

City of Tampa
Human Rights Board
Meeting Minutes
August 14, 2013

The City of Tampa Human Rights Board held their regular bi-monthly meeting on Wednesday, August 14, 2013 at 8:30 a.m., in the 2nd floor conference room of the Department of Neighborhood Services, Division of Community Affairs, 2105 N. Nebraska Avenue, Tampa, Florida.

MEMBERS IN ATTENDANCE:

Laila Abdelaziz	Reginald Tim
Anthony Carswell, Chairman	Elias Vazquez
Amy Mandel	
John Perry	

CITY OF TAMPA REPRESENTATIVES IN ATTENDANCE:

Maritza Betancourt	Deborah Marshall
Rebecca Cortes	Allison Singer
Margarita Gonzalez	Karen Sinnreich

Call to Order and Roll Call

Chairman Anthony Carswell called the meeting to order and took the roll. He then asked members present if they received the minutes for June 12, 2013 and the determination on the housing reasonable cause case (TOHR 12-0001) packet. The minutes were reviewed later.

Regular Reports

Administrator's Report and EEOC/Employment, Public Accommodations and /Fair Housing/HUD Reports

Ms. Betancourt provided a report on behalf of Jake Slater, who was unable to attend this meeting. He is scheduled to attend an equal employment opportunity (EEO) conference in Denver during the week of August 26, 2013. Ms. Betancourt continued by passing out copies about two projects under the Mayor's Neighborhood University and Landlord Training. In September, one project will offer one half-day training to landlords and tenants to help blight areas, and the Mayor's Neighborhood University will offer a twelve-week course to help establish and maintain neighborhood organizations. The projects were received well by the community, and many have expressed interest. Applications are available from the Mayor's Neighborhood University and Landlord Training department for future classes. There is another project, Sulphur Springs Project, which offers opportunities for rebuilding and neighborhood renewal. Eighty (80) properties have been identified for demolition and announcements on the projects follow in the near future. This concluded the report for Mr. Slater.

Ms. Betancourt then continued with her report. She stated that Ms. Kia Johnson, HUD monitor for Community Affairs, conducted the annual performance evaluation and made recommendations. HUD's 2013 fiscal year ended on June 30, 2013 and the 2014 fiscal year began on July 1, 2013. Ms. Betancourt is expecting and looking forward to more cases. She mentioned that HUD offered all FHAP agencies, an

opportunity to apply for funds, before the deadline date of August 22, 2013. The Division of Community Affairs applied for funds to subcontract a FHIP agency for the fair housing audit program. The timeframe for grant approval is not known at this time, since this is the first time an application is submitted. She contacted Ms. Cherrise Wilks and a proposal will be submitted to her for review. There are usually 15-20 cases that arise from the fair housing audit program, which can be conciliated easily, and each case generates \$5-10,000 dollars in settlement money from Respondents found to be in violation of fair housing practices. The settlement money is awarded to agencies that are involved in housing. Ms. Betancourt informed members that public hearings are to be held in August and September regarding the City of Tampa Mayor's Budget for fiscal year 2014. Persons can call the Budget Office (813) 274-3332 for information.

ADA Disability Rights Coordinator

Ms. Karen Sinnreich and Ms. Sandy Sroka worked at the command center for the 33rd Annual Paralyzed Veterans of America wheelchair games, which was held in Tampa, Florida, from July 13-18, 2013. Ms. Sinnreich gives credit to persons at the V.A. She stated besides volunteers, that people came from W. Palm Beach; different parts of the country; Philadelphia; City of Tampa; Hillsborough County; physicians from Milwaukee, Wisconsin; financial representatives from Jupiter, Florida; and a delegation from Korea came to observe and attend meetings with the Paralyzed Veterans of America group. A meeting was also held at Tampa Int'l. Airport (T.I.A.) to provide information and training to staff on the handling of wheelchairs, since approximately 600 veterans were expected to travel via T.I.A. An article and photos will appear in the next ADA newsletter in September. Other games offered were archery, field & track, basketball, and shooting. Some persons had service animals. The games are considered rehabilitative and persons are encouraged to become achievers and feel better about themselves, such as the example of a 25-year old male, double amputee, who signed up for two games and wore medals from other competitions.

