

**DATE:** March 11, 2022

## **DETERMINATION**

**Case Name:** Leanne Brandfass vs. Imperial Cove Condominium X Association Inc., et al.

**Case Numbers:** HUD 04-22-8540-8; PC-21-049

### **I. JURISDICTION:**

Complainant Leanne Brandfass filed a timely fair housing complaint on September 28, 2021. She alleged the Respondents failed to reasonably accommodate her disability and intimidated, interfered, or coerced keeping her from the full benefit of her housing, in violation of Sections 818, and 804f (3)(b) of Title VIII of the Civil Rights Act of 1968 as amended by the Fair Housing Act of 1988. The most recent act of discrimination is alleged to have occurred on September 28, 2021. The Respondents are Imperial Cove Condominium X Association, Inc., James Larisa and Chuck Pitassi. They do not receive federal funds. All jurisdictional requirements have been met. The Complaint was amended to include Section 818; Intimidate, interfere, or coerce you to keep you from the full benefit of your housing and Harassment.

### **II. COMPLAINANT'S ALLEGATIONS**

The Complainant and her husband purchased a condo in October of 2020. Prior to moving in, she and her husband were asked if they had any pets, as there is a strict no pet policy. They both answered no, because the Complainant has a service animal, not a pet. The purchase was completed, and they moved in. After they moved in, the Homeowners Association President, James Larisa stated to the Complainant and her husband that he was not aware they had a pet; stating that this is a pet free unit, and the pet had not been approved. The Complainant furnished documentation of the medical need of a service animal.

Despite the claims of the dog barking and lunging at passersby, the Complainant has evidence to the contrary. She stated that the service animal only barks when there is someone at her door or when her medical condition requires him to do so.

The Complainant feels as though she and her husband are being harassed by the HOA; indicating that they selectively enforce condo rules. For example, they were asked to get a building permit for remodeling (which they did) but other residents within their community were not asked to do so. They were also given a reprimand for backing into a parking space, but other residents can do so even if it is against the rules.

Lastly, the Complainant stated that she and her husband are being bullied on social media, causing the community to shun them because of the false information provided by the Respondent. This conduct has prevented the Complainant the enjoyment of the common places

within the community. Everywhere they go they are being shunned and harassed by other residents.

### **III. RESPONDENTS' DEFENSES:**

The allegations contained in the Complaint are denied. Specifically, the Association denies that it failed to accommodate the Complainant in her request for a service animal, denies it has engaged in any sort of harassment associated with the service animal, and further denies any harassment/selective enforcement relating to the allegations pertaining to the following: drywall/building permitting; social media bullying; cutting of mangroves; burning tiki torches and/or setting bonfires; and parking issues.

After the Complainant registered the alleged service dog with the Association, the Association received several complaints from other unit owners regarding the dog's behavior. This included complaints that the dog was barking, growling, and snarling at neighbors, and generally acting aggressively towards pedestrians who walked past the dog. The Association also received other complaints regarding the actions of the Complainant, including complaints that she and her husband illegally cut down mangrove trees that were present on the common areas, and that they were burning tiki torches whose flames were coming close to other trees and creating a fire hazard. The Association sent notifications to the Complainant advising her of these complaints and requesting that these issues be addressed. The dog is still on the property and Respondents have not made any effort to have it removed. Instead, Respondents have merely advised Complainant of the fact that their neighbors have made complaints regarding the dog's barking and growling, and that due to the repeated complaints, a bark collar will be required. The Respondents' actions have merely attempted to balance the rights of the Complainants to have a service animal with the rights of other members of the community to enjoy a quiet and peaceful neighborhood.

### **IV. FINDINGS AND ANALYSIS:**

In order to establish a refusal to make a reasonable accommodation claim, the following elements must be proven:

1. Complainant is disabled within the meaning of the Fair Housing Act;
2. The Respondent knew or should have known of the disability;
3. The accommodation was necessary for equal opportunity to use and enjoy the dwelling;
4. The Respondent refused to make the requested accommodations; and
5. The accommodation is not an undue burden on the Respondent.

