

February 23, 2017

Final Investigative Report

Case Name: Arthur Basner v. Heritage Village & Inn, LLC

Case Number: 04-17-6733-8

I. Jurisdiction

A complaint was filed with HUD on January 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 Failure to make reasonable accommodation. It is alleged that the respondent(s)'s acts were based on Handicap. The most recent act is alleged to have occurred on November 17, 2016, and is continuing. The property is located at: Heritage Village & Inn, LLC, 12840 Seminole Blvd. #27, Largo, FL 33778. 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 804f3B 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)

Arthur Basner
Heritage Village & Inn, LLC
12840 Seminole Blvd. Lot #27
Largo, FL 33778

Complainant Allegations

Arthur Basner (CP) a disabled male with a service dog who resides at 12840 Seminole Blvd. # 27, Largo, FL 33778. The property is owned by Michael X. Erbe (R) d/b/a Heritage Village & Inn, LLC.

CP states on September 22, 2016 he received verbal approval to move into said unit. CP moved into the unit on September 23, 2016. CP states on September 28, 2016 he was told he would need to move out because he had a dog (service dog). That same day (September 28, 2016) CP submitted a reasonable accommodation request to have his service dog in the unit. CP states he paid his lot rent on October 03, 2016. On October 10, 2016 CP states he was given a 7 day notice to vacate premises. CP states on November 02, 2016 he was told he would be getting evicted when he went to pay his lot rent. On November 17, 2016 CP received an eviction notice.

CP states he is aware of other dogs that reside in the park.

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

B. Other Aggrieved Persons

C. Respondent(s)

Michael Erbe
101 Phillips Way
Palm Harbor, FL 34683

Respondent Defenses

Heritage Village & Inn's answer, from Michael X. Erbe

Respondent states that Virginia Hill was the owner of Lot 27 until she sold it on 9/23/16. Randy Rainbolt from Legacy Six was approved to purchase her mobile. He has purchased three other mobiles in this park. He purchases mobiles and then leases to own them out.

Mr. Basner completed his application on 9/12/16. Michael Erbe states that he personally interviewed Mr. Basner as he does all applicants. Ms. Basner was asked multiple times if he owned a dog which he denied. Mr. Erbe states that Mr. Basner never mentioned having any disabilities. Ms. Basner informed Mr. Erbe that he was a street vendor at the Clearwater pier. During Mr. Basner's background check his arrest record was found to be unacceptable to Heritage Village & Inn and he was denied approval. They informed Mr. Rainbolt of this denial on 9/28/16. Despite this denial, Mr. Rainbolt allowed Mr. Basner to move into this mobile home on 9/23/16. Mr. Basner states in his complaint that he was given verbal permission to move in on 9/22. It was not given by Heritage Village & Inn.

On approximately 9/28/16, Mr. Erbe received a phone call from the President of the Home Owners Association, Stan Velk. He lives in Lot 26 and informed Mr. Erbe that there was a large bull dog running throughout the park loose and that he thinks it came from Lot 27.

In addition to Mr. Basner's background check, Mr. Erbe states that he lied to him and falsified his application. Mr. Basner never mentioned to him or put on his application that he has a dog or that he has a disability that requires a service dog. During Mr. Erbe's interview with Mr. Basner, he asked the complainant multiple times if he owned a dog. On 10/11/16, Mr. Basner hand delivered a notice requesting reasonable accommodations to allow a service animal and included paperwork.

Due to never being approved and moving in despite this disapproval, Mr. Erbe states that he retained an attorney and filed an ejection lawsuit. Mr. Rainbolt, the owner of Lot 27, has not paid his lot rent for two months and they have filed an eviction against him.

Mr. Erbe adds that he has one current resident with a service dog and he is in the process of accepting another resident. In those situations, he was informed during the interview and application process.

D. Witnesses

Sandy Menold
Heritage Village
12840 Seminole Boulevard
Largo, FL 33778

Candi Mintz
Heritage Village and Inn
12840 Seminole Boulevard
Largo, FL 33778

Randy Rainbolt

Stan Velk
Heritage Village & Inn

III. Case Summary

A. Interviews

Complainant Basner, Arthur
Date of Interview: January 09, 2017
Type of Interview: In-Person
Interviewer: Taylor, Ronisha C.

Arthur Basner (CP) a disabled male with a service dog who resides at 12840 Seminole Blvd. # 27, Largo, FL 33778. The property is owned by Michael X. Erbe (R) d/b/a Heritage Village & Inn, LLC.

CP states on September 22, 2016 he received verbal approval to move into said unit. CP moved into the unit on September 23, 2016. CP states on September 28, 2016 he was told he would need to move out because he had a dog (service dog). That same day (September 28, 2016) CP submitted a reasonable accommodation request to have his service dog in the unit. CP states he paid his lot rent on October 03, 2016. On October 10, 2016 CP states he was given a 7 day notice to vacate premises. CP states on November 02, 2016 he was told he would be getting evicted when he went to pay his lot rent. On November 17, 2016 CP received an eviction notice.

CP states he is aware of other dogs that reside in the park.

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

Complainant Basner, Arthur
Date of Interview: January 30, 2017
Type of Interview: In-Person
Interviewer: Genova, Peter J.

Mr. Basner said that he became hearing impaired in 1985, after an accident in Orlando. He said that his current dog is 6 years old, and that she hasn't been classified as a service animal until this year. Mr. Basner said that he had a dog prior to the current one for 14 years. That dog wasn't classified as a service animal but service the same purpose. Mr. Basner said that he met a friend at the dog park who told him that his dog is a service animal and should be classified as such.

When asked if a doctor or other health provider recommended the use of a service animal, Mr. Basner said no. He followed by saying that he got his certification on the Internet.

Mr. Basner said that his friend bought the home to sell to him. He knew that Mr. Basner needed a place to live. He made it so I could afford to buy it.

