

June 30, 2022

Final Investigative Report

Case Name: Colbert, Aquatania v Pueblo Village Apartments LLC; Phillip Tracey

Case Number: 04-22-9238-8

I. Jurisdiction

A complaint was filed with the Pinellas County Office of Human Rights on December 03, 2021 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; Otherwise deny or make housing unavailable; and Other discriminatory acts. It is alleged that the respondent(s)'s acts were based on Race; and Color. The most recent act is alleged to have occurred on November 07, 2021, and is continuing. The property is located at: Waterside Village Apartments (Pueblo Village Apartments LLC), 3600 49th Street North, 8-B, St. Petersburg, FL 33714. 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, Sections 804(a), and 804(a) or (b) 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)

Aquatania Colbert
3600 49th Street North
Apt 8-B
St. Petersburg, FL 33714

Complainant Representative(s)

Complainant Allegations

Aquatania Colbert (CP) is an American Indian/African American female residing with her two children at Waterside Village Apartments 3600 49th Avenue North Apt 8-B Saint Petersburg, FL 33716. The property is owned by Pueblo Village Apartments LLC and managed by Phillip Tracy (R Tracy). Michelle Knott is also a tenant of R Tracy and has been living in her unit since 2018. CP states that Michelle Knott has been filing false claims against her and her family, and R Tracy has refused to file a disturbance notice against Ms. Knott and is now refusing to renew CP's lease based on false allegations. CP believes that R Tracy is discriminating against her because of her race (American Indian/African American) and her color (Black).

On September 26, 2021, Ms. Knott advised R Pueblo that the CP had threatened her life. The Pinellas County Sheriff's Office was called in to investigate and it was determined that there was no cause. However, R Tracy gave CP a 7-day notice to comply, without giving Ms. Knott the same notice even though she was the one that initiated the complaint with PCSO. On October 1, 2021, the CP received a non-renewal notice from R Tracy. When CP asked R Tracy regarding the non-renewal, R Tracy stated that he was not going to get involved. On November 1, 2021, CP contacted the PCSO's regarding the issue with Ms. Knott and a report was filed. On November 7, 2021, CP was advised by one of her children that Ms. Knott had called her derogatory names and held her by the arm without consent. CP filed a report with PCSO's. CP's complaint is that R Tracy is discriminating against her because of her race (American Indian/African American and her color (Black) by refusing to enforce the same regulations that he has enforced with her lease with Ms. Knott because she is Caucasian.

B. Other Aggrieved Persons

Minor #1, Webb

Minor #2, Webb

C. Respondent(s)

Mark Rivlin
Pueblo Village Apartments LLC
1550 Madruga Avenue
Suite 120
Coral Gables, FL 33146

Phillip Tracy
Waterside Village Apartments (Pueblo Village Apartments LLC)
Leasing Office
3600 49th Street North
St. Petersburg, FL 33714

Respondent Representative(s)

John McMillan
5309 E. Busch Blvd.
Temple Terrace, FL 33617

Representing: Mark Rivlin (Pueblo Village Apartments LLC), Phillip Tracy (Waterside Village Apartments (Pueblo Village Apartments LLC))

Notes:

Respondent Defenses

Respondent denies discriminating against CP in any way. Her month-to-month tenancy was terminated because she and a neighbor were feuding. The neighbor's lease was also terminated, and she has vacated her apartment.

D. Witnesses

Debbie Johnson

Shamaria Colbert

Antonio Webb

Quintin Laster

CiCi Pierre

Mike Bounos

Daniel Hird

III. Case Summary

A. Interviews

Complainant: Colbert, Aquatania;
Date of Interview: January 03, 2022
Type of Interview: Telephone
Interviewer: Postell, Lisa Ann Marie

CP called. Stated Manager Phillip came to her door demanding her keys saying that she had to move out today, that he wants her out of the apartment.

