission like the DCRC from “developing procedures and remedies necessary to insure the protection of rights secured by this chapter”; and, in terms of the overall approach of the majority with respect to interpreting the ICRA, Justice Appel cited to Iowa Code section 216.18(1), which states Iowa Code chapter 216 “shall be construed broadly to effectuate its purposes.”

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