

June 25, 2019

Final Investigative Report

Case Name: Francis Dandrea V. Lakeview of Largo Condominium Association, Inc.

Case Number: 04-19-6988-8

I. Jurisdiction

A complaint was filed with the Pinellas County Office of Human Rights on May 13, 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; 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 October 18, 2018, and is continuing. The property is located at: Lakeview of Largo Condominium, 14130 Rosemary Lane, 6110, Largo, FL 33774. 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 of County Ordinances.

The respondent(s) receive no federal funding.

II. Parties and Aggrieved Persons

A. Complainant(s)

Francis Dandrea
Lakeview of Largo Condominium Association
14130 Rosemary Lane
6110
Largo, FL 33774

Complainant Allegations

Francis Dandrea (CP) is a disabled male who with his wife, Dolores Dandrea (CP wife) who is also disabled, reside at 14130 Rosemary Lane #6110, Largo, FL 33774. The Property is governed by Lakeview of Largo Condominium Association, Inc. (R Association). The property is managed by Frank Fundora (R Fundora), Property Manager who represents Resource Property Management, Inc, (R Management).

In February 2013, CP and CP wife purchased the above-mentioned condominium, unit 6110. When it was purchased, the unit contained a washer and dryer. CP who had previously owned another unit in the complex, before making Florida the couple's permanent home, advised the washer and dryer was a main selling point when the CP purchased the unit.

The CP and (CP wife) admittedly did not read through the condominium documents and relay that they were unaware that washer machines and dryers were prohibited. CP advises that in October 2018, (R Fundora) relayed to him that someone had told him that there was a washer/dryer in CP's unit. CP not knowing it was prohibited advised (R Fundora) that there was in fact a washer/dryer in his unit. CP was then fined a total of \$1000.00 and since he has not paid the fine, (R Association) has suspended CP's rights and privileges to use all common and recreation areas in the complex, where he is an owner until the washer/dryer is removed.

The CP is disabled and (CP wife) is also disabled with debilitating medical conditions. CP has requested a reasonable accommodation for use of the washer/dryer in his unit as neither CP or (CP wife) can physically carry the laundry to the laundry rooms. CP has provided medical documentation from his Veterans Affairs physician and

other medical staff to (R Fundora) and (R Management) to facilitate the reasonable accommodation request. The request for reasonable accommodation was denied.

CP who is disabled, is now facing a medical issue where he must provide care for (CP wife) and will face unnecessary hardship because he cannot transport laundry out of his unit.

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

B. Other Aggrieved Persons

C. Respondent(s)

Lakeview of Largo Condominium Association, Inc.
7300 Park Street
Seminole, FL 33777

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

Respondent Defenses

On or about October 23, 2018, Complainant admitted to having a washer/dryer in the unit, which violates the clear prohibition against same in Rule VIII. Mr. D'Andrea said nothing then about a disability or medical need for having the washer/dryer in his unit. He did not make an accommodation request to keep it. In a letter dated October 24, 2018, Complainants were instructed to stop using the washer/dryer and to arrange for immediate removal. CP's refused to comply.

In a letter dated January 18, 2019, CP's were notified of their required attendance at a meeting of the Association's Compliance Committee to discuss this rules violation. CP's provided no justification for their continued use of the washer/dryer, and the Committee found CP's in violation of the Rule. They were given 14 days to remove the washer/dryer, after which they were to be fined \$100 per day, up to a maximum total of \$1,000. CP's did not mention any disability or medical need for having a washer/dryer.

On March 14, 2019, CP's were notified that they were being fined for their violation of the Rule and their refusal to comply with the demand to remove the washer/dryer. CP's specifically advised that they would not do so, and they said nothing about a disability or medical need.

