

October 09, 2017

Final Investigative Report

Case Name: Marjorie Blaylock/Linda Byars/Richard Leachman v. Seville Condominium 8, Inc.

Case Number: 04-17-7756-8

I. Jurisdiction

A complaint was filed with HUD on April 12, 2017 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; Otherwise deny or make housing unavailable; and Discriminatory acts under Section 818 (coercion, Etc.). It is alleged that the respondent(s)'s acts were based on Race. The most recent act is alleged to have occurred on March 27, 2017, and is continuing. The property is located at: Seville Condominium 8, Inc. , 3527 Palm Harbor Blvd. , Palm Harbor, FL 34683. 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, 804a, and 818 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)

Marjorie Blaylock
2612 Pearce Dr.
306
Clearwater, FL 33764

Linda Byars
2612 Pearce Dr.
306
Clearwater, FL 33764

Richard Leachman
2612 Pearce Dr.
306
Clearwater, FL 33764

Complainant Allegations

CP's states they feel as if they are being targeted and treated differently due to the race of CP Leachman.

CP Blaylock states she has been living in her unit since 2004. CP Blaylock states that all the problems began when CP Leachman arrived at the unit in the middle of last year.

CP Blaylock states the first offense that they were accused of once CP Leachman arrived was causing a leak from the 3rd floor to the 2nd floor below. CP's state they hired 2 different professionals, each professional stated the problem was not caused by CP's. The professionals stated the building itself was the problem and the cause of the leaks. CP's state they are now having leaks in their newly painted living room and bedroom walls. R's took a long time to respond to CP's complaints about their leak issue. R's are now asking to fix it, however, if the roof has not been repaired it would be pointless because it will continue to leak and cause damages.

Upon CP Leachmans arrival, he brought a service animal for CP Blaylock. CP's took the proper steps in having the animal approved by the board. R's are now saying that there are 3 animals in the home which are against the rules and regulations. CP's state there are only 2 animals in the unit and other residents have 2 animals and nothing is said about it. R's are also stating that one of the animals in the unit is over the allowed pet weight limit, which CPs state is not true. CP's state her animal is only 7 ½ pounds and there are others with animals weighing over the 20-pound limit and nothing has been said or done in this instance either.

CP's state that R's continuously refer to CP Leachman as a renter and not CP Byars husband. R's have refused to give CP's an application for him to complete, even after they have requested to have one several times, the latest request made February 10, 2017. CP's feel they are denying them an application based on CP Leachmans race.

CP's states they are constantly sending notices to their home as a way of harassing them. The most recent letter was sent on March 27, 2017, demanding payment for services that were rendered on April 13, 2016, to the unit underneath their unit. R's state the damage was caused by CP's water softener that broke. CP's state they never had a water softener so that is a false allegation. CP's state they have a professional that can attest that they never had a water softener.

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

B. Other Aggrieved Persons

C. Respondent(s)

Seville Condominium 8, Inc.
c/o Jack B. Hanson, Registered Agent
3527 Palm Harbor Blvd.
Palm Harbor, FL 34683

Respondent Defenses

As to the leak, it was confirmed by the Association that the leak was coming from the subject unit, and not the roof. If the Complainants believe there are issues with the leaks in the common elements, they need to advise the Association so that those items can be examined, and, if necessary, corrected. The timing of the leaks have nothing to do with Mr. Leachman's arrival as indicated by the Complainants.

It is the Association's position and belief based on information provided that there are currently three dogs at the property. Pursuant to that Association's governing documents, only one dog, not to exceed 15 pounds at maturity, may be kept in the unit.

Contrary to the allegations of the Complainants, an application has been sent to the Complainants three times: January 27, 2017, March 10, 2017, and March 24, 2017. No application has been submitted, so therefore there is no denial of application that does not exist.

Any notices sent are not harassing in nature. Notices are sent in writing as, often, pursuant to Chapter 718, the Condominium Act, that is what is required by law.

D. Witnesses

III. Case Summary

A. Interviews

Complainant Blaylock, Marjorie
Date of Interview: April 07, 2017
Type of Interview: Telephone
Interviewer: Taylor, Ronisha C.

