

October 23, 2018

## Final Investigative Report

**Case Name:** Vincent & Gen Carthane v. Charles Rutenberg Realty, Inc.

**Case Number:** 04-18-3407-8

### I. Jurisdiction

A complaint was filed with HUD on July 24, 2018 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; and Discriminatory terms, conditions, privileges, or services and facilities. It is alleged that the respondent(s)'s acts were based on Race. The most recent act is alleged to have occurred on May 18, 2018, and is continuing. The property is located at: 1320 Mary L Road, Clearwater, FL 33755. The property in question is not exempt under the applicable statutes. If proven, the allegation(s) would constitute a violation of Sections 804a or f, and 804b or f of Title VIII of the Civil Rights Act of 1968 as amended by the Fair Housing Act of 1988.

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

### II. Parties and Aggrieved Persons

#### A. Complainant(s)

Vincent Carthane  
P O Box 1596  
St. Petersburg, FL 33731

Gen Carthane  
P O Box 1596  
St. Petersburg, FL 33731

#### Complainant Allegations

Vincent and Gen Carthane (CP V Carthane and CP G Carthane) an African American family where CP V Carthane has a criminal background which includes felonies from 20 years ago. The property that CPs were interested in is owned by Travis Kern (R1), the listing is listed by a Real Estate Company- Charles Rutenberg Realty, Inc., (R2).

CP V Carthane states he and his wife were looking for a new place to reside. While searching through classified ads CP's came across a unit they were interested in. CP V Carthane states the advertised unit was a 3bedroom for 1250.00 per month. CP V Carthane states when he inquired about the available unit on May 18, 2018, via text message, he was informed that they do not accept anyone with a felony record regardless of how long it has been since the crime was committed (no exceptions).

CP's believes the policy rejecting ANY felon applicant may be a violation of the Fair Housing Act and Laws.

#### B. Other Aggrieved Persons

#### C. Respondent(s)

Charles Rutenberg Realty, Inc.  
c/o Michael J. Heath, P.A. Registered Agent

167 108th Ave.  
Treasure Island, FL 33706

Travis, Landlord Kern  
1755 Harbor Dr.  
Clearwater, FL 33755

#### Respondent Defenses

Respondent CRR, sated, that the attached "Human rights case is in regards to a Fair housing complaint involving an agent acting in the sole capacity as an owner and not an agent of CRR. This was done outside of our office and outside of our supervision, there was never any paperwork uploaded into our file system, it was never placed on the MLS, and CRR was never mentioned in any advertisements. The agent/owner, Travis Kern never had any intentions of establishing a Brokerage relationship with CRR and his personal rental property, and he was aware that all liabilities borne by him, would be assumed by him." (C-1)

Respondent CRR further stated under penalty of perjury that they did not have any contractual relationship with respondent Travis Kern concerning the rental of the subject property, did not advertise his rental unit using their tools or resources, and did not provide him with a telephone for business use. (C-2)

Respondent Kern stated he only owned, operated and managed one property. He stated he had no idea if the complainant had actually viewed the property, and did not know anything about this background. Kern stated that as a small landlord it was risky for him to have to screen such applicant's background, and that if anything went wrong with the tenancy, it would be a burden to a small landlord. Kern believed the complainant had been filing cases for money, and not for housing, and believed the time tested practice of screening criminal backgrounds was necessary.

#### D. Witnesses

### III. Case Summary

#### A. Interviews

Complainant Carthane, Vincent  
Date of Interview: July 23, 2018  
Type of Interview: Correspondence  
Interviewer: Taylor, Ronisha C.

Vincent and Gen Carthane (CP V Carthane and CP G Carthane) an African American family where CP V Carthane has a criminal background which includes felonies from 20 years ago. The property that CPs were interested in is owned by Travis Kern (R1), the listing is listed by a Real Estate Company- Charles Rutenberg Realty, Inc., (R2).

