

October 23, 2018

Final Investigative Report

Case Name: Michael & Marinela Velasquez v. Highland Glen of Clearwater HOA, Inc., et al.

Case Number: 04-18-2707-8

I. Jurisdiction

A complaint was filed with HUD on May 30, 2018 alleging that the complainant(s) was injured by a discriminatory act. It is alleged that the respondent(s) was responsible for: Discriminatory terms, conditions, privileges, or services and facilities; and Discriminatory refusal to sell. It is alleged that the respondent(s)'s acts were based on National Origin; and Handicap. The most recent act is alleged to have occurred on April 10, 2018, and is continuing. The property is located at: 1514 Talisker Dr. , Clearwater, FL 33755. The property in question is not exempt under the applicable statutes. If proven, the allegation(s) would constitute a violation of Sections 804b or f, and 804a or f of Title VIII of the Civil Rights Act of 1968 as amended by the Fair Housing Act of 1988.

It is not known if the respondent(s) receive federal funding.

II. Parties and Aggrieved Persons

A. Complainant(s)

Michael Velasquez
5549 Harborside Dr.
Tampa, FL 33615

Marinela Velasquez
5549 Harborside Dr.
Tampa, FL 33615

Complainant Allegations

Michael Velasquez (CP1) and Marinela Velasquez an Albanian female (CP2) a couple that was interested in purchasing a home located at 1514 Talisker Dr., Clearwater, FL 33755. The home is owned by Kyle Cey (AP1) and Stephanie Benson (AP2). The property is governed by Highland Glen Homeowners Association, Inc., (R1), with a President by the name of Karen Todd (R2).

CPs states they were due to close on their new home on April 13, 2018. CPs state on April 10, 2018, they met with R2 at a Starbucks location in what they thought was a welcome to the neighborhood/get to know each other meeting. However, it was the exact opposite. CPs state once R2 inquired about R1s employment and learned he was a disabled Veteran the vibe of the conversation turned into bad vibes. CPs state R2 repeatedly stated ALL of the things CPs would NOT be able to do (no stepping over the property line into the neighbor's yards, no kids are forbidden to cross the property line, same goes for any type of house animal they may have). CPs state she kept mentioning that maybe they would decide not to move there after she would tell us about all of the restrictions. CPs state R2 totally disregarded CP2 and any questions CP2 would ask R2 would disregard as if she was not even there.

CPs state R2 went on a rampage when CP1 mentioned during a casual conversation that he might brew beer in the garage. CPs state R2 said he could not do that and that she does not want someone stinking up the neighborhood. CPs state when R2 made that statement CP1 asked if she had the same feeling towards people using grills. CPs state R2 started shaking, stood up from her chair and raised her voice stating "she is the President and she decides who gets to live in the community". CPs state she went on saying that she does not like CPs and had a bad feeling about

them and therefore would not approve their application. CP2 asked R2 was she being a little too subjective and R2 replied, "Yes, I'm being subjective" and grabbed her belongings and left.

CPs state the official denial stated, "during the initial interview you communicated that you would break the rules of the Association if you lived at Highland Glen." CPs state this is not true. CPs state they signed an application stating they would abide by all rules and regulations set by R1.

CPs believes that the Respondent's actions constitute a violation of the Fair Housing Laws.

B. Other Aggrieved Persons

Kyle, Owner Cey
1514 Talisker Dr.
Clearwater, FL 33755

Stephanie, Owner Benson
1514 Talisker Dr.
Clearwater, FL 33755

C. Respondent(s)

Highland Glen of Clearwater HOA, Inc., et al.
c/o Ameri-Tech Realty, Inc., Registered Agent
102
24701 US Hwy 19 N.
Clearwater, FL 33763

Karen, President Wood
Highland Glen of Clearwater HOA, Inc., et al.
c/o Ameri-Tech Realty, Inc., Registered Agent
102
24701 US Hwy 19 N.
Clearwater, FL 33763

Respondent Defenses

The respondent stated, "It is respondents position that during the April 10, 2018 meeting complainants advised respondent of their disagreement with being governed by use restrictions for property in which they would own.....Respondent, Karen Todd, then discussed the meeting with the remaining members of the board of the association and the board came to the decision to disapprove the complainants application for occupancy within the community." (C-1)

