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8 Attorneys for Plaintiff,  
9 California Civil Rights Department

(Fee Exempt, Gov. Code, § 6103)

10  
11 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
12 **IN AND FOR THE COUNTY OF SAN BERNARDINO**

14 CIVIL RIGHTS DEPARTMENT, an  
15 agency of the State of California,  
16 Plaintiff,

Case No. CIVRS2400908

**CIVIL RIGHTS COMPLAINT FOR  
INJUNCTIVE, DECLARATORY, AND  
MONETARY RELIEF**

17 vs.

**DEMAND FOR JURY TRIAL**

18 PIERCE PROJECTS INCORPORATED;  
19 GARRISON FAMILY TRUST;  
20 THERESA AILEEN CORTEZ LIVING  
TRUST; BETTY JO GARRISON, as  
trustee of the GARRISON FAMILY  
TRUST; and BRENDA J. SIERDSMA, as  
trustee of the THERESA AILEEN  
CORTEZ LIVING TRUST

21 Defendants.  
22

23 1. California Civil Rights Department (“CRD”), an agency of the State of California,  
24 brings this action in its own name brings this civil rights enforcement action against Defendants  
25 to vindicate real party in interest Angelia Jefferson’s right to be free from unlawful discrimination  
26 because of her source of income in violation of the Fair Employment and Housing Act (“FEHA”),  
27 Government Code section 12900 et seq. and the Unruh Civil Rights Act (“Unruh Act”), Civil  
28

1 Code section 51 and incorporated into FEHA pursuant to Government Code sections 12930,  
2 subdivision (f)(2) and 12955, subdivision (d). CRD also seeks to prevent future violations of  
3 these civil rights statutes by Defendants. Accordingly, CRD seeks injunctive and declaratory  
4 relief to correct Defendant’s unlawful practices which will otherwise continue to harm others in  
5 need of housing, as well as compensatory damages on behalf of Ms. Jefferson.

6 **PARTIES**

7 2. Plaintiff CRD is a state agency tasked with investigating and prosecuting civil  
8 rights actions. (Gov. Code, § 12930 subd. (f)(1)-(5).) Government Code section 12930 confers on  
9 CRD authority to bring litigation on behalf of itself in the public interest pursuant to the  
10 prohibitions on housing discrimination under FEHA and the Unruh Act. (*Id.*, § 12930, subs.  
11 (f)(2), (h).)

12 3. California’s legislature exercised its police power in enacting FEHA and investing  
13 authority in CRD “to protect and safeguard the right and opportunity of all persons to seek,  
14 obtain, and hold employment without discrimination . . .” (*Id.*, § 12920; see also *Dept. Fair Empl.*  
15 *& Hous. v. Cathy’s Creations, Inc.* (2020) 54 Cal.App.5th 404, 410 [“CRD’s task is to represent  
16 the interests of the state and to effectuate the declared public policy of the state to protect and  
17 safeguard the rights and opportunities of all persons from unlawful discrimination.”].) In  
18 furtherance of these goals, CRD has authority to initiate, conciliate, and prosecute complaints on  
19 behalf of itself in the public interest and persons alleged to be aggrieved by discriminatory  
20 housing practices. (Gov. Code, §§ 12930, 12965, 12980.)

21 4. Plaintiff CRD brings this action on behalf of Real Party in Interest Angelia  
22 Jefferson, who is now and at all times relevant to this complaint was a resident of San Bernardino  
23 County.

24 5. Defendant Pierce Projects Incorporated (“PPI”) is and at all relevant times was the  
25 corporate owner and manager of the rental property located at 844 N. Redding Way APT B  
26 Upland, CA 91786 (the “Subject Property”).

27 6. Defendants Garrison Family Trust and Theresa Aileen Cortez Living Trust are and  
28 at all relevant times were joint co-owners of PPI with ownership interest in the Subject Property.

1           7.       Defendant Betty Jo Garrison (“Defendant Garrison”) is named in her capacity as  
2 trustee for the Garrison Family Trust. At all times relevant, the Garrison Family Trust was a co-  
3 owner of PPI. On information and belief, Defendant Betty Jo Garrison is, and was, at all times  
4 either the sole or joint trustee of the Garrison Family Trust. Defendant Betty Jo Garrison is also  
5 the President of PPI and acts as manager of all rental units owned by PPI and Garrison Family  
6 Trust.

