

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	
	)	
MOHAN PRASHAD,	)	<b>COMPLAINT</b>
DAVID BESAW,	)	
LANATON, LLC, and SAVTON, LLC,	)	
	)	
Defendants.	)	

**COMPLAINT**

The United States of America alleges as follows:

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

**JURISDICTION AND VENUE**

2. This Court has jurisdiction over this action under 28 U.S.C. §§ 1331, 1345, 2201, and 2202, and 42 U.S.C. § 3614(a).

3. Venue is proper in this district under 28 U.S.C. § 1391(b) because the actions and omissions giving rise to the United States’ allegations occurred in the District of Massachusetts, and the Defendants reside or do business in the District of Massachusetts.

**FACTUAL ALLEGATIONS**

4. Defendant Mohan Prashad is a resident of Lunenburg, Massachusetts.

5. Since at least the 1990s, Defendant Mohan Prashad has managed residential rental properties located in and around Worcester, Massachusetts.

6. Prashad currently owns approximately 15 residential properties in the Worcester area, under his own name and through various corporate entities, including Lanaton, LLC (“Lanaton”) and Savton, LLC (“Savton”). These residential rental properties include, but are not limited to, the buildings located at 137 Pleasant Street, 34 Irving Street, and 58 West Street in Worcester, Massachusetts (the “Properties”). Each of the Properties contains multiple rental units.

7. The Properties owned and managed by Defendant Prashad are “dwellings” within the meaning of 42 U.S.C. § 3602(b).

8. Defendant Prashad has controlled and managed the Properties by advertising units for rent, signing rental leases, collecting rent from tenants, receiving maintenance requests, sending employees to attend to maintenance requests, sending eviction notices, and appearing in housing court in cases related to the Properties.

9. Defendant David Besaw has been employed by Defendant Prashad to assist with the management and maintenance of his Properties since at least 2014.

10. As part of his work with Defendant Prashad, Besaw conducts repairs in Prashad’s rental units, takes out trash, collects rent, and shows units to prospective tenants and inspectors from local social service agencies. Defendant Besaw held himself out as Defendant Prashad’s agent by telling multiple female tenants and prospective tenants that Defendant Prashad gave him authority to conduct these activities.

11. Defendant Besaw is a Level 3 registered sex offender in the Commonwealth of Massachusetts. Under Massachusetts laws, sex offenders are categorized in Levels 1-3, with Level 3 being the most severe. Level 3 sex offenders in Massachusetts “have a high risk of

re-offending” and “pose a high degree of danger to the public.” *See*

<https://www.mass.gov/service-details/levels-of-sex-offenders>.

12. The existence of the agency relationship between Defendant Prashad and Defendant Besaw gave Defendant Besaw access to women inside their homes.

13. Defendant Lanaton is a Massachusetts corporation whose principal place of business and mailing address is 120 Main Street, Worcester, Massachusetts. Defendant Prashad is the sole owner and/or agent of Lanaton.

14. Defendant Lanaton is, or at times relevant to this action was, the owner of 34 Irving Street in Worcester.

15. Defendant Savton is a Massachusetts corporation whose principal place of business and mailing address is 120 Main Street, Worcester, Massachusetts. Defendant Prashad is the sole owner and/or agent of Savton.

16. Defendant Savton is, or at times relevant to this action was, the owner of 58 West Street in Worcester.

17. Defendant Prashad is, or at times relevant to this action was, the owner of 137 Pleasant Street in Worcester.

### **Defendant Prashad’s Harassment**

18. Since at least 2009 through the present, Defendant Prashad has subjected female tenants of the Properties to discrimination on the basis of sex, including severe or pervasive and unwelcome sexual harassment, on multiple occasions. Such conduct has included, but is not limited to:

- a. Subjecting female tenants to unwelcome sexual contact, including touching of their bodies, without consent;

- b. Offering to grant tangible benefits—such as reducing rent amounts—in exchange for engaging in sexual acts with him;
- c. Refusing to provide needed maintenance services or otherwise taking adverse housing actions, or threatening to take such actions, against female tenants who resisted or objected to his unwelcome sexual harassment;
- d. Making intrusive, unannounced visits to female tenants’ apartments to conduct and further his sexual advances;
- e. Intimidating female tenants by monitoring them, or asking his employees to monitor them, from outside their apartments or rooms;
- f. Frequently making unwelcome sexual comments and sexual advances to female tenants; and
- g. Failing to intervene, or take any action to prevent future sexual harassment, after receiving notice of Defendant Besaw’s sexual harassment of female tenants.