The Complainant's failure to make a reasonable accommodation claim, must fail because the fourth element was not met. Respondent did not deny Mrs. Brandfass's service animal and he remains on the property.

Next, the Complainant claims that the Respondents have been harassing and discriminating against her since the acquisition of the property in late October 2020. Allegations furnished were as follows:

- Selective enforcement of the condo rules (regarding the use of parking, remodeling/permitting, use of tiki torches/bonfires/barbeque grills);
- Bullying on social media sites;
- Falsely accused of cutting mangroves; and
- Accusing the service dog of acting aggressively and having a dangerous disposition. (B-1)

To prevail in a harassment claim, the following elements must be met:

1. The Complainant exercised a right protected by the Fair Housing Act (FHA);
2. The Respondent coerced, intimidated, threatened or interfered with the Complainant's exercise or enjoyment of this right; and
3. There is a causal connection between the Respondent's behavior and the Complainant's protected activity.

Mrs. Brandfass purchased the unit with her husband in October 2020. Shortly after moving in, she provided supporting documentation of the need of a service dog, as required by the FHA. Her disability was verified by a doctor's statement. It reads, "I Pejman Kharazi MD, hereby prescribe a service dog to assist Leanne Brandfass/58/Female. She was last examined on 10/05/2020 and has been under my care since 03/20/2020. She experiences frequent hypoglycemic episodes at night and would benefit from a diabetic alert service dog. A diabetic service dog detects Isoprene (a chemical that rises in quantity in exhaled breath during hypoglycemia) and is specially trained to alert diabetic glucose levels dropping to dangerous levels. Through the assistance of a diabetic service dog, alerting Mrs. Brandfass to her dropping or rising of blood glucose levels, she will maintain more optimal control of her blood glucose levels and avoid known diabetic complications." (C-1; Exhibit 37) The first element has been met.

The Complainant received two violation notices because of several complaints received from residents regarding the behavior of her service dog; the first on May 4, 2021 (Exhibit 22) and the other on September 1, 2021. (Exhibit 34) The second notice instructs the Complainant to put a bark collar on the dog whenever he is outside of her unit. If Mrs. Brandfass refuses, further action may be taken. (C-1) The second element has been met.

Turning to the third and final element, the Complainant must prove that there is a causal connection between the protected activity and the harassment.

The timeline of events are as following (C-1):

- On October 30, 2020, the Complainant purchased the condo.
- The Complainant did not notify the Association of the service animal prior to purchasing the condominium unit. However, shortly after Complainant moved into the unit she

registered the service animal with the Association and provided supporting documentation. (D-1)

- In November 2020, the Complainant and the Respondent had discussions about several violations, that included: starting bonfires/use of a barbeque grill, remodeling, and tiki torches. (Exhibits 1 & 2)
- On December 29, 2020, RP Larisa, President of Association X, shut off the Complainant's water valve, causing damage to the valve.
- On January 1, 2021, in a string of emails regarding shutting off the water, RP Larisa wrote, "So if you can read exactly what the Rule states, you should of notified me that you were leaving. If you don't like the rules here, you always have other options." (Exhibit 4)
- On January 28, 2021, Mr. Brandfass emails RP Larisa, notifying him that his water valve was broken and asked that he arrange to have it repaired. The following day, RP Larisa denies breaking the water valve and states that the Association would not replace it. (Exhibit 6)
- On February 1, 2021, RP Larisa sent an email to Association X residents asking that those who had not turned in their proxy, to please do so ASAP. Mr. Brandfass asked what's the hurry. In response, RP Larisa writes, "I don't give a rats ass if you turn yours in or not, you have been a problem since you moved here." (Exhibit 7)
- On February 2, 2021, Mr. Brandfass sent a letter to residents of Association X regarding amendments of the bylaws in an upcoming vote. (Exhibit 8)
- In an email dated February 4, 2021, RP Larisa writes to Mr. Brandfass, "You continually show your ignorance about condo living. You sending a letter to all residents just solidifies my opinion of you. As I told residents in an email which you have been eliminated from, that the complainers and objectors are the biggest violators. If you want to associate with the idiot in 11D and other lowlife's, that's your prerogative, but please refrain from contacting other residents who are beginning to think you are a jerk, as I do. (Exhibit 8)
- In an email dated February 6, 2021, RP Larisa writes to Mr. Brandfass, "It appears that your email and letters have backfired. The only thing that it's done is anger people (against you) in the Association. The only support you have is the idiot in 11D, so align yourself with losers, which is fine. I have now received numerous complaints about the structural integrity of the building because of your renovation project. Also the smoke from cigarettes is affecting the elderly woman next to you and I understand you are still lighting fires on your patio. I realize that you are a pompous ass who only cares about himself, but in a condo community you need to take into consideration your neighbors, which I am sure you could care less. So, with all of that being said, you can continue to be a jerk, rather than get along with your neighbors." (Exhibit 8)
- On March 13, 2021, the Brandfasses filed a small claims case against RP Larisa for breaking their water valve.
- On March 30, 2021, RP Larisa sends Association X an email regarding the removal of trees. It reads, "The idea of the fence was to keep people from next door out of here, but someone decided that we should open up on the other side of the fence. All this is going to do is give people next door a clear pathway on to Imperial Cove property. This has got to be one of the dumbest, stupid things I have ever seen. Maybe we should put up a sign

