

June 07, 2018

## Final Investigative Report

**Case Name:** Jerome Lascko v. Sun Country Properties, Inc.

**Case Number:** 04-18-1577-8

### I. Jurisdiction

A complaint was filed with the Pinellas County Office of Human Rights on February 28, 2018 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; Failure to make reasonable accommodation; and Discriminatory refusal to sell. It is alleged that the respondent(s)'s acts were based on Handicap. The most recent act is alleged to have occurred on December 08, 2017, and is continuing. The property is located at: 799 E. Klosterman Rd., , Tarpon Springs, FL 34689. The property in question is not exempt under the applicable statutes. If proven, the allegation(s) would constitute a violation of Chapter 70 of the Pinellas County Code.

The respondent(s) receive no federal funding.

### II. Parties and Aggrieved Persons

#### A. Complainant(s)

Jerome Lascko  
39248 US Hwy 19 N., #354  
Tarpon Springs, FL 34689

#### Complainant Allegations

Jerome Lascko (CP) a disabled male interested in purchasing a home located at 799 E. Klosterman Rd., Tarpon Springs, FL 34689. The Property is owned by Sun Country Properties (R1) Carmine Triggiano, Manager (R2), Luccio (last name unknown), Park Manager (R3) and Michelle Waldron, Realtor (R4).

CP states he signed a purchase agreement to purchase a mobile home, however, CP was informed that he was denied because he has an animal (service animal). CP states he informed R's of the necessity of his service animal and provided documentation, however, R's did not care. R2 told CP that they do not believe in Federal Law and feels it's a sham. CP states on December 8, 2017, he spoke with R2 and R3 personally and was told the same thing again. CP states R4 also confirmed the statement that was made.

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

#### B. Other Aggrieved Persons

#### C. Respondent(s)

Carmine, Manager Triggiano  
c/o Raffaele Triggiano, Registered Agent  
799 E. Klosterman Rd.  
Tarpon Springs, FL 34689

Luccio, Park Manager Unknown  
c/o Raffaele Triggiano, Registered Agent  
799 E. Klosterman Rd.  
Tarpon Springs, FL 34689

Sun Country Properties, Inc.  
c/o Raffaele Triggiano, Registered Agent  
799 E. Klosterman Rd.  
Tarpon Springs, FL 34689

#### Respondent Defenses

When the realtor dropped off the application and payment for background check for Jerome Lascko, a background check was done and then Respondent noticed that "has pet" was checked on application. Respondent promptly called Complainant and told him their policy is pets were not allowed in their park and then he told Respondent his pet was actually a service animal.

Respondent states that it does not take people's word on this matter and require, at the very least, a letter/documentation from a doctor stating that they have a need for a service animal. No such documentation was provided with Complainant's application. The realtor came back to the office and Respondent gave her the refunded monies for the background check to give to Complainant.

#### D. Witnesses

Janet Petty  
True Bearing Group  
13030 Starkey Road  
Ste. 5  
Largo, FL 33773-1417

Beth Durner  
True Bearing Group  
13030 Starkey Road  
Ste. 5  
Largo, FL 33773-1417

Ralph Triggiano  
Sun Country Properties  
799 E. Klosterman Road  
Tarpon Springs, FL 34689

Michelle Waldron  
True Bearing Group  
13030 Starkey Road, Ste. 5  
Largo, FL 33773-1417

### **III. Case Summary**

#### A. Interviews

Complainant Lascko, Jerome  
Date of Interview: April 10, 2018

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

CP states that after he submitted his application, the park didn't ask for supporting documents. Nonetheless, CP sent the documentation the next day. He faxed it and spoke to Janet Petty, the office lady.

CP states that he spoke to Carmine on his personal cell phone, but he didn't care. Carmine said that CP seemed like a nice gentleman but he can't change the rules.

Other Witnesses Waldron, Michelle  
Date of Interview: April 16, 2018  
Type of Interview: Telephone  
Interviewer: Genova, Peter J.

Interview with Michelle Waldron was conducted via telephone. Ms. Waldron was asked to explain how the potential sale between Mr. Lascko and the park fell through. She said that the park owner told her that Lascko was not approved. She doesn't remember the details because it was a while ago.