7           8.       Defendant Brenda J. Sierdsma (“Defendant Sierdsma”) is named in her capacity as  
8 successor trustee of the Theresa Aileen Cortez Living Trust. At all times relevant to this  
9 complaint, the Theresa Aileen Cortez Living Trust was a co-owner of PPI. On information and  
10 belief, Defendant Brenda J. Sierdsma is and was at all times relevant to this complaint either the  
11 sole or joint trustee of the Theresa Aileen Cortez Living Trust.

12          9.       Each Defendant is and at all relevant times was a “business establishment” under  
13 the Unruh Act. (Civ. Code, § 51; Cal. Code Regs., tit. 2, § 12005, subd. (f).) Each Defendant is  
14 and was at all relevant times an “owner” of “housing accommodations” and/or a “person” under  
15 the FEHA. (Gov. Code, § 12925, subd. (d); § 12927, subds. (d), (e); Cal. Code Regs., tit. 2, §  
16 12005, subds. (v), (w).)

17          10.      Each Defendant is and was the agent, employee, and representative of each of the  
18 other Defendants; each Defendant, in doing the acts or in omitting to act as alleged in this  
19 complaint, was acting within the course and scope of its actual or apparent authority pursuant to  
20 such agency; or the alleged acts or omissions of each Defendant as agent were subsequently  
21 ratified and adopted by each other Defendant as principal. Therefore, each Defendant is jointly  
22 and severally responsible and liable—whether directly or under the doctrines of vicarious liability  
23 or respondeat superior—for the injuries and damages alleged in this complaint. (Cal. Code Regs.,  
24 tit. 2, § 12010.)

### **JURISDICTION AND VENUE**

25  
26          1.       This Court has jurisdiction under Article VI, section 10 of the California  
27 Constitution and California Code of Civil Procedure section 410.10.

28          2.       After Ms. Jefferson filed an administrative complaint with CRD pursuant to

1 Government Code section 12980, CRD conducted an investigation of her allegations.

2 3. At the conclusion of CRD's investigation, CRD referred this matter to its Dispute  
3 Resolution Division, consistent with Government Code sections 12965, subdivision (a)(2) and  
4 12981, subdivision (a)(2), but the matter did not settle. All administrative procedures precedent to  
5 the initiation of this lawsuit in Government Code sections 12965, 12980, and 12981 have been  
6 fulfilled.

7 4. The amount of damages sought by this complaint exceeds the minimum  
8 jurisdictional limits of this Court pursuant to Code of Civil Procedure section 116.221, subdivision  
9 (a).

10 5. The Court also has jurisdiction over this unlimited civil case because CRD seeks  
11 injunctive and declaratory relief. (Civ. Proc. Code, §§ 86, subd. (a), 88.)

12 6. This Complaint is timely pursuant to Government Code sections 12965,  
13 subdivisions (a)(5)(C) and (D) and 12981, subdivision (a)(3).

14 7. Venue is proper in San Bernardino County under Government Code sections  
15 12965, subdivision (a)(4) and 12981, subdivision(a)(4) because the housing practices complained  
16 of herein occurred within the County of San Bernardino.

17 **FACTUAL ALLEGATIONS**

18 11. Defendant PPI owns the Subject Property, a two-bedroom apartment in a four-unit  
19 complex. Upon information and belief, Defendant PPI owns at least 36 rental units throughout  
20 California.

21 12. As co-owners of PPI, Defendant Garrison Family Trust and Defendant Theresa  
22 Aileen Cortez Living Trust both receive an equal share of profits earned and distributed by PPI.

23 13. Defendant Garrison manages the rental properties owned by PPI. She has managed  
24 the rental properties for over 30 years, since PPI was first incorporated in 1987. Defendant  
25 Sierdsma assists Defendant Garrison in managing the rental properties. Defendant Garrison also  
26 manages additional properties owned by Defendant Garrison Family Trust. In January 2018,  
27 Angelia Jefferson moved into the Subject Property with her husband at the time. Their monthly  
28 rent was \$1,350.

1           14.     At the time, Ms. Jefferson had a housing voucher through the City of Upland.  
2 Before moving in, Ms. Jefferson asked Defendant Garrison if she would accept her Housing  
3 Choice Voucher (“Section 8 Voucher”). Defendant Garrison told her she would not. Ms.  
4 Jefferson made the decision to move into the Subject Property and lost her Section 8 Voucher.

