



Pinellas County

Legislation Details (With Text)

File #: 16-1363A **Version:** 1

Type: County Attorney Item **Status:** Passed

File created: 8/3/2016 **In control:** County Attorney

On agenda: 8/23/2016 **Final action:** 8/23/2016

Title: Proposed initiation of litigation in the case of Octavia Stewart v. Holly Berry Gifts, Inc. and Mike Prusinski - HUD Case No. 04-16-0164-8; PC Case No. 16-004 - alleged housing discrimination.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Memo from M. Wallace to P. Valenti dated 03/30/16

Date	Ver.	Action By	Action	Result
8/23/2016	1	Board of County Commissioners	approved	Pass

Subject:

Proposed initiation of litigation in the case of Octavia Stewart v. Holly Berry Gifts, Inc. and Mike Prusinski - HUD Case No. 04-16-0164-8; PC Case No. 16-004 - alleged housing discrimination.

Recommended Action:

Approval to authorize outside counsel to initiate litigation on behalf of Octavia Stewart through the existing agreements with Gulfcoast Legal Services, Inc. or Bay Area Legal Services, Inc. for legal services.

Strategic Plan:

N/A.

Summary:

In her November 12, 2015 complaint, Ms. Stewart filed a charge of housing discrimination with the U.S. Department of Housing and Urban Development (HUD) alleging she was subjected to unlawful housing discrimination on the basis of race. Specifically, Respondent subjecting her to unwelcomed harassment because of her race which was sufficiently severe or pervasive so as to interfere with the use or enjoyment of her home. In accordance with the agreement between HUD and the Pinellas County Office of Human Rights (PCOHR), the Complaint was forwarded to PCOHR for handling and investigation. Following that investigation, on February 19, 2016, PCOHR issued a finding of reasonable cause to believe that Ms. Stewart was a victim of housing discrimination based on race, in violation of the FHAA, 42 U.S.C. § 3604 and 42 U.S.C. § 3617. Attempts to conciliate the matter were unsuccessful. In accordance with Section 70-146 of the Pinellas County Code, the County Attorney’s Office is required to file a civil action on behalf of an aggrieved party seeking appropriate relief following a reasonable cause determination.

Background Information:

A detailed memorandum setting forth the facts and applicable case law that led to the reasonable cause determination is attached.

Fiscal Impact:

Unknown.

Staff Member Responsible:

James L. Bennett, County Attorney
Brijesh Patel, Assistant County Attorney

Partners:

Office of Human Rights.

Attachments:

March 30, 2016 memo from Michelle A. Wallace, former Senior Assistant County Attorney, to Paul Valenti, Human Rights/EEO Officer.