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

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,

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15 Attorney General

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