Ms. Waldron was asked if there was any discussion about Mr. Lascko's emotional support animal. She said yes. She then explained that she had a conversation with Mr. Lascko, during which he said that he had an ESA. Mr. Lascko was advised to provide his supporting documentation to Ms. Waldron. She was asked what her fax number is, and the fax number she provided matches the fax number that Mr. Lascko used. Ms. Waldron explained that after receiving the supporting documentation, she sent it to the office. She can't remember if it was sent via email or if she dropped it off.

Ms. Waldron was then informed that Mr. Lascko was not approved. She was asked if a reason was given, but she couldn't remember exactly why. It was a long time ago. She thinks it was because of the dog but she's not sure. Ms. Waldron knows that pets are not allowed in the park.

She explained that all she can do is turn in the paperwork. She simply acts as a go-between. Ms. Waldron states that sometimes when she is told that an applicant is not approved, she won't know the reason.

Ms. Waldron was asked if she spoke to the owner about the Fair Housing Act and the exceptions to no-pet policies, but she did not have that conversation.

Complainant Lascko, Jerome  
Date of Interview: May 25, 2018  
Type of Interview: Telephone  
Interviewer: Genova, Peter J.

Mr. Lascko provided Contract of Sale faxed on December 5. Application sent on December 6 and wired \$50 to Sunset Mobile Home Sales. The service animal paperwork sent on December 7.

Spoke personally with Carmine. Janet Petty heard him say he wouldn't accept his animal. She is office lady at Sunset Mobile Home Sales. Michelle Waldron told me the same thing. Janet Petty can verify this information. I asked Lascko for Petty's phone number - it's 727-777-5954. Mr. Lascko stated that Ms. Petty told him that Carmine was lying. According to Mr. Lascko, Ms. Petty told him that they received the esa fax and forwarded it to Sun Country.

Waldron told Mr. Lascko and son (a Clearwater police) that they would not accept him. They acknowledged that Carmine said those things to them.

Mr. Lascko said his son found out about property on a web site. He contacted Waldron and forwarded info to him.

Mr. Lascko was asked to provide a copy of the application, since it did not appear to be in the file.

Mr. Lascko was asked to provide his best recollection of the chronology. When did you speak to Carmine or Ralph? Spoke to Carmine personally on the phone. He was asked when, but he doesn't remember the time frame.

Mr. Lascko was asked if when he faxed the dog info, he had already spoken to Carmine. He believes that the conversation on the phone occurred after he faxed the dog info.

Other Witnesses Triggiano, Ralph  
Date of Interview: May 25, 2018  
Type of Interview: Telephone  
Interviewer: Genova, Peter J.

Other Witnesses Durner, Beth  
Date of Interview: June 07, 2018  
Type of Interview: Telephone  
Interviewer: Genova, Peter J.

Beth Durner is a real estate agent for True Bearing Group, d/b/a Sunset Mobile Home Sales. She remembers bringing Mr. Lascko's application packet to Sun Country Properties. Ms. Durner recalls that she went to the office, where the Triggianos (they are a father and son) were both present. Ms. Durner states that she told them that the packet is for the applicant of the particular unit number. She remembers that the information about the dog was in there.

Other Witnesses Petty, Janet  
Date of Interview: June 07, 2018  
Type of Interview: Telephone  
Interviewer: Genova, Peter J.

Janet Petty is the Office Administrator for True Bearing Group, d/b/a Sunset Mobile Home Sales. She states that she gathered Mr. Lascko's application information and created a packet. This packet included the application, the doctor's note for the support animal, information about the dog, and the application fee of \$50. Ms. Petty explained that her office is in Largo, and that another agent - Beth Durner - brought the packet to the property. Ms. Petty provided me with the agent's telephone number.

## B. Documents

Nature of Document: Intake Questionnaire  
Who Provided: CP  
How Transmitted to HUD: Email  
Date of Document: January 08, 2018  
Date Obtained: January 25, 2018

Lascko's intake questionnaire, in which he states that he had a contract of sale for a mobile home, but that the deal was nixed when Respondents learned that he has an emotional support animal. He provided documentation to support his request for accommodation but was told that they don't have to follow federal law.

