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14 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**
15 **IN AND FOR THE COUNTY OF MARICOPA**

17 STATE OF ARIZONA, *ex rel.* MARK
18 BRNOVICH, the Attorney General, and the
19 CIVIL RIGHTS DIVISION OF THE
20 ARIZONA DEPARTMENT OF LAW,

21 Plaintiff,

22 vs.

23 BRENTWOOD SOUTHERN LLC, d/b/a
24 BRENTWOOD SOUTHERN
25 MANUFACTURED HOME COMMUNITY,
26 and KINGSLEY MANAGEMENT
CORPORATION,

Defendant.

Case No.: **CV2021-006809**

Complaint

(Jury Trial Requested)

1 Plaintiff, the State of Arizona, *ex rel.* Mark Brnovich, the Attorney General, and the
2 Civil Rights Division of the Arizona Department of Law (collectively, “the State”) alleges and
3 states, as follows:

4 **INTRODUCTION**

5 1. The State brings this public enforcement action under the Arizona Fair Housing
6 Act (“AFHA”), A.R.S. §§ 41-1491 to 41-1491.37, to correct an unlawful housing practice,
7 redress the injuries of an aggrieved party, and vindicate the public interest.

8 2. The State brings this public enforcement action because Defendants Brentwood
9 Southern L.L.C. d/b/a Brentwood Southern Manufactured Home Community and Kingsley
10 Management Corporation (collectively “Defendants”) discriminated against aggrieved party
11 Shelley Graves (“Graves”) by refusing to lease land in Defendants’ mobile home park to
12 Graves because of her disability, in violation of A.R.S. § 41-1491.19(A)(1), (B)(1).

13 3. Defendant further discriminated against Graves because of her disability by
14 refusing to make a reasonable accommodation to allow for Graves’ emotional support animal in
15 violation of A.R.S. § 41-1491.19(A)(1), (B)(1).

16 **JURISDICTION AND VENUE**

17 4. This Court has jurisdiction of this matter pursuant to A.R.S. § 41-1491.34(A).

18 5. Venue is proper in Maricopa County pursuant to A.R.S. § 12-401(17)

19 **PARTIES**

20 6. The Civil Rights Division (the “Division”) of the Arizona Department of Law is
21 an administrative agency of the State of Arizona established by A.R.S. § 41-1401 to administer
22 and enforce the provisions of the Arizona Civil Rights Act, A.R.S. § 41-1401, *et seq*, including
23 the AFHA.

24 7. The State brings this action on its own behalf and on behalf of Graves, an
25 aggrieved person under A.R.S. § 41-1491(1)(a).

26 8. Defendant Brentwood Southern, LLC (“Brentwood Southern”) is a Utah limited

1 liability corporation doing business in Arizona that owns and operates Brentwood Southern
2 Manufactured Home Community, a mobile home community located at 8103 East Southern
3 Avenue, Mesa, Arizona 85209.

4 9. Defendant Brentwood Southern is a person as defined by A.R.S. § 41-1491(9).

5 10. Defendant Kingsley Management Corporation (“Kingsley”) is a Utah for-profit
6 corporation doing business in Arizona that manages Brentwood Southern Manufactured Home
7 Community.

8 11. Defendant Kingsley Management Corporation is a person as defined by A.R.S. §
9 41-1491(9).

10 12. At all relevant times to the allegations in this Complaint, Defendants Brentwood
11 Southern LLC, and Kingsley Management Corporation jointly and severally employed Deborah
12 Senger as the Community Manager of Brentwood Southern Manufactured Home Community.

13 **GENERAL ALLEGATIONS**

14 13. On or about February 15, 2019, the owner of a mobile home located at 8103 E.
15 Southern Avenue, Unit #234, Mesa, Arizona 85209 (the “Subject Property”) notified
16 Defendants of her intent to sell the mobile home located the Subject Property.

17 14. The Subject Property is located on leased land in Brentwood Southern
18 Manufactured Home Community.

19 15. At all times relevant to the allegations in this Complaint, Defendant Brentwood
20 Southern owned the land upon which the Subject Property is located and controlled the
21 operations of the Brentwood Southern Manufactured Home Community.

22 16. At all times relevant to the allegations in this Complaint, Defendant Kingsley
23 managed the Brentwood Southern Manufactured Home Community and had authority to lease
24 the land upon which the Subject Property is located.

25 17. Both the Subject Property and the land on which it is located are dwellings within
26 the meaning of A.R.S. § 41-1491(7).

18. Graves is diagnosed with depression and anxiety and is a person with a disability

1 as defined by A.R.S. § 41-1491(5).

2 19. Graves uses a small poodle named Chase as an assistance animal to provide
3 emotional support and otherwise alleviate the symptoms of her disability.

