

**UNITED STATES DISTRICT COURT  
DISTRICT OF MAINE**

UNITED STATES OF AMERICA,

Plaintiff,

v.

No.

METHUSELAH TREE, LLC,  
ROBERT ROSS, RLR ENTERPRISES,  
BRIAN BENNETT, AND HENRY IRVIN  
INVESTMENTS, LLC,

Defendants.

**COMPLAINT**

The United States of America brings this action to enforce Title VIII of the Civil Rights Act of 1968, as amended (the “Fair Housing Act” or “FHA”), 42 U.S.C. §§ 3601-3619, on behalf of Deserea Debrienza, pursuant to 42 U.S.C. § 3612(o), and alleges as follows:

**JURISDICTION AND VENUE**

1. This Court has jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1345, and 42 U.S.C. § 3612(o).

2. Venue is proper under 28 U.S.C. § 1391(b) because Defendants Robert Ross and Brian Bennett reside in Maine, Defendants Methuselah Tree, LLC (“Methuselah”), RLR Enterprises, LLC (“RLR”), and Henry Irvin Investments, LLC (“Henry Irvin”) were incorporated in Maine, and a substantial part of the events or omissions giving rise to the claim occurred in Maine. Venue is further proper as

Defendants Methuselah and Henry Irvin owned and rented real property in Maine, including the Subject Properties, at all times relevant to this Complaint.

### **PARTIES AND SUBJECT PROPERTY**

3. Plaintiff is the United States of America.

4. Defendant Methuselah was a Maine LLC that owned and operated 2 River Street, Apartment Number 4 in Lewiston, Maine (“Subject Property 1”) at all times relevant to this Complaint.

5. Defendant RLR was a Maine LLC. Defendant Ross was the sole member of Defendant RLR at all times relevant to this Complaint.

6. At all times relevant to this Complaint, Defendant Methuselah employed Defendants RLR and Ross as the onsite property manager of Subject Property 1.

7. Defendant Henry Irvin was a Maine LLC that owned and operated 61 River Street, Apartment Number 3 in Lewiston, Maine (“Subject Property 2”) at all times relevant to this Complaint. Subject Property 1 and Subject Property 2 are referred to herein as the “Subject Properties.”

8. At all times relevant to this Complaint, Defendant Henry Irvin employed Defendants RLR and Ross as the onsite property manager of Subject Property 2.

9. The Subject Properties are each a “dwelling” as defined by the Act. 42 U.S.C. § 3602(b); 24 C.F.R. § 100.20.

10. Defendant RLR employed Defendant Bennett to perform maintenance services at the Subject Properties at all times relevant to this Complaint.

11. Ms. Debrienza identifies as female and was a tenant residing at Subject Property 1 from on or about April 4, 2019, until on or about July 1, 2020. She resided at Subject Property 2 from on or about July 1, 2020, until on or about August 20, 2020.

**ALLEGATIONS REGARDING DEFENDANTS'  
SEXUAL HARASSMENT OF MS. DEBRIENZA**

**Ms. Debrienza's tenancies at the Subject Properties**

12. On or around April 4, 2019, Ms. Debrienza's mother signed a one-year lease agreement with Cedar River LLC for Subject Property 1. Ms. Debrienza began residing at Subject Property 1, a two-bedroom apartment, with her mother, two sisters, her brother, her daughter, and her son.

13. Shortly thereafter, Cedar River LLC signed an Exclusive Option to Purchase Agreement and Maine Residential Lease Agreement with Defendant Methuselah for Subject Property 1.

14. On or around October 1, 2019, Defendant Methuselah contracted with Defendant RLR through its sole member, Defendant Ross, to provide property management services at Subject Property 1.

15. On November 5, 2019, Ms. Debrienza signed a one-year lease agreement with Defendant Methuselah for Subject Property 1.

16. On or around June 1, 2020, Defendant Ross suggested that Ms. Debrienza and her family move to Subject Property 2, a four-bedroom apartment, which he also managed. Ms. Debrienza agreed to move to Subject Property 2, because it had more space for her family compared to Subject Property 1.

17. On or around June 1, 2020, Ms. Debrienza and her family began to move into Subject Property 2, prior to signing a lease agreement. On July 1, 2020, she signed a

one-year lease agreement with Defendant Henry Irvin for Subject Property 2 and resided there until on or around August 20, 2020.

**Ms. Debrienza's allegations of sexual harassment**

18. After Defendant Methuselah contracted with Defendant RLR for the management of Subject Property 1, Ms. Debrienza was subjected to repeated and unwanted sexual statements and contact.

19. More specifically, between October 1, 2019, and July 24, 2020, Defendants Ross and Bennett engaged in a continuing and egregious pattern of quid pro quo and hostile environment sexual harassment toward Ms. Debrienza at the Subject Properties. This conduct took many forms, but broadly can be broken into inappropriate sexual comments and unwanted sexual contact.