now that says "Welcome" to our neighbors on the other side of the fence. How stupid!!!!!!" (Exhibit 17)

- Mr. Brandfass responded on March 31, 2021. "If the scrubs were keeping people out, why do we need a fence? You think you have the authority to control who can have access to the bay. This is not the first time this area has been cleared. Just another example of Jim's abuse and bullying. Jim is going to get Association X sued. You need to resign today!!!" (Exhibit 17)
- Two residents reply to the email chain. One writes, "Please don't include me on these despicable emails. Jim does a great job and has everyone's best interest at hand. He's a workaholic and does it for free. All you have to do is follow the rules which aren't difficult and get the proper approval and permitting as per City/County laws and rules. I walked this morning and noticed mangroves cut down which is a huge fine per environmental authorities. If you don't like following the rules.... move." The second resident wrote, "I think you should move you are despicable. Jim does a great job and for free. Jim keep up the great work." (Exhibit 17)
- In an email dated April 3, 2021, to all residents of Association X, RP Larisa writes, "Once again I will send this email in regards to the dumpster area. Unfortunately we have a resident who not only doesn't care about his Association neighbors but also the entire community. The dumpster area has items in it that should have been broken down a [sic] discarded properly, but I guess he thinks he is special with a total disregard for rules. He also thinks he is an environmental specialist or horticulturalist and decided to hire a fly by night tree guy, with total disregard for the law and regulations. I will set the record straight that Association X nor Imperial Cove is liable for damages. The responsibility falls entirely on the tree company and the resident that hired him. This will be my last email in regards to the dumpster situation. Some people just don't belong in a Condo Community." (Exhibit 14)
- On April 5, 2021, RP Larisa sent an email and three pictures of the dumpster to Association X residents. His email reads, "What a disgrace, all because of one individual. Totally unfair to our maintenance man who has to deal with this, tomorrow morning. (Exhibit 15)
- Mr. Brandfass responds on April 6, 2021. He writes, "You need to say who the one is. If you were a real leader you would deal with that person one on one. NOT my stuff. RESIGN NOW!!! Instead of trying to cause trouble just ask them to put bulk items behind the maintenance building. Obviously they don't know." (Exhibit 15)
- RP Larisa replies on April 6, 2021, "The only people who cause trouble here is you. The trouble started the day you moved here. If you want to know about me resigning, think again, not going to happen. I think you moving is a better idea." (Exhibit 15)
- On April 7, 2021, the residents were notified that the State of Florida had been called and given the name of the persons that hired the tree company that did the removal. (Exhibit 16)
- On April 12, 2021, Diane Stoeffler sent a letter to the administration office complaining about the Complainant. The letter centers around mangroves that were allegedly cut illegally, tiki torch flames that are too close to the trees and Drew barking and being aggressive towards people. (Exhibit 23)

