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15  
 16 **UNITED STATES DISTRICT COURT**  
**EASTERN DISTRICT OF CALIFORNIA**

18	UNITED STATES OF AMERICA,	)	Case No:
19	Plaintiff,	)	
20	vs.	)	<b>COMPLAINT</b>
21		)	
22	JAVIER SALAZAR JR. (aka JUVENAL	)	<i>Demand for Jury Trial</i>
23	SALAZAR);	)	
24	JAVIER SALAZAR SR.; and	)	
25	RICARDO COVARRUBIAS.	)	
26	Defendants.	)	

26 **COMPLAINT**

28 The United States of America alleges as follows:



1 the Fair Housing Act (42 U.S.C. § 3602(b)).

2 **FACTUAL ALLEGATIONS**

3 11. In December 2018, Ms. McGinnis signed a lease and moved into the Subject  
4 Property. Ms. McGinnis resided in the Subject Property with her two minor children until  
5 approximately March 29, 2019.

6  
7 12. From December 2018 through March 2019, Defendant Salazar Jr. subjected Ms.  
8 McGinnis to discrimination on the basis of sex, including unwelcome sexual harassment that was  
9 severe or pervasive. Defendant Salazar Jr.'s harassment was conducted in person, through phone  
10 calls, and via text messages, including:

- 11 a. referring to or describing Ms. McGinnis using terms like “beautiful,”  
12 “sweetie,” “mamacita,” “chula,” and “babe”;
- 13 b. telling Ms. McGinnis, on several occasions, he wanted to perform sexual  
14 acts with her, including telling her “I want to have sex with you,” “I want  
15 to make love to you,” “I want to eat you out,” “I want to eat your tight  
16 pussy,” and “I want to suck your pussy so good”;
- 17 c. telling Ms. McGinnis he had a “big dick”;
- 18 d. telling Ms. McGinnis, on several occasions, that he wanted to be with her,  
19 get married, and have her as his wife;
- 20 e. in response to Ms. McGinnis complimenting a car he was driving by saying  
21 “nice Range Rover” or words to that effect, telling Ms. McGinnis she could  
22 have the car if she had sex with him or was his wife or girlfriend;
- 23 f. telling Ms. McGinnis that he knows it is hard paying rent, and that if she  
24 had sex with him he would not make her pay rent;
- 25 g. when drinking and socializing at a neighboring property, calling or texting  
26 Ms. McGinnis to tell her he could see her or, if she had a male friend over,  
27  
28

1 tell her he could see her boyfriend;

2 h. telling Ms. McGinnis when she was at work that he missed her;

3 i. frequently and unnecessarily calling and texting Ms. McGinnis and then  
4 challenging her when she ended the conversation quickly (e.g., “Why you  
5 hang up miga. [sic]”) or did not respond to his texts (e.g., “you don’t answer  
6 are u mad. [sic]”);

7 j. asking Ms. McGinnis to send him pictures of herself;

8 k. entering Ms. McGinnis’s home unannounced and taking digital  
9 photographs of printed pictures Ms. McGinnis had in her house of herself  
10 and her daughter;

11 l. touching her thigh; and

12 m. grabbing her genital area over her pants.  
13  
14

15 13. Defendant Salazar Jr.’s actions were unsolicited and unwelcomed by Ms. McGinnis  
16 and Ms. McGinnis opposed his harassment repeatedly, including by texting him “you need to be  
17 professional when you talk to me” and “I just find what you do a little bit creepy...I’m not ever  
18 going to have sex with you or anything of that nature.”

19 14. Ms. McGinnis reported Salazar Jr.’s harassment to Salazar Sr. on or around  
20 February 25, 2019. Because Salazar Sr. primarily speaks Spanish and has limited English  
21 proficiency, Ms. McGinnis’s neighbor called Salazar Sr. on her behalf and reported Salazar Jr.’s  
22 harassment of her. Salazar Sr. said he would address the behavior, but the harassment continued  
23 unabated.  
24

25 15. Salazar Sr. had the power and ability to end Salazar Jr.’s harassing conduct but  
26 failed to do so.

27 16. Further, the Salazars retaliated against Ms. McGinnis for reporting and opposing  
28 Defendant Salazar Jr.’s discriminatory conduct.