D. Witnesses

Cindy Hoover
RE/MAX BY THE BAY

Tim Hendrix
Ameri-Tech Comm. Mgmt., Inc.
24701 US Hwy 19 N.

ste. 102
Clearwater, FL 33763

III. Case Summary

A. Interviews

Complainant Velasquez, Michael
Date of Interview: July 18, 2018
Type of Interview: In-Person
Interviewer: ESPARZA, MARK S

In person interview with the cp and his wife at the department. The couple stated there were no witnesses. The cp stated he understood the new owner was a realtor who was renting out the property. The cp stated he filled in the application and signed paperwork that he would be following the rules. He stated his wife introduced herself, and asked if she could hang her albanian flag on flag day. The respondent reportedly stated she would look into the rules. The cp husband stated he had wanted to fly the american flag.

The cp recounted how they met at starbucks. He stated the president sat down and asked him what he did for a living. He replied he was a disabled vet. He stated she sat down with a piece of paper and began to go over the rules. He stated she said, "here are the rules, so maybe you might change your mind", and then spoke of the stuff they could not do.

Complainant wife Marinela stated that the respondent president got agitated at the husband's many "what if" questions. As an example, the husband recounted how he had asked the president if he needed to notify her at midnight, if his sister would arrive at 8am, about staying the night when it had not been 24 hours. He stated he simply liked to know. The Complainant husband stated they also spoke about the parking, whereupon he mentioned the president got agitated as well.

The cps mentioned they had lived in HOAs before, without problems. They stated the president kept repeating, "if you don't like it...".

The cps stated the president did not want kids crossing the property line. When told they did not have any kids, she replied she had a bird, lived three houses down and did not want to be bothered. The cps did not know if their age was a factor.

Regarding whether there was any problem with the wife said she was albanian, the president reportedly replied they had other cultures there.

Regarding whether the respondent objected to him as a disabled vet instead of disabled, she reportedly stated her brother had been in vietnam.

When the cp asked about expanding the patio, she stated she would have to find out. They spoke about the one gas tank, the pond, etc. He stated when he asked about beer, she said no.

Regarding the contention he wished to add an addition, he replaced that concerned his question about expanding the patio, of which the president said there was an easement. The cp stated he had no need for another room, as he had his wife and baby.

The cps stated they were supposed to move in within days. The cps confirmed they spoke of the landscaping and pest control, that they could not touch the turtles, the rules about the one propane tank, the parking rules, no beer in the garage (Cp reportedly said, "fine"), and had spoked about the patio.

When they saw the respondent got aggravated, the wife tried to calm her down. The president reportedly stated, "I don't have a good feeling. I don't like you." When told this was a subjective decision, the president replied, "yes, subjective. I can do this. You're not going to get the house."

The cps stated they had the meeting on a tuesday, and were to close on that friday. He stated they were told on Thursday, after he had not heard from anyone. He stated the property manager told him, "you communicated you would break the rules, " and had told everyone the same thing.

Other Aggrieved Parties Cey, Kyle, Owner
Date of Interview: August 22, 2018

Type of Interview: Telephone
Interviewer: ESPARZA, MARK S

The sellers (Bensons) stated the president liked having power, and enforced the parking rules as a "stickler", mentioning she would have people towed. They stated she "thrived on power." (D-4) The sellers recounted their interview, also at a Starbucks with respondent President Todd, stating she began their interview by asking what they did for a living. The sellers thought the question was irrelevant, and stated the president proceeded to ask them if they were married, and when told no, if they were engaged. The president also wanted to know what kind of dogs they had. The sellers stated they were notified by their realtor of the Complainant's denial, and that they were told, "that he wasn't going to follow the rules", with no elaboration. The sellers stated that after being told of the denial, they contacted the Complainant directly to ascertain what had happened. They stated the Complainant told them the respondent "president had been 'standoffish' from the beginning, and that he asked questions which the president didn't like it. The final straw was the question about beer, wherein she said no. The Complainant told the sellers that his wife had [an] accent, [and] was treated poorly. The seller denied having witnessed or observed any statements or actions indicating a bias towards disabled vets, Albanians or foreigners by anyone at the complex. (D-4)

Other Witnesses Hoover, Cindy
Date of Interview: August 22, 2018
Type of Interview: Telephone
Interviewer: ESPARZA, MARK S

The seller's realtor, Ms. Cindy Hoover, believed it was a case of discrimination but was not specific as to the basis. She stated they were told that the woman who interviewed the Complainant 'felt they would not be a good fit, or good homeowner in the association'. Hoover stated the Complainant added that his wife had an accent, and that the president was not even talking to her. Hoover stated the Complainant reportedly halted the interview at one point to ask why his wife was not being addressed.