- On April 20, 2021, Dorita Reilly writes to the BOD her concerns about Drew. She claims that he constantly rages at people passing, barks, growls and snarls. She also describes him as aggressive and obviously untrained. (Exhibit 24)
- On May 4, 2021, the Complainant received the first violation notice about Drew. (Exhibit 22)
- On May 5, 2021, RP Larisa was served to appear in small claims court. He writes a social media post to all Imperial Cove residents, which reads, “Yesterday I was served with a summons to appear in court on the 1st of June to answer charges brought by Brandfass, our model resident who cut the mangroves illegally. The charges against me were trespassing (which I have no clue what he is talking about) and for shutting off his water while he and his lovely wife were away. I am mortified as to the accusations, although I did shut his water off which is a common practice in association X. He never notified anyone on the board that they were going to be gone for an extended amount of time. Which is covered in our Rules and Regulations. I am going to fight this tooth and nail to clear my name.” (Exhibit 18)
- Several residents respond in support of RP Larisa. They refer to the suit as baseless, state they wish the Brandfasses would move, and refer to them as idiots and scum. (Exhibit 18)
- On May 8, 2021, RP Larisa emails to Association X, “I have found out where the boxes came from that are piled in our dumpster area. They are from another Association, so tonight I walked to there [sic] residence and asked them to get all those boxes out of there. They did tell me that someone told them that that there was there [sic] dumpster. They are moving into Association 11. They will be moved. (Exhibit 15)
- On May 11, 2021, the Brandfass’s attorney wrote a cease-and-desist harassment letter to Association X. A portion of it reads, “The Board has gone so far as to threaten my client’s service dog. My client informs me that this has escalated to the point that he and his wife caught two people behind their home harassing their dog and filming it. Presumably this was done in an effort to provide “proof” that the dog barks loudly. My client’s dog is a service animal, not an emotional support animal. The board members’ efforts to minimize the importance of the service dog is intended to harass my client by threatening the presence of the dog at his home. As a medical alert dog the Association is not permitted to prohibit its presence in my client’s unit. The Association’s obvious efforts to target the dog is not only harassment, but is in violation of the Americans with Disabilities Act and the Florida Fair Housing Act.” (Exhibit 26)
- On May 13, 2021, RP Larisa writes a post that reads, “I had contact with Kaitlin (Environmental Resource) she is going to meet with me on Friday at 1:00 to go back to the mangroves that were cut. She did get access next door and wants to look at the illegal cutting again from our side. Stay tuned.” (Exhibit 19)
- On May 16, 2021, RP Larisa writes a follow up post regarding his meeting with Kaitlin. “I just want to give you further information about the episode on Friday and my conversation with Kaitlin after the fiasco with Kim and the residents who paid to have the cutting done. Kaitlin stated to me there may not be any citations written for this travesty. Although it is not our property, the residents actually illegally hired a trimmer to trespass onto Bay Cove property. Unfortunately, Bay Cove and the tree company may be liable if there were any citations sent, the residents will most likely escape without any punishment whatsoever. I will continue to monitor the situation, but if Bay Cove and the

tree trimmer don't go after the resident, then all hands will be tied and the residents will walk away without any repercussions. What a shame!!!!!" (Exhibit 20)

