

September 16, 2019

Final Investigative Report

Case Name: Lisa Keys V. Keith Morton

Case Number: 04-19-7482-8

I. Jurisdiction

A complaint was filed with HUD on June 20, 2019 alleging that the complainant(s) was injured by a discriminatory act. It is alleged that the respondent(s) was responsible for: Discriminatory refusal to rent. It is alleged that the respondent(s)'s acts were based on Race; and Color. The most recent act is alleged to have occurred on May 17, 2019. The property is located at: 616 2nd. Ave. NW, Largo, FL 33770. The property in question is exempt under: Single Family Home. If proven, the allegation(s) would constitute a violation of Sections 804a or f of Title VIII of the Civil Rights Act of 1968 as amended by the Fair Housing Act of 1988.

The respondent(s) receive no federal funding.

II. Parties and Aggrieved Persons

A. Complainant(s)

Lisa Keys
2658 N. McMullen Booth Rd.
317
Clearwater, 33761

Complainant Allegations

Lisa Keys (CP) is a white female who with her husband, Wayne Keys Sr. (CP husband) whose race is black, attempted to rent the residence located at 616 2nd. Ave. NW, Largo, FL 33770. The Property is owned by Keith Morton (R Owner). The property is represented by (R Owner) sister, Natalie Fici (R Fici) who speaks and acts on (R Owner) behalf.

In May 2019, CP and (CP Husband) were shown the rental home twice and provided a rental application, which was completed and submitted. On May 14, 2019, CP received a text message from (R Fici) advising that the couple was approved for the property and asked to meet on May 17, 2019, to sign the lease and pay the security deposit.

CP met with (R Fici) at the property on May 17, 2019. At some point, CP alleges (R Fici) asked to see a picture of (CP Husband). (R Fici) advised CP that she needed to see what he looked like and asked, "He isn't a foreigner is he?" CP advised (R Fici) "No, you already know he works at Dunedin H.S. and coaches Dunedin H.S. and Tampa Prep and already approved based on background checks & salaries."

(R Fici) responded, "I still need to see a photo." CP provided one and (R Fici) stated "Oh, he is a dark dude." CP replied, "He is a black man yes, does that matter?" (R Fici) said, "Yes, I have to tell the owner." CP replied, "So because he is black, now you aren't going to rent to me." (R Fici) replied, "I have to tell the owner." CP responded, "You know that is discrimination and quite illegal." (R Fici) allegedly responded, "I know but I have to tell the owner he is black."

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

B. Other Aggrieved Persons

Wayne Keys
2658 N. McMullen Booth Rd.
317
Clearwater, FL 33761

C. Respondent(s)

Keith Morton
401 Stremma Road
Largo, FL 33770

Respondent Defenses

In the written reply, Respondent Fici stated "It was the third time I met Lisa Keys was lease signing. She was alone. I had never seen her husband. I asked to see a picture since he was not there to sign. I said I need to call the owner. Lisa said something about race and getting \$40 back as she was walking to her car. I was very surprised but held up \$40 and said here. She just took off." Verbally, Fici stated she needed to see all the parties, and had never seen the person.

Respondent Keith Morton verbally stated he had told Fici that he needed to see and meet all persons. Thus, when the husband was not present, Fici needed to call him. He stated he needed to see a face with a name to know who was renting from him. He stated Fici had called him because it was the 3rd time they had met, and she still had not met the husband. Thus, Fici was calling him to see if it was okay to rent to them. Morton stated that he had later called the cp, and was willing to rent to her. Morton denied Fici told him of the race of the person on the photo.

D. Witnesses

Peter Bernard
News Channel 8

III. Case Summary

A. Interviews

Respondent Representative Fici, Natalie
Date of Interview: June 25, 2019
Type of Interview: Telephone
Interviewer: ESPARZA, MARK S

On 6/25/2019, a voicemail was received from an unidentified person (believed to be Natalie Fici) who stated, "Hello I received a letter and...looking for #...PC-19-056. Lisa Keys...This is all fabricated. She said I showed husband the rental home twice...then, why would I need to ask what he looked like?" This is all fabricated. Ok—thank you for your attention."