The realtor added that the sellers of the unit, the Bensons, nor the neighbors, liked how the association was being run. The realtor stated the "woman caused several people hardship." She stated the sellers did not like the president "because she changed rules and did things without asking others. She would ticket their car, [and] bother about curbing" the dog. The realtor added that perhaps the president was "power hungry". The realtor stated that the subsequent purchaser of the unit almost backed out because the association was talking about changing the rental rules. The realtor did not know of other disabled vets, disabled persons or Albanians at the complex. However, she had seen foreigners at the complex, but was not sure if they were residents. The realtor stated she had never dealt with the board, but only the president, and did not claim to have witnessed or observed any statements or actions indicating a bias towards disabled vets, Albanians or foreigners by anyone in the complex. (D-5)

Date of Interview: August 27, 2018
Type of Interview: Telephone
Interviewer: ESPARZA, MARK S

Property manager Tim Hendrix stated they had changed the interviewing process because of the fair housing complaint, to include at least one other person in the interviewing process. He stated it was a strict board in a small community, saying it was strict, but fair. For example, he stated they required covers over the BBQ grill, and if not covered, persons would receive a notice. Hendrix stated the whole case had to do with the applicant's questions about the rules. He believed this had to do with the Complainant wanting to do something in his garage with fumes, but couldn't remember what it was.

He estimated they had roughly two application transactions a month. Upon receiving an application, he would do the background checks and share the information by email with the board members for their review. He stated at times they would have questions. He stated the interview process in the past had been the same until recently, which was one person, normally respondent president Todd, doing face to face interviews. He stated that after completing the interview, the president would send out an email to the board with her recommendations. Hendrix stated the main purpose of the meeting was to go over the rules, especially the parking rules.

Hendrix believed he was told of the Complainant's denial by respondent president Todd's email to the board. He

understood the applicant had been denied because he questioned the rules and did not seem to want to follow the rules, saying it didn't seem he would abide. Hendrix did not recall if it had been about the beer. Hendrix stated he had the president's denial email in his possession, which he read to the investigator. He stated he would check with his client to see if he could release a copy to the investigator. (A copy was never received.)

Regarding whether others had been denied for similar reasons, he remembered a recent situation wherein a person who had damaged the grass had wished to purchase into the complex. However, because he damaged the grounds twice, he was denied.

Hendrix did not know whether the complex had disabled vets, disabled persons, Albanians or foreigners. Hendrix denied having witnessed or observed any statements or actions indicating a bias towards disabled vets, Albanians or foreigners. (D-6)

B. Documents

Nature of Document: Division of corporation information for respondent

Who Provided: PCOHR

How Transmitted to HUD: In-person

Date of Document: May 16, 2018

Date Obtained: May 16, 2018

Division of corporation material for the respondent site.

Nature of Document: cp intake form

Who Provided: complainant

How Transmitted to HUD: email

Date of Document: April 16, 2018

Date Obtained: May 29, 2018

Cp Intake form

Nature of Document: Notice letter to the parties

Who Provided: PCOHR

How Transmitted to HUD: In-person

Date of Document: June 01, 2018

Date Obtained: June 01, 2018

Notice letters to the parties.

Nature of Document: new purchaser warranty deed

Who Provided: PCOHR

How Transmitted to HUD: In-person

Date of Document: May 12, 2018

Date Obtained: June 06, 2018

Warranty deed for new purchaser of subject unit.

Nature of Document: respondent answer

Who Provided: respondent attorney

How Transmitted to HUD: email

Date of Document: July 05, 2018

Date Obtained: July 05, 2018

Respondent answer

Nature of Document: cp rebuttal
Who Provided: complainant
How Transmitted to HUD: In-person
Date of Document: July 17, 2018
Date Obtained: July 17, 2018

Cp rebuttal emails.

Nature of Document: respondent July 26 RFI response
Who Provided: respondent attorney
How Transmitted to HUD: email
Date of Document: August 06, 2018
Date Obtained: August 06, 2018

respondent RFI response.

