

DANA PARSONS / ORANGE COUNTY

## Rental ad twisted into battle over bias

Dana Parsons

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You need to be ever-watchful, because they are watching you. Make one false move — no matter how innocuous — and they'll get you.

Don't take my word for it. Ask Daniel Bader, a 55-year-old Newport Beach entrepreneur and commercial real estate broker.

"I find it kind of interesting how it kind of came looking for me," Bader says. "I didn't go looking for trouble; it found me."

We could be talking about any of life's various vexations, but for today let's zero in on the Fair Housing Council of Orange County and the state Department of Fair Employment and Housing, both of which have Bader rotating on the spit for an apartment rental ad he placed last summer on Craigslist, the online emporium for just about anything.

He owns a 1,300-square-foot upstairs-downstairs building on Coronado Street on Balboa Peninsula. It sounds like a fancy address, but it isn't. The rental space in question is roughly 430 square feet, but because it's close to the beach he can get \$1,800 a month for it.

Last summer, he posted ads on Craigslist that listed the apartment as "well-suited for 1 or 2 professional adults" and "perfect for 1 or 2 professional adults."

*Huge* mistake.

The Orange County housing council, while making a sweep of Craigslist for discriminatory ads, cited Bader for violating state law that, among other things, prohibits indicating "any preference" based on race, color, religion, sex, sexual orientation, marital status, national origin, ancestry and familial status, source of income or disability.

"In terms of familial status," a council official says, "when he says it was well-suited for two professional adults, it sort of implies an indication that this would be for older people, two professional people, and it leans in that direction."

Sort of implies? An indication? Leans in that direction?

Why couldn't it be interpreted as nothing more than a heads-up? A mere suggestion for people plowing through tons of ads?

Or, more to the point, why couldn't it be interpreted as nothing at all? As nothing more

than mundane language that anybody might put in an ad?

"When [the law] says preference, it means *any* preference," says council official Joel Ibanez. "The ad discourages, in terms of, say, a single-parent female. It suggests a preference, and that's the problem."

The irony of that, which Ibanez may not know, is that one of Bader's former renters was a single-parent female with a teenage daughter. Another renter was a family with two children. His current renters are a couple in their 20s who indicated they might bring a baby into the world at some point.

This dust-up would be just that and nothing more if it weren't that Bader has been asked to pay \$4,000 in council costs relating to the investigation and distribution of 90 fliers in the neighborhood describing rental rules. The council also wants him to take a two-hour class on fair housing rules, Bader says.

"It borders on ludicrous, if not ludicrous," he says. "To me, it's legal extortion."

Last week, Bader met with two state Department of Fair Employment and Housing officials serving as go-betweens of sorts for Bader and the Orange County council. The ranking member of that twosome, district administrator Belinda Brown, told me she couldn't discuss the matter because it was pending.

Bader says Brown and her colleague were "very nice ladies" who told him they had reviewed his references and agreed that he didn't appear to have a history of discrimination. However, Brown told him his ad violated the statute.

Bader says he argued the ad could be read multiple ways, that neither Brown nor her colleague were lawyers, and that in his opinion, the ad didn't state a preference. Brown said her position was that it did, Bader says.

They mentioned the suggested payment of \$4,000. Bader said he countered with an agreement to take the class, biting his tongue as he said it. The two women left the room and returned in a few minutes to say his offer was rejected, but that he could make another offer.

When I talked to Bader Wednesday afternoon, he said he'd faxed his latest offer: \$3.29.

How'd he arrive at that? "The same way they came up with their figure," he says. "Belinda said because I hadn't shown a pattern of discrimination, that mitigates the damage. In my mind, it mitigated it down to \$3.29."

Ibanez says the \$4,000 figure was calculated to match his office's costs. He also said that because Bader has a real estate license, he should have known about improper ads.

Bader says he has never rented any residential property other than this one. He says he's

had his license for only a couple of years and got into commercial property brokerage only a year ago. Before that, he says, he worked in the mortgage and computer industries.

I asked Ibanez what happens if Bader continues to balk. He says Brown's office can take it to the state housing commission, or the Orange County council can take Bader to court. Ibanez concedes the ad itself isn't blatant and says of a possible jury trial: "I doubt we'd go to that degree."

Uh, yeah.

I think Ibanez believes in the integrity of his position, saying "we have to be able to keep things open to the community." He justifies hitting someone up for \$4,000 on a matter like this because of the staff time put into the case.

What seems crazy to me seems justifiable to him.

I ask how far he'll take it. "I'm one of those people who will fight when it comes to principle," Bader says. "I don't discriminate, period."

Knowing Bader wants to get it over with, I asked Ibanez to make another offer, through me.

In reply, Ibanez cited a just-settled case in which a man under similar circumstances agreed to pay \$2,500 and to take the annual training course for five years.

Over the phone, I ran the offer by Bader. He laughed.

Or was he crying?

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