

## Re: Johnson / Hi Point 1522, LLC et al 202305-20745222

From: G Johnson (tainmount@sbcglobal.net)  
To: eliana.ruiz-marquez@calcivilrights.ca.gov  
Cc: shou.committee@senate.ca.gov; gavin@gavinnewsom.com; hud-pihrc@ardentinc.com; hudlosangelesoph@hud.gov; jameel.e.hill@hud.gov; maria.j.granata@hud.gov; albert.e.proctor@hud.gov  
Date: Thursday, September 28, 2023 at 10:32 AM PDT

Dear CRD and Governor Newsom:

Please provide me an exact copy of what you sent the Respondents as well as any cover letter you sent them.

I quote your email:

§ 10041. Drafting Housing Discrimination Complaints.

(a) With the exception of HUD-generated complaints, the department shall draft the language of each housing discrimination complaint filed with the department on a complaint form prescribed by the department. The complaint shall contain all the information identified in section 12980(a) of the Government Code, and section 10038 of these regulations, and set forth the allegations in ordinary and concise language of the department's choosing

My question is: You asked me to suggest any changes to the Complaint. Seems your procedure is interfering with my constitutional rights to redress my grievances to government officials. What section of the government code or regulations quoted gives you the authority to suggest I can make changes then lie to me that whatever changes I suggest have to be approved by you without giving any legal reference at the time, and then telling me that I am under duress to only sign a complaint that is written by you but not agreed to by me?

By a careful reading of the section below, CC regulations below, your position is a falsification and corruption of the record by a government official.

1. You have by your own words refused to consider my proposed modifications to the drafted Complaint.
2. By refusing to approve my modification to allegation #2, you have not set forth "all relevant facts, including pertinent dates, that indicate a causal connection between the protected basis and the act of discrimination alleged". You have chosen the language but NOT SET forth all the relevant facts because you have chosen to exclude allegation #2. Cal. Code Regs. Tit. 2, § 10041 (a)(2)
3. You also have not provided me the **reasons for your rejection** of the modified allegation #2, in view of your duty to include "all relevant facts". Cal. Code Regs. Tit. 2, § 10041. Sections (f) and (a)(2)
4. Pursuant to the claim for damages against the State of California, please restore allegation #2 to the complaint, as I have modified allegation #2. Cal. Code Regs. Tit. 2, § 10041.

I repeat here for you my modifications to allegation #2 because it complies with Code Regs. Tit. 2, § 10041 (a):

I believe I was subjected to differential treatment due to my race (African American) sex male, age (over 45) , and because I complained

On or about May 2023, I was denied the services, advantages, and privileges to have a keypad entry code, the ability to use the Akuvox control box outside of the building, as well as the Akuvox app, which is a smart phone based door entry system, which allows a tenant and guests to

enter the front door of the building by use of owner supplied smartphone and internet. I was also intentionally denied a tandem parking stall. I made similar requests to Meghan Hayner for the assignment to a tandem parking stall. I am aware of Caucasian white female tenants as well as tenants under the age of 45 who have a keypad entry code, use the Akuvox control box outside and receive the Akuvox app information via email from the owner, and have the privilege of a tandem parking stall. I then made a request to respondent Meghan Hayner to also be allowed to have these services, advantages, and privileges but intentionally was not given the information or allowed. I have been denied full and equal accommodations, advantages, facilities, privileges, or services no matter what my sex, race, color, religion, ancestry, national origin, disability, medical condition, genetic information, marital status, sexual orientation, citizenship, primary language, or immigration status. I have suffered retaliation because I complained.

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**Geary Juan Johnson  
1522 Hi Point St 9  
Los Angeles CA 90035**

Phone 323-807-3099

c: file Claim for Damages against the State of California

### **Cal. Code Regs. Tit. 2, § 10041 - Drafting Housing Discrimination Complaints**

(a) With the exception of HUD-generated complaints, the department shall draft the language of each housing discrimination complaint filed with the department on a complaint form prescribed by the department. The complaint shall contain all the information identified in section 12980(a) of the Government Code, and section 10038 of these regulations, and set forth the allegations in ordinary and concise language of the department's choosing, identifying the following in the body of the complaint:

- (1) the protected basis or bases for the complaint;
- (2) all relevant facts, including pertinent dates, that indicate a causal connection between the protected basis and the act of discrimination alleged;
- (3) the reason or reasons the housing provider gave the complainant to explain why the housing benefit was denied; and
- (4) the sections of the Government or Civil Code alleged to have been violated.

