

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
MIAMI DIVISION**

CRISTIN FORREST, an Independent  
Fair Housing Tester,

Plaintiff,

v.

F & D HOLDINGS, L.L.C., doing business as  
KELLER WILLIAMS ELITE PROPERTIES;  
KELLER WILLIAMS REALTY, INC.; and  
MYRA WOLF,

Defendants.

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**FIRST AMENDED COMPLAINT  
and  
JURY DEMAND**

Plaintiff, Cristin Forrest, by and through her undersigned attorneys, files this Complaint for injunctive and declaratory relief, damages, costs, and attorneys' fees against Defendants, F & D Holdings, L.L.C., doing business as Keller Williams Elite Properties; Keller Williams Realty, Inc., and Myra Wolf, and as good grounds states as follows:

**PRELIMINARY STATEMENT**

1. This action arises as a result of Defendants' discriminatory actions perpetrated against families with children with regards to the rental, sale and advertisement of units at Mystic Pointe Tower 500 Condominiums, which encompasses certain real property, including, but not limited to, 3530 Mystic Pointe Drive, Aventura, Florida 33180. Specifically, Defendants have violated the Fair Housing Act by, among other things, making, printing, and publishing, and causing to be made, printed, and published any statement or advertisement, with respect to the

sale or rental of a dwelling, that indicates any preference, limitation, or discrimination based on familial status.

### **JURISDICTION AND VENUE**

2. Jurisdiction is invoked pursuant to 42 U.S.C. § 3613(a), in that Plaintiff asserts her claims of housing discrimination in a civil action, and also pursuant to 28 U.S.C. §§ 1331, 2201 and 1343(a)(4), in that this is a civil action seeking to redress the deprivation of the right to fair housing secured to Plaintiff by the Fair Housing Act.

3. Plaintiff seeks declaratory relief pursuant to 28 U.S.C. §§ 2201 and 2202.

4. Plaintiff seeks preliminary and permanent injunctive relief pursuant to Rule 65, Federal Rules of Civil Procedure.

5. Venue is proper in this district pursuant to 28 U.S.C. §§ 1391(b) and 1391(c) in that the events and/or omissions giving rise to the claims herein occurred in this district, and all Defendants conduct business in this district.

### **PARTIES**

6. Plaintiff, Cristin Forrest, is an independent fair housing tester who seeks to enforce fair housing laws so that people are protected from discriminatory housing practices. Ms. Forrest attempts to accomplish these goals by engaging in testing for fair housing violations, and pursuing enforcement of meritorious claims, among other things. At all relevant times, Ms. Forrest was acting in this capacity and posing as a would-be purchaser when she viewed the discriminatory advertisements and conducted an investigation into the discriminatory actions being perpetuated by Defendants. Ms. Forrest was and continues to be adversely affected by the acts, omissions, policies, and practices of Defendants and their agents.

7. Defendant, F & D Holdings, L.L.C., doing business as Keller Williams Elite Properties (“Keller Williams Elite”), is a limited liability company that, at all relevant times, operated under the registered, fictitious name, Keller Williams Elite Properties. Defendant Keller Williams Elite is comprised of licensed real estate professionals, who have been educated, trained, and tested in fair housing laws.

8. Defendant, Keller Williams Realty, Inc. (“Keller Williams”), is a real estate franchise company that, at all relevant times, employed Defendant Keller Williams Elite and its agents and/or allowed Defendant Keller Williams Elite to operate a Keller Williams Realty, Inc. franchise. Defendant Keller Williams is comprised of licensed real estate professionals, who have been educated, trained, and tested in fair housing laws.

9. Defendant, Myra Wolfe, is a licensed real estate agent, who has been educated, trained, and tested in fair housing laws.

### **FACTUAL ALLEGATIONS**

10. While engaged in Fair Housing testing, Ms. Forrest visited the website <http://www.miamicondoinvestments.com>, and encountered an advertisement for the rental of a condominium unit at Mystic Pointe Tower 500 Condominiums, at 3530 Mystic Pointe Drive, Aventura, Florida 33180. The advertisement stated “No smokers, no children or pets please!”

11. At the bottom of the website, the advertisement stated that the listing was provided courtesy of Broker Keller Williams Elite Properties.

12. Upon information and belief, at all relevant times, Defendant F & D Holdings, L.L.C. operated a Keller Williams Realty, Inc. franchise, operating under the registered, fictitious name, Keller Williams Elite Properties.

13. Upon information and belief, Defendant Myra Wolf, was the listing agent responsible for the publication of the subject advertisement.

14. Upon information and belief, Defendant Myra Wolf developed the text of the discriminatory advertisement in her capacity as an agent for Defendant Keller Williams Elite.