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CP Blaylock states the first offense that they were accused of once CP Leachman arrived was causing a leak from the 3rd floor to the 2nd floor below. CP's state they hired 2 different professionals, each professional stated the problem was not caused by CP's. The professionals stated the building itself was the problem and the cause of the leaks. CP's state they are now having leaks in their newly painted living room and bedroom walls. R's took a long time to respond to CP's complaints about their leak issue. R's are now asking to fix it, however, if the roof has not been repaired it would be pointless because it will continue to leak and cause damages.

Upon CP Leachman's arrival, he brought a service animal for CP Blaylock. CP's took the proper steps in having the animal approved by the board. R's are now saying that there are 3 animals in the home which are against the rules and regulations. CP's state there are only 2 animals in the unit and other residents have 2 animals and nothing is said about it. R's are also stating that one of the animals in the unit is over the allowed pet weight limit, which CP's state is not true. CP's state her animal is only 7 ½ pounds and there are others with animals weighing over the 20-pound limit and nothing has been said or done in this instance either.

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CP's states they are constantly sending notices to their home as a way of harassing them. The most recent letter was sent on March 27, 2017, demanding payment for services that were rendered on April 13, 2016, to the unit underneath their unit. R's state the damage was caused by CP's water softener that broke. CP's state they never had a water softener so that is a false allegation. CP's state they have a professional that can attest that they never had a water softener.

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

Complainant Byars, Linda
Date of Interview: May 03, 2017
Type of Interview: Telephone
Interviewer: Lewis, Alana

Complainant Byars, Linda
Date of Interview: May 25, 2017
Type of Interview: Telephone
Interviewer: Lewis, Alana

October 2016 - Leachman moved in. End of May 2016, he visited briefly.

Robert Stewart (White) stayed with the family for a week in Sept. 17. Never received a violation notice from the Respondent's attorney. By the time Tri sent the email about him being an unauthorized guest, he had moved.

Leachman had the dog trained in TN and brought him with him in Oct. Linda bought the dog as a Mother's Day gift.

Complainant Byars, Linda
Date of Interview: May 30, 2017

Type of Interview: Telephone
Interviewer: Lewis, Alana

Phoned Linda to find out if Mrs. Blaylock returned the Waiver and Animal Registration Form. She said that she would ask her mother when she returned home.

B. Documents

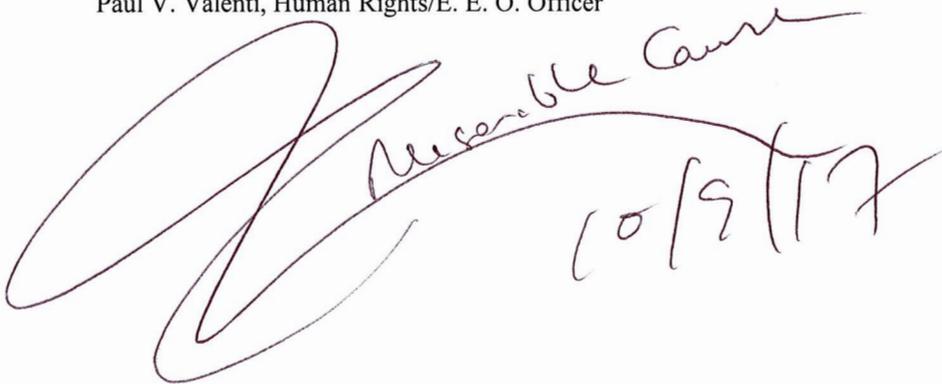
Nature of Document: SIGNED COMPLAINT
Who Provided: Marjorie Blaylock, Linda Byars, Richard Leachman
How Transmitted to HUD: Hand Delivered
Date of Document: April 07, 2017
Date Obtained: April 07, 2017

Nature of Document: Position Statement
Who Provided: Stephan C. Nikoloff, Esq.
How Transmitted to HUD: Email
Date of Document: May 02, 2017
Date Obtained: May 02, 2017

Nature of Document: Response to RFI
Who Provided: Stephan Nikoloff
How Transmitted to HUD: mail
Date of Document: May 17, 2017
Date Obtained: May 22, 2017

C. Interrogatories

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



A handwritten signature in dark ink, appearing to read "Paul V. Valenti", is written over a large, stylized, looping scribble. To the right of the signature, the date "10/9/17" is handwritten in a similar cursive style.