(b) The department may omit a complainant's address, telephone number, and e-mail address on any complaint alleging that the complainant has been subjected to violence or threats of violence including, but not limited to, sexual assault.

(c) The department shall liberally construe the facts alleged by a complainant when drafting a complaint of housing discrimination and include all relevant claims supported by the alleged facts. Once drafted, a complaint may be verified by a complainant in person or sent to the complainant for verification via U.S. mail, facsimile transmission, e-mail, or other electronic means. When requested in writing by an attorney or advocacy organization representing the complainant, the drafted complaint shall be sent to the attorney or advocacy organization to obtain the complainant's verification.

(d) The filing date of a complaint shall be the date a DFEH office receives a verified complaint, regardless of whether the complaint is verified by the complainant in the office or the complaint is verified elsewhere and transmitted to the office via United States (U.S.) mail, electronically, private carrier mail (e.g., FedEx), facsimile, or hand delivery. Where a complainant cannot verify

a complaint for investigation before the applicable statute of limitations runs, the department shall file the unverified complaint and accept it as received before the statute of limitations runs. Notwithstanding the foregoing, the department shall obtain a verified complaint before it is served.

(e) No complaint may be filed after the expiration of one year from the date upon which the alleged unlawful practice occurred, except that this period may be extended as set forth in section 10052 of the department's regulations.

(f) Any complainant, complainant's attorney, or advocacy organization may propose modifications to the unverified complaint. The department shall consider the proposed modifications and, if accepted, draft a new complaint which may be verified by the complainant in person or sent to the complainant for verification. When requested by an attorney or advocacy organization representing the complainant, the modified complaint shall be sent to the attorney or advocacy organization for review and to obtain the complainant's verification. When modifications are not accepted, the department shall in writing notify the complainant and the complainant's attorney or advocacy organization, if any, of the reasons for rejection and send to the complainant via U.S. mail, facsimile transmission, e-mail, or other electronic means another copy of the original complaint for verification.

## Notes

Cal. Code Regs. Tit. 2, § 10041

Note: Authority cited: Section 12930(e), Government Code. Reference: Sections 52(f) and 54.3(b), Civil Code; and Sections 12930(f)(1)-(2), 12955(d) and 12980(a)-(b), Government Code.

1. New section filed 9-7-2011; operative 10-7-2011 (Register 2011, No. 36).
2. Amendment of subsection (a), new subsections (d)-(e), subsection relettering and amendment of Note filed 10-27-2014 as an emergency; operative 10/27/2014 (Register 2014, No. 44). A Certificate of Compliance must be transmitted to OAL by 4-27-2015 or emergency language will be repealed by operation of law on the following day.
3. Certificate of Compliance as to 10-27-2014 order transmitted to OAL 4-20-2015 and filed 6-2-2015 (Register 2015, No. 23).
4. Amendment of subsections (c), (d) and (f) filed 8-31-2017; operative 10/1/2017 (Register 2017, No. 35).

On Thursday, September 21, 2023 at 11:16:20 AM PDT, Ruiz-Marquez, Eliana@CalCivilRights <eliana.ruiz-marquez@calcivilrights.ca.gov> wrote:

Good morning,

As mentioned in a previous email, we proceeded with serving the complaint you sent us on August 28, 2023. However, the Respondents will only be required to respond to allegation #1 since allegation #2, as drafted by CRD, has been crossed out. In that same email, I also relayed that CRD will not investigate your revision of allegation #2 because it was not drafted by the department and not of CRD's choosing. See the procedural regulation below.

§ 10041. Drafting Housing Discrimination Complaints.

(a) With the exception of HUD-generated complaints, the department shall draft the language of each housing discrimination complaint filed with the department on a complaint form prescribed by the department. The complaint shall contain all the information identified in section 12980(a) of the Government Code, and section 10038 of these regulations, and set forth the allegations in ordinary and concise language of the department's choosing...