Asked what her Native American heritage is, CP states Cherokee

CP states manager always listens to the other party and not her.
Michelle said to her 9 year old, "fuck off" "get the hell away from me"

She believes mgr. Phillip and Michelle Knotts have a relationship.

Michelle ran into John Tracy's house with a knife and nothing was done.

The "N" word used towards her kids by Michelle, Michelle called her "Pissy little bitch"

When CP tries to report this to the office, mgr. Phillip doesn't want to hear it and tells her to leave the office.

CP now has anxiety and her daughter is in therapy because of the neighbor (Michelle).

CP has to take off work due to Michelle. At risk of loosing her job due to taking off.

CP says this has to stop.

Phillip, mgr., came 30 minutes ago pounding on the door to pick up keys. (interview started at 2:07 pm)

CP said on 11/8/2021 Phillip, mgr., denied her payment for rent.

Other Witnesses: Pierre, CiCi;
Date of Interview: February 26, 2022
Type of Interview: Telephone
Interviewer: Postell, Lisa Ann Marie

Lisa called Ms. Pierre, who did not answer. Lisa left a message.

Other Witnesses: Laster, Quintin;
Date of Interview: February 26, 2022
Type of Interview: Telephone
Interviewer: Postell, Lisa Ann Marie

Lisa left a message for Mr. Laster.

Other Witnesses: Johnson, Debbie;
Date of Interview: February 26, 2022
Type of Interview: Telephone
Interviewer: Postell, Lisa Ann Marie

Ms. Johnson did not answer. Lisa left a message.

Other Witnesses: Colbert, Shamaria;
Date of Interview: February 26, 2022
Type of Interview: Telephone
Interviewer: Postell, Lisa Ann Marie

Lisa called Shamaria, who did not answer. Lisa was unable to leave a voicemail.

Other Witnesses: Colbert, Shamaria;
Date of Interview: May 25, 2022
Type of Interview: Telephone
Interviewer: Genova, Peter J.

Shamaria Colbert states that she is the CP's daughter. She states that she witnessed a lot. She was minding her own business once when a kid came in and said that Michelle called the child the b-word while driving fast.

Shamaria said that at the laundromat, a little girl was there. Michelle came in and told her "what the f-ck are you doing here? Get the f-ck out of here." She states that the girl was crying. She was pinned in the corner in the laundromat. Shamaria said that she confronted the woman.

She states that Michelle K made false accusation that the kids weren't being fed or taken care of. Shamaria states that this woman (Michelle) used to be a close friend. She doesn't know why Michelle and her mom aren't friends anymore. Her mother helped Michelle get into the apartments.

Shamaria adds that Michelle would say "you n-gger b-tch." Shamaria was asked how many times she heard the n-word. She said, honestly, she couldn't tell me how many times. Michelle would say "you black bitch" or whatever.

Shamaria said that this was reported to management, the manager's last name was Tracy. Mr. Tracy didn't want to hear the complaints about Michelle driving by and using slurs. He told a witness to get out of his office.

Other Witnesses: Hird, Daniel;
Date of Interview: May 31, 2022
Type of Interview: Email
Interviewer: Genova, Peter J.

As a follow-up to our telephone call that morning, I sent an email to Mr. Hird asking if he could tell me what he remembered that day; i.e., what specifically Michelle had said, what the CP said, what he told Phillip in the office, what Phillip said to him, and when it happened.

Other Witnesses: Hird, Daniel;
Date of Interview: May 31, 2022
Type of Interview: Telephone
Interviewer: Genova, Peter J.

Mr. Hird states that he is a subcontractor who was fixing a vanity at CP's apartment. He states that Michelle used the n-word while the CP and her kids were present. Mr. Hird states that he was inside the unit at the time.

Mr. Hird states that he went to the manager's office. The manager (Phillip) told Mr. Hird to "get the f--- out." Phillip also said something to the effect of, I don't care. She and the kids can get the f--- out. Mr. Hird also added that Phillip said that she can get someone else to fix things.

