

February 26, 2020

Final Investigative Report

Case Name: Shantelle Andre v The Wave Condominium Association of St. Petersburg, Inc. et al

Case Number: 04-19-8369-8

I. Jurisdiction

A complaint was filed with HUD on August 21, 2019 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; Discriminatory acts under Section 818 (coercion, Etc.); 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 August 05, 2019, and is continuing. The property is located at: The Wave Condominiums , 3315 58th. Ave. S , 411, St. Petersburg, FL 33712. 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, 818, and 804f3B 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)

Shantelle Andre
The Wave
3315 58th. Ave. S
411
St. Petersburg, FL 33712

Complainant Allegations

Shantelle Andre (CP) is a disabled female who resides at the 3315 58th. Ave. S #411, St. Petersburg, FL 33712. The Property is governed by The Wave Condominium Association of St. Petersburg, Inc. (R Wave). The property is managed by Resource Property Management, Inc. (R Management).

CP moved into the property on May 1, 2019. CP who is disabled and issued a disabled parking permit from the Florida Department of Highway Safety and Motor Vehicles, has been given difficulty by (R Wave) concerning the validity of her parking permit.

CP alleges, however is unsure of the exact date, (R Wave) representatives placed a warning on CP's vehicle stating that it will be towed, without a reason listed. CP paid to have the sticker removed and was not seeking reimbursement, CP was looking for clarification. CP spoke to the (R Management) office and the individual CP spoke to advised that she would have the board members in the building call CP, since they put the sticker on the vehicle. CP advised (R Management) that she did not want to deal with the two board members that reside in the building, due to not feeling welcomed in the building regarding an incident that made me CP feel that they are confrontational individuals. CP requested to speak directly with "Charlotte" who is the on-site representative for (R Management).

CP states: "Shortly after the phone call someone knocked on my door and I felt it was the board members so I did not answer the door. Later I noticed both of them walking towards my vehicle looking in the window and pointing at my tires. I waited for them to walk away, then went to my vehicle to see if there was any damage to my vehicle (

previous break-ins, damage to my vehicle and tag hanging off car instead of screwed on so I placed my tag inside my vehicle). I didn't notice any further damage to my vehicle. I received a call from Charlotte at 4:37 p.m. on 08/05/2019, but missed the call. I returned the call and I expressed my concerns to Charlotte regarding the sticker and the two board members."

CP continued to state: "She questioned if my handicap placard was valid, and I advised that it is and there was no reason for the sticker to be placed on my car warning me that they will tow my vehicle. She then stated that they need the supporting documentation for my handicap decal. I advised that I will not provide any medical documentation regarding my handicap decal, but I'd give her a copy of the placard in the window. She declined to accept that and stated that it's probably easier to give them what they want or they are going to call the police and I'll get ticketed \$250."

CP advised "Charlotte" that (R Wave) can call the police, however she will not be ticketed she will not provide supporting documentation to (R Wave) or (R Management) because CP feels they are violating her rights. CP stated to "Charlotte" "when the cops come out they will look at my drivers license and placard and see that it's valid." CP advises "Charlotte then questioned if my drivers license has the designation on it for the handicap parking; and I advised that my drivers license doesn't have anything on it regarding my handicap decal." "I advised that I received my handicap decal after I received my tag, so if their issue is the handicap logo not being on the tag, then that's the reason why. She then placed me on hold, but came back and advised that she didn't know what to tell me, but will tell the board members to use less adhesive when putting the stickers on the cars, since it can be extremely difficult to remove them."

CP alleges Charlotte went on to say that she will tell them to send their request in writing and to not knock on her door. CP states "I reiterated myself and stated that I am not providing supporting documentation regarding the reason as to why I have a handicap placard even if they send the request in writing because it has medical information on it."

CP continued: "I stated yet again that if they want a copy of the placard I can give her that. Charlotte replied, " They see that, their looking for something they can't see". I asked, " What can't they see?" She replied, " Apparently there is a piece of documentation that I am issued that supports the placard that's hanging in the window and they want to see the piece of paper that supports the handicap placard". I asked, "So they don't want the piece of paper that the yellow handicap sticker came off of?" Charlotte replied, " I don't know, they want more documentation that supports the handicap placard. If you don't have it then we may be in a dilemma or they could be asking for something that doesn't exist. I don't know. They maybe asking for something you're not willing to provide."