19. For example, between 2009 and 2017, when maintenance workers were present on one of the Properties at one female tenant’s apartment conducting repairs, which happened often, Defendant Prashad would regularly come to the apartment with the workers, despite the fact that he did not assist with the repairs, sit uncomfortably close to her, and make unwanted sexual comments and sexual advances. Defendant Prashad also appeared at her apartment uninvited and unannounced late at night. The female tenant did not acquiesce to Defendant Prashad’s sexual advances. Eventually, Defendant Prashad stopped providing heat to her apartment and initiated eviction proceedings.

20. In 2011, Defendant Prashad asked another female tenant living in one of his Properties if she was a stripper and asked how much it would cost to “have her,” which she understood to mean he was asking to have sex with her. On another occasion, he offered to pay her \$1,000 for an hour, which she interpreted as offering to pay her for sex. Defendant Prashad repeatedly visited her apartment uninvited, including in the early morning hours as she was getting dressed for work. Defendant Prashad also subjected her to unwanted sexual touching by putting his arm around her waist. This female tenant did not acquiesce to Defendant Prashad’s sexual advances.

21. In late 2011 or early 2012, Defendant Prashad repeatedly visited another female tenant’s apartment located in one of the Properties, uninvited with no legitimate purpose for his visits, and repeatedly made sexual comments about her clothing and appearance. On at least one occasion, Defendant Prashad stated that he could lower her rent in exchange for “some things [she] could do,” which she later understood to mean he was asking for sexual favors in exchange for lower rent. This female tenant did not acquiesce to Defendant Prashad’s sexual advances.

22. Defendants Savton and Lanaton are liable for the above-described discriminatory conduct of their sole owner and/or agent, Defendant Prashad. All of the Properties at which the harassment occurred were owned and/or managed by Defendant Prashad.

### **Defendant Besaw’s Harassment**

23. Since at least 2014 through the present, Defendant Besaw has also subjected female tenants of the Properties to discrimination on the basis of sex, including severe or

pervasive unwelcome sexual harassment, on multiple occasions. Such conduct has included, but is not limited to:

- a. Subjecting female tenants to unwelcome sexual contact, including groping, sexual assault, and forced touching of their bodies, without consent;
- b. Exposing his penis to female tenants;
- c. Making unwelcome sexual comments and sexual advances toward female tenants; and
- d. Making intrusive, unannounced visits to female tenants' units to conduct and further his sexual advances.

24. For example, in 2017, Defendant Besaw showed one female tenant who resided in one of the Properties a photo of his exposed penis on a cell phone, and entered her room on multiple occasions wearing only underwear. On other occasions, Defendant Besaw showed the female tenant multiple sexually explicit photos of young girls, as well as a photo of his erect penis. In November 2017, Defendant Besaw approached the female tenant from behind and grabbed her breasts and buttocks. After she screamed and shoved Defendant Besaw, Defendant Besaw pushed her against a wall. This female tenant notified Defendant Prashad and the Worcester Police Department about many of these incidents, including the sexual assault.

25. In 2017, another woman, who was the guest of a female tenant living in one of the Properties, woke on the couch to find that her pants had been pulled down and saw Defendant Besaw pulling his pants up. She also noticed bruise marks on her breasts and neck that were not present before she went to sleep that night. The female guest believes that while she was sleeping, Defendant Besaw forced himself on her and had sexual intercourse with her

without her consent. She immediately told the female tenant about this assault. The female tenant then immediately notified Defendant Prashad about the incident.

