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20
21 **UNITED STATES DISTRICT COURT**
22 **DISTRICT OF NEVADA**
23

24 UNITED STATES OF AMERICA,) Case No. 3:15-CV-359
25)
26 Plaintiff,)
27)
28 v.)
29)
30 BETTY BRINSON and HUGHSTON)
31 BRINSON,) **COMPLAINT**
32)
33 Defendants.) **JURY DEMAND**
34)
35 _____)

36 The United States of America ("United States") alleges as follows:
37
38
39
40

NATURE OF THE ACTION

1
2 1. This action is brought by the United States to enforce Title VIII of the Civil
3 Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988 (“Fair
4 Housing Act”), 42 U.S.C. §§ 3601-3631. It is brought on behalf of Barbie Tese and Stephen
5 Tese and their three minor children (the “Teses”), pursuant to 42 U.S.C. § 3612(o). It is also
6 brought pursuant to 42 U.S.C. § 3614(a).
7

JURISDICTION AND VENUE

8
9 2. This Court has jurisdiction over this action pursuant to 28 U.S.C. §1345, and 42
10 U.S.C. §§ 3612(o) and 3614(a).
11

12 3. Venue is proper in this District under 28 U.S.C. § 1391(b) because a substantial
13 part of the events or omissions giving rise to the United States’ claims occurred there.

RELEVANT PARTIES AND THE SUBJECT PROPERTY

14
15 4. Barbie Tese and Stephen Tese are a married couple who reside within the District
16 of Nevada. The Teses’ three children, at the time of the alleged discriminatory acts described
17 herein, were aged 14 years, 10 years, and 3 months.
18

19 5. Defendant Betty Brinson resides within the District of Nevada.

20 6. Defendant Hughston Brinson resides within the District of Nevada. He is the son
21 of Defendant Betty Brinson.

22 7. At all times relevant to this Complaint, Defendants Betty Brinson and Hughston
23 Brinson were the owners in joint tenancy of the residential dwelling located at 704 W.
24 Caroline Street in Carson City, Nevada (the “Caroline St. property”).
25

26 8. The Caroline St. property is a “dwelling” as defined by 42 U.S.C. § 3602(b).
27
28

1 9. At all times relevant to this Complaint, Defendant Betty Brinson managed the
2 operation of the Caroline St. property as a rental unit, and was solely responsible for the
3 advertisement, rental, and management of the property.

4 10. Defendant Betty Brinson had actual or apparent authority from Defendant
5 Hughston Brinson to engage in the advertisement, rental, and management of the Caroline St.
6 property.
7

8 **FACTUAL ALLEGATIONS**

9 11. Since at least March 2013, Defendant Betty Brinson has repeatedly placed
10 advertisements in the classifieds section of the print and online versions of the *Nevada Appeal*
11 newspaper that indicate a preference against renting to families with children.
12

13 12. In approximately March 2013, Ms. Brinson placed or caused to be placed a rental
14 advertisement for the Caroline St. property to run in the Classifieds section of the *Nevada*
15 *Appeal* from March 18, 2013 through March 30, 2013:

16 3 BD. 1 or 2 adults.
17 \$1000 /mo, 704 W Caro-
18 line. Pets Ok, Please Call
19 775-843-XXXX¹ or 445-XXXX.

20 13. About a year later, in approximately March 2014, Ms. Brinson placed or caused
21 to be placed another rental advertisement for the Caroline St. property to run in the Classifieds
22 section of the *Nevada Appeal* from March 4, 2014 through March 17, 2014:

23 3 BD. 1 or 2 adults.
24 \$1000 /mo, 704 W Caro-
25 line. Pets Ok, Please Call
26 775-843-XXXX or 445-XXXX.

27
28 ¹ Full telephone numbers have been redacted throughout this Complaint.

1 14. During about the same time period that the advertisement described in paragraph
2 13 ran in the print edition of the *Nevada Appeal*, the following similar advertisement ran on
3 its website with emphasis as in the original:

4 **3 or 5 BD. 2 people pref.**

5 **\$1000 /mo, 704**

6 CARSON CITY, NV 89701 – Mar 04, 2014 – ad id: 9997330

7 3 or 5BD. 2 people pref.

8 \$1000 /mo, 704 W Caroline. Pets Ok, Please Call 775-843-XXXX or 445-XXXX

9 15. On March 4, 2014, Ms. Tese viewed the *Nevada Appeal* online classified ad for
10 the “3 or 5 BD” rental property indicating that “2 people” were “pref[erred].” That same day,
11 she called one of the phone numbers listed in the ad and reached Ms. Brinson, who identified
12 herself as “Betty.”

