

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION**

CRISTIN FORREST, an Independent  
Fair Housing Tester,

8:12-CV-2573-T-33MAP

Plaintiff,

v.

BROADMOOR VILLA, INC., a Florida not-for-profit  
corporation; CHARLES RUTENBERG REALTY,  
INC., a Florida corporation; and JEFF LAUNIERE,

Defendants.

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U.S. DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA, FLORIDA

FILED

**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, Broadmoor Villa, Inc.; Charles Rutenberg Realty, Inc; and Jeff Launiere, 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 under sixteen years old with regards to the rental, sale and advertisement of units at Broadmoor Villa Condominiums, which encompasses certain real property, including, but not limited to, 919 Osceola Road, Belleair, Florida 33756. Specifically, Defendants have violated the Fair Housing Act by, among other things:

- a) promulgating, adopting, and enforcing a policy of deterring and/or prohibiting the rental or sale of units to families with children under the age of 16; and

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b) 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, Broadmoor Villa, Inc. (“Broadmoor”), is a not-for-profit Florida corporation organized pursuant to the Florida Condominium Act, chapter 718, Florida Statutes. Defendant Broadmoor promulgates and enforces the rules and regulations governing the sale, rental, and use of units at the Broadmoor Villa Condominiums, and, at all relevant times, has promulgated and enforced a policy that prohibits children under 16 from living in the Broadmoor Villa Condominiums.

8. Defendant, Charles Rutenberg Realty, Inc. (“Rutenberg Realty”), is a Florida corporation that owned and operated the website <http://www.tampahomespecialist.com> at all relevant times. Defendant Rutenberg Realty is comprised of licensed real estate professionals, who have been educated, trained, and tested in fair housing laws.

9. Defendant, Jeff Launiere, is an individual who was an employee of Defendant Rutenberg Realty at all relevant times. Defendant Launiere is a licensed real estate associate, 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.realtor.com>, and encountered an advertisement for the sale of a condominium at Broadmoor Villa Condominiums, at 919 Osceola Road, Hallandale, Florida 33009. The advertisement stated “Adunt [sic] only community no children under 16.”

11. At the bottom of the website, the advertisement stated that the listing was brokered by Charles Rutenberg Realty, Inc. The advertisement did not provide a link to

Defendant Rutenberg Realty's website, nor did it contain the name of the Defendant Rutenberg Realty listing agent responsible for the advertisement.

12. On that same date, Ms. Forrest visited the website, <http://www.tampahomespecialist.com>. On that website, Ms. Forrest viewed the same advertisement for the sale of a condominium at Broadmoor Villa Condominiums. This advertisement contained the same text as the first ad, including the statement "Adunt [sic] only community no children under 16," but also included the name of the listing agent, Defendant Jeff Launiere, and his contact phone number.

13. Upon information and belief, at all relevant times, the website <http://www.tampahomespecialist.com>, was owned and operated by Defendant Rutenberg Realty.

14. Upon information and belief, Defendants Rutenberg Realty and Jeff Launiere developed the text of the advertisement.

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 Broadmoor Villa Condominiums was not listed as a registered 55-and-over community.

16. On that same date, Ms. Forrest conducted a review of the Pinellas County Official Records Search to determine if Broadmoor Villa Condominiums was a 55-and-over community, and to determine if Defendant Broadmoor's condominium documents included the advertised discriminatory restriction.

17. As a result of her review of Defendant Broadmoor's condominium documents, Ms. Forrest located an Amendment to the By-Laws of Broadmoor Villa Condominiums, dated December 6, 1994, which states, "Not allow any children under the age of sixteen years of age to reside on the premise except as permitted under the regulations established from time to time."

18. Upon information and belief, at all relevant times, Defendant Broadmoor promulgated, adopted, and enforced the discriminatory policy as stated in Defendant Broadmoor's By-Laws.

19. But for Defendants, Jeff Launiere and Rutenberg Realty's, unlawful actions of publishing an advertisement with respect to the sale 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.

20. But for Defendant Broadmoor's unlawful actions of promulgating, adopting, and enforcing a policy of excluding families with children under 16, 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.

21. 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.

22. 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 BROADMOOR VILLA, INC.**

23. Plaintiff repeats and realleges paragraphs 1 through 22 as if fully set forth herein.

24. This Count 1 is brought by Plaintiff against Defendant, Broadmoor Villa, Inc.

25. Defendant, Broadmoor Villa, Inc., is liable to Plaintiff for all injuries caused by the Fair Housing Act violations committed by Defendant Broadmoor Villa, Inc. and its agents.

26. Defendant, Broadmoor Villa, Inc., has violated the Fair Housing Act by, among other things:

- a) making a dwelling unit in the Broadmoor Villa Condominiums unavailable because of familial status by promulgating and enforcing a policy that prohibits families with children under 16 from living at the Broadmoor Villa Condominiums;
- b) promulgating, adopting, and enforcing a policy of deterring and/or prohibiting the rental or sale of units to families with children under the age of 16; and
- c) 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.