- The following Wednesday, RP Larisa posts, "I want to make something perfectly clear, to all residents at Imperial Cove. I was the one who called Pinellas County, Environmental Resources to begin an investigation into the cutting of the mangroves. Today I met with Kaitlin (Environmental Resource) who I have been in contact with on a weekly basis. Apparently two residents along with the jerk that hired the tree trimmers showed up at 1:00 where Kaitlin and I were meeting. After her investigation she was confronted by Kim in building 8 who had no business there and Bill McCormick from bldg 9. This has nothing to do with Imperial Cove, therefore they had no business being there. They then spoke with the residents who paid to have them cut and feels that we should let this go and put it behind us. I will continue to fight to have these people punished, but don't need interference from residents who should mind their [sic] own business. If they want to side with the residents who cut them down, that's their [sic] business, but don't tell me to let it go and put to rest. I am not sure where Kim came from, but she needs to look at the facts before she interferes." (Exhibit 20)
- Kimberly Kobus Ingle responds, "When you trash residents of this community on a social media website, you made this an Imperial Cove issue. You are inciting hate against residents in this community which makes this an Imperial Cove issue. You are a board president and held to a higher standard, of which you are not upholding. If you had an issue with the mangroves, simply knock on the door, explain the frustration of residents and see if something can be resolved amicably. Going on a vendetta to destroy people's lives is a despicable way to live. Who is next on your hate list? When you tell your story, you should tell the whole story, not what you think makes you look good with the residents of this community. By the way, I come from integrity, honesty and doing right. Something you are lacking." (Exhibit 20)
- RP Larisa retorts, "Kimberly Kobus Ingle apparently you don't care who you align with. Don't become part of the problem, try to be part of the solution. Some people should be seen and not heard, you had no business being there today. If you are campaigning, you are talking to the wrong people." (Exhibit 20)
- Ms. Ingle replies, "Do you listen to yourself? My God! I don't ask permission on who to align. I'm not a click person. I'm an honest person. I did try to be part of the solution in a nice way so we can all live peacefully. You chose to leave out everything I said to Kaitlin..." (Exhibit 20)
- On May 25, 2021, the Brandfasses received a settlement from Imperial Cove for their small claims lawsuit.
- May 27, 2021, an email was sent by the previous president of Association X about Mr. Larissa's conduct. It reads, "The board has been advised that our presidents ABHORANT conduct towards some of association x residents have placed x in legal jeopardy. If this board continues to ignore the disturbing facts they have been presented with then be advised that the board and the board alone will be held responsible for all damages incurred by their failure to act. All other residents will be free of all liability suffered by this president's conduct and failure by this board to act properly in not removing this president from office. Hopefully this board will do the correct thing thus preventing any further possible legal issues confronting association x. Be advised that the conduct reported on our president will not be covered under our insurance policy. (Exhibit 21)

- On May 28, 2021, Kaitlin Panzer notified RP Larisa that after reviewing the case with her supervisor, it was agreed that there were no mangroves harmed when the Brazilian Pepper was removed. RP Larisa posted Ms. Panzer's findings online and exclaimed, A travesty!!!! (Exhibit 25)
- On June 3, 2021, Attorney Drew Corbin, responded to Attorney King's May 11, 2021, letter regarding alleged harassment. The Association denied the allegations. The letter also addresses complaints about Drew barking at passersby and having a dangerous, aggressive disposition. The Association requested that immediate action be taken to ensure the animal doesn't startle residents and indicated that it remains open to potential solutions to accommodate Mrs. Brandfass's disability. (Exhibit 26A)
- On June 15, 2021, Attorney King responds to Attorney Corbin's June 3 letter. She states that the repeated allegation that her client's service dog is a nuisance in the community is untrue and contradicted by home security cameras. Faced with allegations that their dog is constantly barking, her clients have reviewed hours of continuous audio and video and see nothing but a well behaved and well-trained dog. The only time the clients have seen the dog barking is when they came home to find other members of the community loitering behind their home while tormenting and videoing the dog. Attorney Corbin was notified that a complaint would be filed with the Florida Commission on Human Relations to investigate the matter. (Exhibit 28)
- On June 21, 2021, all waterfront property owners received a letter from Ms. Panzer notifying them that only Brazilian Peppers had been trimmed/removed, thus no violations had occurred. (Exhibit 33)
- On July 22, 2021, the Complainant received a statutory offer to participate in pre-suit mediation. (Exhibit 31)
- On July 26, 2021, the Complainant received a questionnaire from the Florida Commission on Human Relations. (Exhibit 32)
- On September 1, 2021, the Complainant received a second violation notice about Drew's behavior. She was given until September 11, 2021, to put a bark collar on the dog when outside her unit or face further action. (Exhibit 34)
- On September 28, 2021, the Complainant files a complaint of discrimination with the Pinellas County Office of Human Rights (PCOHR). (B-1)
- On October 7, 2021, RP Larisa sends an email to all Association X residents. He writes, "I would like all residents of Association X, to know that due to the continuing lawsuits filed by the residents in 11A and the growing legal fees we will be forced to have an assessment beginning January 2022. The Association's legal fees are mounting and the only way to replenish our funds is to do as [an] assessment. Sorry, but the suits continue, and our lawyers need to be informed." (Exhibit 35)
- On December 1, 2021, the Complainant received a summons to appear in court for their tiki torches. The Complainant claims that the torches in the photo furnished to the court as Exhibit E belong to two other residents in Association X. (Exhibit 41)