Mr. Basner met with Michael Erbe for an interview. Mr. Basner did not bring his dog in for the interview. It was in his vehicle, not in the office. He states that Mr. Erbe didn't ask if he had a service animal, but if he had a pet. Mr. Basner said that he was informed that Mr. Erbe was a stickler for dogs. He was worried if he disclosed his dog, Mr. Erbe would find a reason to deny. Mr. Basner maintains that by law, he doesn't have to disclose his disability.

Mr. Basner also claims that there are dogs throughout the park. The next door neighbor has a dog. One resident posted a sign advising dog owners to pick up after their animals.

Mr. Basner was asked if any other dogs were service animals. He said that the lady next door told him that Mr. Erbe approached her and told her to get a vest so he can say he rents to people with service animals. She went online and bought a vest. He asserts that her dog is not a service animal.

When asked when Mr. Erbe learned that his dog was a service animal, Mr. Basner said Mr. Erbe found out around 9/28 when he came to his house and knocked on the door. Mr. Erbe said that you've got a dog, so you've got to leave.

Then Mr. Basner and I discussed the timing of events. He said that the interview was about 3 or 4 days before the

move-in, and that he moved in on 9/23. At the time of the interview, Mr. Erbe said he would get back to Mr. Basner. Mr. Basner called Mr. Erbe a couple of days later, and Mr. Erbe told him he could plan on moving in. Mr. Basner asserts that he would not move in to a place when he wasn't authorized. Mr. Basner pointed to the text message that Mr. Erbe sent on 9/28 to support his position that it was about the dog, not his background. Mr. Basner asserts that when Mr. Erbe knocked on his door on 9/28 and told him he had to leave, he give him the certificate. His only request was to allow his dog to live with him. Mr. Basner asserts that he showed the certificate to Mr. Erbe, but was told that it's crap because anyone can print that up. Mr. Erbe tried to take it, but Mr. Basner asked for it back.

We discussed how Mr. Erbe asserts that the certificate and reasonable accommodation request was not received until 10/11, but Mr. Basner said that it's not true. Mr. Erbe is lying.

Mr. Basner was asked about convictions, and he said he had a conviction in 2004 of Felony child support. He was asked about any other convictions, and Mr. Erbe said in 1996 or 1997 he had a criminal conviction for attempted possession of burglary tools and attempted breaking and entering. Mr. Basner denies that his conviction was a factor in the decision to not approve him. He said if the conviction was a problem, it would have been mentioned in the text message from Mr. Erbe on 9/28. Mr. Basner believes that Mr. Erbe is now looking something to cover him because he knows he can't do this.

Mr. Basner states that he's had no other criminal convictions since then.

Mr. Basner was asked, if your dog was the reason why you couldn't live there, why are other dogs there? He has no idea why Mr. Erbe has a problem with him having a dog.

Mr. Basner also said he was charged for utilities that should have been the responsibility of the prior owner. Mr. Basner was required to pay the prior owner's late fees. Mr. Erbe refused to explain this. This was also done after Mr. Erbe found out about Mr. Basner's dog.

Mr. Basner was asked if other residents have criminal records, and he said he isn't sure. However, based on the condition of the park, he would not be surprised. The police have come down there to deal with residents.

Complainant Basner, Arthur
Date of Interview: February 03, 2017
Type of Interview: Telephone
Interviewer: Genova, Peter J.

Investigator called CP to let him know that a request for information was being sent via email. Investigator informed CP that he would be requesting a doctor's note or something from a medical professional recommending the dog as a reasonable accommodation. CP said that he can't afford to go to a doctor. He acknowledged that the dog has never been recommended by a doctor. He looks at his dog so he knows where sound is coming from. If there's an emergency the dog will alert him.

When asked for documentation of the hearing impairment, CP said it was from a 1985 accident in Orlando at a job site. He went through workers' comp and he was out for 6 weeks. The injury was the day before Thanksgiving. He may not have the paperwork because he has moved several times since then and he also has been divorced.

CP explained that he went from living in a van with his dog until he got an opportunity to live in a home.

Respondent Erbe, Michael
Date of Interview: February 09, 2017
Type of Interview: In-Person
Interviewer: Genova, Peter J.

Mr. Erbe said that there isn't a lot of turnover in the park. There are about 2 or 3 sales per year. People come from Canada and Dunkirk, NY. Most new residents come from in-house. Someone's sister, etc. moves in, or people from Dunkirk.

He states that Mr. Basner said nothing about a dog and gave nothing to verify income or employment.

Mr. Erbe states that he and Randy have had a relationship for about 5 or 6 years. Randy would fix up homes and put his tenants in after approval. At first, it worked out fine. He brought in a nurse, and a woman from Washington state. They didn't have animals. In this case, Virginia Hill was the owner. She approached Erbe to say she wanted to sell. Randy happened to call Erbe and he said there were two girls who wanted to sell and move to Kentucky.

The owners and Randy discussed the price, and then Mr. Basner was referred for an interview. This happened on September 12. Regarding the criminal record, Michael Erbe found out about a Clearwater arrest and Mr. Basner told him about a marital issue. He was interviewed before the deal was done. Mr. Erbe denies giving Arthur verbal approval to move in.

On September 23, money was exchanged and then Mr. Erbe's phone started blowing up. The President of the association, Stan Veck, said that someone was moving into Virginia Hill's place. The day they closed, that was the day they moved Arthur in. Mr. Erbe states that he was out of town at the time.

Mr. Erbe's position is that Arthur moved in without being approved, regardless of anything else. He states that Mr. Basner did not bring in the certification of the service animal until October 11. It was a lie that he gave the certificate to Mr. Erbe on September 28. Mr. Erbe thinks that he returned from vacation on September 30.

Mr. Erbe explains that he came to the property, and there was an ambulance on the property. He was trying to find out what happened. Arthur got in his face and said he wasn't sure if he put Heritage Village on a money order. Arthur wouldn't leave him alone so he could go to the ambulance. Mr. Erbe denies having a conversation with Basner at his home about the dog. When he returned from New Jersey, he called his attorney and they sent the letter.

He also states that Candi Mintz has a service dog and has had it for years.