13 16. Ms. Tese asked Ms. Brinson about the advertised “3 or 5” bedrooms. Ms.
14 Brinson explained that the house has a den and an office, both of which could be converted
15 into bedrooms.
16

17 17. Ms. Tese then asked to make an appointment to view the Caroline St. property.
18 Ms. Brinson asked Ms. Tese whether she read the advertisement, which said that two people
19 were preferred. Ms. Tese responded that she had seen the advertisement.
20

21 18. Ms. Brinson informed Ms. Tese that she was looking for a couple to reside in the
22 Caroline St. property. Ms. Tese told her that she had children. In response, Ms. Brinson told
23 her that the house is not right for her. Ms. Brinson then ended the call.

24 19. Ms. Brinson did not offer Ms. Tese the opportunity to view the Caroline St.
25 Property.
26
27
28

1 20. Ms. Brinson refused to offer the Teses the opportunity to view or rent the
2 Caroline St. Property because they had children.

3 21. Because the Teses were unable to rent the Caroline St. property, they instead
4 remained in their home for longer than planned, and later moved into a rental home with a
5 higher monthly rental rate than that at which the Caroline St. property was advertised.
6

7 22. After speaking with Ms. Tese, Ms. Brinson changed the text of the advertisement
8 for the Caroline St. property from “1 or 2 pref[erred]” to “1 or 2 adults.” Ms. Brinson placed
9 or caused to be placed the following rental advertisement to run in the Classifieds section of
10 the *Nevada Appeal* from March 18, 2014 through March 31, 2014:
11

12 3 BD. 1 or 2 adults.
13 \$1000 /mo, 704 W Caro-
14 line. Pets Ok, Please Call
 775-843-XXXX 445-XXXX
 775-843-XXXX

15 23. In addition to the Caroline St. property, Ms. Brinson undertook the advertisement,
16 rental, and management of several other residential rental properties throughout Carson City,
17 Nevada.
18

19 24. At all times relevant to this Complaint, Ms. Brinson was the owner of an
20 approximately thirty-six unit rental complex, each unit being a “dwelling” as defined by 42
21 U.S.C. § 3602(b).
22

23 25. At all times relevant to this Complaint, Ms. Brinson was the only person
24 responsible for the advertisement, rental, and management of the approximately thirty-six unit
25 rental complex. Like the Caroline St. property, Ms. Brinson advertised the dwelling units in
26 this complex in the *Nevada Appeal*.
27
28

1 26. Ms. Brinson placed the following advertisement to run from March 26, 2014 to
2 April 10, 2014 in the *Nevada Appeal*:

3 Studios \$468 & up.
4 Furnished. Utilities paid.
5 1 or 2 adults. 6 month
6 Lease. Call 775-882-XXXX
7 843-XXXX or 445-XXXX

8 27. Ms. Brinson placed the same advertisement to run from April 26, 2014 to May 9,
9 2014:

10 Studios \$468 & up.
11 Furnished. Utilities paid.
12 1 or 2 adults. 6 month
13 Lease. Call 775-882-XXXX
14 843-XXXX or 445-XXXX

15 28. Ms. Brinson placed an almost identical advertisement to run from May 20, 2014
16 to June 2, 2014, with emphasis as in the original:

17 **Studios** \$468 & up.
18 Furnished. Utilities paid.
19 1 or 2 adults. 6 month
20 Lease. Call 775-882-XXXX
21 843-XXXX or 445-XXXX

22 **HUD ADMINISTRATIVE PROCESS**

23 29. On March 4, 2014, Barbie Tese electronically filed a timely complaint of housing
24 discrimination with the United States Department of Housing and Urban Development
25 (“HUD”), pursuant to 42 U.S.C. § 3610(a).

26 30. Pursuant to 42 U.S.C. §§ 3610(a) and (b), the Secretary of HUD conducted and
27 completed an investigation of the complaint, attempted conciliation between the Teses and the
28 Brinsons without success, and prepared a final investigative report. Based on the information
gathered in the investigation, the Secretary, pursuant to 42 U.S.C. § 3610(g)(1), determined

1 that reasonable cause existed to believe that Defendants Betty Brinson and Hughston Brinson
2 had engaged in illegal discriminatory housing practices. Accordingly, on April 27, 2015, the
3 Secretary issued a Charge of Discrimination, pursuant to 42 U.S.C. § 3610(g)(2)(A).