Ms. Sinnreich then announced that the Mayor's Alliance for Persons with Disabilities 25th annual awards ceremony and luncheon is scheduled for October 18, 2013. During the luncheon, awards will be given in the categories of Employer of the Year, Excellence in Media, Joe Sanchez Leadership Award, and Outstanding Community Service Volunteer. Tickets are \$25/each and the event will be held at the DoubleTree Hotel, 4500 W. Cypress St., Tampa, FL. Members can access Google and search for Mayor's Alliance for Persons with Disabilities or Community Affairs via the City of Tampa website, which will have the newsletter. The Chairman will check an internal site to see if other persons took photos and forward to Ms. Sinnreich.

At this time, the Chairman referred back to the approval of minutes for the meeting on June 12, 2013, and asked the members to review for corrections (the minutes had been mailed to members and copies were also available at this meeting). A **motion** was made by Mr. Tim and seconded by Mr. Vazquez, to accept the minutes as presented. The **motion** was **accepted** unanimously by all members present.

The Chairman took a few minutes to thank Ms. Betancourt and Mr. Slater, ex parte, for their updates and information.

Old Business

(Closed Board Business) Update on Reasonable Cause Case – Ms. Singer stated that the case is closer to closure and that a settlement has been reached. The Hearing Officer has submitted his final order for that case, and the City of Tampa and Human Rights Board's roles have ended. What remains is, an administrative closure by HUD and what budget amount will be used for the settlement.

Status - Proposed Amendment Changes to Human Rights Ordinance – Ms. Singer stated that there is no date certain.

Discussion followed on the ordinance. The Chairman said that the ordinance is vague as to what the board is and what it does. He said that at the conclusion of the last meeting, he thought it would be a good idea to reflect on the ordinance. When he joined the board, Ms. Singer's predecessor, Robin McKinney, pulled together a lot of information that really defined what the board is, what it does and how the board does things, etc. Going forward, he thinks it would be great education for now, but that staff and board members need to know what the board's function is. In reviewing some of the ordinance, he said it's loose as to what the board is, what it does, and what the board's make up is. He asked the board members how they want the board to be described, since currently there are nine (9) positions in different areas. The main concern is diversity and that the board is well represented. He then asked the board members if they wanted to be an advocacy board and a medium for case resolution. Mr. Vazquez suggested it is better to be objective to the fact finding. Ms. Mandel asked if the board is the last medium and last decision maker for a case or make a decision and turn the case back, when no resolution is reached. A member then asked how is it defined in the ordinance now. The Chairman said it was wide open and that the board is in place to make a determination, once it gets to the Hearing Officer and beyond, when there is no resolution between the parties. Outside of that, the ordinance talks about how the board can meet, Sunshine Law information and specifically state who the members of the board are and industries they represent, etc. The way the ordinance is written now, the board has an opportunity to be a little more defined.

The Chairman asked Ms. Singer for comments. Ms. Singer said that the Human Rights Board is modeled after what the federal government does and is less than crystal clear. The City of Tampa is not the only jurisdiction and no cases have been presented to the board for a decision yet. The ordinance may need to be revisited, when the fair housing audit program begins. The federal government expects agencies to further fair housing. For judicial remedy, the board is involved, but not involved for civil remedy cases.

Ms. Singer continued by stating that at the federal level, you would have to break down between a housing case. You have Housing and Urban Development (HUD) and Department of Justice (DOJ). DOJ has a separate entire department who is dedicated to that possibility. Another example, after the housing testing program goes into effect, what will the board do about a violation? Who is the Complainant (CP)? How would you find the CP, etc.? That's part of the reason why that language is there. Another legal issue where housing is concerned with federal law, the board needs to affirmatively further housing and make it better. As far as the investigators, back when they have made a determination of reasonable cause and the case goes before the board, as it did today for review, to determine whether or not the board supports the final determination that the investigator has made, and if it does, both move on to the next step in the process. The next step in general is a charge issued and the board supports reasonable cause for that case and has the ability or lacks judicial remedy and they take to court or go to an administrative hearing. The Hearing Officer then hears the case administratively. The decision becomes either the one

that comes out of the administrative hearing or judicial remedy. If the parties though chose to, they would also have the ability to pursue a civil action within the statute of limitations. A private civil action would not involve the City of Tampa at all. If they choose judicial remedy as opposed to an administrative hearing, it would involve the City Attorney's Office, who would provide legal representation for the CP in that case. Mr. Slater is also according to the ordinance, a non-voting ex-officio member of the board. His duty is to delegate if appropriate, the various things needed to carry out the ordinance. In a practical matter, the administrator ends up delegating to investigator, supervisor and any other investigators. Ms. Allison said that ordinances are often drafted and seem vague, but are drafted with the purpose of allowing for changes for the function on the grounds of change without running a foul of the ordinance, example: adopting rules and procedures for the board. The board could go to the extent that there were certain things that the board wanted to do and not sure taking before City Council, and if they (City Council) will have the final say so on whether or not the board could do certain things. The proposed changes do not change the ordinance.