5           15.     On October 8, 2019, Governor Gavin Newsom signed Senate Bill 329 into law,  
6 expanding the definition of “source of income” in Government Code section 12955, subdivision (p),  
7 to include tenants who rely on federal, state, or local housing subsidies including Section 8 vouchers.

8           16.     On or around June 23, 2022, Ms. Jefferson was approved for a Section 8 Voucher  
9 through the Housing Authority of San Bernardino County. It was issued on or around July 3,  
10 2022.

11           17.     On September 9, 2022, Ms. Jefferson emailed Defendant Garrison asking to her  
12 use Voucher to continue living in the Subject Property. Ms. Jefferson explained she was  
13 separating from her husband, and that she was reaching out because she could not be turned down  
14 due to her Section 8 Voucher as of January 1, 2020.

15           18.     On September 10, 2022, Ms. Jefferson sent Defendant Garrison information about  
16 her Section 8 Voucher. Ms. Jefferson explained that it would allow her to rent a two-bedroom  
17 unit within the price range up to \$2,000. Defendants responded noting, “we can probably accept  
18 the \$2,000 rent” because of increasing prices.

19           19.     In September 2022, the monthly rent for the Subject Property was \$1,400. A rent  
20 of \$2,000 per month was six hundred dollars more than the amount of rent Ms. Jefferson and her  
21 then husband were paying at the time.

22           20.     Throughout their tenancy, Ms. Jefferson and her husband split the rent equally.  
23 However, Ms. Jefferson’s husband planned to move out of the property and allow Ms. Jefferson  
24 to continue her tenancy without him. This meant Ms. Jefferson would be responsible for the full  
25 rent moving forward.

26           21.     On September 15, 2022, Defendant Garrison sent an email to Ms. Jefferson  
27 stating, “No need to send any more paperwork on this since we have decided NOT to accept the  
28 Housing Authority’s offer”.

1           22.     Ms. Jefferson felt humiliated, dejected, and anguished by Defendant Garrison’s  
2 statements. She also felt anxiety at having lost time in her housing search because she thought she  
3 had found a place that would accept her Section 8 Voucher.

4           23.     Still unable to find alternative housing, Ms. Jefferson sought assistance from a fair  
5 housing non-profit organization to request that Defendant Garrison reconsider accepting her  
6 Section 8 Voucher. On or around October 8, 2022, Defendant Garrison requested a copy of Ms.  
7 Jefferson’s Section 8 Voucher and Ms. Jefferson sent a copy to Defendants soon after.

8           24.     On October 20, 2022, Ms. Jefferson received a handwritten note on her door from  
9 Defendant Garrison stating, “We have decided NOT to participate in this program” and her  
10 voucher paperwork returned.

11          25.     Defendants’ refusal to accept Ms. Jefferson’s Section 8 Voucher caused her to  
12 move out of the Subject Property in order to keep her voucher. On or around April 1, 2023, Ms.  
13 Jefferson moved into her current residence. She currently pays about \$500 more in rent than she  
14 would have had Defendants accepted her Section 8 Voucher and allowed her to remain at the  
15 Subject Property.

16          26.     As a result of Defendants’ discriminatory statements and refusal to accept Ms.  
17 Jefferson’s voucher, Ms. Jefferson suffered a violation of her civil rights and monetary damages.  
18 Ms. Jefferson expended additional out of pocket expenses and time applying to other rental  
19 properties, as well as costs moving to another rental property. She also paid excess rent during the  
20 months Defendants refused to accept her Section 8 Voucher, and continues to pay a higher  
21 amount of rent than she would have had she been able to stay at the Subject Property with her  
22 voucher. She also suffered from emotional distress as a result of Defendants’ discriminatory  
23 actions.

24          27.     An actual controversy exists between the parties regarding Defendants’ duties  
25 under FEHA and the Unruh Act. Therefore, CRD is entitled to declaratory relief.

26          28.     Unless enjoined, Defendant will continue to engage in the unlawful acts and the  
27 pattern or practice of discrimination against prospective tenants based on their source of income  
28 as described above.

1 **FIRST CAUSE OF ACTION**

2 **Violation of FEHA: Discrimination Based on Source of Income**

3 **(Gov. Code, § 12955, subd. (a))**

4 29. Plaintiff realleges and incorporates by reference all the preceding paragraphs of  
5 this Complaint as if fully set forth herein.

6 30. Government Code section 12955, subdivision (a), makes it unlawful “[f]or the  
7 owner of any housing accommodation to discriminate against any person because of the... source  
8 of income... of that person.”