1           17.     On February 28, 2019, Ms. McGinnis called the gas utility company, Pacific Gas  
2 and Electric, because she smelled gas and suspected a gas leak at the Subject Property. Pacific Gas  
3 and Electric representatives came to inspect the Subject Property. They shut off the gas to Ms.  
4 McGinnis's unit and issued a hazard notice indicating that the gas connections to her heater and  
5 dryer were unsafe and needed to be repaired by a licensed contractor before gas service could be  
6 restored.  
7

8           18.     Ms. McGinnis informed Salazar Jr. that her gas, and therefore her heat, had been  
9 shut off and the gas line connections to the heater and dryer needed repairs. While Salazar Jr. was  
10 at the Subject Property examining the gas line, he made sexually harassing comments to Ms.  
11 McGinnis and reached out to touch her. She told him not to touch her and that he could not continue  
12 to speak to her in an unprofessional manner and told him that if he continued to behave  
13 inappropriately with her, she was going to get a lawyer or report his conduct to the police. In  
14 response, Salazar Jr. told her if she was not going to be nice to him, he was not going to help her,  
15 or words to that effect.  
16

17           19.     Because Ms. McGinnis did not know who else she could call to help with the gas  
18 issue, she continued to try to get Salazar Jr. to make the needed repairs. When it became apparent  
19 that Salazar Jr. was not equipped to make the repairs and Ms. McGinnis urged him to get a licensed  
20 contractor to address the issue, he responded by propositioning her, saying things to the effect of  
21 "why won't you be my wife" or "you should have sex with me."  
22

23           20.     McGinnis also pleaded with Salazar Sr. to fix the heat in her house. On or around  
24 March 4, she texted Salazar Sr., "I can't have my kids here with no heat...I don't want your son  
25 here call a licensed contractor."  
26

27           21.     On or around March 29, 2019, after a month without heat or a dryer, Ms. McGinnis  
28 and her minor children left the Subject Property and went to stay with her father.

          22.     Ms. McGinnis moved most of her belongings out of the Subject Property on or

1 around April 1, 2019. When she came to the Subject Property on or around April 2 to collect a few  
2 remaining items and return her key, Defendants had already changed the locks and put a padlock  
3 on the fence, preventing Ms. McGinnis from collecting the last of her belongings.

4 23. When Ms. McGinnis contacted Salazar Jr. about Defendants returning her security  
5 deposit, he refused to mail it to her and told her she would have to come to his house to get it. Not  
6 wanting any further interactions with Salazar Jr., Ms. McGinnis declined to do so, and never  
7 received her security deposit.  
8

9 24. Defendant Covarrubias engaged Salazar Jr. to act as his agent, or knew and  
10 acquiesced to Salazar Jr. acting as his agent, in performing management and maintenance duties  
11 at the Subject Property. The sexual harassment and retaliation described above occurred within the  
12 scope of Defendant Salazar Jr.'s agency relationship with Defendant Covarrubias or was aided by  
13 the existence of that agency relationship. Defendant Covarrubias is vicariously liable for  
14 Defendant Salazar Jr.'s conduct.  
15

16 25. Defendant Covarrubias engaged Salazar Sr. to act as his agent in performing  
17 management duties at the Subject Property. Salazar Sr.'s failure to correct and end Salazar Jr.'s  
18 harassment of Ms. McGinnis and his retaliation against her occurred within the scope of Defendant  
19 Salazar Sr.'s agency relationship with Defendant Covarrubias or was aided by the existence of that  
20 agency relationship. Defendant Covarrubias is vicariously liable for Defendant Salazar Sr.'s  
21 conduct.  
22

23 26. The above-described actions and inactions of Defendants caused Ms. McGinnis to  
24 suffer economic harm and emotional distress.

### 25 **HUD ADMINISTRATIVE PROCESS**

26 27. On or around October 28, 2019, Ms. McGinnis filed a timely fair housing complaint  
27 with the United States Department of Housing and Urban Development ("HUD") alleging  
28 discrimination in the rental of the Subject Property because of sex.

1           28. Pursuant to 42 U.S.C. § 3610, the Secretary of HUD conducted and completed an  
2 investigation of the complaint, attempted conciliation without success, and prepared a final  
3 investigative report. Based upon the information gathered in the investigation, the Secretary  
4 determined that reasonable cause existed to believe that Defendants violated the Fair Housing Act.  
5 On July 11, 2023, the Secretary issued a Charge of Discrimination, pursuant to 42 U.S.C. §  
6 3610(g)(2)(A), charging Defendants with engaging in unlawful sex discrimination and retaliation.  
7

8           29. On July 28, 2023, Ms. McGinnis elected to have the claims asserted in the HUD  
9 Charge of Discrimination resolved in a civil action pursuant to 42 U.S.C. § 3612(a).

10           30. Following this Notice of Election, the Secretary of HUD authorized the Attorney  
11 General to commence a civil action, pursuant to 42 U.S.C. § 3612(o).

12           31. Plaintiff realleges and incorporates by reference herein the allegations described  
13 above.  
14

15           32. By the actions and statements described above, Defendants have:

16           a. Denied housing or otherwise made housing unavailable because of sex, in  
17 violation of 42 U.S.C. § 3604(a);

18           b. Discriminated in the terms, conditions, or privileges of the rental of a  
19 dwelling, or in the provision of services or facilities in connection therewith,  
20 because of sex, in violation of 42 U.S.C. § 3604(b);

21           c. Made statements with respect to the rental of a dwelling that indicates a  
22 preference, limitation, or discrimination based on sex, in violation of 42  
23 U.S.C. § 3604(c); and

24           d. Coerced, intimidated, threatened, or interfered with a person in the exercise  
25 or enjoyment of, or on account of her having exercised or enjoyed, rights  
26 granted or protected by 42 U.S.C. § 3604, in violation of 42 U.S.C. § 3617.  
27

28           33. Ms. McGinnis is an “aggrieved person” as defined in 42 U.S.C. § 3602(i) and has

1 suffered damages as a result of Defendants' discriminatory conduct.