The Chairman recommends adopting rules for this particular board, because it would define the board separate and apart from other things and accomplish what the board wants to accomplish. It's so unclear and with other parties potentially looking at the ordinance, it would still keep the board as to what it's capable of doing and what the board's rules and orders are, etc., how the board conducts itself, what the membership is made up of, etc.

Ms. Singer then read the powers and duties of the board, which are: (1) To receive and initiate complaints alleging any violation of this chapter for investigation by the administrator; (2) To adopt, promulgate, amend and rescind rules and regulations for the operation of the board and to effectuate the policies of this chapter; (3) Upon failure of conciliation, to review whether the evidence supports the administrator's decision to find reasonable cause, and to order further investigation if it does not; and (4) Any other powers and duties provided elsewhere in this chapter.

Ms. Singer continued by stating that staff tries to get parties to reach a resolution. In this case, it has not worked out, and the board's job is to review whether the evidence supports the administrator's decision to find reasonable cause. The administrator is Mr. Slater, and both parties have the option to choose to go to an administrative hearing or judicial remedy.

Update – Fair Housing Consultant - Ms. Betancourt informed members that Mercury Productions, Inc. is in the last phase of their plan. She and Mr. Slater are reviewing the training materials, which are almost complete. Once complete, a PowerPoint presentation will be presented to the board members.

New Business

Updated Board Member List - The Chairman read a note from Ms. Jeffrie Van Loveren that she no longer practices with Smith & Associates, but did not ask to resign from the board. He made a recommendation for Ms. Van Loveren to continue in her current position. He said that there is a set number of members on the board and the quorum defined. There was no objection from board members.

Board Members' Input for Language to Present to City Council regarding board's seats and overall mission – The Chairman would definitely like for the board to continue to serve its current role. However, administratively, the board's communication to Staff, specifically to Mr. Slater, needs to be tempered and eventually addressed, as there could be a danger of breaching the Sunshine Law, by using

“normal” communications. The Robert’s Rule of Order is not included in the ordinance, but it is the belief of the chairman that this is another item that could be added. The goal is to ensure when others are looking at the Board’s operations, that it is uniform and organized to the current body’s preference. The chairman would like to have the board’s fingerprint to be on something that the board is proud of and from a legacy perspective, will be the right thing for the community. He asked the board members to consider if we are a board of advocacy; if the board is made aware of a “wrong”, should the board advocate pursuit of a case being filed, or is the board the ultimate medium that supports what the administration does or can do to resolve the case? In the case of Mercury Productions Inc.’s productions, the board wants to support Staff, when it comes to the conversations on what the video does and the purpose it serves. It should be clear that the production is a good thing to have, but not necessarily a board recommendation, because if the board is not an advocacy group, that may send the wrong message about our “purpose”. The fine language can be entertained again, and the Chairman will bring information at a future meeting. He would like feedback from everyone as much as possible.

Mr. Tim suggested that the board may want to look at the language to be proactive, meaning expanding what’s already there. On the second part, to identify what the team (staff) does, which is separate from the board’s function and which they’re capable of doing. It’s clear.

Review of Determination for Pablo M. Iglesias v. Beatrice Manali Life Estate, et al Case –