The timeline of events demonstrates that soon after moving in, there were conflicts between RP Larisa and the Brandfasses. Their quarrels were common knowledge to all residents of Association X, as evidenced by the emails furnished by the Complainant. Many opined that condo living was not for the Brandfasses and they should consider moving. They have been ostracized and labeled idiots, scum, miserable and nasty people by the community.



The first complaint about Drew was not received until six months after the Brandfasses purchased their home; but occurred soon after residents were privy to the email bantering between RP Larisa and Mr. Brandfass and the social media posts written by RP Larisa. In addition, the CP Brandfass believes that the RP Larisa was intentionally taunting Drew and the “several” complaints” originated from RP Larisa.”

Though the Respondent furnished two written complaints about Drew’s behavior and claim there were others, the Complainant submitted three videos and six written statements demonstrating Drew’s friendly, gentle and playful demeanor when around strangers and other animals. One of the Complainant’s witnesses is a groomer, specializing in animal behaviors. She described Drew as “very well-mannered and smart.” She stated that she has witnessed Drew around other people and animals and he has never been aggressive towards others. “He is very loving and sweet and considers him a great asset to the Brandfass’ family.” (C-1; Exhibit 38)

Lastly, it is important to note that Dennis Davenport’s application for a service/companion animal was disapproved by the BOD and RP Larisa on or about December 7, 2020. (D-1; Exhibit 12) Mr. Davenport is the owner of Unit 11D. Interestingly, RP Larisa refers to Mr. Davenport as an idiot and low life in two separate emails sent to Mr. Brandfass on February 4, 2021, and February 6, 2021. (C-1; Exhibit 8) The emails provided reflect that RP Larisa disapproves of owners with animals.

The evidence shows that shortly after several written disputes between James “Jim” Larisa, the President of Association X and the Complainant prevailing in a small claims suit against RP Larisa on March 13, 2021, complaints about Mrs. Brandfass’s service animal, Drew, began within a few short weeks. Residents were aware of these quarrels and many supported RP Larisa. As such, complaints began regarding Drew’s behavior and the Respondent started sending the Complainant violation notices. She was ultimately told that a bark collar would be required if the dog continued to disturb residents. (C-1) The third and final element has also been met.

## **V. CONCLUSION:**

Based on the foregoing evidence and analysis of the investigation, set forth above, the PCHOR concludes there is “No Reasonable Cause” that the Respondents violated Section 804f (3)(b).

However, it is recommended that “Reasonable Cause” exists to believe that the Respondents engaged in an illegal discriminatory housing practice in violation of Section 818 of the Act, and Article II, Division 3 of Chapter 70 of the Code of Ordinances of Pinellas County.

## **VI. ADDITIONAL INFORMATION**

Notwithstanding this determination by the Pinellas County Office of Human Rights, the Fair Housing Act provides that the Complainant may file a civil action in an appropriate federal district court or state court within two years after the occurrence or termination of the alleged discriminatory housing practice. The computation of this two-year period does not include the time during which this administrative proceeding was pending. In addition, upon the application of either party to such civil

action, the court may appoint an attorney, or may authorize the commencement of or continuation of the civil action without the payment of fees, costs, or security, if the court determines that such party is financially unable to bear the costs of the lawsuit.

The Department's regulations implementing the Act require that a dismissal, if any, be publicly disclosed, unless the Respondent requests that no such release be made. Such request must be made by the respondent within thirty (30) days of receipt of the determination to the Field Office of Fair Housing and Equal Opportunity at the address contained in the enclosed summary. Notwithstanding such request by the respondent, the fact of a dismissal, including the names of all parties, is public information and is available upon request.

A copy of the final investigative report can be obtained from:

*Betina Baron*  
Betina Baron, Compliance Manager

3/11/22  
Date