

June 25, 2019

Final Investigative Report

Case Name: Marie & James Parker v. Villa Del Mar of Clearwater Condominium Association, Inc.

Case Number: 04-19-5671-8

I. Jurisdiction

A complaint was filed on February 08, 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 30, 2018, and is continuing. The property is located at: 1860 N. Ft. Harrison Ave., #102, Clearwater, FL 33755. 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, and 804f3B of Title VIII of the Civil Rights Act of 1968 as amended by the Fair Housing Act of 1988.

It is not known if the respondent(s) receive federal funding.

II. Parties and Aggrieved Persons

A. Complainant(s)

Marie Parker
1860 N. Ft Harrison Ave., #102
Clearwater, FL 33755

James Parker
1860 N. Ft. Harrison Ave., #102
Clearwater, FL 33755

Complainant Allegations

Marie Parker (CP) a disabled female that owns a unit along with her husband James Parker (CP2) located at 1860 N. Ft. Harrison Ave., #102, Clearwater, FL 33755. The property is governed by Villa Del Mar of Clearwater Condominium Association, Inc. (R1). The current President of the HOA is Bob Veurink (R2).

CP states in mid-October she parked in the handicapped space in front of her building using her handicapped sign. CP states when she arrived to her car the next morning she found a typed note on her car from R's. The note informed CP that she was in violation for parking in the space and if she continues to park there, her car will be towed. CP states she due to her disability she needs to park in a different space because it's hard for her to get out of her car in her small garage. CP states she then made a reasonable accommodation to R's requesting permission to be allowed to use the handicapped space, visitor spaces or to park up front. CP states R's denied all requests. CP states R2 reiterated to her that CP would not be able to park in the spaces and if CP's vehicle is found to be parked in one of the restricted/reserved spaces, R's will have her vehicle towed.

CP states during a board meeting on October 30, 2018, CPs stood up to inform the homeowners of their situation and how R's were handling the situation. CPs state they did this in hopes of obtaining a vote from all of the residents that would make R's reconsider the denial of CP reasonable accommodation. CP states R2 stood up and denied her request. R2 then abruptly ended the meeting so that they could have cocktails. CP states several homeowners approached her after the meeting stating they didn't know why the R's were being so hard on them in regards to the reasonable accommodation request. CP states one homeowners provided his phone number to her in the event CP

ever needed assistance and he was around to assist her.

CP states she feel she is being discriminated against due to her disability.

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

B. Other Aggrieved Persons

C. Respondent(s)

Villa Del Mar of Clearwater Condominium Association, Inc.
c/o Robert Veurink
4151 Woodlands Parkway
Palm Harbor, FL 34685

Robert, President Veurink
Villa Del Mar of Clearwater Condominium Association, Inc.
c/o Robert Veurink
4151 Woodlands Parkway
Palm Harbor, FL 34685

Respondent Defenses

The respondent stated the CPs have provided no information or documentation to indicate or even suggest that Mrs. Parker needs an additional parking space to ameliorate the effects of her alleged handicap. It is inexplicable that Mrs. Parker cannot simply switch vehicles with her husband or get another, smaller, vehicle. CPs claim is made more absurd by the fact that they subsequently have reached out to other owners in an effort to rent or purchase their garage parking. It is inescapably clear that CPs simply want to be able to park both of their vehicles on property and have manufactured a discrimination claim in a brazen and callous exploitation of the FHA in order to coerce Respondents into acceding to their demands.

D. Witnesses

III. Case Summary

A. Interviews

Complainant Parker, Marie
Date of Interview: March 22, 2019
Type of Interview: In-Person
Interviewer: ESPARZA, MARK S

On-site at the respondent complex. The cps stated they had a one car garage, whereas many others at the complex had 2 car garages. Mr. Parker stated they had two cars, and that they would park their mercedes SUV at some shuffle courts near the complex. The other car, a lexus SUV, was the car parked in their one car garage.