Cp continued: "I then stated that if they want documentation that deems the reason as to why I have a handicap decal they can go to the DMV and request it legally, but I'm not releasing any of my medical information since that document has medical information on it. Charlotte stated that nobody's asking for you to share private medical information, they just want the supporting documentation that validated the placard that's hanging in the window. I advised that I could give them a copy of the placard and if they want to go and request that information they can do that. She then stated that nope they would want it from me and the is no reason to get upset if it's valid."

CP stated "I advised that it is and she wanted to know why I'm giving them a hard time and I advised that I'm at the point that I feel like I'm being harassed. I told her about the board members by my car earlier that day, pointing at my tires and she didn't even acknowledge the comment. I explained that for some reason these men have an issue with me and I don't know why. Charlottes replied, "Oh please! If you don't want to make it simple and give them what they want and make it go away that's fine, if you want to make a big ol deal about it that's fine too. Its all between you and the board; I was calling because you requested that I call, I'm telling you what happened, you don't want to cooperate that's fine we'll take it from there, it's easy." That was the end of the telephone conversation."

CP States: "I feel their actions are discriminatory because they are requesting supporting documentation because they can't "see" the reason as to why I have a handicap placard. I have spoke to the DMV and have been advised that they are in fact violating my HIPPA rights since they are asking for supporting documentation and I do not need to provide a copy of my placard or any supporting documentation to them. If the police wants to request to see my placard and my drivers license to verify that it is valid then he/she have the legal right to do so, but not these board

members.was extremely upset.”

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

Amendment:

The CP alleged: "In short, once I declined Charlotte Churchhill' s request to provide supporting documentation or giving the board members what they want. I was told that the board members would call the police and I would be ticketedEventually law enforcement was called."

"Consistent with my allegations, on or about 8/22, the association, knowing that I was a resident and with a visible disability parking placard in my car, gave me another parking warning notice stickered on my car with a check mark indicating 'No valid parking permit' and the following comments: Unit sticker 107 does not belong to this car called police. I have had the same resident parking permit "107", since the beginning of my lease in May; So it doesn't make sense that it becomes invalid after I decline a request to give them what they want.

I do not believe the property manager or the board members have the right to seek supporting documentation above and beyond a visible, valid disabled parking placard hanging in my vehicle."

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

B. Other Aggrieved Persons

C. Respondent(s)

David Stumpf
The Wave Condominium Association of St. Petersburg, Inc.
5901 Sun Blvd.
103
St. Petersburg, FL 33715

Debra Reinhardt
Resource Property Management, Inc.
7300 Park St.
Seminole, FL 33777

Respondent Defenses

The respondent stated CP had not made a reasonable accommodation request and that the “totality of the circumstances underlying this "Complaint" are that CP has a handicap placard and she parks in one of the several handicap parking spaces on the property. **Her car was ticketed for parking in a handicap space without displaying the placard. Her car was ticketed a second time for the same reason, although this second time it may be that the person ticketing the vehicle did not see the placard. No action of any type other than ticketing the car, however, was taken; CP was not fined, her car was not towed and she otherwise was not denied access to any Association amenities.** The "oversight" was a one-time incident and there have been no others. Nothing about these events even remotely qualifies as an actionable complaint under any provision of any "fair housing" law, and that, perhaps, is why there is no specific provision of chapter 70 of the Pinellas County Code or the Fair Housing Act cited in the Complaint as having been violated.” (B-1)

In a response to an RFI, the respondent confirmed that board member Bergamino had instructed the property manager to request the cp’s handicapped placard registration information, and had visited the cp’s unit to discuss such on or about 8/5/2019. The respondent stated Bergamino had placed the warning sticker on the cp’s car a second time because the unit parking decal number was incorrect.

In closing, the respondent’s attorney argued, “nothing about these events even remotely qualifies as an actionable complaint under any provision of any fair housing law, and that, perhaps, is why there is no specific provision of chapter 70 of the Pinellas County Code or the fair housing Act cited in the complaint as having been violated.” (C-1)

D. Witnesses

III. **Case Summary**

A. Interviews

Complainant Andre, Shantelle
Date of Interview: August 23, 2019
Type of Interview: Telephone
Interviewer: ESPARZA, MARK S

Call and voicemail from the cp who left off the two police report numbers. She stated that a car associated with a board member was now parking in the space.