20. The harassment towards Ms. Debrienza began as inappropriate sexual comments. More specifically, between October 1, 2019, and July 24, 2020, Defendant Bennett made numerous sexually harassing comments toward Ms. Debrienza, including remarks about her breasts and buttocks. On at least one occasion, Defendants Ross and Bennett urged Ms. Debrienza to press her breasts against the glass window of her apartment.

21. Between October 1, 2019, and July 24, 2020, Defendant Ross also requested sexual acts from Ms. Debrienza in exchange for money. On at least one occasion, Defendant Bennett offered Ms. Debrienza a fifty-percent discount on rent in exchange for sexual intercourse.

22. On another occasion, Defendant Bennett stood below the porch of Ms. Debrienza's apartment and stared upwards to look up her shorts and later commented on her underwear.

23. As set forth below, during Defendant Bennett's and Defendant Ross's visits to the Subject Properties, they also made unwanted sexual contact with Ms. Debrienza.

24. Between June 1, 2020, and July 24, 2020, Defendant Ross subjected Ms. Debrienza to unwanted touching and groping on several occasions, including touching her breasts and buttocks, and wrapping his arms around her body, despite her protests. Defendant Ross also slapped Ms. Debrienza's buttocks while she was on the stairs.

25. On multiple occasions between June 1, 2020, and July 24, 2020, Defendant Bennett pinned Ms. Debrienza against walls or sinks in her apartment. On one such occasion, Defendant Bennett said to her, "I have done so much work on your unit. You owe me."

26. Though she had previously refrained from reporting incidents of harassment to the police for fear of retaliation, on or around July 7, 2020, Ms. Debrienza contacted Pine Tree Legal Assistance seeking assistance to stop the harassment by Defendants Ross and Bennett that she had experienced.

27. On July 9, 2020, Ms. Debrienza filed a police report with the Lewiston Police Department, which recounted numerous incidents of harassment by both Defendants Ross and Bennett. On the same date, she also filed Complaints for Protection from Abuse with the Lewiston District Court against Defendants Ross and Bennett. In her Complaints, Ms. Debrienza recounted numerous incidents of harassment.

28. On July 24, 2020, the Lewiston District Court issued two Orders of Protection from Abuse, one each against Defendants Ross and Bennett. Each Order prohibited Defendants Ross and Bennett from having any contact with Ms. Debrienza.

29. On August 4, 2020, Defendant Ross was interviewed by the Lewiston Police Department and admitted physical contact occurred, specifically, that he had grabbed and hugged Ms. Debrienza. Defendant Ross also admitted that he had slapped Ms. Debrienza's buttocks, saying that he had done so to urge her to race up the stairs faster.

30. The Lewiston Police Department also interviewed Defendant Bennett on August 4, 2020. He stated that he had performed work on the Subject Properties since approximately April. He admitted that he and Defendant Ross would, on occasion, yell "boobs on glass." Defendant Bennett stated that he and Defendant Ross had pursued a relationship with Ms. Debrienza. Defendant Bennett admitted that he might have touched Ms. Debrienza's buttocks on one occasion when she was running down the stairs.

31. Defendants Ross and Bennett's conduct was particularly egregious because Ms. Debrienza was in a vulnerable position when she and her family entered into the leases for the Subject Properties. She had limited resources but required housing for her family, including her two children.

32. Ms. Debrienza had initially refrained from reporting the numerous incidents described in this Complaint for fear of retaliation.

33. At the same time, Defendants' actions made Ms. Debrienza fear being home by herself, and she did not feel safe continuing to live at either of the Subject Properties.

34. No longer able to tolerate the harassment, on or around August 20, 2020, Ms. Debrienza vacated Subject Property 2. Ms. Debrienza and her family were without permanent housing for the next four months. She and her family moved between a tent, a hotel room, and living with a family friend before finally finding permanent housing.

35. Defendants Ross and Bennett's above-described conduct caused Ms. Debrienza to suffer humiliation, fear, anxiety, and emotional distress. She also suffered economic damages and loss of a housing opportunity.

36. On January 10, 2022, Defendant Ross pleaded guilty to Assault against Ms. Debrienza for offensive physical contact. A copy of the criminal judgment and commitment is attached hereto as Exhibit A and adopted by reference. Fed. R. Civ. P. 10(c).

### **HUD ADMINISTRATIVE PROCESS**

37. On June 11, 2021, Ms. Debrienza timely filed a housing discrimination complaint ("HUD Complaint") with the United States Department of Housing and Urban Development ("HUD"). The HUD Complaint alleged, among other things, that Defendants discriminated on the basis of sex in violation of the Fair Housing Act, 42 U.S.C. §§ 3601-3619.

38. Pursuant to 42 U.S.C. § 3610(a) and (b), the Secretary of HUD conducted and completed an investigation of the HUD Complaint, attempted conciliation without success, and prepared a final investigative report. Based on the information gathered

during the investigation, the Secretary determined, pursuant to 42 U.S.C. § 3610(g)(1), that reasonable cause existed to believe that illegal discriminatory housing practices had occurred.

39. On April 11, 2024, the Secretary issued a Charge of Discrimination, pursuant to 42 U.S.C. § 3610(g)(2)(A), charging Defendants with engaging in discriminatory housing practices on the basis of sex.