The Parkers stated the guest spaces were rarely used, and stated that a girlfriend of one of the residents would routinely park in the guest spaces at the complex. Mr. Parker stated this was allowable, as the persons parking in the guest spaces are not residents, but instead guests.

Mr. Parker estimated that the handicapped space had been used roughly 3 times since they had been residents, on 5/18/18.

The Parkers believed the association felt they were using their disability to park two cars at the complex, despite having purchased one space only.

Complainant Parker, James
Date of Interview: May 01, 2019
Type of Interview: In-Person
Interviewer: ESPARZA, MARK S

In person at the complex to measure the car and garage opening. He stated the cp Mrs. Parker used the walker for her broken foot, and normally did not use one. He stated she needed the accommodation because she was unsteady on her feet, and was prone to falling down. He stated she had broken her 5th metacarpal foot bone, and now had broken the 4th.

Mr. Parker confirmed their request to leave the car in the guest spot until Mr. Parker got home was made during the board meeting.

Mr. Parker confirmed the disability that required the accommodation was the diabetic neuropathy.

Mr. Parker stated that purchasing a smaller car would not matter, saying they would have the same issue. He stated the cp would have trouble getting out of a low car, and that they were roughly the same size in width as other cars.

Mr. Parker stated that one person had thought about leasing their garage to them, but then decided not to. Another person also thought about renting them their space during the summer.

Complainant Parker, Marie
Date of Interview: May 03, 2019
Type of Interview: Telephone
Interviewer: ESPARZA, MARK S

Call to the cp on this day to inform her another RFI would be sent to her, to further assess her need for the requested accommodation. The call was made to ensure the cp understood the need for the further requested information.

B. Documents

Nature of Document: Division of corporation information for respondent
Who Provided: PCOHR
How Transmitted to HUD: Internet
Date of Document: January 23, 2019
Date Obtained: January 23, 2019

Florida Division of Corporation information from

Nature of Document: cp intake form
Who Provided: complainant
How Transmitted to HUD: email
Date of Document: November 19, 2018
Date Obtained: January 23, 2019

Cp's intake form and signed complaint.

Nature of Document: Notification letters to parties
Who Provided: PCOHR
How Transmitted to HUD: In-person

Date of Document: February 08, 2019
Date Obtained: February 08, 2019

Notice of the complaint letters.

Nature of Document: respondent answer
Who Provided: respondent attorney
How Transmitted to HUD: email
Date of Document: March 12, 2019
Date Obtained: March 12, 2019

Respondent's answer to allegations of discrimination.

Nature of Document: respondent answer attachment
Who Provided: respondent attorney
How Transmitted to HUD: email
Date of Document: March 12, 2019
Date Obtained: March 12, 2019

respondent answer attachment: Declaration of condo.

Nature of Document: On-site photos
Who Provided: PCOHR
How Transmitted to HUD: In-person
Date of Document: March 22, 2019
Date Obtained: March 22, 2019

on-site photos

Nature of Document: cp rebuttal
Who Provided: complainant
How Transmitted to HUD: email
Date of Document: March 14, 2019
Date Obtained: March 28, 2019

Cp's rebuttal

Nature of Document: diabetes information
Who Provided: PCOHR
How Transmitted to HUD: Internet
Date of Document: April 16, 2019
Date Obtained: April 16, 2019

diabetes information from the Mayo Clinic.

Nature of Document: cp April 16 RFI
Who Provided: PCOHR
How Transmitted to HUD: email
Date of Document: April 16, 2019
Date Obtained: April 16, 2019

RFI and response.

Nature of Document: cp May 3 RFI and reply
Who Provided: complainant
How Transmitted to HUD: email
Date of Document: May 03, 2019
Date Obtained: May 17, 2019

RFI and reply by Cp.

Nature of Document: 100 day letters
Who Provided: PCOHR
How Transmitted to HUD: In-person
Date of Document: May 24, 2019
Date Obtained: May 24, 2019

100 day letters.

Nature of Document: Signed Complaint
Who Provided:
How Transmitted to HUD:
Date of Document:
Date Obtained:

C. Interrogatories

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