On April 19, 2019, CP's submitted an accommodation request to keep the washer/dryer in their unit, stating that their doctors had recommended that they not get rid of it for medical reasons. Dr. Brvenik wrote that Ms. D'Andrea suffered from urinary incontinence, causing frequent accidents, and from polymyalgia rheumatica, making it difficult for the patient to walk down the hall to the community washer and dryer. As such, Dr. Brvenik opined that it would be medically necessary for her to have a washer/dryer in her unit. Dr. Brvenik did not provide any explanation for how either of these conditions sufficiently limit performance of activities of daily living or how it is that the conditions adversely impact her ability to walk down the hall to the community washer and dryer but not her ability to walk around the community, distances significantly further than the community washers and dryers, which she is routinely seen doing.

Dr. Hull advised that Mr. D'Andrea suffers from generalized arthritis, emphysema and intermittent atrial fibrillation. He simply stated that removing the washer/dryer would create a physical hardship and was not recommended. Dr. Hull provided no explanation as to how any of these conditions limited him in his activities of daily living sufficient to constitute a disability. Mr. D'Andrea is also seen walking distances well in excess of the distance from their unit to the community laundry room.

Given the total lack of any logical explanation, detail or clarity from both doctors as to why keeping the washer/dryer in their unit would be medically necessary, and given the Association's personal knowledge of CP's ability to regularly walk distances well in excess of that between their unit and the laundry room, the Association determined that it would be necessary to request additional information both from CPs and their doctors. Before the Association could do that, CPs filed their discrimination complaint, initiating a process involving submission of a claim to a liability insurer for the Association and retention of counsel.

D. Witnesses

III. Case Summary

A. Interviews

Complainant Dandrea, Francis
Date of Interview: June 18, 2019
Type of Interview: Telephone
Interviewer: Genova, Peter J.

Spoke to CP, who discussed his rebuttal and wanted to know if he answered correctly. I informed him that I would review and get back to him if anything else was needed. I explained the reasonable accommodation process and defenses in general.

Complainant Dandrea, Francis
Date of Interview: June 19, 2019
Type of Interview: Telephone
Interviewer: Genova, Peter J.

Spoke to Mr. D'Andrea, who confirmed that his first reasonable accommodation request took place on April 19, 2019. He states that he received a denial letter right away. I saw the denial in Frank Fundora's letter of April 24.

Respondent Representative Jackman, Scott
Date of Interview: June 19, 2019
Type of Interview: Telephone
Interviewer: Genova, Peter J.

Spoke to Respondent's attorney. He doesn't see the purpose of conciliation. We discussed a discrepancy in the answer and board correspondence. He questioned why the CPs failed to submit their doctor's notes earlier and questioned the need for washer and dryer. He asserts that the CPs have not established the need.

B. Documents

Nature of Document: Intake Questionnaire
Who Provided: Complainant
How Transmitted to HUD: Online
Date of Document: April 25, 2019
Date Obtained: April 25, 2019

Online questionnaire submitted by Complainant, in which he states that his wife has a disability and needs a washer and dryer in their unit because of her disability. He states that they have been fined because the washer and dryer is prohibited per association rules.

Nature of Document: Corporate Information

Who Provided: PCOHR

How Transmitted to HUD:

Date of Document: April 29, 2019

Date Obtained: April 29, 2019

Corporate information and officers for Lakeview of Largo Condo Association.

Nature of Document: 903, conciliation

Who Provided: Complainant

How Transmitted to HUD: U.S. Mail

Date of Document: May 08, 2019

Date Obtained: May 10, 2019

Nature of Document: Notification Letters

Who Provided: PCOHR

How Transmitted to HUD:

Date of Document: May 13, 2019

Date Obtained: May 13, 2019

These are letters notifying parties that a complaint has been filed, along with an explanation of the process. Respondent is informed that they must submit an answer.

Nature of Document: Conciliation Info

Who Provided: PCOHR

How Transmitted to HUD:

Date of Document: May 13, 2019

Date Obtained: May 13, 2019

The conciliation process is explained to the parties, and they are invited to participate in it.