At this time, Ms. Betancourt asked if the Community Affairs staff could stay during discussion on the reasonable cause case. Ms. Singer stated it’s not in the ordinance and not in Community Affairs’ Standard Operating Procedure (SOP). She asked the Community Affairs staff if they recalled staying for previous cases, and staff stated they stayed to listen. Ms. Betancourt recalled that the board heard two reasonable cause cases. Ms. Singer said the meeting is considered a public meeting. Ms. Betancourt said the case took long because Respondent was not cooperating and ignored letters and calls. The Respondent eventually responded, and assistance was requested from the legal department. The evidence on the part of the Respondent is zero, since the Respondent claimed memory loss on having no records or destroying them. In this case, the Complainant had three witnesses, who in person, heard what Mr. Manali said. In one case, “we don’t rent to color people”, the other, “we don’t rent to Blacks”. When the Complainant was given a ride to the property, Mr. Manali inquired as to whether or not his wife was going to live with him and so forth. The female witness is White. One witness was in support with the law, which carried in this case. The house was available but not rented to the Complainant, and at this time, the property is still available. A member asked “what is the Complainant looking for?” Ms. Betancourt met with the Complainant and Complainant asked for compensation and Respondent said no. Conciliation was attempted, but there was no cooperation on the part of the Respondent. Ms. Singer made a suggestion for the language, “does the evidence support the administrator’s decision to find reasonable cause?”

The Chairman asked if witnesses are constituted as evidence and Ms. Mandel asked “or evidence to the contrary?”, since there is no hard evidence as to the specifics. Ms. Betancourt asked what was meant by hard evidence. Ms. Mandel said that members do not get to see specifics, only read what happened. Ms. Singer said that if the board found it necessary to make a determination of whether or not the board now supports the finding, the board could make a request for more evidence to make a decision. Ms. Singer recommended that the board make a decision, based on what they have right now, that being, the evidence they have in front of them. If they have additional questions, they need to ask them. Money spent on the case is not a factor for the board to make a decision. Mr. Tim asked if witnesses went under oath. Ms.

Betancourt said that witnesses' (Christine Phillian) signatures was taken as well. Ms. Abdelaziz asked Ms. Betancourt if when meeting with the Complainant, if he received phone calls from Ms. Manali, after claiming not knowing Complainant. It was clarified this was later. She then asked Ms. Betancourt if she heard the conversation. Ms. Betancourt stated that the conversation was not recorded, that it just happened that she (Ms. Manali) was having a conversation with the Complainant when the call forwarded to Complainant, and the Complainant put the call on speaker. Ms. Betancourt heard the lady calling him Iglesias and so forth, as if she knew him from a long time ago (assumption) regarding the property, and if he was still there, but every time that the Complainant showed up to an appointment with Manali at the property, Manali disappeared and the brother came and said what he said those three times. The property is owned by five siblings and they own about seven more properties in Tampa. Mr. Vazquez said that statements would be considered evidence and copies could have been made as evidence for the board members to see, and likewise with the phone call. The Complainant could have made copy of a statement of the conversation to show proof of the call, when the time the call was received during the meeting with Ms. Betancourt. The Chairman clarified why he asked the question on evidence. He did not want the board to step out of bounds, where there could be an issue later and where it could be asked by a third party why evidence was not gathered. He did not like to set up precedence, where someone would have to go through great lengths, in order to overly prove that they have been discriminated against. Mr. Vazquez made a comment that if this went to court, this could come up anyway. The Chairman recommended using documents and information presented. Ms. Singer said that if today there was support with a finding of reasonable cause, then whether it's an administrative hearing or a judicial remedy, what would they think would happen short of that, to present physical evidence or actual testimony in that proceeding.

Ms. Mandel made a **motion** to vote on reasonable cause decision, and the **motion was seconded** by Mr. Perry. The Chairman asked if there was reasonable cause in the evidence presented by staff to make the decision. He deemed there was. A **motion** was made by Mr. Vazquez to accept the facts that there's reasonable cause to make a decision, and **motion was seconded** by Mr. Perry. The Chairman stated that the City of Tampa does deem that there is reasonable cause with the information presented by City of Tampa staff, regarding Pablo M. Iglesias v. Beatrice Manali Life Estate et.al, case number 04-11-193-8. No questions or information followed regarding this particular case. The board members thanked the Community Affairs staff, and Ms. Betancourt thanked Ms. Singer for her assistance. This is the fourth case that Ms. Singer provides assistance.

Mr. Tim commented that the Community Affairs staff works very hard and thanked them. For the record, he said that the board hears what they try to accomplish and the board accepts.

Next Meeting

The next meeting has been scheduled for October 9, 2013, at 8:30 a.m., at the German American Club, 2105 N. Nebraska Avenue, 2nd floor conference room, Tampa, FL.

Adjournment

A **motion** to adjourn the meeting was made by Ms. Mandel, seconded by Mr. Vazquez, and the **motion passed** by all members present, to adjourn the meeting. This concluded the business of the Board at 9:45 a.m.