Respondent Morton, Keith
Date of Interview: June 28, 2019
Type of Interview: Telephone
Interviewer: ESPARZA, MARK S

On 6/28/2019, the investigator received a phone call from Natalie Fici, who then placed Mr. Keith Morton on the telephone. Fici stated that "All I said to her what that I had to call the owner....I never saw her husband." She stated the only reasons was that she needed to see all parties, and had never seen the person. Fici stated the cp "took off", assuming it all and making up story about race." Fici asked if the whole matter was moot because it had been made up.

Owner Keith Morton got on the telephone and stated he had not been present, and was told the information after the fact. He stated the lady had come over 3 times. He stated he had told Fici that he needed to see/meet them all. He stated, "that's why...3rd time and he wasn't there again. that she said she had to call the owner." He stated she asked for a picture, and needed to call the owner. He stated she was sure what to do, and that the cp just "took off."

He stated he was a bus driver and was friendly and liked by persons of all backgrounds. He stated he had been in the rental business for 25 years. he stated he called the cp after the transaction, but she did not answer. He said he was willing to rent, and just wanted a name to a face.

He did not have any current African Americans he was renting to, and the last such person was estimated to be roughly 12-14 years ago.

Regarding how long Fici had been working for him, he stated she was just doing him a favor. He estimated she had show 2 units in the last year. He stated that because his rent was inexpensive, residents tended to stay a long time in his units.

He stated he usually advertised in Craig's list, but this time used 4 smaller newspapers, such as the Belleaire Bee. He stated the ad directed persons to call Fici, and that his rental criteria was usually first month's rent and equal security.

He stated he would call the Pinellas County Sheriff's office himself usually as a background check, but this time used a friend who he paid, and whom was a computer whiz.

He stated that applicants would usually call Fici, look at the place and take an application. He stated his policy was to always see the people. He would ask how many would be there, and then ask to meet them. he stated he did this all the time, and stated, "what if one person signs and three move in? I need to see who is going to be there."

He estimated he got 2 applications a year. Morton took the position that race had nothing to do with the transaction. He could not remember the last African American applicant that had applied. He stated that Fici had asked the person 3 times to meet him.

Regarding why Fici had to call Morton about the photo, Morton stated it was because she had ask if it were ok to rent to them despite the husband not showing up this time. Morton stated Fici told him they did not bring the other party, and Morton suggested having the cp sign now, then meeting husband later when he signed. Morton denied that Fici told him the race of the person, saying he learned about the person's race through a phone call from a newspaper. (C-2)

Complainant Keys, Lisa
Date of Interview: July 03, 2019
Type of Interview: Telephone
Interviewer: ESPARZA, MARK S

Call to the cp and voicemail left requesting contact. Later during the day, cp Lisa Keys replied with a voicemail.

Complainant Keys, Lisa
Date of Interview: July 08, 2019
Type of Interview: Telephone
Interviewer: ESPARZA, MARK S

Call and voicemail left for Mrs. Keys requesting a return call.

Complainant Keys, Lisa
Date of Interview: July 09, 2019
Type of Interview: Telephone
Interviewer: ESPARZA, MARK S

Call to Lisa Keys and voicemail left requesting contact.

Complainant Keys, Lisa
Date of Interview: July 17, 2019
Type of Interview: Telephone
Interviewer: ESPARZA, MARK S

Call from Mr. Keys after having left a voicemail requesting contact from him. He stated that Lisa had submitted the paperwork, and that they had been approved. He stated he had visited the property twice, but had not seen any of the respondents. He was told a partial response had been submitted by the respondent, and would be conveyed for their rebuttal.

Complainant Keys, Lisa
Date of Interview: July 17, 2019
Type of Interview: Email
Interviewer: ESPARZA, MARK S

Email from the cp who wrote, "I am sorry we keep missing each other." She further stated she was in disagreement with the respondent's statements, saying the only accurate part was that Fici asked to see a photo of her husband.

Complainant Keys, Lisa
Date of Interview: July 17, 2019
Type of Interview: Telephone
Interviewer: ESPARZA, MARK S

Call and voicemail left for Lisa Keys, requesting a return call.