4 20. On or about April 22, 2019, the owner of the Subject Property accepted Graves'
5 cash offer to purchase the Subject Property.

6 21. Graves' purchase of the Subject Property was contingent on Defendants accepting
7 her application to lease lot 234 in Brentwood Southern Manufactured Home Community; the
8 lot space upon which the Subject Property sits.

9 22. On or about April 22, 2019, Defendants' agent, Lori Blackenship
10 ("Blackenship"), provided Graves an application to lease lot 234 in Brentwood Southern
11 Manufactured Home Community. Blackenship informed Graves that the Subject Property was
12 located in a "no pet zone."

13 23. After being informed that the Subject Property was located in a "no pet zone,"
14 Graves left several messages for Defendants informing them that her dog is an emotional
15 support animal, and offering to provide letters from medical providers regarding her disability-
16 related need for an emotional support animal.

17 24. On or about April 28, 2019, Graves completed Defendants' resident application,
18 in order to lease the land on which the Subject Property is located.

19 25. On or about April 29, 2019, Graves presented Defendants' park manager Deborah
20 Senger ("Senger") with her completed resident application and letters from Graves' treating
21 medical providers stating that she suffers from health conditions and her emotional support
22 animal helps alleviate her symptoms.

23 26. Graves explained to Senger that Graves is disabled and she requires an emotional
24 support animal. Senger refused to consider Graves' request or accommodate her need for an
25 assistance animal and refused to accept Graves' resident application or medical documentation.

26 27. Senger denied that Graves' emotional support animal could be a "service animal"

1 because of the dog’s small size.

2 28. Senger refused to allow Graves to lease the lot on which the Subject Property sits
3 because Graves had a dog and the home was in a “no pet zone.”

4 29. Defendants’ denied Graves’ request for a reasonable accommodation for her
5 disability—to be allowed to lease lot 234 in Brentwood Southern Manufactured Home
6 Community with her emotional support animal, because the lot was within Defendants’ “no
7 pets zone.”

8 30. Defendants refused to lease to Graves because of her disability.

9 31. Graves’ emotional support animal is necessary for her disability.

10 32. Because of Defendants’ refusal to accommodation Graves’ disability and lease lot
11 234 to her, the Subject Property’s seller was not able to accept Graves offer for the Subject
12 Property.

13 33. The Subject Property was thereafter sold to a different individual.

14 34. On November 5, 2019, Graves timely filed a housing discrimination complaint
15 with the Division, in which she alleged that Defendants discriminated against her because of
16 her disability.

17 35. Pursuant to A.R.S. § 41-1491.29(A), the Division found reasonable cause to
18 believe that Defendants discriminated against Graves because of her disability by refusing to
19 lease land to her and by failing to grant a reasonable accommodation necessary for her
20 disability in violation of the AFHA.

21 36. The Division issued its Cause Finding on March 30, 2021, and since that time, the
22 State, Graves, and Defendants have not entered into a conciliation agreement, necessitating the
23 filing of this Complaint pursuant to A.R.S. §§ 41-1491.29(D) and 41-1491.24(A).

24 **COUNT I**

25 **Discrimination in Violation of A.R.S. § 41-1491.19(A)(1)**

26 **Discriminatory Housing Denial Based on Disability**

1 37. The State realleges and incorporates by reference the allegations contained in
2 paragraphs 1 through 36 of this Complaint.

3 38. Under A.R.S. § 41-1491.19(A)(1) it unlawful for a person to discriminate in the
4 sale or rental or to otherwise make unavailable or deny a dwelling to any buyer or renter
5 because of that person’s disability.

6 39. The Subject Property and the land on which it is located are dwellings as defined
7 in the AFHA.

8 40. Before applying to lease lot space from Defendants, Graves made an offer to
9 purchase the Subject Property and the owner of the Subject Property accepted Graves’ offer.
10 Graves was a qualified applicant who applied to purchase the Subject Property and lease land at
11 Defendants’ mobile home community.

12 41. Senger, acting as Defendants’ agent in the course and scope of her employment,
13 refused to accept Graves’ application and paperwork because of Graves’ disability and
14 disability-related need for an emotional support animal, thereby denying Graves a dwelling
15 because of her disability.

16 42. Defendants engaged in unlawful housing discrimination in violation of A.R.S. §
17 41-1491.19(A)(1) when they discriminated in the sale or rental of a dwelling and otherwise
18 made unavailable a dwelling to Graves because of her disability.

19 43. As a result of Defendants’ discrimination, Graves suffered actual and monetary
20 damages, including emotional distress damages, humiliation, embarrassment, inconvenience,
21 and loss of her rights under the AFHA. To remedy the effects of Defendants’ discrimination,
22 Graves is entitled to relief under A.R.S. §§ 41-1491.33 and 41-1491.34(C).