40. On May 3, 2024, Ms. Debrienza elected to have the claims asserted in HUD's Charge of Discrimination resolved in a civil action, pursuant to 42 U.S.C. § 3612.

41. On May 6, 2024, an Administrative Law Judge issued a Notice of Election to Proceed in United States Federal District Court and terminated the administrative proceeding on the HUD Complaint.

42. Following the Notice of Election, the Secretary of HUD authorized the Attorney General to commence a civil action pursuant to 42 U.S.C. § 3612(o). In a matter referred to the Attorney General through a Notice of Election, a court may grant a "permanent or temporary injunction, temporary restraining order, or other order" against the defendant, and is also authorized to award actual and punitive damages. 42 U.S.C. §§ 3612(o)(3); 3613(c)(1).

**CLAIM FOR RELIEF: VIOLATION OF THE FAIR HOUSING ACT**

43. The United States re-alleges and incorporates by reference the allegations set forth above.

44. By the conduct described above, Defendants:

- a. Denied housing or otherwise made housing unavailable because of sex, in violation of 42 U.S.C. § 3604(a);

- b. Discriminated in the terms, conditions, or privileges of the rental of a dwelling, or in the provision of services or facilities in connection therewith, because of sex, in violation of 42 U.S.C. § 3604(b);
- c. Made statements with respect to the sale or rental of a dwelling that indicated preferences, limitations, and discrimination based on sex, or an intention to make such preference, limitation, and discrimination, in violation of 42 U.S.C. § 3604(c); and
- d. Coerced, intimidated, threatened, or interfered with persons in the exercise or enjoyment of, or on account of their having exercised or enjoyed, rights granted or protected by 42 U.S.C. § 3604, in violation of 42 U.S.C. § 3617.

45. Defendant Ross and Defendant Bennett's discriminatory conduct occurred while they and Defendant RLR were exercising their authority as employees/agents of Defendant Methuselah at Subject Property 1 and were aided by the existence of that agency relationship. Defendant Methuselah is therefore vicariously liable for Defendant Ross's, Defendant Bennett's, and Defendant RLR's conduct from October 1, 2019, to June 1, 2020.

46. Defendant Ross and Defendant Bennett's discriminatory conduct occurred while they and Defendant RLR were exercising their authority as employees/agents of Defendant Henry Irvin at Subject Property 2 and were aided by the existence of that agency relationship. Defendant Henry Irving is therefore vicariously liable for Defendant Ross's, Defendant Bennett's, and Defendant RLR's conduct from June 1, 2020, to July 24, 2020.

47. Defendant Ross and Defendant Bennett's discriminatory conduct occurred while they were exercising their authority as employees/agents of Defendant RLR at the Subject Properties and were aided by the existence of that agency relationship.

Defendant RLR is therefore vicariously liable for Defendant Ross's and Defendant Bennett's conduct from October 1, 2019, to July 24, 2020.

48. Ms. Debrienza is an "aggrieved person," as defined in 42 U.S.C. § 3602(i), and has suffered damages as a result of Defendants' discriminatory conduct.

49. Defendants' discriminatory conduct was intentional, willful, and taken in reckless disregard of the rights of Ms. Debrienza.

#### **PRAYER FOR RELIEF**

WHEREFORE, the United States prays for relief as follows:

- a. Declare that Defendants Methuselah Tree, LLC, Robert Ross, RLR Enterprises, LLC, Brian Bennett, and Henry Irvin Investments, LLC violated the Fair Housing Act, 42 U.S.C. §§ 3601-3619;
- b. Enjoin Defendants, including their agents, employees, and successors, and all other persons in active concert or participation with Defendants, from:
  - i. Engaging in discrimination on the basis of sex in any aspect of the rental or lease of a dwelling;
  - ii. Engaging in discrimination on the basis of sex in the terms, conditions, or privileges of rental of a dwelling, or in the provision of services or facilities in connection therewith;
  - iii. Making, printing, or publishing, or causing to be made, printed, or published any notice, statement, or advertisement, with respect to the

- sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on sex in violation of 42 U.S.C. § 3604(c);
- iv. Coercing, intimidating, threatening, or interfering with persons in the exercise or enjoyment of, or on account of their having exercised or enjoyed, their rights granted or protected by 42 U.S.C. § 3604;
  - v. Failing or refusing to take such affirmative steps as may be necessary to restore, as nearly as practicable, Ms. Debrienza to the position she would have been in but for the discriminatory conduct; and
  - vi. Failing or refusing to take such affirmative steps as may be necessary to prevent the recurrence of any discriminatory conduct in the future;
- c. Permanently enjoin Defendants Ross and Bennett from engaging in any property-related activities that involve, or may involve, personal contact with tenants or prospective tenants at any residential rental property;
  - d. Award monetary damages to Ms. Debrienza pursuant to 42 U.S.C. §§ 3612(o)(3) and 3613(c)(1); and
  - e. Award any other legal and equitable relief that the Court finds to be just and proper.

Dated: June 3, 2024  
Bangor, Maine

Respectfully submitted,

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