I asked Mr. Hird what he said to Phillip, specifically. I asked him if he said that Michelle was using the n-word. Mr. Hird said yes, but that Phillip didn't want to hear it.

Mr. Hird was asked how long he had been doing work at the apartments. He said about a year. Mr. Hird said that the CP called him to do this job.

Mr. Hird said that he packed his tools, apologized, and left. He said he couldn't work around the slurs.

Mr. Hird was asked what he remembered Michelle saying. He said that Michelle said, "You and your fucking n-gger kids get the fuck out of here."

Mr. Hird seems to think that Phillip and Michelle were together.

Other Witnesses: Webb, Antonio;
Date of Interview: May 31, 2022
Type of Interview: Telephone
Interviewer: Genova, Peter J.

Mr. Webb said that he is the CP's kids' father. He said that he ended up leaving because of this. It stressed us out and broke our home up.

Mr. Webb said that he lived there for over a year, about 18 months. He did remodeling for the prior management company. He left about 6 or 7 months prior to this interview.

Mr. Webb said it got so ridiculous, the woman (Michelle) was accosting the kids. He states that CP helped get her moved in despite her convictions and credit problems. She got belligerent, mean, and nasty.

Mr. Webb said that Michelle pinned his daughter Zaya in the washer area and called her a bitch and a whore. He also states that Michelle and another neighbor accosted CP and said they would jump her.

Mr. Webb does not recall an incident when a handyman was fixing the vanity. He may have left before the vanity incident.

Mr. Webb explained that he is an ex-con, and he didn't want to be a part of this situation.

Mr. Webb was asked if Michelle used the n-word and he said yeah. He also said that Michelle drove by the kids, who were playing outside, and said, "you little bitch". Mr. Webb said that he heard Michelle use the n-word about three or four times. He states that he did not report to management. Only the CP went to the manager. Mr. Webb recalls once when the CP came back crying because the manager didn't want to hear what the hell she had to say.

Mr. Webb added that Michelle also said something offensive to John, another neighbor. Mr. Webb does not know John's phone number.

Other Witnesses: Bounos, Mike;
Date of Interview: June 10, 2022
Type of Interview: Telephone
Interviewer: Genova, Peter J.

The CP provided a typed statement from Mr. Bounos from 2020. I tried to call Mr. Bounos but the phone stopped ringing and I was unable to leave a message.

Other Witnesses: Johnson, Debbie;
Date of Interview: June 10, 2022
Type of Interview: Telephone
Interviewer: Genova, Peter J.

I called Ms. Johnson, but she was at work and asked me to call back.

She briefly states that she heard racial slurs, and that she is CP's sister.

Other Witnesses: Pierre, CiCi;
Date of Interview: June 10, 2022
Type of Interview: Telephone
Interviewer: Genova, Peter J.

I left a message for Ms. Pierre to return my call.

Other Witnesses: Johnson, Debbie;
Date of Interview: June 13, 2022
Type of Interview: Telephone
Interviewer: Genova, Peter J.

Ms. Johnson said that she calls the CP her 'sister', even though they're not blood-related. Debbie lives in the same building as the CP.

She heard Michelle screaming, calling CP's daughters a "n--ger". She states that this was by the laundromat. When asked when, Debbie said it was about a month or so ago.

Debbie does not know if Phillip (manager) was aware of the slurs.

Debbie said that she heard Michelle use the slur quite a few times.

Debbie denied that the CP and Michelle were friends at one time. She said never.

B. Documents

Nature of Document: 903 signed
Who Provided: Complainant
How Transmitted to HUD: Fax
Date of Document: November 24, 2021
Date Obtained: November 29, 2021

Signed 903 form from Complainant, in which she alleges that she has been harassed because of her race by a white tenant named Michelle Kott. Complainant states that the manager, Phillip Tracy, has not taken action to address her complaints about Ms. Kott. However, Complainant was issued a violation notice and then her lease was non-renewed. Complainant believes that she has been harassed and discriminated against because of her race (black) and color.

