City of Tampa
Human Rights Board
Meeting Minutes
August 14, 2019

The City of Tampa Human Rights Board held their monthly meeting on Wednesday, August 14, 2019 at 9:00 a.m., Lemon Street Municipal Office Building, 4900 W. Lemon Street – 1st Floor, Conference Room C, Tampa, Florida 33609.

MEMBERS IN ATTENDANCE

Anthony Carswell	Tomika Cole	Parker Homans
Janet MacNealy	John Perry	

MEMBERS ABSENT:

Sylvia Hubbard	Ashley Roberts

CITY OF TAMPA REPRESENTATIVES IN ATTENDANCE

Betina Baron	Vanessa McCleary	Mindy Rainey
Shakayla Birch	Rachel Peterkin	
Kevin Iravani	Elba Plaza	

GUEST(S):

Cesar Aponte, Jr., Resident, Gardens of South Bay
Ketty Fernandez, Resident, Gardens of South Bay
Z. Seda, Property Manager, Gardens of South Bay
Krystal Pate, Resident, Gardens of South Bay
Leonard Burke, Director of Asset Management, Tampa Housing Authority
Yvette Lewis, President, NAACP Hillsborough County

Call to Order and Roll Call

The Vice Chairman, John Perry, called the meeting to order at 9:08 a.m., then made roll call. Notification was received from the Chairman, Anthony Carswell, that he would arrive later, due to traffic congestion.

PUBLIC COMMENTS

None at this time

Approval of Minutes – July 10, 2019

The minutes for July 10, 2019, were reviewed by members present. A **motion** was made by Tomika Cole, **seconded** by Parker Homans, to accept the minutes as submitted. The **motion** was **accepted** unanimously.

REGULAR REPORTS

Manager's Report – Vanessa McCleary

Vanessa McCleary announced that Patricia .Newton resigned and moved to Tallahassee to be with her family. P. Newton agreed to stay on as a consultant until the Human Rights Supervisor position is filled. A contract went to City Council for approval at their next meeting August 22, 2019. In the meantime, P. Newton is taking phone calls and assisting with some of the case reviews.

An advertisement posted for vacated position closed August 7, 2019 and V. McCleary is waiting for Human Resources to forward the applications. V. McCleary stated she would like to have a member from the Board sit in on the interview panel. Her interview process for Supervisors consists of two panels; a staff panel to get their perspective on the potential of their new supervisor. The other panel will probably include a Director from another Human Rights office, along with a Board member to sit with her to interview the candidates and to make a final selection.

Once the two panels have met they will come together and debrief at the end of the day, she will then take those recommendations and concerns to her Director, Thom Snelling and make the final decision for the new person. She is looking to get someone in the position quickly.

V. McCleary also mentioned the Mayor has an Affordable Housing Advisory Team that is looking at the affordable housing issue, as well as a Work Force Development Advisory Team. The Work Force Development has started, their next meeting is on August 21, 2019. Both are open to the public, she will get the dates out.

Mayor Castor just completed her first100 days in office, and has hit the ground running. She has definitely let us know that Human Rights is important to her and is supportive of all of our efforts.

HOUSING CASE REVIEWS

Krystal Pate vs. Housing Authority of the City of Tampa

Ketty Fernandez, a resident at Gardens of South Bay stated she and her son, Cesar Aponte, Jr., have been residents of the community for over 12 years. K. Fernandez has seen over five groups of office personnel and maintenance workers come and go; all hard workers trying to do their best to run and maintain " The Gardens" each with a new set of rules, different from the previous groups. She has never really waited too long for minor repairs to be done, they have been great even when at times the repairs had to be redone. She just wanted to inform the Board of three major complaints that have racked her nerves and affected her health while living at the Gardens.

1. Windows in her living room are coming apart from the foundation and leak is severe.
2. Cracks in the foundation have probably exposed them to radon poising. Radon testing and air quality test have been done but the results have never been disclosed.
3. Deterioration of her health as she developed multiple symptoms. She discovered black mold growing on the wall in her closet coming from a leak in the bathroom. The mold was cleaned, wall was painted over, rug was pulled out and leak was repaired even though it took them several attempts to get it fixed.