**Eliana Ruiz-Marquez | Associate Governmental Program Analyst**  
**California Civil Rights Department | [www.calcivilrights.ca.gov](http://www.calcivilrights.ca.gov)**  
(Formerly Department of Fair Employment and Housing)  
**2218 Kausen Drive, Suite 100 | Elk Grove, CA 95758**  
Mobile: 916-708-0854 | Fax: 888-519-5917  
**[Eliana.Ruiz-Marquez@calcivilrights.ca.gov](mailto:Eliana.Ruiz-Marquez@calcivilrights.ca.gov)**



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**From:** G Johnson <tainmount@sbcglobal.net>  
**Sent:** Thursday, September 21, 2023 10:24 AM  
**To:** Ruiz-Marquez, Eliana@CalCivilRights <eliana.ruiz-marquez@calcivilrights.ca.gov>  
**Subject:** CRD Case Johnson / Hi Point 1522, LLC et al 202305-20745222

Dear CRD:

I have received your email of September 21 which references the email below. I did not see your email of September 11 below until today because of the confusing chain of emails and the effects of my disabilities.

I am not sure of the "stage" of the investigation because the last I heard was that that you were hesitant to forward the signed complaint to the Respondents. Are you suggesting proceeding without a signed complaint sent to the Respondents?

I would like a determination on the merits. **I remind you that California recognizes continuing violations**, and since I am still a paying tenant with a rent agreement relationship with the Respondents.

The emails forwarded to you indicate the dollar damage amount as \$1 million dollars based on previous DFEH similar cases and awards. That is how I arrived at the \$1 Million Dollars. I have additionally paid about \$90,000 in rent money since 2019 to the current owner. The value of tandem parking at this location is \$200/ month time 12 months x 4 years = \$9600 according to the City of Los Angeles; the owner states the value of tandem parking as \$50 per month x 4 years is \$2400.00. The value of the intercom would have to be prorated because it is normally included in the rent amount, although recently there is some evidence there would be a cost incurred outside the rent agreement which would come to about \$75.00 per month as the stated value based on the conduct of the owner.

I would like a decision on the merits that the reasonable request be approved particularly on the grounds the respondents have not replied to my inquiries in a reasonable time frame to avoid my claims of retaliation. Failure of the Respondents to respond and engage in an interactive process means the request has been denied and discrimination has occurred.

Not interested in mediation. I still reserve the right to file a new complaint for any issues that the CRD has said it refuses to address in the signed complaint.

A refusal to participate in mediation is not considered a refusal to engage in the required interactive process, which has been ignored by the Respondents.

There is no waiver of any of the other claims in the signed complaint in this matter.

**Geary Juan Johnson**  
1522 Hi Point St 9  
Los Angeles CA 90035  
Phone 323-807-3099

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**From:** Ruiz-Marquez, Eliana@CalCivilRights  
**Sent:** Monday, September 11, 2023 5:03 PM  
**To:** G Johnson <[tainmount@sbcglobal.net](mailto:tainmount@sbcglobal.net)>  
**Subject:** Johnson / Hi Point 1522, LLC et al 202305-20745222

Good afternoon,

At this stage of the investigation, the Department seeks to provide Complainants and Respondents with the opportunity to resolve a complaint voluntarily without a determination as to its merits. If you are interested in Mediation, please advise. Also, please provide a breakdown of your specific requests for monetary settlement and/or affirmative relief.

When it comes to your demands to resolve this matter, they must be reasonable that the Respondents are willing to negotiate a settlement with you at this stage of the investigation and something CRD can enforce. Below are some suggestions that others have requested and that CRD can enforce:

- For the reasonable accommodation request to be approved
- For the Respondents to attend Fair Housing training so that they can be educated on all Fair Housing laws; specify who is to attend the training
- To implement a discrimination policy if one isn't already in place
- Monetary compensation: if this type of demand is requested, **we do need an exact dollar amount and how you came to that amount**

This information will be relayed to the Respondents for a possible no-fault settlement. Please advise of your response to **both mediation and conciliation** on or before Friday, September 15, 2023 in order for us to proceed with the next step.

**Eliana Ruiz-Marquez | Associate Governmental Program Analyst**  
[California Civil Rights Department](http://California Civil Rights Department) | [www.calcivilrights.ca.gov](http://www.calcivilrights.ca.gov)  
(Formerly Department of Fair Employment and Housing)  
[2218 Kausen Drive, Suite 100 | Elk Grove, CA 95758](http://2218 Kausen Drive, Suite 100 | Elk Grove, CA 95758)  
Mobile: 916-708-0854 | Fax: 888-519-5917  
[Eliana.Ruiz-Marquez@calcivilrights.ca.gov](mailto:Eliana.Ruiz-Marquez@calcivilrights.ca.gov)

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