15. At a later date, Ms. Forrest reviewed the Florida Commission on Human Relations' 55-and-over Community listings. As a result of her investigation, she determined that Mystic Pointe Tower 500 Condominiums was not listed as a registered 55-and-over community.

16. On that same date, Ms. Forrest conducted a review of the Miami-Dade County Official Records Search to determine if Mystic Pointe Tower 500 Condominiums was a 55-and-over community, and to determine if Mystic Pointe's condominium documents included the advertised discriminatory restriction.

17. As a result of her review of the Miami-Dade County Official Records, Ms. Forrest was unable to determine if Mystic Pointe's condominium documents included the advertised discriminatory restriction.

18. But for Defendants' unlawful actions of publishing an advertisement with respect to the rental of a dwelling that indicated a preference based on familial status, Ms. Forrest would not have taken any of the above-described investigatory actions. Ms. Forrest's actions diverted her limited time and resources, which could have been used to further her fair housing goals and pursue the enforcement of other meritorious claims.

19. Ms. Forrest posed as a would-be purchaser when she viewed the discriminatory advertisements described above and conducted an investigation into the discriminatory actions being perpetuated by Defendants. Ms. Forrest collected evidence of the Defendants' discriminatory practices by viewing advertisements on the Internet, taking screen shots,

documenting her findings, and conducting research. Accordingly, Ms. Forrest acted as a tester when she collected evidence of the Defendants' discriminatory practices.

20. As an individual who is dedicated to combating discrimination and advancing fair housing, Ms. Forrest was emotionally distraught and extremely insulted by the advertisements and evidences of discrimination that she viewed and uncovered.

**COUNT 1: VIOLATION OF THE FAIR HOUSING ACT  
AGAINST F & D HOLDINGS, L.L.C., DOING BUSINESS AS  
KELLER WILLIAMS ELITE PROPERTIES**

21. Plaintiff repeats and realleges paragraphs 1 through 20 as if fully set forth herein.

22. This Count 1 is brought by Plaintiff against Defendant, F & D Holdings, L.L.C., doing business as Keller Williams Elite Properties.

23. Defendant, F & D Holdings, L.L.C., doing business as Keller Williams Elite Properties, is liable to Plaintiff for all injuries caused by the Fair Housing Act violations committed by Defendant, F & D Holdings, L.L.C., doing business as Keller Williams Elite Properties, and its agents.

24. Defendant, F & D Holdings, L.L.C., doing business as Keller Williams Elite Properties, has violated the Fair Housing Act by, among other things, making, printing, or publishing, or causing to be made, printed, or published a notice, statement, or advertisement, with respect to the sale or rental of a dwelling that indicates a preference, limitation, or discrimination based on familial status.

25. A discriminatory purpose, not any legitimate reason, was a motivating factor behind Defendant, F & D Holdings, L.L.C.'s, doing business as Keller Williams Elite Properties, aforementioned discriminatory actions and/or omissions.

26. As a result of Defendant, F & D Holdings, L.L.C., doing business as Keller Williams Elite Properties, and its actions, omissions, policies and procedures as described above, Plaintiff suffered, is continuing to suffer, and will in the future suffer irreparable loss and injury including, but not limited to, humiliation, embarrassment, emotional distress, and a deprivation of her right to equal housing opportunities regardless of familial status.

27. As a result of Defendant, F & D Holdings, L.L.C.'s, doing business as Keller Williams Elite Properties, and/or Defendant, F & D Holdings, L.L.C.'s, doing business as Keller Williams Elite Properties, agents' actions, omissions, policies and procedures as described above, Plaintiff expended resources that she would have otherwise been able to use to pursue her fair housing mission.

28. As a result of Defendant, F & D Holdings, L.L.C., doing business as Keller Williams Elite Properties, and its actions, omissions, policies and procedures described above, Plaintiff's ability to engage in testing for fair housing violations, and pursue the enforcement of meritorious claims has been and will continue to be frustrated.

29. In engaging in this unlawful conduct described above, Defendant, F & D Holdings, L.L.C., doing business as Keller Williams Elite Properties, acted with evil intent, malice, wantonness, and lucre to damage the rights and feelings of Plaintiff, in violation of the Fair Housing Act. This is evidenced, in part, by the fact that Defendant, F & D Holdings, L.L.C., doing business as Keller Williams Elite Properties, is comprised of licensed real estate professionals, who have been educated, trained, and tested in fair housing laws; and despite such education, training, and testing, chose to engage in unlawful discrimination.