Nature of Document: Shot and Vaccine Info  
Who Provided: CP  
How Transmitted to HUD: Email  
Date of Document: June 12, 2017  
Date Obtained: January 25, 2018

Receipt from Broadview Animal & Bird Hospital to show that Rosie has had her shots.

Nature of Document: Animal Info  
Who Provided: CP  
How Transmitted to HUD: Email  
Date of Document: April 05, 2017  
Date Obtained: January 25, 2018

Document from National Service Animal Registry concerning Rosie, Mr. Lascko's emotional support dog. With photo.

Nature of Document: Contract of Sale  
Who Provided: CP  
How Transmitted to HUD: Email  
Date of Document: December 05, 2017  
Date Obtained: January 25, 2018

Contract of sale to purchase mobile home without land. This was done through Sunset Mobile Home Sales. The total cost of the home was \$26,834.70, and the contract was dated December 5, 2017.

Nature of Document: Doctor's Note  
Who Provided: CP  
How Transmitted to HUD: Email  
Date of Document: March 15, 2017  
Date Obtained: January 25, 2018

Note from James T. Bukuts, MD, who practices in Ohio. He states that he is treating Lascko for a mental health disability, specifically Recurrent Major Depressive Disorder. This disorder substantially limits at least one major life activity.

Dr. Bukuts prescribes a dog or a cat to serve as an emotional support animal. It is his professional opinion that the presence of this animal is a necessary treatment for the mental health of Mr. Lascko because its presence will mitigate the symptoms he is currently experiencing.

Nature of Document: Property Information  
Who Provided: OHR  
How Transmitted to HUD:  
Date of Document: February 16, 2018  
Date Obtained: February 16, 2018

Property ownership information from the Property Appraiser's web site.

Nature of Document: Corporate Info  
Who Provided: OHR  
How Transmitted to HUD:  
Date of Document: February 16, 2018  
Date Obtained: February 16, 2018

Corporate information for the property owner.

Nature of Document: Notification Letters  
Who Provided: OHR  
How Transmitted to HUD:  
Date of Document: March 05, 2018  
Date Obtained: March 05, 2018

Letters notifying parties that a complaint has been filed, the role of our office, and information about the conciliation and investigative process.

Nature of Document: RFI  
Who Provided: OHR  
How Transmitted to HUD:  
Date of Document: March 05, 2018  
Date Obtained: March 05, 2018

Request for information to the Respondent concerning reasonable accommodation policies for assistance animals.

Nature of Document: Conciliation Invites  
Who Provided: OHR  
How Transmitted to HUD:  
Date of Document: March 05, 2018  
Date Obtained: March 05, 2018

Description of the conciliation process, and invitations to participate.

Nature of Document: Broker Answer  
Who Provided: Respondent  
How Transmitted to HUD: Email  
Date of Document: March 08, 2018  
Date Obtained: March 08, 2018

Alan Waldron of Sunset Mobile Home Sales asserts that it not have anything to do with the alleged discriminatory action. It simply arranges for the sale of the mobile home, not the property. The decision to approve must be made by the board.

Nature of Document: Answer  
Who Provided: Respondent  
How Transmitted to HUD: Email  
Date of Document: April 05, 2018  
Date Obtained: April 05, 2018

When the realtor dropped off the application and payment for background check for Jerome Lascko, a background check was done and then Respondent noticed that "has pet" was checked on application. Respondent promptly called Complainant and told him their policy is pets were not allowed in their park and then he told Respondent his pet was actually a service animal.

Respondent states that it does not take people's word on this matter and require, at the very least, a letter/documentation from a doctor stating that they have a need for a service animal. No such documentation was provided with Complainant's application. The realtor came back to the office and Respondent gave her the refunded monies for the background check to give to Complainant.

Nature of Document: Pet Policy  
Who Provided: Respondent  
How Transmitted to HUD: Email  
Date of Document: April 05, 2018  
Date Obtained: April 05, 2018

Rule 9 states that pets are not permitted to reside or visit in the park. There are absolutely NO EXCEPTIONS of any kind.