27. A discriminatory purpose, not any legitimate reason, was a motivating factor behind Defendant Broadmoor Villa, Inc.'s aforementioned discriminatory actions and/or omissions and the promulgation of its discriminatory policies and procedures.

28. Defendant, Broadmoor Villa, Inc., and its agents treated Plaintiff unequally on the basis of familial status, and promulgated policies and practices that were designed to treat other

families with children under 16 unequally. Such unequal treatment caused a unit at Broadmoor Villa Condominiums to be unavailable to Plaintiff solely on the basis of familial status, therefore affecting the availability of housing for Plaintiff, and the loss of limited time and resources to pursue her fair housing goals.

29. As a result of Defendant Broadmoor Villa, 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.

30. As a result of Defendant Broadmoor Villa, Inc.'s and/or its 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.

31. As a result of Defendant Broadmoor Villa, Inc.'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.

32. In engaging in this unlawful conduct described above, Defendant, Broadmoor Villa, Inc., acted with evil intent, malice, wantonness, and lucre to damage the rights and feelings of Plaintiff, in violation of the Fair Housing Act.

33. WHEREFORE, Plaintiff respectfully requests that the Court:

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

B. enter a permanent injunction enjoining Defendant Broadmoor Villa, Inc., its successors, and its servants, agents and employees, and all those acting in concert with it, from discriminating on the basis of familial status in the sale or rental of condominium units;

C. enter a permanent injunction enjoining Defendant Broadmoor Villa, 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;

D. enter a permanent injunction compelling Defendant Broadmoor Villa, 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 all individuals who wish to rent or purchase units at the Broadmoor Villa Condominiums may do so without regard to their familial status;

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

F. award compensatory and punitive damages to Plaintiff against Defendant Broadmoor Villa, 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;

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



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

**COUNT 2: VIOLATION OF THE FAIR HOUSING ACT  
AGAINST CHARLES RUTENBERG REALTY, INC.**

34. Plaintiff repeats and realleges paragraphs 1 through 22 as if fully set forth herein.

35. This Count 2 is brought by Plaintiff against Defendant, Charles Rutenberg Realty, Inc.

36. Defendant, Charles Rutenberg Realty, Inc., is liable to Plaintiff for all injuries caused by the Fair Housing Act violations committed by Defendant, Charles Rutenberg Realty, Inc., and its agents.

37. Defendant, Charles Rutenberg 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.

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

39. As a result of Defendant, Charles Rutenberg 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.

40. As a result of Defendant, Charles Rutenberg Realty, Inc.'s, and/or Defendant, Charles Rutenberg 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.

41. As a result of Defendant, Charles Rutenberg 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.

42. In engaging in this unlawful conduct described above, Defendant, Charles Rutenberg 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, Charles Rutenberg 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.

43. WHEREFORE, Plaintiff respectfully requests that the Court:

A. declare the actions, omissions, policies, and procedures of Defendant, Charles Rutenberg Realty, Inc., 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, Charles Rutenberg 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;

C. enter a permanent injunction compelling Defendant, Charles Rutenberg 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;

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

E. award compensatory and punitive damages to Plaintiff against Defendant, Charles Rutenberg 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;

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 3: VIOLATION OF THE FAIR HOUSING ACT  
AGAINST JEFF LAUNIERE**

44. Plaintiff repeats and realleges paragraphs 1 through 22 as if fully set forth herein.

45. This Count 3 is brought by Plaintiff against Defendant, Jeff Launiere.

46. Defendant, Jeff Launiere, is liable to Plaintiff for all injuries caused by the Fair Housing Act violations committed by Defendant, Jeff Launiere, and his agents.

47. Defendant, Jeff Launiere, 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.

48. A discriminatory purpose, not any legitimate reason, was a motivating factor behind Defendant, Jeff Launiere's aforementioned discriminatory actions and/or omissions.

49. As a result of Defendant, Jeff Launiere'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.

50. As a result of Defendant, Jeff Launiere's and/or Defendant, Jeff Launiere'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.

51. As a result of Defendant, Jeff Launiere'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.

52. In engaging in this unlawful conduct described above, Defendant, Jeff Launiere, 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, Jeff Launiere, 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.

53. WHEREFORE, Plaintiff respectfully requests that the Court:

A. declare the actions, omissions, policies, and procedures of Defendant, Jeff Launiere, 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, Jeff Launiere, his successors, and his 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, Jeff Launiere, his successors, and his 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, Jeff Launiere, to compensate Plaintiff for, among other things, the humiliation, embarrassment, and emotional distress caused by Defendant, Jeff Launiere's discriminatory actions, and loss of equal housing rights;

E. award compensatory and punitive damages to Plaintiff against Defendant, Jeff Launiere, 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,

Joshua A. Glickman, Esq.  
Florida Bar No. 43994  
josh@sjlawcollective.com  
Shawn A. Heller, Esq.  
Florida Bar No. 46346  
shawn@sjlawcollective.com

Social Justice Law Collective, PL  
P.O. Box 70327  
Washington, DC 20024  
(202) 709-5744  
(866) 893-0416 (Fax)

Attorneys for the Plaintiff

By:   
\_\_\_\_\_  
Shawn A. Heller, Esq.