30. WHEREFORE, Plaintiff respectfully requests that the Court:

A. declare the actions, omissions, policies, and procedures of Defendant, F & D Holdings, L.L.C., doing business as Keller Williams Elite Properties, complained of herein to be in violation of the federal Fair Housing Act, specifically 42 U.S.C. § 3604(c);

B. enter a permanent injunction enjoining Defendant, F & D Holdings, L.L.C., doing business as Keller Williams Elite Properties, its successors, and its servants, agents and employees, and all those acting in concert with it, from making, printing, or publishing notices, statements, or advertisements that indicate a preference, limitation, or discrimination based on familial status;

C. enter a permanent injunction compelling Defendant, F & D Holdings, L.L.C., doing business as Keller Williams Elite Properties, its successors, and its servants, agents and employees, and all those acting in concert with it, to adopt policies, procedures and practices, which will ensure that no advertisements indicating a preference, limitation, or discrimination based on familial status are made, printed, or published in the future;

D. award compensatory and punitive damages to Plaintiff against Defendant, F & D Holdings, L.L.C., doing business as Keller Williams Elite Properties, to compensate Plaintiff for, among other things, the humiliation, embarrassment, and emotional distress caused by Defendant, F & D Holdings, L.L.C., doing business as Keller Williams Elite Properties, and its discriminatory actions, and loss of equal housing rights;

E. award compensatory and punitive damages to Plaintiff against Defendant, F & D Holdings, L.L.C., doing business as Keller Williams Elite Properties, to

compensate Plaintiff for, among other things, the drain on her limited time and resources that can be attributed to the frustration of Plaintiff's purpose of engaging in testing for fair housing violations, and pursuing enforcement of meritorious claims;

F. award Plaintiff her costs and reasonable attorneys' fees in this action; and

G. award Plaintiff such other and further relief as the Court deems just and proper.

**COUNT 2: VIOLATION OF THE FAIR HOUSING ACT  
AGAINST KELLER WILLIAMS REALTY, INC.**

31. Plaintiff repeats and realleges paragraphs 1 through 20 as if fully set forth herein.

32. This Count 2 is brought by Plaintiff against Defendant, Keller Williams Realty, Inc.

33. Defendant, Keller Williams Realty, Inc., is liable to Plaintiff for all injuries caused by the Fair Housing Act violations committed by Defendant, Keller Williams Realty, Inc., and its agents.

34. Defendant, Keller Williams Realty, Inc., has violated the Fair Housing Act by, among other things, making, printing, or publishing, or causing to be made, printed, or published a notice, statement, or advertisement, with respect to the sale or rental of a dwelling that indicates a preference, limitation, or discrimination based on familial status.

35. A discriminatory purpose, not any legitimate reason, was a motivating factor behind Defendant, Keller Williams Realty, Inc.'s, aforementioned discriminatory actions and/or omissions.

36. As a result of Defendant, Keller Williams Realty, Inc.'s, actions, omissions, policies and procedures as described above, Plaintiff suffered, is continuing to suffer, and will in the future suffer irreparable loss and injury including, but not limited to, humiliation,



embarrassment, emotional distress, and a deprivation of her right to equal housing opportunities regardless of familial status.

37. As a result of Defendant, Keller Williams Realty, Inc.'s, and/or Defendant, Keller Williams Realty, Inc.'s, agents' actions, omissions, policies and procedures as described above, Plaintiff expended resources that she would have otherwise been able to use to pursue her fair housing mission.

38. As a result of Defendant, Keller Williams Realty, Inc.'s, actions, omissions, policies and procedures described above, Plaintiff's ability to engage in testing for fair housing violations, and pursue the enforcement of meritorious claims has been and will continue to be frustrated.

39. In engaging in this unlawful conduct described above, Defendant, Keller Williams Realty, Inc., acted with evil intent, malice, wantonness, and lucre to damage the rights and feelings of Plaintiff, in violation of the Fair Housing Act. This is evidenced, in part, by the fact that Defendant, Keller Williams Realty, Inc., is comprised of licensed real estate professionals, who have been educated, trained, and tested in fair housing laws; and despite such education, training, and testing, chose to engage in unlawful discrimination.