9 31. “[S]ource of income’ means lawful, verifiable income paid directly to a tenant, or  
10 to a representative of a tenant, or paid to a housing owner or landlord on behalf of a tenant,  
11 including federal, state, or local public assistance, and federal, state, or local housing subsidies,  
12 including, but not limited to, federal housing assistance vouchers issued under Section 8 of the  
13 United States Housing Act of 1937.” (Gov. Code, § 12955, subd. (p).)

14 32. Defendants discriminated against Ms. Jefferson based on her source of income in  
15 violation of Government Code section 12955, subdivision (a) by refusing to accept her Section 8  
16 voucher on the same terms and conditions of her existing tenancy, which would have enabled Ms.  
17 Jefferson to continue to rent the Subject Property.

18 **SECOND CAUSE OF ACTION**

19 **Violation of FEHA: Discriminatory Statements Based on Source of Income**

20 **(Gov. Code, § 12955, subd. (c))**

21 33. Plaintiff realleges and incorporates by reference all the preceding paragraphs of  
22 this Complaint as if fully set forth herein.

23 34. Government Code section 12955, subdivision (c), makes it unlawful “[f]or any  
24 person to make print, or publish, or cause to be made, printed, or published any notice, statement,  
25 or advertisement, with respect to the sale or rental of a housing accommodation that indicates any  
26 preference, limitation, or discrimination based on... source of income... or an intention to make  
27 that preference, limitation, or discrimination.”

28 35. Defendant discriminated against Ms. Jefferson based on her source of income in

1 violation of Government Code section 12955, subdivision (c) by making statements indicating  
2 discrimination against her source of income.

3 **THIRD CAUSE OF ACTION**

4 **Violation of FEHA: Discrimination Based on Source of Income**

5 **(Gov. Code, § 12955, subd. (d))**

6 36. Plaintiff realleges and incorporates by reference all the preceding paragraphs of  
7 this Complaint as if fully set forth herein.

8 37. Government Code section 12955, subdivision (d), makes it unlawful “[f]or any  
9 person subject to the provisions of section 51 of the Civil Code . . . to discriminate against any  
10 person on the basis of... source of income.” Defendant is a person subject to the provisions of  
11 Civil Code section 51 and the Subject Property is a business establishment within the meaning of  
12 Civil Code section 51.

13 38. Defendants discriminated against Ms. Jefferson based on her source of income in  
14 violation of Government Code section 12955, subdivision (d) by refusing to accept her Section 8  
15 voucher on the same terms and conditions of her existing tenancy which would have enabled Ms.  
16 Jefferson to continue to rent the Subject Property.

17 **FOURTH CAUSE OF ACTION**

18 **Violation of FEHA: Discrimination Based on Source of Income**

19 **(Gov. Code, § 12955, subd. (k))**

20 39. Government Code section 12955, subdivision (k), makes it unlawful “[t]o  
21 otherwise make unavailable or deny a dwelling based on discrimination because of...source of  
22 income”.

23 40. Defendant discriminated against Ms. Jefferson based on her source of income in  
24 violation of Government Code section 12955, subdivision (k) by making the Subject Property  
25 unavailable to Ms. Jefferson.

26 **FIFTH CAUSE OF ACTION**

27 **Violation of the Unruh Act: Discrimination Based on Source of Income**

28 **(Civ. Code, § 51)**





1           5.       Award statutory damages under the Unruh Act, including damages of up to three  
2 times Real Party in Interest’s actual damages, but in no case less than \$4,000 for each and every  
3 violation of Civil Code section 51 by Defendants;

4           7.       Grant reasonable attorneys’ fees, expenses, and costs of the suit to Plaintiff  
5 pursuant to Government Code sections 12965, subdivision (c)(6) and 12989.2;

6           8.       Award interest on any monetary judgment; and,

7           9.       All such other relief as the Court deems just.

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Dated: September 13, 2024

CALIFORNIA CIVIL RIGHTS DEPARTMENT



NASSIM MOALLEM  
Staff Counsel  
Attorney for California Civil Rights Department

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**DEMAND FOR JURY TRIAL**

Plaintiff CRD hereby demands a trial by jury on all claims.

DATED: September 13, 2024

CALIFORNIA CIVIL RIGHTS DEPARTMENT



NASSIM MOALLEM  
Staff Counsel  
Attorney for California Civil Rights Department