Mr. Erbe asserts that he had no conversation with Mr. Basner other than September 12 and the discussion about the money order. He said he has no reason to talk to him because he deals with the owner.

Mr. Erbe explains that the background check and the dog is not relevant because he didn't move in with approval. It's not an eviction, but an ejection. He reiterates that the first time Mr. Basner told staff about the service animal until October 11 when it was signed in by Sandy.

He brought an attorney in because he knew Mr. Basner was going to set him up. Randy Rainbolt's wife told Mr. Erbe that Arthur was going to sue him and own the park.

He asserts that if Arthur had been honest about the dog, it would have been different. He also states that Arthur didn't pay December and January's lot rent.

Mr. Erbe reiterates that the association doesn't want dogs in the park. On September 12, he asked Mr. Basner if he had a dog and highlighted the rules. Mr. Erbe thinks this is bullshit and Arthur's abusing the system. There was something wrong with Arthur. Something didn't feel right. He sensed that Arthur was lying in his office. He has a good read on people.

Arthur told Stan Veck that he has an emotional support animal, but Mr. Erbe understands that it's a service animal.

Mr. Erbe states that he encouraged Candi Mintz to put a vest on her dog so they know it's a service dog, so people know she isn't breaking the rules. He has never seen Torres' dog. There haven't been any complaints from the neighbors.

He explained that he has 140 rentals and doesn't reject a lot of people, but he did with Arthur.

Other Witnesses Rainbolt, Randy
Date of Interview: February 13, 2017

Type of Interview: Telephone
Interviewer: Genova, Peter J.

Mr. Rainbolt obtains properties and offers lease options or offers finances to potential homeowners and renters. In Mr. Basner's case, he financed the mobile home. Mr. Rainbolt said he met Mr. Basner because he is a runner and Mr. Basner is a street performer who was living in his van. Mr. Rainbolt reached out to the owner of the park to see if anything was available. At first, there wasn't anything available, but then something became available.

Mr. Rainbolt became aware that Mr. Basner has a service animal shortly after meeting him. Mr. Basner was aware that he needed approval from the park first, so he met with Michael. Mr. Rainbolt was not present during their interview. After they met, Mr. Rainbolt remembered that the park has a no pet rule, but he also knows that a service animal is not a pet.

Mr. Rainbolt is not aware of Arthur disclosed his service animal during the meeting. He later received a text from Michael stating that Arthur was not approved because he has a dog. Mr. Rainbolt reached out to Arthur, who said it was a service animal and not a pet.

I asked Mr. Rainbolt if he informed Michael that the dog was a service animal. He said that he did not. He just did the transaction for the mobile home. Mr. Rainbolt is not aware when Michael became aware that it is a service animal. He is not sure if Arthur disclosed the service animal's status before or after he was denied approval.

Mr. Rainbolt states that there are many dogs in the park. To his knowledge, they are not service animals.

Regarding the September 30 that made reference to Arthur's background, Mr. Rainbolt said that they conducted their own research and there are pedophiles living in the park and the park does not notify families with children about them.

Mr. Rainbolt explains that there was a verbal approval for Arthur to move in after the sales terms were agreed upon. This information is second-hand, though.

He added that Michael tried to evict him, but he doesn't live there or own the home. Arthur owns it now. Additionally, Mr. Rainbolt received a cease and desist order from Michael regarding the purchase of homes. He states that the only time he has been on the property is with Michael's permission.

Other Witnesses Mintz, Candi
Date of Interview: February 13, 2017
Type of Interview: Telephone
Interviewer: Genova, Peter J.

Ms. Mintz stated that she informed Michael that she had a service animal when she moved in. She recalls moving in during June of 2015. Ms. Mintz has had no problems from Michael because of her animal.

Ms. Mintz was asked about her neighbor, Art Basner. She is unaware if he informed Michael that he has a service animal. She said it would be none of her business. She does not remember if Michael went to Art's home either.

Other Witnesses Menold, Sandy
Date of Interview: February 14, 2017
Type of Interview: Telephone
Interviewer: Genova, Peter J.

Sandy Menold works part time in the office. He works two or three days per week, about a couple of hours here and there. When rent is due, he works more often. He has worked on and off for about eight or six years. It was before Mike's brother died.

Sandy said that Art Basner came in one day and give him a piece of paper. With all papers, he writes down the date

received and initials it. He does this in case there's a question as to when something was received.

Sandy can't remember if this was the first time Art came in. He's 72 yrs old and can't remember conversations with people. There are over 100 units and he deals with a lot of people.

Other Witnesses Velk, Stan
Date of Interview: February 15, 2017
Type of Interview: Telephone
Interviewer: Genova, Peter J.

Stan Velk is the President of the Homeowner's Association and has served in this role for 3 years. He states that he is not involved with the approval process and is not involved when there is a violation of the Prospectus.

Mr. Velk states that the park has a no pets policy. He was asked if there are exceptions for service animals, and he said yes, if it's a service animal.

Mr. Velk can't remember when he met Mr. Basner. It was when he moved in. Mr. Velk believed that it was at the end of November. He didn't notice anything strange when Mr. Basner moved in. He introduced himself to Mr. Basner and offered a copy of the Prospectus. Mr. Velk said that they have a rule against dogs and asked if Mr. Basner had a dog, to which he replied yes but it's a service dog. Mr. Velk told him that he would have to take it up with Mike. Mr. Basner showed him a card which had the dog's photo, name, and symbols for airport and restaurants, etc. Mr. Velk assumed it was legally a service dog.

Mr. Velk was asked if he spoke to Michael Erbe about the service animal. He said that he and his wife told Mr. Erbe that Art had a dog. It was when Mr. Michael had returned from wherever he was. Mr. Velk was asked if he remembered Michael's reaction, and he said that he was going to look into it.

Mr. Velk was asked if he called Michael to tell him that a dog was running around. He said that Mr. Basner's dog never runs around. Art is with the dog constantly, except for the one time when it was laying on the ground when Mr. Basner asked them about the clothesline hanging between their homes.

He was asked if he has had any more conversations with Mr. Basner about the dog, and they haven't. They have been cordial to each other.

