

MEMORANDUM

To: Paul Valenti, Director, Pinellas County Office of Human Rights
From: Jason C. Ester, Senior Assistant County Attorney (JE)
CC: Mark Esparza, Senior Equal Opportunity Coordinator
Date: June 7, 2016
Re: Review of Final Investigative Report/Determination
Case Name: Collins v. Golf Terrace investment Co., LP, et al.
Case No.: 04-16-4202-8

I have reviewed the Final Investigative Report/Determination issued by the Pinellas County Office of Human Rights in the above matter.

The complaint alleged a violation (or violations) of:

- The Fair Housing Act (42 U.S.C. §3601, et seq.)
- Chapter 70 of the Pinellas County Code of Ordinances

The complaint alleged discrimination based on one or more of the following prohibited bases:

- | | |
|--|---|
| <input type="checkbox"/> Race | <input type="checkbox"/> Sex |
| <input type="checkbox"/> Color | <input type="checkbox"/> Familial Status |
| <input type="checkbox"/> Religion | <input type="checkbox"/> Sexual Orientation |
| <input type="checkbox"/> National Origin | <input type="checkbox"/> Gender Identity/Expression |
| <input checked="" type="checkbox"/> Disability | |

Specifically, the complaint alleged the following discriminatory act(s):

- | | |
|--|--|
| <input type="checkbox"/> Refusing to rent or sell | <input type="checkbox"/> "Steering" |
| <input type="checkbox"/> Falsely denying availability of housing | <input type="checkbox"/> "Blockbusting " |
| <input type="checkbox"/> Refusing to negotiate for housing | <input type="checkbox"/> Intimidation, interference or coercion |
| <input type="checkbox"/> Discriminatory housing terms/conditions | <input type="checkbox"/> Lending Discrimination |
| <input type="checkbox"/> Discriminatory advertising | <input checked="" type="checkbox"/> Denying a reasonable
accommodation/modification |
| <input type="checkbox"/> Other: | |

I have determined that the housing opportunity which is the subject of the complaint is not exempt under the Fair Housing Act or Chapter 70 of the Pinellas County Code of Ordinances.

I have determined that the Final Investigative Report/Determination issued by the Pinellas County Office of Human Rights does/ does not establish direct evidence of discrimination.

In the absence of direct evidence of discrimination, case law provides that allegations of discrimination should be assessed by use of a "burden-shifting" analysis first adopted by the United States Supreme Court in McDonnell Douglas Corp. v. Green, 411 U.S. 792 (1973).

Proper use of this "burden-shifting" analysis requires the complainant(s) to first establish a prima facie case of discrimination. If the complainant establishes a prima facie case of discrimination, the burden then shifts to the respondent(s) to articulate a neutral and nondiscriminatory reason or reasons for their action(s). If respondent(s) articulate(s) a neutral and non-discriminatory reason or reasons for their action(s), the burden then shifts to complainant(s) to demonstrate that the articulated neutral and non-discriminatory reason is a pretext for discrimination¹.

I have determined that the Final Investigative Report/Determination issued by the Pinellas County Office of Human Rights does establish a prima facie case of discrimination.

Having determined the Final Investigative Report/Determination issued by the Pinellas County Office of Human Rights establishes a prima facie case of discrimination, the burden then shifts to respondent(s) to articulate a neutral and non-discriminatory reason or reasons for their act(s).

My review of the Final Investigative Report/Determination issued by the Pinellas County Office of Human Rights establishes the respondent(s) have/ have not articulated a neutral and non-discriminatory reason or reasons for their act(s).

Therefore, based on my review of the Final Investigative Report/Determination issued by the Pinellas County Office of Human Rights, I concur in the reasonable cause determination, and find there is a sufficient legal basis for establishing a violation of law.

¹ *Texas Dept. Commun. Affairs v. Burdine*, 450 U.S. 248 (1981), at 252, 253.