26. In 2016, Defendant Besaw repeatedly exposed his penis to another female tenant residing in one of the Properties and ignored her requests for him to stop.

**Defendant Prashad's Response to Defendant Besaw's Harassment**

27. Despite the fact that Defendant Prashad was notified about Defendant Besaw's sexual harassment, including the sexual assaults, Defendant Prashad did not take these complaints seriously, and did nothing to intervene or to prevent future sexual harassment by Defendant Besaw.

28. In fact, in 2017, Defendant Prashad instead took adverse actions against female tenants who complained about Defendant Besaw's conduct. One female tenant, whose breasts and buttocks were grabbed by Defendant Besaw, obtained a temporary restraining order against Defendant Besaw. Ten days later, Defendant Prashad sent her a notice to vacate her tenancy. Though she successfully challenged Defendant Prashad's attempted eviction, Defendant Prashad refused to fix the heat in her apartment when it failed shortly thereafter.

29. The experiences of these women were not isolated instances. Rather, these were part of Defendants Prashad and Besaw's longstanding pattern or practice of illegal sexual harassment of numerous female tenants.

30. The above-described actions and conduct of the Defendants caused female tenants to suffer physical harm, fear, anxiety, and emotional distress, and inhibited their ability to secure housing for themselves and their families.

**CAUSE OF ACTION**

31. By the actions and statements described above, the Defendants have:
  - a. Made dwellings unavailable because of sex, in violation of 42 U.S.C. § 3604(a);
  - b. Discriminated in the terms, conditions, or privileges of the rental or sale of dwellings, or in the provision 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 sale or rental of dwellings that indicate a preference, a limitation, or discrimination based on sex, in violation 42 U.S.C. § 3604(c);
  - 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 Sections 804 and 805 of the Fair Housing Act, in violation of 42 U.S.C. § 3617.
  
32. The Defendants' conduct constitutes:
  - a. A pattern or practice of resistance to the full enjoyment of the rights granted by the Fair Housing Act, 42 U.S.C. §§ 3601, *et seq.*; and
  - b. A denial to a group of persons of rights granted by the Fair Housing Act, 42 U.S.C. §§ 3601, *et seq.*, where such denial raises an issue of general public importance.
  
33. Women have been injured by the Defendants' discriminatory conduct. These persons are "aggrieved persons" as defined in 42 U.S.C. § 3602(i), and have suffered damages as a result of the Defendants' conduct.



34. The Defendants' conduct was intentional, willful, and taken in reckless disregard of the rights of others.

**PRAYER FOR RELIEF**

WHEREFORE, the United States requests that the Court enter an Order that:

- a. Declares that the Defendants' discriminatory practices violate the Fair Housing Act, 42 U.S.C. §§ 3601, *et seq.*;
- b. Enjoins the Defendants, their agents, employees, and successors, and all other persons in the active concert or participation with them from:
  - i. Discriminating on the basis of sex, including engaging in sexual harassment, in any aspect of the rental or sale of a dwelling;
  - ii. Interfering with or threatening to take any action against any person engaged in the exercise or enjoyment of rights granted or protected by the Fair Housing Act;
  - iii. Failing or refusing to take such affirmative steps as may be necessary to restore, as nearly as practicable, the victims of the Defendants' past unlawful practices to the position they would have been in but for the discriminatory conduct; and
  - iv. Failing or refusing to take such affirmative steps as may be necessary to prevent the recurrence of any discriminatory conduct in the future and to eliminate, as nearly as practicable, the effects of the Defendants' unlawful practices;
- c. Awards monetary damages to each person aggrieved by the Defendants' discriminatory conduct, pursuant to 42 U.S.C. § 3614(d)(1)(B);

- d. Assesses civil penalties against the Defendants to vindicate the public interest, pursuant to 42 U.S.C. § 3614(d)(1)(C); and
- e. Awards such additional relief as the interests of justice may require.

Dated: September 9, 2019

Respectfully submitted,

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