Nature of Document: Request and denial to speak to Board
Who Provided: PCOHR
How Transmitted to HUD: email
Date of Document: August 27, 2018
Date Obtained: August 29, 2018

Request to interview Board president, and in the alternative, other board members. The request was rejected by the respondent.

Nature of Document: respondent september 4 RFI response
Who Provided: respondent attorney
How Transmitted to HUD: email
Date of Document: September 04, 2018
Date Obtained: September 10, 2018

Respondent declined to provide requested documents. The Information was then sought under an Adverse Inference threat, which was not replied to by the respondent.

Nature of Document: 100 day letters
Who Provided: PCOHR
How Transmitted to HUD: In-person
Date of Document: September 17, 2018
Date Obtained: September 17, 2018

100 day letters.

Nature of Document: Signed Complaint
Who Provided:
How Transmitted to HUD:
Date of Document: May 29, 2018
Date Obtained:

C. Interrogatories

Interrogatory Sent To: respondent attorney
Interrogatory Sent Date: July 26, 2018
Interrogatory Returned Date: August 06, 2018

July 26, 2018

Stephan Nikoloff
Cianfrone, Nikoloff, Grant & Greenberg, P.A.
1964 Bayshore Boulevard, Suite A
Dunedin, FL 34698

Re: Michael & Marinela Velasquez v. Highland Glen of Clearwater Homeowners Assoc., Inc.
Case numbers: Agency: PC-18-044/HUD: 04-18-2707-8

Dear Mr. Nikoloff:

My name is Mark Esparza and I am an Investigator with the Pinellas County office of Human Rights. I have been assigned to investigate the above styled Charge of Discrimination:

1. What is process and criteria required for purchase or rental approval?
 - a. How, and who, normally under takes the interview portion of the purchase/rental process?
 - b. How are applicants normally notified of their approval or denial?
2. Please identify the board members as of the date of harm, and the dates of service on the board;
3. How long has Karen Todd been president, and on the board?
4. Who subsequently purchased the subject property?
 - a. Is this person a disabled veteran, or disabled?
 - b. Is this person Albanian, or non-US born?
5. Complainant Michael Velasquez states he informed respondent president Karen Todd that he was a disabled veteran during their in-person interview. Is this accurate?
6. Complainant Marinela Velasquez states she informed respondent president Karen Todd she was from Albania during their in-person interview. Is this accurate?
7. The complainants state that as part of the application process they had already signed a document indicating they would follow the rules. Is this accurate?
8. Have any others been denied due to advising the respondent of their disagreement of being governed by use restrictions? If so, who and when?
9. What exactly did the Complainants state to make the respondent president believe they were in disagreement with being governed by the use restrictions?
10. The Complainants state that while President Todd was reviewing the rules with them, she would occasionally state, "I am letting you know of all the restrictions now, so maybe you will change your mind and decide for yourselves that you don't want to live in this subdivision." Was this conveyed by Ms. Todd to the complainants?
11. How many units are at the complex?
12. Do you have any disabled veterans at the complex?
13. Do you have any disabled persons at the complex?
14. Do you have any Albanians at the complex?
15. Do any non-US born persons reside at the complex?
16. On what date did the complainant submit their application to the respondent management company?
17. Does the respondent wish to engage in conciliation?

Please provide this information as soon as possible, but no later than **August 10, 2018**.

Sincerely,

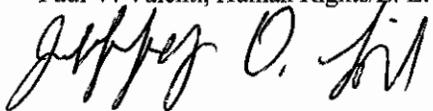
Interrogatory Sent To: respondent attorney
Interrogatory Sent Date: September 04, 2018
Interrogatory Returned Date: September 10, 2018

Ms. Mondello, I will need more information before making a determination. please provide the following information:

1. Please provide access to all applications, whether approval or denial, for the past two years; Please include:
 - a. A copy of the complainant's application;
 - b. Copy of the application for 1526 Bowmore.
2. Copy of the email(s) sent by Pres. Todd to the board members about the complainants' interview, and the board members' responses concerning the applicants.

Please provide this information as soon as possible, but no later than September 17, 2018.

Paul V. Valenti, Human Rights/E. E. O. Officer

A handwritten signature in black ink, appearing to read "Jeffrey O. Hill". The signature is written in a cursive, flowing style.