A call was later made to the cp, who recounted her parking experience. She stated that after receiving a warning sticker on her car she called the office to find out why. She was told by the office they wanted the supporting documentation for the disabled parking placard. Despite offering a copy of the placard, which was refused, the respondent wanted the supporting documents.

She stated the police were at her car yesterday. She stated that two board members had come by her unit, even though she told the office she only wanted to deal with them.

She stated when she went on trips she would leave her car there. She stated she had two assigned spots, but used the handicapped parking. She stated her spaces were further away.

She stated the warning sticker stated that 107 sticker did not belong to her car, which the cp said it did.

The cp later called back to say that a construction barrier had been placed in the handicapped space to prevent parking. The cp was told only to take pictures, and not to remove or touch the barrier.

Complainant Andre, Shantelle
Date of Interview: September 04, 2019
Type of Interview: Telephone
Interviewer: ESPARZA, MARK S

Call from the cp who rejected mediation and wanted the matter investigated, saying the respondent was not right in their actions.

Complainant Andre, Shantelle
Date of Interview: September 20, 2019
Type of Interview: Telephone
Interviewer: ESPARZA, MARK S

Call from the cp who said the respondent was lying in their response to the department. She denied having made a reasonable accommodation request.

She said she parked in the disabled space because it was easier to take items out of her car, and that the parking had cameras and other resident windows facing it, giving her more of a sense of security. She stated the other side of the building where her assigned parking was could not be seen.

She stated two warning stickers had been placed on her car. She stated they were lying about the placard not being present, as she left it on the rear view window all of the time, even while driving.

The complainant stated the first warning sticker had nothing written on it. If the respondents were truthful, she

believed they would have written that the placard was not present on the first notice. The complainant stated the respondent did not address in writing the issue of asking for supporting documentation in their reply to the Department.

Regarding the second sticker, she noted it had stated Saturday before such was crossed out. She stated the warning indicated it would be towed for no valid parking permit.

Regarding where she was supposed to park, complainant specified unit 107, which was written on her sticker. The complainant stated the respondent told her this sticker was not correct but she believed it was. The complainant stated she had called Rebecca after the second notice had been placed, whom was identified as an administrator, after the second sticker was placed on her car. Rebecca reportedly told her that 107 had been mistakenly given to her due to the unit owner having multiple units. This allowed for the wrong sticker to be given out.

The complainant reportedly asked that the office to notify the board members so her car would not be towed. The complainant was told they would send new stickers and for the 107 permit to be returned. The complainant stated that on this same day a board member had parked in the disabled parking.

The complainant wondered what parking permit 107 had to do with disabled parking.

The complainant was asked if other disabled persons had been asked for supporting information. The complainant stated that upon asking Charlotte, she replied she did not know if others had been asked. Therefore, stated the complainant, if the Community property manager did not know then it would appear others were not asked before.

Regarding whether there were any other reasons for receiving this treatment, the complainant recounted an incident in the elevator where in she was completely ignored by the heavysset board member when she asked about his dog. She stated the board member had a cute dog whereupon she asked if it was a girl or boy. After being ignored, she asked him if she could touch the dog in a louder voice. However, this board member again ignored her. The complainant then pet the dog on the nose. She stated when the board member got out of the elevator he gave her a nasty look and left. The complainant thought it was possibly racial in nature. She identified this board member as the heavysset one. The cp stated two board members had been looking at her car in the disabled parking space, both whom lived in her building. She described one as heavysset, and the other as skinny.

Regarding the second incident, she recounted how she had held a community door open with a cone while using her Walker to bring in items from her car. While moving furniture in by using her Walker she asked the skinny board member nicely not to close the door. However, despite hearing her, he nonetheless closed it. While the complainant was struggling to get in, the skinny board member watched her struggle and did not offer any help at all. The complainant stated that the heavysset board member then came and helped her.

The complainant reiterated that her disability placard had been present at all times, and that the property manager Charlotte had never said it was not there when she called. Further, stated the cp, Churchill reportedly told the complainant they could see it during the first warning event.

Date of Interview: October 04, 2019
Type of Interview: Telephone
Interviewer: ESPARZA, MARK S

Call to the DMV on this date. The DMV confirmed the placard was valid, issued in March of 2017 and valid for 4 years. The DMV representative stated the placard number was the driver license number and protected by law. The person stated they did not keep track of those who inquired about placard numbers.