Nature of Document: Incident Reports
Who Provided: CP
How Transmitted to HUD: Email
Date of Document: November 09, 2021
Date Obtained: November 29, 2021

One incident occurred on October 8, 2020. Michelle Kott contacted police to complain that CP walked over to her residence in order to fight. The report notes that the neighbors have been involved in a feud since the holidays of last year. CP stated that Ms. Kott was looking into her daughter's bedroom window when Ms. Kott was walking her dog. Ms. Kott was provided with an injunction brochure.

On September 26, 2021, Ms. Kott called 911 to report CP making a threat, but much of the information is redacted. After investigating, police concluded that no credible threat had been made.

Another incident occurred on November 1, 2021. CP advised police that Ms. Kott had made a false report claiming that CP threatened her with a pistol. CP also stated that her lease was not being renewed. CP was provided with injunction information. Ms. Kott told the officer that CP had threatened her life a month earlier.

On November 7, 2021, police were dispatched again. CP claimed that Ms. Kott verbally accosted her daughter at the laundry room. Ms. Kott acknowledged telling the 9-year-old child to "get the f****" away from her. CP informed the officer that she had tried to obtain an injunction but was unsuccessful.

Nature of Document: Violation Notice
Who Provided: CP
How Transmitted to HUD: Email
Date of Document: September 30, 2021
Date Obtained: November 29, 2021

CP received a Notice of Violation with Opportunity to Cure on 9/30/2021. The reason was that she and a neighbor were involved in a disturbance.

Nature of Document: Witness Statement
Who Provided: Witness
How Transmitted to HUD: Email
Date of Document: October 14, 2020
Date Obtained: November 29, 2021

Mike Bounos states that he was the former property manager. Since moving Ms. Kott in, he states that she has been saying derogatory commenting about him and slandering his name. She has consistently threatened CP and her children, and the children are scared.

Nature of Document: Non-Renewal Notice
Who Provided: CP
How Transmitted to HUD: Email
Date of Document: October 01, 2021
Date Obtained: November 29, 2021

CP is notified that the lease expires on December 31, 2021 and that Respondent will not be renewing it.

Nature of Document: Lease Agreement
Who Provided: CP
How Transmitted to HUD: Email
Date of Document: February 19, 2018
Date Obtained: November 29, 2021

Lease signed on February 19, 2018 and monthly rent payments were \$1,095.

Nature of Document: Certified Banner
Who Provided: PCOHR
How Transmitted to HUD:
Date of Document: December 20, 2021
Date Obtained: December 20, 2021

Nature of Document: Demand letters sent certified mail to Respondents
Who Provided: PCOHR

How Transmitted to HUD:
Date of Document: December 20, 2021
Date Obtained: December 20, 2021

Nature of Document: Certified Banner
Who Provided: PCOHR
How Transmitted to HUD:
Date of Document: December 20, 2021
Date Obtained: December 20, 2021

Nature of Document: Answer
Who Provided: Respondent
How Transmitted to HUD: Mail
Date of Document: January 19, 2022
Date Obtained: January 25, 2022

Respondent denies discriminating against CP in any way. Her month-to-month tenancy was terminated because she and a neighbor were feuding. The neighbor's lease was also terminated and she has vacated her apartment.

Nature of Document: Email from Kott
Who Provided: Respondent
How Transmitted to HUD: Email
Date of Document: February 02, 2022
Date Obtained: February 22, 2022

As she was leaving the property, Ms. Kott expressed displeasure which management about the roach infestation and that her life was being threatened by another resident. She complained that a certain race was receiving the royal treatment.

Note: Ms. Kott is white.

Nature of Document: RFI to R and Response
Who Provided: Respondent
How Transmitted to HUD: Email
Date of Document: February 22, 2022
Date Obtained: February 22, 2022

Respondent provided a list of others who have received notices and were non-renewed.

Three residents were evicted. All three were white.

Three residents were non-renewed, the CP, Ms. Kott, and a third white resident.

