

1 WILLIAM P. BARR
Attorney General
2 ERIC S. DREIBAND
Assistant Attorney General for Civil Rights
3 SAMEENA SHINA MAJEED, Chief
R. TAMAR HAGLER
4 Deputy Chief (CA Bar No. 189441)
AURORA BRYANT
5 Trial Attorney (LA Bar No. 33447)
Housing and Civil Enforcement Section
6 DYLAN NICOLE de KERVOR
Attorney Advisor (CA Bar No. 269169)
7 Federal Coordination and Compliance Section
United States Department of Justice
8 950 Pennsylvania Avenue NW
Washington, DC 20530
9 Tel: (202) 616-2602
Aurora.Bryant@usdoj.gov

10 ROBERT S. BREWER, JR.
United States Attorney
11 LESLIE M. GARDNER
Assistant U.S. Attorney (CA Bar No. 228693)
United States Attorney's Office
12 Southern District of California
880 Front Street, Room 6293
13 San Diego, CA 92101-8893
Phone: (619) 546-7603
14 Leslie.Gardner2@usdoj.gov

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16 Attorneys for Plaintiff
United States of America
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18 **UNITED STATES DISTRICT COURT**
19 **SOUTHERN DISTRICT OF CALIFORNIA**

20 UNITED STATES OF AMERICA,	}	Case No: <u>'19CV1087 CAB WVG</u>
21 Plaintiff,		
22 vs.		COMPLAINT
23 LARRY NELSON,		<i>Demand for Jury Trial</i>
24 Defendant.		

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27 The United States of America ("United States") alleges as follows:
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1 1. The United States brings this action to enforce the provisions of Title
2 VIII of the Civil Rights Act of 1968, as amended, 42 U.S.C. §§ 3601, *et seq.* (“the
3 Fair Housing Act”).

4 **JURISDICTION AND VENUE**

5 2. This Court has jurisdiction over this action under 28 U.S.C. §§ 1331
6 and 1345, and 42 U.S.C. § 3614(a).

7 3. Venue is proper under 28 U.S.C. § 1391 because the events giving rise
8 to the United States’ claims occurred in this District and the Defendant does
9 business in this District.

10 **THE DEFENDANT AND RELEVANT PROPERTIES**

11 4. Defendant Larry Nelson (“Nelson”) is a resident of Spring Valley, an
12 unincorporated area in San Diego County, California. At all times relevant to this
13 action, Nelson has owned and operated multi-family residential rental properties in
14 Spring Valley, including the Grand Avenue Property and the Harness Street
15 Property described below. Nelson may own and operate, or have owned and
16 operated, other multi-family residential rental properties in this District.

17 5. The Grand Avenue Property is a four-unit residential property located
18 at 832 Grand Avenue in Spring Valley, California. At all times relevant to this
19 action, Nelson owned the Grand Avenue Property and operated it as rental housing.

20 6. The Harness Street Property is a four-unit residential property located at
21 9200 Harness Street in Spring Valley, California. At all times relevant to this action,
22 Nelson owned the Harness Street Property and operated it as rental housing.

23 7. At all times relevant to this action, Nelson controlled all aspects of the
24 rental, management, and operation of his residential rental properties, including the
25 Grand Avenue Property and the Harness Street Property. His responsibilities
26 included, but were not limited to, finding prospective tenants, accepting or rejecting
27 applicants for housing, setting rental rates and security deposits, collecting rent and
28 security deposits, receiving requests for maintenance and repairs, arranging

1 maintenance and repairs, communicating with tenants regarding late rental
2 payments, and evicting tenants.

3 8. The Grand Avenue Property and the Harness Street Property are
4 “dwellings” within the meaning of 42 U.S.C. § 3602(b).

5 **FACTUAL ALLEGATIONS**

6 9. Since at least 2005, Nelson has subjected tenants of his residential
7 rental properties, including the Grand Avenue Property and the Harness Street
8 Property, to unlawful sex discrimination, including severe, pervasive, and
9 unwelcome sexual harassment. Nelson’s conduct has included, but is not limited to:

- 10 a. Making unwelcome sexual advances to female tenants;
- 11 b. Making unwelcome, sexually explicit comments to, and in front of,
12 female tenants;
- 13 c. Asking or attempting to touch female tenants or touching female
14 tenants, including on intimate areas of their bodies, without their
15 consent;
- 16 d. Exposing his genitals to female tenants without their consent;
- 17 e. Peeping through bedroom windows of his female tenants;
- 18 f. Making unannounced visits to female tenants’ homes when he had
19 no legitimate reason to do so in order to conduct and further his
20 sexual advances;
- 21 g. Entering or attempting to enter female tenants’ homes without their
22 consent;
- 23 h. Demanding that female tenants not have male guests in their homes;
- 24 i. Offering to grant female tenants tangible benefits—such as
25 continued tenancy, waived or reduced rent, or excused late or unpaid
26 rent—in exchange for sexual favors; and
27
28

- 1 j. Retaliating against female tenants for refusing his advances by
2 taking adverse housing actions, such as evicting them or threatening
3 to evict them.