Mr. Velk is unaware if Michael went to Mr. Basner's home. He never saw it.

Complainant Basner, Arthur
Date of Interview: February 17, 2017
Type of Interview: Telephone
Interviewer: Genova, Peter J.

Mr. Basner was asked if he told Stan Velk that dog was service animal. He confirmed. He said that he showed Michael Erbe the certificate on September 28. Michael's response was that it's not worth the paper it's printed on. Anyone can print it off the internet. Mr. Basner said he went to see Michael again after that and was told the same thing.

Mr. Basner doesn't believe that he gave Sandy the certificate.

We discussed the background and whether there was anything specific that Michael told him about his criminal record. Mr. Basner said that Michael knows about his background because he told him during the interview. He also checked yes on the application when asked if he had ever been arrested.

Mr. Basner reiterated that he was verbally approved to move in. Michael gave the ladies (Virginia Hill and her roommate) Mr. Basner's phone number in case they wanted to sell him some of their furniture.

Mr. Basner was reminded to provide information about the services that the dog provides. He said that the dog saved his life. He was in his car and it was cold. He turned the car on and then fell asleep. The car was filling up with carbon monoxide. The dog went up and licked his face.

He explained that he never sued anyone in his entire life. He wasn't planning on it here.

Respondent Erbe, Michael
Date of Interview: February 20, 2017
Type of Interview: Telephone
Interviewer: Genova, Peter J.

Michael Erbe was asked to recall his conversation with Stan Velk, the President. He said that Stan called him on a Friday, the second day of his vacation, and asked if he knew someone was moving in. Erbe said no, and Stan asked if he knew he had a dog. Erbe again said no.

Erbe was asked if Stan told him that Art told him it was a service animal. He said "That I don't know. I wouldn't have known."

Erbe was again asked if there were any standards for approval regarding criminal convictions. Are there any crimes where you would deny someone, or are others negotiable? He said there is a type of gray area. He looks at recent issues, the last couple of years or five years. Erbe gave an example of a 72 y/o who had something at the age of 17 or 18. Erbe said that he doesn't get many applications so he rarely has to do it.

Erbe said that nothing is written. He's thinking off the top of his head and that each situation is different.

He also said that when he meets someone, he looks at whether someone is truthful and up-front with him. He said that Art chose not to tell us he is disabled and has a service dog.

Other Witnesses Velk, Stan
Date of Interview: February 23, 2017
Type of Interview: Telephone
Interviewer: Genova, Peter J.

Called Mr. Velk back. Wanted to pin down the timeline and find out when he told Michael Erbe that CP has a service animal. Mr. Velk said that it was within a week after CP moved in. He said that he was after Michael Erbe returned from vacation.

B. Documents

Nature of Document: Photo of Dog
Who Provided: CP
How Transmitted to HUD: In person
Date of Document:
Date Obtained: December 06, 2016

A photo of a dog that CP submitted to show that there are other dogs in the park.

Nature of Document: Dog Certificate assistance animal
Who Provided: CP
How Transmitted to HUD: In person
Date of Document: September 06, 2016
Date Obtained: December 06, 2016

Certificate dated 9/6/2016, stating that CP's dog, Ellie Mae, is a service dog. The company name on the certificate is UDAR, and it states US Service Dog on the top.

Nature of Document: Reasonable accommodation by CP
Who Provided: CP
How Transmitted to HUD: In person
Date of Document: September 28, 2016
Date Obtained: December 06, 2016

Reasonable accommodation request submitted by CP, dated 9/28/16. He states that his service animal assists him with a disability.

Nature of Document: Texts submitted by CP
Who Provided: CP
How Transmitted to HUD: In person
Date of Document: September 28, 2016
Date Obtained: December 06, 2016

Text message submitted by CP, apparently between the landlord and Rainbolt, the person who purchased property to sell to CP. On 9/28/16, it was stated that CP was denied because he has a dog.

Nature of Document: Intake Questionnaire
Who Provided: CP
How Transmitted to HUD: In person
Date of Document: December 06, 2016
Date Obtained: December 06, 2016

CP alleges that he was discriminated against because of disability when his landlord learned that he has a dog. When he submitted a reasonable accommodation request and informed R that it was a service animal. CP states that his reasons for denial, lying on application and criminal background are not legitimate.

Nature of Document: Denial Letter
Who Provided: CP
How Transmitted to HUD: In person
Date of Document: September 30, 2016
Date Obtained: December 06, 2016

Letter to owner Rainbolt stating that Respondent denied CP from renting due to his background check. The letter states that it is an adult community, with no kids and no pets.

Nature of Document: Ejection Information from CP
Who Provided: CP
How Transmitted to HUD: In person
Date of Document: October 07, 2016
Date Obtained: December 06, 2016

Documents submitted by the CP relating to his ejection, including the Notice to Vacate on 10/7/16, the Summons and Ejection complaint of 11/3/16

Nature of Document: Arthur Basner Signed Complaint
Who Provided: Arthur Basner
How Transmitted to HUD: In Person

Date of Document: January 09, 2017
Date Obtained: January 09, 2017

Nature of Document: Notification Letters
Who Provided: OHR
How Transmitted to HUD:
Date of Document: January 11, 2017
Date Obtained: January 11, 2017

The parties are notified that a complaint has been filed and offered an opportunity to participation in conciliation.

Nature of Document: Conciliation info
Who Provided: OHR
How Transmitted to HUD:
Date of Document: January 11, 2017
Date Obtained: January 11, 2017

Parties invited to conciliation, and fact sheet describes the process.

Nature of Document: RFI
Who Provided: OHR
How Transmitted to HUD:
Date of Document: January 11, 2017
Date Obtained: January 11, 2017

Request for information to response to questions about reasonable accommodation process and to answer allegations.

Nature of Document: Text Messages submitted by R
Who Provided: Respondent
How Transmitted to HUD: Email
Date of Document: September 28, 2016
Date Obtained: January 23, 2017

Text messages between Erbe and Rainbolt in which Erne informs Rainbolt that CP is denied because he has a dog. Text was sent on 9/28.