Nature of Document: Request for Rebuttal  
Who Provided: OHR  
How Transmitted to HUD:  
Date of Document: April 06, 2018  
Date Obtained: April 06, 2018

Request to submit rebuttal to Respondent's answer, and Complainant asked if Respondent requested that he submit supporting documentation verifying need for ESA. Complainant also asked if he provided a doctor's note or other supporting docs to Sun Country.

Nature of Document: Fax from CP to R  
Who Provided: CP  
How Transmitted to HUD: Fax  
Date of Document: December 07, 2017  
Date Obtained: April 10, 2018

Fax sent from CP to Respondent on December 7, 2017. CP was asked to provide this because R denies receiving any supporting documentation for animal.

Nature of Document: Request to Interview Agent  
Who Provided: OHR  
How Transmitted to HUD: Email  
Date of Document: April 16, 2018  
Date Obtained: April 16, 2018

Request to interview Michelle Waldron, who was the agent handling the sale of the mobile home. Her company states that the applicant must be approved by the park, but she is asked to be interviewed because she might possess information about why the sale did not go through.

Nature of Document: Request for Information  
Who Provided: OHR  
How Transmitted to HUD: Email  
Date of Document: April 16, 2018  
Date Obtained: April 16, 2018

Carmine Triggiano is asked if the agent provided Mr. Lascko's supporting documentation for the emotional support animal. He was also asked if he had a telephone call with Mr. Lascko after receiving his application, and if he told Ms. Waldron why Mr. Lascko was not approved. Mr. Triggiano was asked to provide Luccio's contact information.

Nature of Document: Response to RFI  
Who Provided: Respondent  
How Transmitted to HUD: Email  
Date of Document: April 17, 2018  
Date Obtained: April 17, 2018

Carmine Triggiano, in response to our request for information, stated that the agent did not provide any supportive documentation for the emotional support animal. He states that he did have a conversation with CP and that the CP said he had a pet. Mr. Triggiano said he told him they do not accept pets. Mr. Triggiano states that he told the agent that CP was not approved because they do not accept pets in their community.

He denies telling CP that he does not believe in federal law, but explains that he told CP that he does not believe that the federal government should dictate whether he has to take animals into his business.

Nature of Document: Triggiano response to RFI  
Who Provided: Respondent  
How Transmitted to HUD: Email  
Date of Document: May 25, 2018  
Date Obtained: May 25, 2018

Respondent park states that the only other service animal approved was in February.

Respondent reiterates what they said in the answer. The realtor dropped off the application. They did the background check and noticed that Lascko wrote "has pet". They called him to tell him that no pets are allowed. The realtor returned and they provided a refund for the background check.

Nature of Document: RFI to R May 25  
Who Provided: OHR  
How Transmitted to HUD:  
Date of Document: May 25, 2018  
Date Obtained: May 25, 2018

Respondent asked if other applicants or residents requested to have a service or emotional support animal, and if so, to provide documents of such. Also, Respondent asked to provide a timeline of events.

Nature of Document: RFI  
Who Provided: OHR  
How Transmitted to HUD:  
Date of Document: May 25, 2018  
Date Obtained: May 25, 2018

Request for the agent to provide a timeline of events and respond to park owners' assertion that it never received CP's faxed documentation.

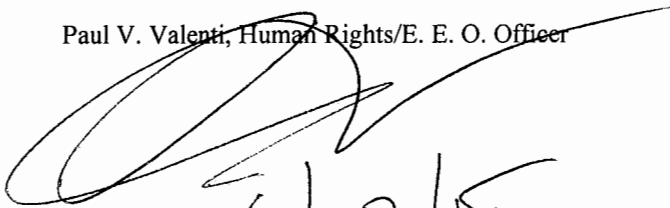
Nature of Document: Application  
Who Provided: CP  
How Transmitted to HUD: Fax  
Date of Document: December 06, 2017  
Date Obtained: May 29, 2018

Application for residency, on which Lascko writes that he has a service animal in response to the question "are there any pets"?

Nature of Document: Signed Complaint  
Who Provided:  
How Transmitted to HUD:  
Date of Document: February 26, 2018  
Date Obtained:

### C. Interrogatories

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



6/07/18