40. WHEREFORE, Plaintiff respectfully requests that the Court:

H. declare the actions, omissions, policies, and procedures of Defendant, Keller Williams Realty, Inc., complained of herein to be in violation of the federal Fair Housing Act, specifically 42 U.S.C. § 3604(c);

I. enter a permanent injunction enjoining Defendant, Keller Williams Realty, Inc., its successors, and its servants, agents and employees, and all those acting in concert

with it, from making, printing, or publishing notices, statements, or advertisements that indicate a preference, limitation, or discrimination based on familial status;

J. enter a permanent injunction compelling Defendant, Keller Williams Realty, Inc., its successors, and its servants, agents and employees, and all those acting in concert with it, to adopt policies, procedures and practices, which will ensure that no advertisements indicating a preference, limitation, or discrimination based on familial status are made, printed, or published in the future;

K. award compensatory and punitive damages to Plaintiff against Defendant, Keller Williams Realty, Inc., to compensate Plaintiff for, among other things, the humiliation, embarrassment, and emotional distress caused by Defendant, Keller Williams Realty, Inc.'s, discriminatory actions, and loss of equal housing rights;

L. award compensatory and punitive damages to Plaintiff against Defendant, Keller Williams Realty, Inc., to compensate Plaintiff for, among other things, the drain on her limited time and resources that can be attributed to the frustration of Plaintiff's purpose of engaging in testing for fair housing violations, and pursuing enforcement of meritorious claims;

M. award Plaintiff her costs and reasonable attorneys' fees in this action; and

N. award Plaintiff such other and further relief as the Court deems just and proper.

**COUNT 3: VIOLATION OF THE FAIR HOUSING ACT  
AGAINST MYRA WOLF**

41. Plaintiff repeats and realleges paragraphs 1 through 20 as if fully set forth herein.

42. This Count 3 is brought by Plaintiff against Defendant, Myra Wolf.

43. Defendant, Myra Wolf, is liable to Plaintiff for all injuries caused by the Fair Housing Act violations committed by Defendant, Myra Wolf, and her agents.

44. Defendant, Myra Wolf, has violated the Fair Housing Act by, among other things, making, printing, or publishing, or causing to be made, printed, or published a notice, statement, or advertisement, with respect to the sale or rental of a dwelling that indicates a preference, limitation, or discrimination based on familial status.

45. A discriminatory purpose, not any legitimate reason, was a motivating factor behind Defendant Myra Wolf's aforementioned discriminatory actions and/or omissions.

46. As a result of Defendant, Myra Wolf's actions, omissions, policies and procedures as described above, Plaintiff suffered, is continuing to suffer, and will in the future suffer irreparable loss and injury including, but not limited to, humiliation, embarrassment, emotional distress, and a deprivation of her rights to equal housing opportunities regardless of familial status.

47. As a result of Defendant, Myra Wolf's and/or Defendant, Myra Wolf's agents' actions, omissions, policies and procedures as described above, Plaintiff expended resources that she would have otherwise been able to use to pursue her fair housing mission.

48. As a result of Defendant, Myra Wolf's actions, omissions, policies and procedures as described above, Plaintiff's ability to engage in testing for fair housing violations, and pursue the enforcement of meritorious claims has been and will continue to be frustrated.

49. In engaging in this unlawful conduct described above, Defendant, Myra Wolf, acted with evil intent, malice, wantonness, and lucre to damage the rights and feelings of Plaintiff, in violation of the Fair Housing Act. This is evidenced, in part, by the fact that Defendant, Myra Wolf, is a licensed real estate professional, who has been educated, trained, and

tested in fair housing laws; and despite such education, training, and testing, chose to engage in unlawful discrimination.

50. WHEREFORE, Plaintiff respectfully requests that the Court:

A. declare the actions, omissions, policies, and procedures of Defendant, Myra Wolf, complained of herein to be in violation of the federal Fair Housing Act, specifically 42 U.S.C. § 3604(c);

B. enter a permanent injunction enjoining Defendant, Myra Wolf, her successors, and her servants, agents and employees, and all those acting in concert with him, from making, printing, or publishing notices, statements, or advertisements that indicate a preference, limitation, or discrimination based on familial status;

C. enter a permanent injunction compelling Defendant, Myra Wolf, her successors, and her servants, agents and employees, and all those acting in concert with him, to adopt policies, procedures and practices, which will ensure that no advertisements indicating a preference, limitation or discrimination based on familial status are made, printed, or published in the future;

D. award compensatory and punitive damages to Plaintiff against Defendant, Myra Wolf, to compensate Plaintiff for, among other things, the humiliation, embarrassment, and emotional distress caused by Defendant, Myra Wolf's discriminatory actions, and loss of equal housing rights;

E. award compensatory and punitive damages to Plaintiff against Defendant, Myra Wolf, to compensate Plaintiff for, among other things, the drain on her limited time and resources that can be attributed to the frustration of Plaintiff's purpose of engaging in testing for fair housing violations, and pursuing enforcement of meritorious claims;

- F. award Plaintiff her costs and reasonable attorneys' fees in this action; and
- G. award Plaintiff such other and further relief as the Court deems just and proper.

**DEMAND FOR JURY TRIAL**

Pursuant to Rule 38(b), Federal Rules of Civil Procedure, Plaintiff demands a trial by jury on all issues so triable in this matter.

Respectfully submitted,

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