4 10. The instances of Nelson's sex discrimination as described above were
5 not isolated instances. Rather, Nelson engaged in a longstanding pattern or practice
6 of illegal sexual harassment of female tenants over the entire course of his
7 ownership and operation of his rental properties. For example:

- 8 a. To one female tenant who lived at the Harness Street Property in
9 2005, Nelson asked multiple times in explicit terms to engage in
10 sexual activity in exchange for forgiving or reducing her rent. The
11 tenant refused his demands. To the same tenant, Nelson made
12 multiple unwelcome comments about her breasts. He also peeped in
13 the bedroom windows of the rooms in her home on multiple
14 occasions where she and her female daughters and nieces slept; on
15 one of these occasions, he peeped in the windows while a minor
16 child was changing clothes and saw her nude.
- 17 b. To another female tenant who lived at the Grand Avenue Property in
18 2008, Nelson made repeated offers to exchange sexual favors for
19 rent. On multiple occasions, Nelson told the tenant that she could
20 pay approximately half her monthly rent if she had sex with him,
21 and that she did not have to pay anything if she had sex with him
22 without a condom. After the tenant had repeatedly refused Nelson's
23 requests, Nelson evicted her.
- 24 c. To another female tenant who lived at the Harness Street Property in
25 2018, Nelson showed a pornographic video without her consent;
26 exposed his genitals to her without her consent; made frequent,
27 unwanted, sexually suggestive comments; made comments
28 indicating he had gone through her laundry looking for her

underwear; and peeped through the bedroom window in her apartment.

CAUSES OF ACTION

11. The allegations above are incorporated herein by reference.

12. By his conduct, described above, Defendant Larry Nelson has:

- a. Refused to rent or to negotiate for the rental of, or otherwise made unavailable or denied a dwelling because of sex, in violation of 42 U.S.C. § 3604(a);
- b. Discriminated in the terms, conditions, or privileges of the rental of a dwelling, or in the provisions of services or facilities in connection therewith, because of sex, in violation of 42 U.S.C. § 3604(b);
- c. Made statements with respect to the rental of a dwelling that indicate a preference, limitation, or discrimination based on sex, or an intention to make any such preference, limitation, or discrimination, in violation of 42 U.S.C. § 3604(c); and
- d. Coerced, intimidated, threatened, or interfered with persons in the exercise or enjoyment of, or on account of their having exercised or enjoyed, their rights granted or protected by the Fair Housing Act, in violation of 42 U.S.C. § 3617.

13. Defendant Larry Nelson's conduct and actions described above constitute:

- a. A pattern or practice of resistance to the full enjoyment of the rights granted by the Fair Housing Act, in violation of 42 U.S.C. § 3614(a); and
- b. A denial to a group of persons of rights granted by the Fair Housing Act, which denial raises an issue of general public importance, in violation of 42 U.S.C. § 3614(a).

the future, and to eliminate, to the extent practicable, the effects of the Defendant's unlawful housing practices;

3. Awards monetary damages to each aggrieved person, pursuant to 42 U.S.C. § 3614(d)(1)(B); and

4. Assesses a civil penalty against Defendant Larry Nelson to vindicate the public interest, pursuant to 42 U.S.C. § 3614(d)(1)(C).

The United States further requests such additional relief as the interests of justice may require.

Dated: June 11, 2019

Respectfully submitted,

WILLIAM P. BARR
Attorney General

ROBERT S. BREWER, JR.
United States Attorney

ERIC S. DREIBAND
Assistant Attorney General
Civil Rights Division

/s/ Leslie M. Gardner
LESLIE M. GARDNER
Assistant United States Attorney

SAMEENA SHINA MAJEED, Chief
R. TAMAR HAGLER, Deputy Chief

/s/ Aurora Bryant
AURORA BRYANT
Trial Attorney
DYLAN NICOLE de KERVOR
Attorney Advisor

Attorneys for Plaintiff
United States of America