Nature of Document: Request for Information

Who Provided: PCOHR

How Transmitted to HUD:

Date of Document: May 13, 2019

Date Obtained: May 13, 2019

Request for the Respondent to submit information about their reasonable accommodation request policy and procedures, along with examples of other accommodations that have been provided.

Nature of Document: Answer

Who Provided: Respondent

How Transmitted to HUD: Email

Date of Document: June 10, 2019

Date Obtained: June 10, 2019

Respondent asserts that when they became aware CPs had a washer and dryer in their unit, a violation notice was sent to them. The CPs did not state at the time that the appliances were necessary because of a disability. They failed to remove the washer and dryer and another violation notice was sent. The CPs were then fined for the violation and refusal to remove the appliances. According to Respondent, the CPs did not submit a reasonable accommodation request until late April, and that they filed the present complaint soon thereafter.

Nature of Document: Reasonable Accommodation request
Who Provided: Respondent
How Transmitted to HUD: Email
Date of Document: April 19, 2019
Date Obtained: June 10, 2019

CPs request that they be able to maintain a washer and dryer in their unit as a reasonable accommodation for their disabilities.

Nature of Document: Violation Notices
Who Provided: Respondent
How Transmitted to HUD: Email
Date of Document: April 16, 2019
Date Obtained: June 10, 2019

Respondent provided several notices that were issued to CPs concerning the presence of a washer and dryer in the unit.

Nature of Document: Dr. Brvenik Note
Who Provided: Respondent
How Transmitted to HUD: Email
Date of Document: December 12, 2018
Date Obtained: June 10, 2019

Doctor's note states that it is absolutely important for Ms. D'Andrea to have a washer and dryer nearby because of her medical issues.

Nature of Document: Dr. Jackson note
Who Provided: Respondent
How Transmitted to HUD: Email
Date of Document: November 07, 2018
Date Obtained: June 10, 2019

Note refers to Mr. and Ms. D'Andrea's disabilities and states that removing the washer/dryer would create a physical hardship.

Nature of Document: Request for Rebuttal
Who Provided: PCOHR
How Transmitted to HUD:
Date of Document: June 11, 2019
Date Obtained: June 11, 2019

A copy of the answer was provided to the Complainant and he was afforded an opportunity to submit a rebuttal.

Nature of Document: Rebuttal
Who Provided: Complainant
How Transmitted to HUD: Fax
Date of Document: June 13, 2019
Date Obtained: June 13, 2019

CP states that the washer and dryer was present in the unit when they bought it, and that they did not know it was against the rules. The rebuttal explains how Ms. D'Andrea has disabilities and difficulties walking. CP explains why the washer and dryer in their unit is necessary.

Nature of Document: Request for Disability Info
Who Provided: PCOHR
How Transmitted to HUD:
Date of Document: June 20, 2019
Date Obtained: June 20, 2019

Request for CP to provide information related to Ms. D'Andrea's disability and the need for an accommodation.

Nature of Document: Second note for Mrs. D'Andrea
Who Provided: Complainant
How Transmitted to HUD: Fax
Date of Document: June 21, 2019
Date Obtained: June 24, 2019

Note from Mrs. D'Andrea's nurse practitioner, which states that she needs a washer/dryer in unit because of her disabilities. The note cites polymyalgia rheumatica, which causes severe joint pain and weakness. It severely limits her ability to walk, stand, and lift.

The note also states that Mrs. D'Andrea has issues with urinary incontinence. This requires her to wash her clothes, towels, and bed linens frequently. This accommodation is also needed for sanitary purposes.

Due to Mrs. D'Andrea's polymyalgia rheumatica, she is unable to lift and tote a laundry basket. The symptoms of this disorder vary from day to day and can be manifested differently daily. She does not have the strength or stamina to be able to tote laundry to the laundry room, nor can she stand for prolonged periods to do laundry. Therefore, nurse practitioner McCormick asks that Mrs. D'Andrea be allowed to have a washer and dryer in her unit.

C. Interrogatories

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