4 31. The Secretary charged Defendants Betty Brinson and Hughston Brinson with
5 engaging in discriminatory practices in violation of the Fair Housing Act, 42 U.S.C. § 3601, *et*
6 *seq.*
7

8 32. On June 10, 2015, Defendant Betty Brinson elected to have these charges
9 resolved in a federal civil action, pursuant to 42 U.S.C. § 3612(a). That same day, an
10 Administrative Law Judge dismissed the administrative proceeding from the docket pursuant
11 to Ms. Brinson's timely election.
12

13 33. The Secretary of HUD subsequently authorized the Attorney General to file this
14 action on behalf of Barbie Tese and Stephen Tese and their three minor children, pursuant to
15 42 U.S.C. § 3612(o).
16

17 **FIRST CLAIM FOR RELIEF**

18 34. Plaintiff re-alleges and incorporates by reference the allegations set forth in
19 paragraphs 1 through 33, above.

20 35. By the actions and statements referred to in the foregoing paragraphs, Defendants
21 have:

- 22 a. Refused to rent, refused to negotiate for the rental of, or otherwise made
23 unavailable or denied, a dwelling because of familial status, in violation of 42
24 U.S.C. § 3604(a);
25
26 b. Made, printed, or published, or caused to be made, printed, or published,
27 statements and advertisements with respect to a dwelling that indicate a
28

1 preference, limitation, or discrimination based on familial status, or an intention
2 to make such preference, limitation, or discrimination, in violation of 42 U.S.C. §
3 3604(c);

4 36. As a result of Defendants' conduct, Barbie Tese and Stephen Tese and their three
5 minor children have suffered damages and are aggrieved persons within the meaning of 42
6 U.S.C. § 3602(i).
7

8 37. Defendants' conduct described herein was intentional, willful, and taken in
9 reckless disregard for the rights of Barbie Tese and Stephen Tese and their three minor
10 children.
11

12 **SECOND CLAIM FOR RELIEF**

13 38. Plaintiff re-alleges and incorporates by reference the allegations set forth in
14 paragraphs 1 through 33 above.

15 39. Defendants' actions, conduct, policies, and statements, as described above,
16 constitute:
17

18 a. A pattern or practice of resistance to the full enjoyment of rights granted by the
19 Fair Housing Act, 42 U.S.C. § 3601 *et seq.*, in violation of 42 U.S.C. § 3614(a);

20 or

21 b. A denial to a group of persons of rights granted by the Fair Housing Act, 42
22 U.S.C. § 3601 *et seq.*, which raises an issue of general public importance, in
23 violation of 42 U.S.C. § 3614(a).
24

25 40. In addition to Barbie Tese and Stephen Tese and their three minor children, there
26 may be other persons who have been injured by Defendants' discriminatory actions and
27
28

1 practices as described above. Such individuals are also aggrieved persons within the meaning
2 of 42 U.S.C. § 3602(i).

3 41. Defendants' actions, as set forth above, were intentional, willful and/or taken in
4 reckless disregard for the rights of others.

5 WHEREFORE, the United States requests for relief as follows:

6 1. A declaration that the Defendants' actions, policies and practices, as alleged
7 herein, violate the Fair Housing Act;

8 2. An injunction against Defendants, their agents, employees, and successors, and all
9 other persons in active concert or participation with any of them, prohibiting them from:

10 a. discriminating on the basis of familial status in any aspect of the sale or rental of a
11 dwelling;

12 b. failing or refusing to take such steps as may be necessary to restore, as nearly as
13 practicable, Barbie Tese and Stephen Tese and their three minor children, and any
14 other aggrieved persons to the position they would have been in but for the
15 discriminatory conduct; and

16 c. failing or refusing to take such steps as may be necessary to prevent the
17 recurrence of any discriminatory conduct in the future and to eliminate, to the
18 extent practicable, the effects of Defendants' unlawful housing practices.

19 3. An award of monetary damages to Barbie Tese and Stephen Tese and their three
20 minor children, and each other person injured by the Defendants' discriminatory practices,
21 pursuant to 42 U.S.C. §§ 3612(o), 3613(c)(1) and 3614(d)(1)(B).

22 4. An assessment of a civil penalty against the Defendants in an amount authorized
23 by 42 U.S.C. § 3614(d)(1)(C), to vindicate the public interest.
24
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1 5. The United States further requests such additional relief as the interests of justice
2 may require.

3
4 Dated: July 10, 2015

5 Respectfully submitted,

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7 Attorney General

8
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