Ms. Kott's non-renewal was dated December 1, 2021. Her lease was due to expire on February 28, 2022.

The third white resident received a non-renewal on December 3, 2021. Her lease was due to expire on March 2, 2022.

Nature of Document: Intake Questionnaire
Who Provided: CP
How Transmitted to HUD: Internet
Date of Document: November 04, 2021
Date Obtained: May 04, 2022

CP alleges that her children are being subject to racial harassment and that the landlord isn't taking action to address her complaints. However, when the Caucasian neighbor that commits the harassment complains to the landlord about the CP, action is taken. CP received a violation notice and then a non-renewal.

Nature of Document: 100 day letter to R
Who Provided: OHR
How Transmitted to HUD:
Date of Document: May 20, 2022
Date Obtained: May 20, 2022

R notified that the case has gone beyond 100 days and that we need to complete interviews, conduct more investigation, make additional conciliation efforts, and finish writing a report.

Nature of Document: 100 day letter to CP
Who Provided: OHR
How Transmitted to HUD:
Date of Document: May 20, 2022
Date Obtained: May 20, 2022

CP notified that the case has gone beyond 100 days and that we need to complete interviews, conduct more investigation, make additional conciliation efforts, and finish writing a report.

Nature of Document: Email to Witness D Johnson
Who Provided: OHR
How Transmitted to HUD: Email
Date of Document: June 15, 2022
Date Obtained: June 15, 2022

As a follow-up to our telephone conversation, I asked Ms. Johnson if she could provide details about who made the racial slurs, who they were directed at, who was present, and when they were made.

Nature of Document: Request to Interview Manager
Who Provided: OHR
How Transmitted to HUD: Email
Date of Document: June 15, 2022
Date Obtained: June 15, 2022

Request to interview R's property manager, Phillip Tracy.

Nature of Document: Request for Information
Who Provided: OHR
How Transmitted to HUD: Email
Date of Document: June 17, 2022
Date Obtained: June 17, 2022

Property Manager is asked questions about any complaints submitted against either the CP or Michelle Kott. Property Manager is also asked if anyone reported that Michelle used racial slurs. If so, what did the manager do to address the matter.

Nature of Document: Witness Statement Webb
Who Provided: Witness
How Transmitted to HUD: Email

Date of Document: June 27, 2022
Date Obtained: June 27, 2022

Witness states that Michelle Kott has called his daughter a little bitch and other derogatory names. When CP went to office to complaint, she returned crying because the manager didn't want to hear it.

Nature of Document: Witness Statement Shamaria
Who Provided: Witness
How Transmitted to HUD: Email
Date of Document: June 27, 2022
Date Obtained: June 27, 2022

Witness is CP's daughter. She was babysitting her younger sister, who was playing outside. Witness states that Michelle Kott drove by and called her sister a little bitch.

Nature of Document: Witness Statement Petrie
Who Provided: Witness
How Transmitted to HUD: Email
Date of Document: June 27, 2022
Date Obtained: June 27, 2022

Witness states that Michelle called her granddaughter a "black n***** bitch" and told her to "shut the f*** up".
Witness states that she chased Michelle back to her apartment.

Nature of Document: OHR respondent 1 package
Who Provided: Intake
How Transmitted to HUD:
Date of Document: December 01, 2021
Date Obtained:

Respondent OHR Letter
Copy of initial complaint
Conciliation form
RFI questions to Respondent
100 day notice

Nature of Document: OHR respondent 2 package
Who Provided: Intake
How Transmitted to HUD:
Date of Document: December 01, 2021
Date Obtained:

Respondent OHR Letter
Copy of initial complaint
Conciliation form
RFI questions to Respondent
100 day notice

Nature of Document: Letter to CP OHR package
Who Provided: Intake
How Transmitted to HUD:
Date of Document: December 01, 2021
Date Obtained:

CP OHR letter
Copy of signed complaint
100 day Letter

C. Interrogatories

D. Factual Observations

Betina Baron
Betina Baron, Compliance Manager