Other Witnesses Bernard, Peter
Date of Interview: July 18, 2019
Type of Interview: Telephone
Interviewer: ESPARZA, MARK S

Call from the Channel 8 reporter who had interviewed Mr. Morton about the cp's allegations. Bernard stated the story was never aired because it had been a "he said/she said" situation. He believed the story had been submitted to them on-line, and alleged that the landlord representative had wanted to see a picture of the person, and claimed they said he was black.

Bernard stated he visited by the house, whereupon a male stated that Morton was not there. Morton then called Bernard about an hour or two later. Morton told Bernard he was not a racist during their 5 to 10 minute interview. As the reporter wished to check his notes taken on the day in question, Bernard got off the telephone and called the investigator back shortly after.

Bernard called back and stated that Morton had told them that he must talk to both applicants, and that the female had showed up alone without the husband, and only showed the photo of the other applicant. Bernard estimated he had spoken with Morton about 5pm in the afternoon.

Complainant Keys, Lisa
Date of Interview: July 18, 2019

Type of Interview: Email
Interviewer: ESPARZA, MARK S

Email communication with Keys in requesting the reporter's name. Cp Keys later replied with the reporter's contact information.

Respondent Representative Fici, Natalie
Date of Interview: September 10, 2019
Type of Interview: Telephone
Interviewer: ESPARZA, MARK S

Call to Keith Morton whereupon Natalie Fici answered. She stated they had replied already. When asked for Mr. Morton's telephone number, she stated she would have to ask him first before giving it out, as that was a courtesy.

When told a letter had been sent to the respondent but was not replied to by the respondent, Fici responded by saying "there's no policy." At that point, Fici stated she needed to get off the phone, and for the investigator to call back another time.

Date of Interview: September 11, 2019
Type of Interview: Telephone
Interviewer: ESPARZA, MARK S

Call to Cricket Wireless who confirmed that account holders could not go on-line, or any other method, to obtain their previous usage details. Cricket stated that only a subpoena would be the method to obtain such records.

Complainant Keys, Lisa
Date of Interview: September 16, 2019
Type of Interview: Email
Interviewer: ESPARZA, MARK S

Email from the cp wherein she clarified that her initial \$1400 was a deposit for the unit, with an anticipated move-in date of June 1, 2019. She stated the respondents were happy to rent to a couple without children, as the respondent was reportedly having trouble finding couple's without children.

B. Documents

Nature of Document: cp intake form
Who Provided: FCHR
How Transmitted to HUD: mail
Date of Document: May 23, 2019
Date Obtained: May 23, 2019

Intake form for cps received from FCHR.

Nature of Document: 903, conciliation
Who Provided: CP
How Transmitted to HUD: Mail
Date of Document: June 14, 2019
Date Obtained: June 19, 2019

Nature of Document: Notice letter to the parties
Who Provided: PCOHR

How Transmitted to HUD: In-person
Date of Document: June 19, 2019
Date Obtained: June 19, 2019

Notice of the complaint letters to the parties.

Nature of Document: respondent property appraiser information
Who Provided: PCOHR
How Transmitted to HUD: In-person
Date of Document: June 20, 2019
Date Obtained: June 20, 2019

Pinellas County Property Appraiser information for the respondent properties.

Nature of Document: Respondent Fici written reply
Who Provided: respondent
How Transmitted to HUD: mail
Date of Document: July 01, 2019
Date Obtained: July 01, 2019

Respondent Natalie Fici's response received on this date.

Nature of Document: cp rebuttal
Who Provided: complainant
How Transmitted to HUD: email
Date of Document: July 17, 2019
Date Obtained: July 19, 2019

Cp's rebuttal.

Nature of Document: RFI for telephone log
Who Provided: complainant
How Transmitted to HUD: email
Date of Document: August 06, 2019
Date Obtained: August 06, 2019

Request to the cp for any telephone records showing whether the respondent had in fact called her.

Nature of Document: Adverse Inference letter
Who Provided: PCOHR
How Transmitted to HUD: mail
Date of Document: August 07, 2019
Date Obtained: August 07, 2019

Letter sent to the respondent requesting additional information so as to make a determination. The letter indicated the information was essential, and thus, the failure to provide the requested information could be used against them.

C. Interrogatories

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