CP V Carthane states he and his wife were looking for a new place to reside. While searching through classified ads CP's came across a unit they were interested in. CP V Carthane states the advertised unit was a 3bedroom for 1250.00 per month. CP V Carthane states when he inquired about the available unit on May 18, 2018, via text message, he was informed that they do not accept anyone with a felony record regardless of how long it has been since the crime was committed (no exceptions).

CP's believes the policy rejecting ANY felon applicant may be a violation of the Fair Housing Act and Laws.

Respondent Kern, Travis, Landlord  
Date of Interview: July 30, 2018  
Type of Interview: Telephone  
Interviewer: ESPARZA, MARK S

Call from respondent Kern, who stated he used to work for Charles Rutenberg. He stated he had the texts between him and the cp, and that he did decline all felons across the board. He added he had never seen the cp. He stated he had only one property, and got about 50 applications a day. He stated this was his personal property, which he had advertised on rentalutions. He stated the website was now called Avial. He stated he had something on there about no felonies.

Kern recalled the cp calling him, and that the cp had wanted a waiver from the rule. Kern stated no, that he could not make exceptions. Kern stated the allegations were offensive to him, as his family was considered a minority family, and that he was probably disabled with ADHD.

Kern stated it appeared the cp wanted money, and he did not wish to incentivize anyone to do this to someone else. He stated that Charles Rutenberg did not even advertise the property on their site.

Kern was explained the disparate impact theory, and sent the HUD criminal background memo.

Respondent Representative Harvey, Briana  
Date of Interview: August 01, 2018  
Type of Interview: Telephone  
Interviewer: ESPARZA, MARK S

Call from Harvey on this date. She stated she was Kern's sister, and was calling on his behalf. She stated her brother needed her help due to his ADHS. Harvey stated that the applicable guidance was only guidance, and not an actual law.

She stated she was a realtor in Nebraska, and that the site of discrimination had been the cp's own personal home. She stated that Kern now lived a a house owned by him and his parents.

She stated the respondent was being targeted by someone to extort some money out of them, as he was realtor.

Harvey was explained the disparate impact theory and recent supreme court case validating the theory. Conciliation and jurisdictional coverage of the respondent was discussed, as Kern stated he had less than 4 properties. Harvey stated she was going to make a public records request for all the cases filed by the cp.

Respondent Representative Harvey, Briana  
Date of Interview: August 31, 2018  
Type of Interview: Telephone  
Interviewer: ESPARZA, MARK S

Call from Harvey who wanted to know about the other complaints filed by the cp, that were destroyed after the record storage retention had expired. Harvey stated that each case represented money from the taxpayers that incentivized the processing of such complaints. Harvey stated her request was to see if the cp had actually been injured or damaged.

Respondent Kern, Travis, Landlord  
Date of Interview: September 20, 2018  
Type of Interview: Telephone  
Interviewer: ESPARZA, MARK S

Respondent Representative Harvey, Briana  
Date of Interview: October 10, 2018  
Type of Interview: Telephone  
Interviewer: ESPARZA, MARK S

## B. Documents

Nature of Document: cp intake form  
Who Provided: complainant  
How Transmitted to HUD: In-person  
Date of Document: May 31, 2018  
Date Obtained: June 04, 2018

cp intake form

Nature of Document: Kern property appraiser information  
Who Provided: PCOHR  
How Transmitted to HUD: Internet  
Date of Document: June 26, 2018  
Date Obtained: June 26, 2018

Property Appraiser information for Mr. Kern

Nature of Document: Notice letter to the parties  
Who Provided: PCOHR  
How Transmitted to HUD: In-person  
Date of Document: July 25, 2018  
Date Obtained: July 25, 2018

Notice of the complaint letter sent to the parties.

Nature of Document: respondent CRR answer  
Who Provided: respondent  
How Transmitted to HUD: email  
Date of Document: July 30, 2018  
Date Obtained: July 30, 2018

Respondent Charles Rutenberg Realty's answer.

Nature of Document: Kern request for carthane damages information  
Who Provided: respondent  
How Transmitted to HUD: email  
Date of Document: August 27, 2018  
Date Obtained: August 27, 2018

respondent Kern had asked Mr. Carthane for information on the housing the cp has sought.

