

COPY

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12 IN THE SUPERIOR COURT OF THE STATE OF ARIZONA  
13 IN AND FOR THE COUNTY OF MARICOPA

14 THE STATE OF ARIZONA *ex rel.* TERRY  
15 GODDARD, the Attorney General; and THE  
16 CIVIL RIGHTS DIVISION OF THE ARIZONA  
17 DEPARTMENT OF LAW,

18 Plaintiff,

19 v.

20 INDO-AMERICAN CULTURAL &  
21 RELIGIOUS FOUNDATION OF ARIZONA, an  
22 Arizona non-profit corporation,

23 Defendant.

No. CV2006-016475

COMPLAINT  
(Non-classified Civil)

24 Plaintiff, the State of Arizona *ex rel.* Terry Goddard, the Attorney General, and the  
25 Civil Rights Division of the Arizona Department of Law (collectively the "State"), for its  
26 Complaint, alleges as follows:

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1 **INTRODUCTION**

2 The State brings this action pursuant to the Arizona Civil Rights Act (“ACRA”) to  
3 correct an unlawful practice by a place of public accommodation, to provide appropriate relief  
4 to an aggrieved person, and to vindicate the public interest. Specifically, the State brings this  
5 matter to redress the injury sustained by Freddy Saavedra (“Saavedra”), a person of Hispanic  
6 national origin.

7 **JURISDICTION AND VENUE**

8 1. The Civil Rights Division of the Arizona Department of Law is an administrative  
9 agency established by A.R.S. § 41-1401 to enforce the provisions of the Arizona Civil Rights  
10 Act, A.R.S. § 41-1401 *et seq.*

11 2. This Court has jurisdiction of this matter pursuant to A.R.S. § 41-1471(D).

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

13 **PARTIES**

14 4. At all relevant times, Defendant Indo-American Cultural & Religious Foundation  
15 of Arizona was an Arizona non-profit corporation authorized to conduct, and doing, business in  
16 Maricopa County, Arizona. Among other things, Defendant rents out its Hall to members of  
17 the general public and, by so doing, Defendant operates a place of public accommodation as  
18 defined in A.R.S. § 41-1441(2).

19 5. At all relevant times, Maria Benavides (“Benavides”) worked as Defendant’s Hall  
20 Manager and, in that capacity, accepted a reservation and security deposit from Saavedra to  
21 allow him to rent Defendant’s Hall. At all relevant times, Benavides was an actual or apparent  
22 agent and/or employee of Defendant.

23 6. At all relevant times, Harish Patel (“Patel”) acted as Benavides’ direct supervisor.  
24 At all relevant times, Patel was an actual or apparent agent and/or employee of Defendant.

25 7. The State brings this action on its own behalf and on behalf of Saavedra, who is  
26 an aggrieved person within the meaning of A.R.S. § 41-1471(A).

**BACKGROUND**

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2           8.     On May 10, 2005, Saavedra timely filed a complaint of discrimination with the  
3 State's Civil Rights Division, Compliance Section. In his complaint, Saavedra alleges that he  
4 was the victim of discrimination because of his national origin based on the following facts.

5           9.     On March 15, 2004, Saavedra's fiancée met with Benavides to sign the  
6 documents necessary to reserve Defendant's hall for March 12, 2005 and paid a \$750 deposit.  
7 Saavedra and his fiancée intended to use the hall for their wedding reception. Saavedra  
8 understood that he would be charged roughly \$3900 to rent the hall.

9           11.    In August 2004, Saavedra paid Benavides an additional \$500 toward the hall  
10 rental.

11           10.    On or about February 2, 2005, Patel accepted an application and \$1000 deposit  
12 from an individual of Indian descent who wished to rent the hall on March 12, 2005. The  
13 \$1000 included the security deposit and rental charge.

14           11.    Defendant cancelled Saavedra's reservation three weeks before his wedding  
15 reception, explaining that the cancellation was necessary because Defendant double-booked the  
16 hall.

17           12.    After the cancellation, Saavedra received \$500 of his deposit back from  
18 Benavides and \$500 from Defendant. Saavedra did not receive the remaining \$250.

19           13.    At the conclusion of the State's investigation, the State determined that there was  
20 reasonable cause to believe that Defendant discriminated against Saavedra because of his  
21 national origin by canceling his reservation in favor of a person of Indian national origin.  
22 Defendant also subjected Saavedra to different conditions and terms of rental than it did the  
23 person of Indian national origin.

24           14.    The State issued its Cause Finding on October 2, 2006, and since that time, the  
25 State, Saavedra and the Defendant have not entered into a Conciliation Agreement, and  
26 therefore the State files this Complaint pursuant to A.R.S. § 41-1471(D).

STATEMENT OF CLAIM

**(Discrimination in Violation of A.R.S. § 41-1441 and A.R.S. § 41-1442, Relating to  
Discrimination by a Place of Public Accommodation)**

15. The State realleges and incorporates by reference the allegations contained in paragraphs 1 through 14 of this Complaint.

16. The ACRA prohibits a place of public accommodation from discriminating against a person because of his or her national origin or ancestry.

17. Discrimination includes, but is not limited to, directly or indirectly withholding or denying accommodations, advantages, facilities or privileges because of a person's national origin or ancestry.

18. Discrimination also includes making a distinction in the price or quality of a good or service offered by a place of public accommodation because of a person's national origin or ancestry.

19. By canceling Saavedra's reservation in favor of a reservation for a person of Indian national origin, Defendant denied Saavedra use of the hall in violation of the ACRA.

20. The person of Indian descent rented Defendant's hall for roughly \$2900 less than Defendant intended to charge Saavedra. Upon information and belief, Defendant's decision to charge Saavedra more for his rental was motivated in whole or in part because of Saavedra's national origin or ancestry and/or Defendant charged the person of Indian descent less in whole or in part because of his Indian national origin.

21. As a result of Defendant's discriminatory conduct, Saavedra suffered damage and is entitled to compensation, and should be compensated, in an amount to be determined at trial pursuant to A.R.S. § 41-1472.

22. This action raises an issue of general public importance. Accordingly, the State is entitled to preventative relief, court costs, and, to vindicate the public interest, a civil penalty against Defendant of not more than \$5000, pursuant to A.R.S. § 41-1472.

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**PRAYER FOR RELIEF**

WHEREFORE, the State requests that this Court:

A. Enter judgment on behalf of the State, finding that Defendant unlawfully discriminated against Saavedra because of his national origin or ancestry in violation of the ACRA, A.R.S. § 41-1441 *et seq.*

B. Enjoin Defendant, its successors, assigns and all persons in active concert or participation with Defendant, from engaging in any practice that discriminates on the basis of national origin, ancestry, race, color religion, sex or disability in violation of the ACRA, A.R.S. § 41-1441 *et seq.*

C. Assess a statutory civil penalty against Defendant to vindicate the public interest in an amount pursuant to A.R.S. § 41-1472(B).

D. Order Defendant to make Saavedra whole for any damage suffered and award him actual damages in amounts to be determined at trial.

E. Order the State to monitor Defendant's compliance with the ACRA.

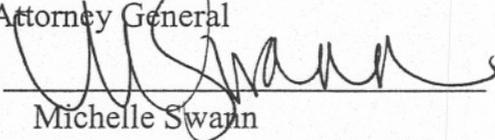
F. Award the State its costs incurred in bringing this action, including its court costs, and its costs in monitoring Defendant's future compliance with the ACRA.

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

Dated this 27th day of October, 2006.

TERRY GODDARD  
Attorney General

By

  
Michelle Swann

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