Nature of Document: R not interested in conciliation
Who Provided: Respondent
How Transmitted to HUD: Email
Date of Document: January 18, 2017
Date Obtained: January 23, 2017

Respondent informs this office that it's not interested in conciliation.

Nature of Document: Rules and Regs
Who Provided: Respondent
How Transmitted to HUD: Email
Date of Document:
Date Obtained: January 23, 2017

The Park's rules and regulations. It states that no pets are allowed in the park, but makes an exception for seeing eye dogs who assist the visually impaired.

Nature of Document: Reasonable Accommodation request
Who Provided: Respondent
How Transmitted to HUD: Email
Date of Document: September 28, 2016
Date Obtained: January 23, 2017

Reasonable accommodation request from the CP, in which he states that he has a service animal. The document is dated 9/28/16. There is a notation on the borrom that it was received by the Respondent on 10/11/16.

Nature of Document: CP application
Who Provided: Respondent
How Transmitted to HUD: Email
Date of Document: September 12, 2016
Date Obtained: January 23, 2017

Application from the CP. It is a 7 month lease, and the application states No dogs, No cats, and No kids. CP acknowledges that he has been arrested. Application is signed on 9/12/16.

Nature of Document: Ejection Documents
Who Provided: Respondent
How Transmitted to HUD: Email
Date of Document: November 16, 2016
Date Obtained: January 23, 2017

Documents related to the ejection of CP from property. CP was served on 11/16/16. A motion to intervene was filed by the CP on 1/10/17.

Nature of Document: Unauthorized Occupant notice
Who Provided: Respondent
How Transmitted to HUD: Email
Date of Document: October 06, 2016
Date Obtained: January 23, 2017

Letter from R's attorney informing CP that he is an unauthorized occupant at Heritage Village. His application was denied on 9/30/16 for providing false information on application. CP is ordered to vacate within 7 dats.

Nature of Document: Certificate of Title
Who Provided: Respondent
How Transmitted to HUD: Email
Date of Document: December 22, 2016
Date Obtained: January 23, 2017

Document which apparently shows that CP took title to the property on 12/22/16.

Nature of Document: Answer
Who Provided: Respondent
How Transmitted to HUD: Mail
Date of Document: January 21, 2017
Date Obtained: January 23, 2017

Heritage Village & Inn's answer, from Michael X. Erbe

Respondent states that Virginia Hill was the owner of Lot 27 until she sold it on 9/23/16. Randy Rainbolt from

Legacy Six was approved to purchase her mobile. He has purchased three other mobiles in this park. He purchases mobiles and then leases to own them out.

Mr. Basner completed his application on 9/12/16. Michael Erbe states that he personally interviewed Mr. Basner as he does all applicants. Ms. Basner was asked multiple times if he owned a dog which he denied. Mr. Erbe states that Mr. Basner never mentioned having any disabilities. Ms. Basner informed Mr. Erbe that he was a street vendor at the Clearwater pier. During Mr. Basner's background check his arrest record was found to be unacceptable to Heritage Village & Inn and he was denied approval. They informed Mr. Rainbolt of this denial on 9/28/16. Despite this denial, Mr. Rainbolt allowed Mr. Basner to move into this mobile home on 9/23/16. Mr. Basner states in his complaint that he was given verbal permission to move in on 9/22. It was not given by Heritage Village & Inn.

On approximately 9/28/16, Mr. Erbe received a phone call from the President of the Home Owners Association, Stan Velk. He lives in Lot 26 and informed Mr. Erbe that there was a large bull dog running throughout the park loose and that he thinks it came from Lot 27.

In addition to Mr. Basner's background check, Mr. Erbe states that he lied to him and falsified his application. Mr. Basner never mentioned to him or put on his application that he has a dog or that he has a disability that requires a service dog. During Mr. Erbe's interview with Mr. Basner, he asked the complainant multiple times if he owned a dog. On 10/11/16, Mr. Basner hand delivered a notice requesting reasonable accommodations to allow a service animal and included paperwork.

Due to never being approved and moving in despite this disapproval, Mr. Erbe states that he retained an attorney and filed an ejection lawsuit. Mr. Rainbolt, the owner of Lot 27, has not paid his lot rent for two months and they have filed an eviction against him.

Mr. Erbe adds that he has one current resident with a service dog and he is in the process of accepting another resident. In those situations, he was informed during the interview and application process.

Nature of Document: Mintz application
Who Provided: Respondent
How Transmitted to HUD: Email
Date of Document: March 03, 2015
Date Obtained: January 23, 2017

Application from another resident who has a service animal, dated 3/3/15.

Nature of Document: Torres application
Who Provided: Respondent
How Transmitted to HUD: Email
Date of Document: January 08, 2017
Date Obtained: January 23, 2017

Torres application in which applicant states that they have a service animal. Documentation provided.

Nature of Document: Rebuttal Request
Who Provided: OHR
How Transmitted to HUD:
Date of Document: January 27, 2017
Date Obtained: January 27, 2017

CP provided with a summary of R's answer in anticipation of meeting on 1/30.

Nature of Document: Basner interview and notes
Who Provided: OHR

How Transmitted to HUD:

Date of Document: January 30, 2017

Date Obtained: January 30, 2017

Mr. Basner said that he became hearing impaired in 1985, after an accident in Orlando. He said that his current dog is 6 years old, and that she hasn't been classified as a service animal until this year. Mr. Basner said that he had a dog prior to the current one for 14 years. That dog wasn't classified as a service animal but service the same purpose. Mr. Basner said that he met a friend at the dog park who told him that his dog is a service animal and should be classified as such.

When asked if a doctor or other health provider recommended the use of a service animal, Mr. Basner said no. He followed by saying that he got his certification on the Internet.

Mr. Basner said that his friend bought the home to sell to him. He knew that Mr. Basner needed a place to live. He made it so I could afford to buy it.