K. Fernandez agreed with K. Pate, that people are afraid to come forward out of fear of retaliation. Board dismissed her and son to continue discussion.

Investigator Shakayla Birch presented the facts of the case including the Complainant's allegations that she was denied a reasonable modification based on disability, subjected to adverse terms and conditions based on familial status and retaliated against for participating in protected activities.

The Office of Human Rights conducted an investigation and found No Reasonable Cause to believe that discrimination had occurred. The determination was signed on April 15, 2019. The case was sent to review at the request of Krystal Pate. The Board convened June 12, 2019 and decided that the case should be remanded for additional investigation due to additional information that was brought to the meeting. S. Birch continued the investigation gathering information from the parties and submitted an addendum to the Board, once again issuing a determination of No Reasonable Cause to believe that discrimination had occurred.

A. Carswell asked if all board members had the opportunity to review both the file from the initial investigation along with the June 12th addendum. A. Carswell also asked K. Pate if she had any new information she would like to add since her last interaction with the board.

The Complainant, K. Pate was again given the opportunity to detail her complaints and voice her concerns to the Board. She also expressed confusion as to how S. Birch reached a No Reasonable Cause determination after all the witnesses she spoke to. However, K. Pate did not present any new information that pertained to the case.

After much continued discussion, Rachel Peterkin reiterated to K. Pate that decisions made in the case were based on specific criteria enumerated in the Fair Housing Act. A. Carswell clarified that S. Birch and Adriana Escander before her, were investigating to make sure the Housing Authority was not acting in a manner that infringed upon her civil liberties under the law. The determination did not negate the fact that she had mold and other issues in her apartment. The investigation was focused on one question "Did the Housing Authority take adverse actions against K. Pate because of her disability?"

John Perry reiterated that there is specific criteria, according to the law, that have to be met in order for S. Birch to find Reasonable Cause. S. Birch explained that each specific area of the law was evaluated to determine if discrimination had occurred. In this specific case, each specific area of the law was a No Cause, as not all of the criteria were met.

The Board informed K. Pate that the City of Tampa Office of Human Rights would further discuss and mail the Board's decision to her.

Janet MacNealy made a **motion** to uphold the staffs finding. The **motion was seconded** by P. Homans. Following a discussion the Board **voted** to adopt the staffs finding. The Board voted **4 to 1** to adopt the City of Tampa Office of Human Rights Administrator's decision of No Reasonable Cause.

Kelvin Johnson vs. The Hargrett, LLC.

Investigator Kevin Iravani presented the facts of the case. A. Carswell began with introductions and R. Peterkin made an opening statement advising Kelvin Johnson, the Complainant about the Board's procedure. The Board reviews the determination and to confirms whether or not there was sufficient evidence to support the No Reasonable Cause determination reached by the investigator. The Board only looks at a very narrow issue of discrimination based on civil rights violations.

K. Johnson, who requested the case review, made statements to the Board explaining what had occurred. The Board then heard an overview from K. Iravani as to the facts of the case. Following a brief discussion, the T. Cole made a **motion** to adopt the City of Tampa Office of Human Rights Administrator's decision of No Reasonable Cause of discrimination. The **motion was seconded** by J. MacNealy, and the **motion carried** by all members present.

NEW BUSINESS

The Board discussed The Gardens of South Bay customer service, what counsel could be given to residents of that community regarding their rights and the avenues of recourse available to them. V. McCleary agreed to follow up with Leonard Burke as well as contact code to see what can be done.

NEXT MEETING
The meeting scheduled for Wednesday, September 11, at 9:00 a.m. was canceled. The next scheduled meeting is for Wednesday, October 9, 2019, Lemon Street Municipal Office Building, 4900 W. Lemon St., 1st Floor, Conference Room C, Tampa, FL 33609.

ADJOURNMENT
A **motion** to adjourn the meeting was made by P. Homans, **seconded** by T.Cole, and the **motion passed** unanimously. The meeting ended at 10:55 a.m.

Respectfully submitted