Nature of Document: respondent Kern answer  
Who Provided: respondent  
How Transmitted to HUD: email  
Date of Document: September 04, 2018  
Date Obtained: September 04, 2018

Respondent Kern's answer

Nature of Document: cp rebuttal to Kern  
Who Provided: complainant  
How Transmitted to HUD: email  
Date of Document: September 12, 2018  
Date Obtained: September 12, 2018

Cp's rebuttal to Kern's answer.

Nature of Document: RFI to Kern regarding jurisdiction  
Who Provided: respondent  
How Transmitted to HUD: email  
Date of Document: September 12, 2018  
Date Obtained: September 12, 2018

Questions regarding jurisdiction to Kern.

Nature of Document: CRR RFI and reply  
Who Provided: respondent  
How Transmitted to HUD: email  
Date of Document: September 12, 2018  
Date Obtained: September 17, 2018

CRR's response to questions about the control over advertising, websites and phones.

Nature of Document: cp housing search response  
Who Provided: complainant  
How Transmitted to HUD: email  
Date of Document: September 20, 2018  
Date Obtained: September 20, 2018

Cp's response to whether he was actually searching for housing.

Nature of Document: cp rebuttal to CRR  
Who Provided: complainant  
How Transmitted to HUD: email  
Date of Document: August 29, 2018  
Date Obtained: September 29, 2018

Cp rebuttal to Charles Rutenberg Realty

Nature of Document: cp jurisdictional argument  
Who Provided: complainant  
How Transmitted to HUD: email  
Date of Document: October 04, 2018  
Date Obtained: October 04, 2018

Cp's attorney argument that Jurisdiction existed due to 804c violation

Nature of Document: US Census data  
Who Provided: PCOHR  
How Transmitted to HUD: Internet  
Date of Document: October 08, 2018  
Date Obtained: October 08, 2018

US census stats

Nature of Document: cp criminal background  
Who Provided: PCOHR  
How Transmitted to HUD: Internet

Date of Document: October 08, 2018  
Date Obtained: October 08, 2018

Criminal background for cp.

Nature of Document: Sentencing Project 6 million lost voters  
Who Provided: PCOHR  
How Transmitted to HUD: Internet  
Date of Document: October 09, 2018  
Date Obtained: October 09, 2018

6 Million Lost Voters: State level estimates of felony disenfranchisement, 2016

Nature of Document: Sentencing Project state by state estimates  
Who Provided: PCOHR  
How Transmitted to HUD: Internet  
Date of Document: October 09, 2018  
Date Obtained: October 09, 2018

State by State Data

Nature of Document: oct 10 Kern RFI  
Who Provided: respondent  
How Transmitted to HUD: email  
Date of Document: October 10, 2018  
Date Obtained: October 10, 2018

RFI to Kern concerning dates of employment, webpage and craig's list.

Nature of Document: HUD criminal background policy Guidance  
Who Provided: HUD  
How Transmitted to HUD: Internet  
Date of Document: April 06, 2018  
Date Obtained: October 10, 2018

HUD Criminal Background Policy Guidance

Nature of Document: cp Oct 12 RFI response  
Who Provided: complainant  
How Transmitted to HUD: email  
Date of Document: October 12, 2018  
Date Obtained: October 12, 2018

Cp's answers to how Kern's webpage was obtained, and clarification of craig's list ad.

Nature of Document: Request for Felon information from SAO  
Who Provided: SAO  
How Transmitted to HUD: 10/16/2018  
Date of Document: October 16, 2018  
Date Obtained: October 22, 2018

Request to and response from SAO 6th Judicial circuit regarding the number of felons.

Nature of Document: Request to SAO  
Who Provided: PCOHR  
How Transmitted to HUD: fax  
Date of Document: October 16, 2018  
Date Obtained: October 22, 2018

Request for Felon information within the 6th circuit.

Nature of Document: Signed Complaint  
Who Provided:  
How Transmitted to HUD:  
Date of Document: July 23, 2018  
Date Obtained:

C. Interrogatories

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