

City of Tampa  
Human Rights Board  
Meeting Minutes  
February 10, 2021

The City of Tampa Human Rights Board held their second meeting of the year on February 10, 2021, at 9:00 a.m. at Lemon Street Municipal Office Building, 4900 W. Lemon Street, 1<sup>st</sup> floor, HCD Conference Room C, Tampa, Florida 33609.

**MEMBERS IN ATTENDANCE**

Anthony Carswell    Brian Frey    Tomika Cole  
John Perry

**CITY OF TAMPA REPRESENTATIVES IN ATTENDANCE**

Carl Brody    Chris Calder    Naomi Candelaria  
Rodneycia Cooper    Abbye Feeley    Maurice Foster  
Kayon Henderson

**MEMBERS OF THE PUBLIC**

L. Wedge; B. Toston; T. Rosine (Prospective Board Member)

**CALL TO ORDER AND ROLL CALL**

A. Carswell, the Chairman, called the meeting to order at 9:08 a.m. Roll Call was conducted, with all board members in attendance, except Board Member Ashley Roberts.

**INTRODUCTIONS**

D. Cosme, TPD, introduced himself as providing security for the meeting. Respondent Lei Wedge, Complainant Brad Toston, and prospective Board Member Trevor Rosine introduced themselves.

**APPROVAL OF MINUTES**

Chairman invited the Board members who were present to review the minutes from January 13, 2021, board meeting. J. Perry made a **motion** to accept the meeting minutes. The motion was **seconded**, and the **motion passed** unanimously.

**The chair announced that the Board would be proceeding out of order for the convenience of the guests.**

**CASE REVIEW**

Office of Human Rights Investigations Supervisor M. Foster began by summarizing past actions taken with the case. J. Perry stated that the key to the case is what was said during the purported phone call between Investigator K. Irvani and Respondent. J. Perry further stated that the board had two choices – affirm the Cause finding or refer the case back to investigations. The board discussed Investigator Irvani's report, which stated that he had a conversation with the Respondent. According to Investigator Irvani's report, the Respondent stated that she refused to accept the pet policy regarding the service animal and treat the service animal as a pet. Board members discussed the issue at length. City Attorney Carl Brody stated that the Investigator's report was, in fact, a sworn statement by virtue of Investigators having to swear an oath upon certifying as an investigator.

B. Frey stated that the previously subpoenaed phone records are not necessary. He stated that he was curious if the statement was made to the Investigator. He further said that he has a problem with the fact that the RP claims the phone call was not even made.

J. Perry pointed out that in the March 2020 Human Rights Board minutes, the CP was asked what statement was made to him. CP has stated that RP "...didn't care", "...didn't allow any pets...", and "...would not allow any service animals..."

CP also stated RP asked for 1 year of prepaid rent, a pet fee, 15 references. CP asked RP if she did this for all applicants, and RP replied "no".

RP stated that the case had been investigated already. RP noted that the CP was denied due to bankruptcy and income. RP stated that this entire case rests on a claimed conversation between the RP and the TOHR Investigator. RP said unequivocally that she only spoke with TOHR Investigator one time, and after that, all communication was via email due to her being in China.

C. Brody again stressed that a statement made by an investigator, including their investigative reports, is sufficient to be presented to the court, as Investigators take an oath.

B. Frey again asked RP the following questions:

1. Did you request 15 references?
2. Did you request a pet deposit?

RP responded no to each question, stating that there was no need for references or a pet deposit since Complainant did not meet the basic criteria. RP said she sends standardized emails to potential renters, the future renter (who now occupies the residence) and met the criteria.

M. Foster asked RP if anyone in her rentals had a Service Animal or Emotional Support Animal. RP replied, "No."

M. Foster asked if RP had a written policy on Service Animals or Emotional Support Animals. RP replied, "No."

RP stated she told CP they would talk about the Service Animal once the initial application has been screened.

CP stated he first addressed financial setback, and RP replied there would be no problem if CP met financial requirements.

CP states the income requirement was 2 ½ times the monthly rental cost in income. CP said he met that requirement.

CP further states that RP was not concerned about the finances until he mentioned his service animal.

Board members discussed again the TOHR Investigator's word versus the RP's regarding the telephone call.

CP stated that it is not a case of "He Said/She Said," as he has witnesses, including the Investigator.

A. Carswell stated that we had verified phone records showing a call from Investigator Irvani to the RP's phone.

RP asked the board to get the T-Mobile records subpoenaed because she stated she only spoke to Investigator Irvani on a brief, introductory phone call and only by email after that.

M. Foster stated that all investigators take an oath to be non-biased, neutral, and nonpartial.

J. Perry made a motion to uphold the Mixed Determination. There was no second, and the motion failed.

T. Cole made a motion to dismiss the case with a No Cause finding. B. Frey seconded the motion. J. Perry stated that a no reasonable cause finding would disregard the Investigator's attestation and was unwilling to throw out what the Investigator reported.

After no more discussion, a vote was conducted, which ended in a deadlock.

A. Carswell stated that they would have to table the issue until a fifth member was in attendance to vote. The vote was tabled until the March 2021 Human Rights Board meeting.

M. Foster informed CP and RP that after the board makes a decision, either party that is unhappy with the decision can make a written request for HUD to reconsider the case.

## **REGULAR REPORTS**

### **Supervisor's Report**

Maurice Foster, Human Rights Investigator Supervisor, began by noting that two cases have been closed in conciliation, with approximate settlements of \$12,000 and \$20,000. M. Foster continued by informing the board that he obtained a quote for iPads to be used by Board Members. The estimate is for nine iPads, which will be City of Tampa property, and tagged as such.

B. Frey suggested that the iPads wait until the board is fully manned.

A. Carswell stated that until restrictions are lifted regarding board composition, the board will continue to have a manning problem. He further said that he thinks the board members need an electronic device that will open documents.

M. Foster continued by stating that he is making progress on the TOHR SOPs, with some remaining amendments to the EEOC portion.

C. Brody briefed the Board on Human Rights Ordinance revision. The revision includes two new protected classes: Victims of Domestic Violence/Human Trafficking and income source. The organizational structure was realigned, board quorums, "Best Effort" for group representation for Board Membership were addressed, and the possibility of Boards conducting Administrative Hearings.

C. Brody stated that the Ordinance would be on the City Council agenda once it has passed through internal management and HUD. C. Brody stated that no more changes would be made to the Human Rights Ordinance without the board's approval.

M. Foster introduced Mr. Trevor Rosine, who is approved as a Board Member, and is just awaiting appointment letter from the Mayor.

M. Foster concluded by informing the Board that the time to vote on changes to the Ordinance is now.

A. Carswell stated that staff can move forward with the Ordinance.

A. Carswell asked the Board what their thoughts were regarding meeting venue, regarding security. M. Foster said that TPD's preference is for the Board to meet at City Hall, and he would take the board's preference to TPD and management.

B. Frey stated that the Board should meet at City Hall if there is a Case Review, and that standard meetings do not require security.

J. Perry excused himself for the remainder of the meeting at 10:53.

B. Frey mentioned the possibility of holding special meetings for case reviews.

T. Rosine offered an idea to televise meetings for increased access.

T. Cole excused herself for the remainder of the meeting at 11:11.

#### **NEXT MEETING**

The next board meeting will be on Wednesday, March 10, 9:00 AM, at LMOB.

#### **ADJOURNMENT**

B. Frey made a motion to adjourn, motion was seconded, and passed unanimously.

Board adjourned at 11:13.