23 44. Punitive damages are appropriate because Defendants intentionally discriminated
24 against Graves because of her disability and Defendants acted with callous disregard of or
25 reckless indifference to Graves’ civil rights.

1 **COUNT II**

2 **Discrimination in Violation of A.R.S. §§ 41-1491.19(B)(1), (E)(2)**

3 **Discriminatory Housing Denial – Failure to Accommodate**

4 45. The State realleges and incorporates by reference the allegations contained in
5 paragraphs 1 through 44 of this Complaint.

6 46. Under A.R.S. § 41-1491.19(B)(1) it is unlawful for a person to discriminate
7 against any person in the terms, conditions or privileges of rental of a dwelling because of a
8 person's disability.

9 47. Graves is a person with a disability as defined in the AFHA, A.R.S. § 41-1491(5).

10 48. Under A.R.S. § 41-1491.19(E)(2) discrimination includes a refusal to make
11 reasonable accommodations in rules, policies, practices, or services if the accommodations may
12 be necessary to afford a person with a disability equal opportunity to use and enjoy a dwelling.

13 49. Upon information and belief, Defendants had a policy, rule, and/or practice of not
14 allowing pets at the location on which the Subject Property is located.

15 50. Graves requested a reasonable accommodation from Defendants to allow her to
16 lease the land on which the Subject Property is located in Brentwood Southern Manufactured
17 Home Community, and reside there with her emotional support animal, despite Defendants'
18 policy, rule, and/or practice of not allowing pets at the location on which the Subject Property
19 is located.

20 51. Defendants denied Graves' request for a reasonable accommodation, which was
21 necessary to afford Graves an equal opportunity to use and enjoy the dwelling of her choice.

22 52. Defendants engaged in unlawful housing discrimination in violation of A.R.S. §
23 41-1491.19(B)(1) when it failed to provide Graves with a reasonable accommodation to allow
24 Graves to reside on their property with an assistance animal.

25 53. As a result of Defendants' discrimination, Graves suffered actual and monetary
26 damages, including mental anguish, pain, suffering, emotional distress, humiliation,

1 embarrassment, inconvenience, and loss of her rights under the AFHA. To remedy the effects
2 of Defendants' discrimination, Graves is entitled to relief under A.R.S. §§ 41-1491.33 and 41-
3 1491.34(C).

4 54. Punitive damages are appropriate because Defendants intentionally discriminated
5 against Graves because of her disability and Defendants acted with callous disregard of or
6 reckless indifference to Graves' civil rights.

7 **PRAYER FOR RELIEF**

8 WHEREFORE, the State requests that this Court:

9 A. Enter judgment on behalf of the State, finding that Defendants violated the AFHA
10 by refusing to lease to Graves because of her disability.

11 B. Enter Judgment on behalf of the State, finding that Defendants violated the
12 AFHA when they refused to grant a reasonable accommodation for Graves to reside at the
13 Subject Property in Defendants' mobile home community because of her disability and
14 disability-related need for an emotional support animal.

15 C. Enter Judgment on behalf of the State, finding that Defendants violated the
16 AFHA when they refused to lease lot space in Defendants' mobile home community to Graves
17 because of her disability.

18 D. Permanently enjoin Defendants, their successors, assigns, and all persons in
19 active concert or participation with Defendants, from engaging in any housing practice that
20 discriminates on the basis of disability in violation of the AFHA.

21 E. Order Defendants to institute and carry out policies and practices that provide
22 equal housing opportunities for disabled persons by allowing them to lease lot space from
23 Defendants' regardless of their disabilities and by granting the reasonable accommodations
24 necessary to lease lot space.

25 F. Order Defendants to undergo training with respect to the duty to provide housing
26 to all individuals regardless of their disability and their duty to provide accommodations under

1 reasonable accommodation provision of the AFHA.

2 G. Order Defendants to make Graves whole for any damages suffered and award her
3 actual and punitive damages in amounts to be determined at trial pursuant to A.R.S. §§ 41-
4 1491.33 and 41-1491.34(C).

5 H. Issue an Order authorizing the State to monitor Defendant's compliance with the
6 ACRA;

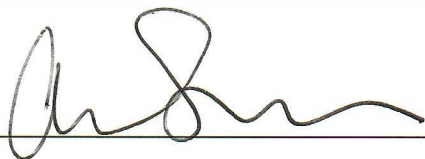
7 I. Award the State its taxable costs incurred in bringing this action; and

8 J. Grant such other and further relief as this Court may deem just and proper in the
9 public interest.

10
11 DATED this 26th day of April, 2021.

12
13 MARK BRNOVICH
14 Attorney General

15
16
17 By: _____


18 Angela Schultz
19 Leslie Ross
20 Attorneys for the State
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