Mr. Basner met with Michael Erbe for an interview. Mr. Basner did not bring his dog in for the interview. It was in his vehicle, not in the office. He states that Mr. Erbe didn't ask if he had a service animal, but if he had a pet. Mr. Basner said that he was informed that Mr. Erbe was a stickler for dogs. He was worried if he disclosed his dog, Mr. Erbe would find a reason to deny. Mr. Basner maintains that by law, he doesn't have to disclose his disability.

Mr. Basner also claims that there are dogs throughout the park. The next door neighbor has a dog. One resident posted a sign advising dog owners to pick up after their animals.

Mr. Basner was asked if any other dogs were service animals. He said that the lady next door told him that Mr. Erbe approached her and told her to get a vest so he can say he rents to people with service animals. She went online and bought a vest. He asserts that her dog is not a service animal.

When asked when Mr. Erbe learned that his dog was a service animal, Mr. Basner said Mr. Erbe found out around 9/28 when he came to his house and knocked on the door. Mr. Erbe said that you've got a dog, so you've got to leave.

Then Mr. Basner and I discussed the timing of events. He said that the interview was about 3 or 4 days before the move-in, and that he moved in on 9/23. At the time of the interview, Mr. Erbe said he would get back to Mr. Basner. Mr. Basner called Mr. Erbe a couple of days later, and Mr. Erbe told him he could plan on moving in. Mr. Basner asserts that he would not move in to a place when he wasn't authorized. Mr. Basner pointed to the text message that Mr. Erbe sent on 9/28 to support his position that it was about the dog, not his background. Mr. Basner asserts that when Mr. Erbe knocked on his door on 9/28 and told him he had to leave, he give him the certificate. His only request was to allow his dog to live with him. Mr. Basner asserts that he showed the certificate to Mr. Erbe, but was told that it's crap because anyone can print that up. Mr. Erbe tried to take it, but Mr. Basner asked for it back.

We discussed how Mr. Erbe asserts that the certificate and reasonable accommodation request was not received until 10/11, but Mr. Basner said that it's not true. Mr. Erbe is lying.

Mr. Basner was asked about convictions, and he said he had a conviction in 2004 of Felony child support. He was asked about any other convictions, and Mr. Erbe said in 1996 or 1997 he had a criminal conviction for attempted possession of burglary tools and attempted breaking and entering. Mr. Basner denies that his conviction was a factor in the decision to not approve him. He said if the conviction was a problem, it would have been mentioned in the text message from Mr. Erbe on 9/28. Mr. Basner believes that Mr. Erbe is now looking something to cover him because he knows he can't do this.

Mr. Basner states that he's had no other criminal convictions since then.

Mr. Basner was asked, if your dog was the reason why you couldn't live there, why are other dogs there? He has no idea why Mr. Erbe has a problem with him having a dog.

Mr. Basner also said he was charged for utilities that should have been the responsibility of the prior owner. Mr. Basner was required to pay the prior owner's late fees. Mr. Erbe refused to explain this. This was also done after Mr. Erbe found out about Mr. Basner's dog.

Mr. Basner was asked if other residents have criminal records, and he said he isn't sure. However, based on the condition of the park, he would not be surprised. The police have come down there to deal with residents.

Nature of Document: Notes from Basner call
Who Provided: OHR
How Transmitted to HUD: Notes
Date of Document: February 03, 2017
Date Obtained: February 03, 2017

Investigator called CP to let him know that a request for information was being sent via email. Investigator informed CP that he would be requesting a doctor's note or something from a medical professional recommending the dog as a reasonable accommodation. CP said that he can't afford to go to a doctor. He acknowledged that the dog has never been recommended by a doctor. He looks at his dog so he knows where sound is coming from. If there's an emergency the dog will alert him.

When asked for documentation of the hearing impairment, CP said it was from a 1985 accident in Orlando at a job site. He went through workers' comp and he was out for 6 weeks. The injury was the day before Thanksgiving. He may not have the paperwork because he has moved several times since then and he also has been divorced.

CP explained that he went from living in a van with his dog until he got an opportunity to live in a home.

Nature of Document: RFI to Basner
Who Provided: OHR
How Transmitted to HUD:
Date of Document: February 03, 2017
Date Obtained: February 03, 2017

CP was asked to provide any info that verifies he meets FHA's definition of disability, describes the needed accommodation, and shows the relationship between his disability and the need for accommodation.

Nature of Document: RFI to Erbe
Who Provided: OHR
How Transmitted to HUD:
Date of Document: February 06, 2017
Date Obtained: February 06, 2017

Request to interview landlord, with request to review applications, background checks, and rules/policies concerning criminal background checks.

Nature of Document: Erbe interview notes
Who Provided: OHR
How Transmitted to HUD: Investigator Notes
Date of Document: February 09, 2017
Date Obtained: February 09, 2017

Mr. Erbe said that there isn't a lot of turnover in the park. There are about 2 or 3 sales per year. People come from Canada and Dunkirk, NY. Most new residents come from in-house. Someone's sister, etc. moves in, or people from Dunkirk.

He states that Mr. Basner said nothing about a dog and gave nothing to verify income or employment.

Mr. Erbe states that he and Randy have had a relationship for about 5 or 6 years. Randy would fix up homes and put his tenants in after approval. At first, it worked out fine. He brought in a nurse, and a woman from Washington state. They didn't have animals. In this case, Virginia Hill was the owner. She approached Erbe to say she wanted to sell. Randy happened to call Erbe and he said there were two girls who wanted to sell and move to Kentucky.

The owners and Randy discussed the price, and then Mr. Basner was referred for an interview. This happened on September 12. Regarding the criminal record, Michael Erbe found out about a Clearwater arrest and Mr. Basner told him about a marital issue. He was interviewed before the deal was done. Mr. Erbe denies giving Arthur verbal approval to move in.

On September 23, money was exchanged and then Mr. Erbe's phone started blowing up. The President of the association, Stan Veck, said that someone was moving into Virginia Hill's place. The day they closed, that was the day they moved Arthur in. Mr. Erbe states that he was out of town at the time.

Mr. Erbe's position is that Arthur moved in without being approved, regardless of anything else. He states that Mr. Basner did not bring in the certification of the service animal until October 11. It was a lie that he gave the certificate to Mr. Erbe on September 28. Mr. Erbe thinks that he returned from vacation on September 30.

Mr. Erbe explains that he came to the property, and there was an ambulance on the property. He was trying to find out what happened. Arthur got in his face and said he wasn't sure if he put Heritage Village on a money order. Arthur wouldn't leave him alone so he could go to the ambulance. Mr. Erbe denies having a conversation with Basner at his home about the dog. When he returned from New Jersey, he called his attorney and they sent the letter.

He also states that Candi Mintz has a service dog and has had it for years.

Mr. Erbe asserts that he had no conversation with Mr. Basner other than September 12 and the discussion about the money order. He said he has no reason to talk to him because he deals with the owner.

Mr. Erbe explains that the background check and the dog is not relevant because he didn't move in with approval. It's not an eviction, but an ejection. He reiterates that the first time Mr. Basner told staff about the service animal until October 11 when it was signed in by Sandy.

He brought an attorney in because he knew Mr. Basner was going to set him up. Randy Rainbolt's wife told Mr. Erbe that Arthur was going to sue him and own the park.

He asserts that if Arthur had been honest about the dog, it would have been different. He also states that Arthur didn't pay December and January's lot rent.

Mr. Erbe reiterates that the association doesn't want dogs in the park. On September 12, he asked Mr. Basner if he had a dog and highlighted the rules. Mr. Erbe thinks this is bullshit and Arthur's abusing the system. There was something wrong with Arthur. Something didn't feel right. He sensed that Arthur was lying in his office. He has a good read on people.

Arthur told Stan Veck that he has an emotional support animal, but Mr. Erbe understands that it's a service animal.

Mr. Erbe states that he encouraged Candi Mintz to put a vest on her dog so they know it's a service dog, so people know she isn't breaking the rules. He has never seen Torres' dog. There haven't been any complaints from the neighbors.

He explained that he has 140 rentals and doesn't reject a lot of people, but he did with Arthur.

Nature of Document: Erbe flight itinerary

Who Provided: Respondent

How Transmitted to HUD: In person

Date of Document: January 18, 2017

Date Obtained: February 09, 2017

Record shows that Michael Erbe flew to Newark on September 22 and returned on September 27. This was requested because he had earlier indicated that he didn't return until September 30 (which would have made it impossible for him to speak to Mr. Basner in person on the 28th).

Nature of Document: Arrest record

Who Provided: Respondent

How Transmitted to HUD: In person

Date of Document: October 05, 2016

Date Obtained: February 09, 2017

Basner arrest record. He was arrested in 2015 for lodging in his vehicle.

Nature of Document: Rainbolt interview notes

Who Provided: OHR

How Transmitted to HUD: Investigator Notes

Date of Document: February 13, 2017

Date Obtained: February 13, 2017

Mr. Rainbolt obtains properties and offers lease options or offers finances to potential homeowners and renters. In Mr. Basner's case, he financed the mobile home. Mr. Rainbolt said he met Mr. Basner because he is a runner and Mr. Basner is a street performer who was living in his van. Mr. Rainbolt reached out to the owner of the park to see if anything was available. At first, there wasn't anything available, but then something became available.

Mr. Rainbolt became aware that Mr. Basner has a service animal shortly after meeting him. Mr. Basner was aware that he needed approval from the park first, so he met with Michael. Mr. Rainbolt was not present during their interview. After they met, Mr. Rainbolt remembered that the park has a no pet rule, but he also knows that a service animal is not a pet.

Mr. Rainbolt is not aware of Arthur disclosed his service animal during the meeting. He later received a text from Michael stating that Arthur was not approved because he has a dog. Mr. Rainbolt reached out to Arthur, who said it was a service animal and not a pet.

I asked Mr. Rainbolt if he informed Michael that the dog was a service animal. He said that he did not. He just did the transaction for the mobile home. Mr. Rainbolt is not aware when Michael became aware that it is a service animal. He is not sure if Arthur disclosed the service animal's status before or after he was denied approval.

Mr. Rainbolt states that there are many dogs in the park. To his knowledge, they are not service animals.

Regarding the September 30 that made reference to Arthur's background, Mr. Rainbolt said that they conducted their own research and there are pedophiles living in the park and the park does not notify families with children about them.

Mr. Rainbolt explains that there was a verbal approval for Arthur to move in after the sales terms were agreed upon. This information is second-hand, though.

He added that Michael tried to evict him, but he doesn't live there or own the home. Arthur owns it now. Additionally, Mr. Rainbolt received a cease and desist order from Michael regarding the purchase of homes. He states that the only time he has been on the property is with Michael's permission.

Nature of Document: Request for Witness Contacts

Who Provided: OHR

How Transmitted to HUD:

Date of Document: February 13, 2017
Date Obtained: February 13, 2017

Request for contact information for association president and the office worker.

Nature of Document: Mintz interview notes
Who Provided: OHR
How Transmitted to HUD: Investigator Notes
Date of Document: February 13, 2017
Date Obtained: February 13, 2017

Ms. Mintz stated that she informed Michael that she had a service animal when she moved in. She recalls moving in during June of 2015. Ms. Mintz has had no problems from Michael because of her animal.

Ms. Mintz was asked about her neighbor, Art Basner. She is unaware if he informed Michael that he has a service animal. She said it would be none of her business. She does not remember if Michael went to Art's home either.

Nature of Document: Menold interview notes
Who Provided: OHR
How Transmitted to HUD: Investigator Notes
Date of Document: February 14, 2017
Date Obtained: February 14, 2017

Sandy Menold works part time in the office. He works two or three days per week, about a couple of hours here and there. When rent is due, he works more often. He has worked on and off for about eight or six years. It was before Mike's brother died.

Sandy said that Art Basner came in one day and give him a piece of paper. With all papers, he writes down the date received and initials it. He does this in case there's a question as to when something was received.

Sandy can't remember if this was the first time Art came in. He's 72 yrs old and can't remember conversations with people. There are over 100 units and he deals with a lot of people.

Nature of Document: Witness Phone Numbers
Who Provided: Respondent
How Transmitted to HUD: Email
Date of Document: February 14, 2017
Date Obtained: February 15, 2017

Witness contacts for Michael Erbe's office employee and the association president.

Nature of Document: Velk Interview Notes
Who Provided: OHR
How Transmitted to HUD: Investigator Notes
Date of Document: February 15, 2017
Date Obtained: February 15, 2017

Stan Velk is the President of the Homeowner's Association and has served in this role for 3 years. He states that he is not involved with the approval process and is not involved when there is a violation of the Prospectus.

Mr. Velk states that the park has a no pets policy. He was asked if there are exceptions for service animals, and he said yes, if it's a service animal.

Mr. Velk can't remember when he met Mr. Basner. It was when he moved in. Mr. Velk believed that it was at the

end of November. He didn't noticed anything strange when Mr. Basner moved in. He introduced himself to Mr. Basner and offered a copy of the Prospectus. Mr. Velk said that they have a rule against dogs and asked if Mr. Basner had a dog, to which he replied yes but it's a service dog. Mr. Velk told him that he would have to take it up with Mike. Mr. Basner showed him a card which had the dog's photo, name, and symbols for airport and restaurants, etc. Mr. Velk assumed it was legally a service dog.

Mr. Velk was asked if he spoke to Michael Erbe about the service animal. He said that he and his wife told Mr. Erbe that Art had a dog. It was when Mr. Michael had returned from wherever he was. Mr. Velk was asked if he remembered Michael's reaction, and he said that he was going to look into it.

Mr. Velk was asked if he called Michael to tell him that a dog was running around. He said that Mr. Basner's dog never runs around. Art is with the dog constantly, except for the one time when it was laying on the ground when Mr. Basner asked them about the clothesline hanging between their homes.

He was asked if he has had any more conversations with Mr. Basner about the dog, and they haven't. They have been cordial to each other.

Mr. Velk is unaware if Michael went to Mr. Basner's home. He never saw it.

Nature of Document: Hearing Test
Who Provided: CP
How Transmitted to HUD: In person
Date of Document: February 14, 2017
Date Obtained: February 15, 2017

Hearing test from Sound Advice Hearing Solutions, conducted on 2/14/2017.

In CP's right ear, he has 'profound' degree of loss, with a note 'non-respond'.

In his left ear, he has 'moderate' degree of loss.

In the comment section, it states "Client has a mild to moderate loss on L+ and non-responsive on R+"

Nature of Document: Basner phone call notes
Who Provided: OHR
How Transmitted to HUD: Investigator Notes
Date of Document: February 17, 2017
Date Obtained: February 17, 2017

Mr. Basner was asked if he told Stan Velk that dog was service animal. He confirmed. He said that he showed Michael Erbe the certificate on September 28. Michael's response was that it's not worth the paper it's printed on. Anyone can print it off the internet. Mr. Basner said he went to see Michael again after that and was told the same thing.

Mr. Basner doesn't believe that he gave Sandy the certificate.

We discussed the background and whether there was anything specific that Michael told him about his criminal record. Mr. Basner said that Michael knows about his background because he told him during the interview. He also checked yes on the application when asked if he had ever been arrested.

Mr. Basner reiterated that he was verbally approved to move in. Michael gave the ladies (Virginia Hill and her roommate) Mr. Basner's phone number in case they wanted to sell him some of their furniture.

Mr. Basner was reminded to provide information about the services that the dog provides. He said that the dog saved his life. He was in his car and it was cold. He turned the car on and then fell asleep. The car was filling up with

carbon monoxide. The dog went up and licked his face.

He explained that he never sued anyone in his entire life. He wasn't planning on it here.

Nature of Document: Erbe phone call notes
Who Provided: OHR
How Transmitted to HUD: Investigator Notes
Date of Document: February 20, 2017
Date Obtained: February 20, 2017

Michael Erbe was asked to recall his conversation with Stan Velk, the President. He said that Stan called him on a Friday, the second day of his vacation, and asked if he knew someone was moving in. Erbe said no, and Stan asked if he knew he had a dog. Erbe again said no.

Erbe was asked if Stan told him that Art told him it was a service animal. He said "That I don't know. I wouldn't have known."

Erbe was again asked if there were any standards for approval regarding criminal convictions. Are there any crimes where you would deny someone, or are others negotiable? He said there is a type of gray area. He looks at recent issues, the last couple of years or five years. Erbe gave an example of a 72 y/o who had something at the age of 17 or 18. Erbe said that he doesn't get many applications so he rarely has to do it.

Erbe said that nothing is written. He's thinking off the top of his head and that each situation is different.

He also said that when he meets someone, he looks at whether someone is truthful and up-front with him. He said that Art chose not to tell us he is disabled and has a service dog.

Nature of Document: Why dog is needed as R/A
Who Provided: CP
How Transmitted to HUD: In person
Date of Document: February 21, 2017
Date Obtained: February 21, 2017

CP explains that his dog provides the following services:

At home, alerts him when someone is at door. Alerts to alarms such as smoke detector, alarm clock, oven timer, alerts to sounds outside that may pose a threat.

Outside, dog will not respond to common street noises, alerts to the approach of people or cars that may pose a threat or hazard, protects him from people who may cause bodily harm, lets him know what direction alarming sounds are coming from, and gives him security that allows him to function in everyday life.

Also, Ellie Mae saved his life. She woke him up one night sleeping in his van. CP was under severe effects of carbon monoxide poisoning.

Nature of Document: Velk notes second call
Who Provided: OHR
How Transmitted to HUD: Investigator Notes
Date of Document: February 23, 2017
Date Obtained: February 23, 2017

Called Mr. Velk back. Wanted to pin down the timeline and find out when he told Michael Erbe that CP has a service animal. Mr. Velk said that it was within a week after CP moved in. He said that he was after Michael Erbe returned from vacation.

C. Interrogatories

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