2 34. Defendants' discriminatory conduct was intentional, willful, and taken in reckless  
3 disregard of the rights of Ms. McGinnis.

4 **PRAYER FOR RELIEF**

5 WHEREFORE, the United States prays that this Court enter an Order that:

6 35. Declares that Defendants' actions, policies, and practices, as alleged in this  
7 Complaint, violate the FHA;

8 36. Enjoins Defendants, their agents, employees, and successors, and all other persons  
9 in active concert or participation with them, from:

- 10
- 11 a. Engaging in discrimination on the basis of sex in any aspect of the rental or  
12 lease of a dwelling;
  - 13 b. Engaging in discrimination on the basis of sex in the terms, conditions, or  
14 privileges of rental of a dwelling, or in the provision of services or facilities  
15 in connection therewith;
  - 16 c. Engaging in discrimination on the basis of sex by making statements with  
17 respect to the rental of a dwelling that indicates a preference, limitation, or  
18 discrimination based on sex;
  - 19 d. Coercing, intimidating, threatening, or interfering with persons in the  
20 exercise or enjoyment of, or on account of their having exercised or  
21 enjoyed, their rights granted or protected by 42 U.S.C. § 3604;
  - 22 e. Failing or refusing to take such affirmative steps as may be necessary to  
23 restore Ms. McGinnis, as nearly as practicable, to the position she would  
24 have been in but for the discriminatory conduct; and
  - 25 f. Failing or refusing to take such affirmative steps as may be necessary to  
26 prevent the recurrence of any discriminatory conduct in the future and to  
27  
28



1 eliminate, to the extent practicable, the effects of Defendants' unlawful  
2 housing practices; and

3 37. Awards monetary damages to Ms. McGinnis in accordance with 42 U.S.C. §§  
4 3612(o)(3) and 3613(c)(1).

5 38. The United States further prays for such additional relief as the interests of justice  
6 may require.  
7

8 **DEMAND FOR JURY TRIAL**

9 Pursuant to Rule 38 of the Federal Rules of Civil Procedure, the United States hereby  
10 demands a trial by jury.

11 Dated: August 28, 2023

12  
13 Respectfully submitted,

14 MERRICK GARLAND  
15 Attorney General

16 PHILLIP A. TALBERT  
17 United States Attorney  
18 Eastern District of California

19 KRISTEN CLARKE  
20 Assistant Attorney General  
21 Civil Rights Division

22 CARRIE PAGNUCCO  
23 Chief

24 /s/ Robert A. Fuentes  
25 ROBERT A. FUENTES  
26 Assistant United States Attorney

27 /s/ Roshni Shikari  
28 R.TAMAR HAGLER  
Deputy Chief  
ROSHNI SHIKARI  
Trial Attorney  
Attorneys for Plaintiff  
United States of America

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

The United States of America

(b) County of Residence of First Listed Plaintiff (EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Roshni Shikari, US Department of Justice, 950 Pennsylvania Ave. NW, Washington, DC 20530

DEFENDANTS

Javier Salazar Jr. (aka Juvenal Salazar), Javier Salazar Sr., and Ricardo Covarrubias

County of Residence of First Listed Defendant Kern County, California (IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff, 2 U.S. Government Defendant, 3 Federal Question (U.S. Government Not a Party), 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- Citizen of This State, Citizen of Another State, Citizen or Subject of a Foreign Country, PTF DEF, Incorporated or Principal Place of Business In This State, Incorporated and Principal Place of Business In Another State, Foreign Nation

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

Table with columns: CONTRACT, REAL PROPERTY, TORTS, CIVIL RIGHTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES. Includes various legal categories like Personal Injury, Real Property, Labor, etc.

V. ORIGIN (Place an "X" in One Box Only)

- 1 Original Proceeding, 2 Removed from State Court, 3 Remanded from Appellate Court, 4 Reinstated or Reopened, 5 Transferred from Another District, 6 Multidistrict Litigation - Transfer, 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): Title VIII of the Civil Rights Act of 1968, as amended, 42 U.S.C. §§ 3601-3631 (the "Fair Housing Act"). Brief description of cause:

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$ CHECK YES only if demanded in complaint: JURY DEMAND: [X] Yes [ ] No

VIII. RELATED CASE(S) IF ANY

(See instructions): JUDGE DOCKET NUMBER

DATE 08/28/2023 SIGNATURE OF ATTORNEY OF RECORD /s/ Roshni Shikari

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE