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 18 **IN THE UNITED STATES DISTRICT COURT FOR THE**
DISTRICT OF NEVADA
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20 UNITED STATES OF AMERICA,
 21 Plaintiff,
 22
 23 v.
 24 REALTY ONE GROUP, INC.,
 MARIO MASCARINAS, VICTOR C. DURING,
 and REMI B. DURING,
 25 Defendants.
 26

Civil Action No.

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2 **COMPLAINT**

3 Plaintiff, the United States of America, for its Complaint, alleges as follows:

4 **JURISDICTION AND VENUE**

5 1. This action is brought by the United States to enforce the Fair Housing Act, 42 U.S.C.
6 §§ 3601-3631.

7 2. The United States brings this action on behalf of Mayte Miranda, pursuant to
8 subsection 812(o) of the Fair Housing Act, 42 U.S.C. § 3612(o).

9 3. This Court has jurisdiction over this action under 28 U.S.C. § 1345 and 42 U.S.C. §
10 3612(o).

11 4. Venue is proper in that the claims alleged herein arose in the District of Nevada.

12 5. The Subject Property, a four bedroom house at 1605 Western Lily Street, Las Vegas,
13 NV 89128, is a dwelling within the meaning of 42 U.S.C. § 3602(d).

14 **PARTIES**

15 6. Mayte Miranda (“Complainant”) is the mother of four children, three of whom reside
16 with her and are under the age of 18.

17 7. Defendants Victor and Remi During own the Subject Property.

18 8. At all times relevant to the allegations contained herein, Defendant Mario Mascarinas,
19 a real estate agent with Realty One, contracted with Defendants Victor and Remi During for the
20 exclusive brokerage rights for the Subject Property. In this capacity, Mr. Mascarinas had actual
21 and apparent authority to give information to home seekers concerning the Durings’ rental
22 policies.

23 9. Defendant Realty One Group, Inc. employs Defendant Mario Mascarinas.

24 **ALLEGATIONS**

25 10. In or about early December 2008, Ms. Miranda called Mr. Mascarinas in response to
26 a rental sign she had seen in front of the Subject Property.

1 11. Mr. Mascarinas asked Ms. Miranda about her family. When she explained that she
2 had three children and had applied to adopt three additional children, Mr. Mascarinas said,
3 “Wow, that is a lot of kids. We were hoping to rent to someone without children,” or words to
4 that effect. He also stated that he did not think the owners would rent to a family with so many
5 children.

6 12. Mr. Mascarinas initially refused to provide Ms. Miranda with a rental application.
7 Ms. Mascarinas insisted that she wanted an application.

8 13. When Ms. Miranda had not received an application the next day, she called Mr.
9 Mascarinas to remind him to send it to her. Mr. Mascarinas recognized Ms. Miranda’s voice and
10 said, “you’re the one with all the kids,” or words to that effect. Mr. Mascarinas faxed Ms.
11 Miranda a rental application later that day.

12 14. On or about December 3, 2008, Ms. Miranda sent to Mr. Mascarinas a letter
13 expressing an interest in renting the subject property and inquiring about the rental application.
14 She did not receive a response, and thus did not submit her application.

15 15. Shortly thereafter, Ms. Miranda began working with a real estate agent, Rene
16 Alvarez.

17 16. In or about mid-December 2008, Ms. Miranda saw a listing for the Subject Property
18 that did not include the non-refundable fees. She completed an application, which Mr. Alvarez
19 hand delivered to Mr. Mascarinas.

20 17. Mr. Mascarinas informed Mr. Alvarez that he recognized the applicant, who he
21 characterized as having five or six children and running a day care, because she had previously
22 attempted to rent the house. Mr. Mascarinas told Mr. Alvarez that he did not think that the
23 owners would rent to a family with so many children.

24 18. On or about December 15, 2008, Mr. Alvarez sent Ms. Miranda an email stating that
25 Mr. Mascarinas needed additional information, including how many people would live with her
26 in the house, and who would care for the children. Mr. Alvarez’s email further stated, “He
27

1 mentioned that you have a Foster Cares [sic] business and the Owner is only allowing Maximum
2 2 additional kids besides your own, making a total of 5 [sic] children.”

3 19. Ms. Miranda responded that she had applied to adopt three children, and, if accepted,
4 seven people would live in the house. She stated that she would take care of the children when
5 they were not in school. She denied that she had a foster care business.

6 20. Mr. Alvarez passed on this information to Mr. Mascarinas.

7 21. On or about December 19, 2008, Mr. Mascarinas informed Mr. Alvarez that the
8 owner had decided not to rent the Subject Property to Ms. Miranda.

9 22. On February 14, 2009, Mr. During signed a lease with another family who intended
10 to live in the home with their one minor child. Their lease lists a lower rent payment than the
11 rent offered by Ms. Miranda.

12 **THE ADMINISTRATIVE COMPLAINT**

13 23. On or about February 11, 2009, Ms. Miranda timely filed a complaint with the
14 United States Department of Housing and Urban Development (“HUD”) pursuant to 810(a) of
15 the Act, 42 U.S.C. § 3610(a). On or about August 28, 2009, Ms. Miranda amended her
16 complaint. The complaint alleged that Defendants discriminated against Ms. Miranda on the
17 basis of familial status, in violation of 42 U.S.C. § 3604.

18 24. Pursuant to the requirements of 42 U.S.C. § 3610(a) and (b), the Secretary of HUD
19 conducted and completed an investigation of the complaint, attempted conciliation without
20 success, and prepared a final investigative report. Based on the information gathered in the
21 investigation, the Secretary, pursuant to 42 U.S.C. § 3610(g)(1), determined that reasonable
22 cause exists to believe that discriminatory housing practices had occurred. Accordingly, on
23 December 10, 2009, the Secretary issued a Charge of Discrimination (“Charge”) pursuant to 42
24 U.S.C. § 3610(g)(2)(A), charging Defendants with engaging in discriminatory housing practices
25 in violation of the Act.

26 25. On or about January 12, 2010, Defendants elected to have the Charge resolved in a
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1 civil action in federal district court, pursuant to 42 U.S.C. § 3612(a).

2 26. Following the election described in the preceding paragraph, the Secretary of HUD
3 authorized the Attorney General to commence a civil action, pursuant to 42 U.S.C. § 3612(o).

4 **VIOLATIONS OF LAW**

5 27. Plaintiff alleges and herein incorporates by reference the allegations set forth above.

6 28. Defendants, through the actions and statements described above, have:

7 a. refused to rent after the making of a bona fide offer, or refused to negotiate for
8 the rental of, or otherwise made unavailable or denied, a dwelling to Ms. Miranda and her minor
9 children, because of familial status in violation of 42 U.S.C. § 3604(a);

10 b. made, or caused to be made, statements with respect to the rental of a dwelling
11 that indicate a preference, limitation, or discrimination based on familial status, or an intention to
12 make any such preference, limitation, or discrimination, in violation of 42 U.S.C. § 3604(c);

13 29. As a result of Defendants' conduct, Ms. Miranda is an aggrieved person within the
14 meaning of 42 U.S.C. 3602(i).

15 30. Defendants' discriminatory actions and statements were intentional, willful, and
16 taken in disregard for the rights of Ms. Miranda.

17 **PRAYER FOR RELIEF**

18 WHEREFORE, the United States prays that this Court enter an ORDER that:

19 1. Declares that Defendants' discriminatory housing practices, as set forth above, violate
20 the Act, 42 U.S.C. §§ 3601-31;

21 2. Enjoins Defendants, their agents, employees, and successors, and all other persons in
22 active concert or participation with them from discriminating on the basis of familial status
23 against any person in any aspect of the rental of a dwelling;

24 3. Awards monetary damages to Ms. Miranda pursuant to 42 U.S.C. §§ 3612(o)(3) and
25 3613(c)(1); and

26 The United States further prays for such additional relief as the interests of justice may
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1 require.

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3 Respectfully submitted,

4
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20 Dated: March 11, 2010