Complainant Andre, Shantelle
Date of Interview: October 10, 2019

Type of Interview: Telephone
Interviewer: ESPARZA, MARK S

Call and voicemail left for the cp requesting contact.

Complainant Andre, Shantelle
Date of Interview: December 03, 2019
Type of Interview: Telephone
Interviewer: ESPARZA, MARK S

Call and voicemail left for the cp requesting she check her email.

Complainant Andre, Shantelle
Date of Interview: December 04, 2019
Type of Interview: Telephone
Interviewer: ESPARZA, MARK S

Call and voicemail left for the cp requesting contact.

Date of Interview: February 25, 2020
Type of Interview: Telephone
Interviewer: ESPARZA, MARK S

Call to the DMV on this date. The DMV confirmed they did not give out identifying information to callers, as it was protected under state law. The DMV stated that police officers could use the information to identify who the user was, but others were not able to obtain that information.

B. Documents

Nature of Document: cp intake form
Who Provided: cp
How Transmitted to HUD: email
Date of Document: August 07, 2019
Date Obtained: August 07, 2019

Cp's intake form

Nature of Document: Div of corporation and Property appraiser info
Who Provided: PCOHR
How Transmitted to HUD: in person
Date of Document: August 08, 2019
Date Obtained: August 08, 2019

Division of corporation information for the respondent.

Nature of Document: Notice of the complaint letters
Who Provided: PCOHR
How Transmitted to HUD: in person
Date of Document: August 21, 2019
Date Obtained: August 21, 2019

Notice letters to the parties

Nature of Document: 903, letters, conciliation
Who Provided: CP
How Transmitted to HUD: UPS
Date of Document: August 14, 2019
Date Obtained: August 21, 2019

Nature of Document: Sep 6 Cp RFI and response
Who Provided: cp
How Transmitted to HUD: email
Date of Document: September 06, 2019
Date Obtained: September 06, 2019

9/6 RFI to Cp and reply

Nature of Document: respondent answer
Who Provided: respondent attorney
How Transmitted to HUD: email
Date of Document: September 17, 2019
Date Obtained: September 19, 2019

Respondent position statement.

Nature of Document: cp rebuttal
Who Provided: cp
How Transmitted to HUD: email
Date of Document: September 20, 2019
Date Obtained: September 20, 2019

Cp's rebuttal response

Nature of Document: Nov 15 Certified letter RFI demand
Who Provided: PCOHR
How Transmitted to HUD: USPS
Date of Document: November 15, 2019
Date Obtained: November 15, 2019

10 day certified and regular mail letter to the respondent advising of an adverse inference assumption and decision should the requested information not be provided.

Nature of Document: Oct 8 Resp RFI and reply
Who Provided: respondent
How Transmitted to HUD: email
Date of Document: October 08, 2019
Date Obtained: November 27, 2019

RFI to respondent and reply

Nature of Document: Nov 27 Rebuttal request to cp
Who Provided: cp
How Transmitted to HUD: email
Date of Document: November 27, 2019
Date Obtained: December 05, 2019

Cp's response to the respondent most recent RFI reply.

Nature of Document: Dec 5 Cp RFI
Who Provided: cp
How Transmitted to HUD: email
Date of Document: December 05, 2019
Date Obtained: December 05, 2019

Cp reply to 12/5 RFI Questions.

Nature of Document: 100 day letters
Who Provided: PCOHR
How Transmitted to HUD: in person
Date of Document: December 10, 2019
Date Obtained: December 10, 2019

100 day letters

Nature of Document: copy of amended complaint
Who Provided: cp
How Transmitted to HUD: email
Date of Document: December 18, 2019
Date Obtained: December 18, 2019

Cp's amended complaint form

Nature of Document: Police report and interview
Who Provided: SPPD
How Transmitted to HUD: fax
Date of Document: September 06, 2019
Date Obtained: December 23, 2019

copy of police report for visit on day in question, and interview with responding officer.

Nature of Document: Resp Dec 31 RFI and reply
Who Provided: respondent
How Transmitted to HUD: email
Date of Document: December 31, 2019
Date Obtained: January 30, 2020

December 31 RFI to respondent, who replied on 1/30/2020 with the exact same information as provided earlier on 11/26/2019.

C. Interrogatories

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