

STATE OF FLORIDA
COMMISSION ON HUMAN RELATIONS

PEGGY SYMONS,

HUD Case No. 04-10-0199-8

Petitioner,

FCHR Case No. 2010H0135

v.

DOAH Case No. 10-3393

GRANDEVILLE ON SAXON, LTD.,
CAROL WERBLO, AND CAMBRIDGE
MGMT. SERVICES, INC.,

FCHR Order No. 12-011

Respondents.

**FINAL ORDER DISMISSING PETITION FOR
RELIEF FROM A DISCRIMINATORY HOUSING PRACTICE**

Preliminary Matters

Petitioner Peggy Symons filed an amended housing discrimination complaint pursuant to the Fair Housing Act, Sections 760.20 - 760.37, Florida Statutes (2008), alleging that Respondents GrandeVille on Saxon, Ltd., Carol Werblo, and Cambridge Mgmt. Services, Inc., committed a discriminatory housing practice on the basis of Petitioner's handicap by refusing to rent an apartment to Petitioner.

The allegations set forth in the complaint were investigated, and, on February 17, 2010, the Executive Director issued a determination finding that there was reasonable cause to believe that a discriminatory housing practice had occurred.

Petitioner filed a Petition for Relief from a Discriminatory Housing Practice and the case was transmitted to the Division of Administrative Hearings for the conduct of a formal proceeding.

An evidentiary hearing was held in Daytona Beach, Florida, on November 1 and 2, 2011, before Administrative Law Judge Diane Cleavinger.

Judge Cleavinger issued a Recommended Order of dismissal, dated December 30, 2011.

The Commission panel designated below considered the record of this matter and determined the action to be taken on the Recommended Order.

Findings of Fact

A transcript of the proceeding before the Administrative Law Judge was not filed with the Commission. In the absence of a transcript of the proceeding before the Administrative Law Judge, the Recommended Order is the only evidence for the Commission to consider. See National Industries, Inc. v. Commission on Human

Relations, et al., 527 So. 2d 894, at 897, 898 (Fla. 5th DCA 1988). Accord, Mack v. Agency for Persons with Disabilities, FCHR Order No. 11-026 (March 17, 2011), Hall v. Villages of West Oaks HOA, FCHR Order No. 08-007 (January 14, 2008), Beach-Gutierrez v. Bay Medical Center, FCHR Order No. 05-011 (January 19, 2005), and Waaser v. Streit's Motorsports, FCHR Order No. 04-157 (November 30, 2004).

We adopt the Administrative Law Judge's findings of fact.

Conclusions of Law

We find the Administrative Law Judge's application of the law to the facts to result in a correct disposition of the matter.

We adopt the Administrative Law Judge's conclusions of law.

Exceptions

After being granted an extension of time to file exceptions, Petitioner filed exceptions to the Recommended Order in a document entitled, "Motion to Submit Exceptions to Recommended Order of the Florida Division of Administrative Hearings."

Most significantly, the document excepts to findings of fact contained in the following paragraphs of the Recommended Order: 1, 2, 6, 8, 19, 22, 23, and 25.

In each instance, the indicated exception takes issue with facts found, facts not found, credibility determinations made, and / or inferences drawn from the evidence presented. The exceptions document also contains argument on Petitioner's view of the evidence.

In the absence of a transcript of the proceeding before the Administrative Law Judge, the Commission is bound by the facts found in the Recommended Order, since there is no way for the Commission to determine the extent to which the facts found are supported by the testimony presented. Gainey v. Winn Dixie Stores, Inc., FCHR Order No. 07-054 (October 12, 2007).

With regard to findings of fact set out in Recommended Orders, the Administrative Procedure Act states, "The agency may not reject or modify the findings of fact unless the agency first determines from a review of the entire record, and states with particularity in the order, that the findings of fact were not based on competent substantial evidence or that the proceedings on which the findings were based did not comply with the essential requirements of law [emphasis added]." Section 120.57(1)(1), Florida Statutes (2011). As indicated, above, in the absence of a transcript of the proceeding before the Administrative Law Judge, the Recommended Order is the only evidence for the Commission to consider. See, National Industries, Inc., supra. Accord, Hall, supra, Jones v. Suwannee County School Board, FCHR Order No. 06-088 (September 11, 2006), Johnson v. Tree of Life, Inc., FCHR Order No 05-087 (July 12, 2005), Beach-Gutierrez, supra, and Waaser, supra.

Further, the Commission has stated, “It is well settled that it is the Administrative Law Judge’s function ‘to consider all of the evidence presented and reach ultimate conclusions of fact based on competent substantial evidence by resolving conflicts, judging the credibility of witnesses and drawing permissible inferences therefrom. If the evidence presented supports two inconsistent findings, it is the Administrative Law Judge’s role to decide between them.’ Beckton v. Department of Children and Family Services, 21 F.A.L.R. 1735, at 1736 (FCHR 1998), citing Maggio v. Martin Marietta Aerospace, 9 F.A.L.R. 2168, at 2171 (FCHR 1986).” Barr v. Columbia Ocala Regional Medical Center, 22 F.A.L.R. 1729, at 1730 (FCHR 1999). Accord, Bowles v. Jackson County Hospital Corporation, FCHR Order No. 05-135 (December 6, 2005) and Eaves v. IMT-LB Central Florida Portfolio, LLC, FCHR Order No. 11-029 (March 17, 2011).

In addition, it has been stated, “The ultimate question of the existence of discrimination is a question of fact.” Florida Department of Community Affairs v. Bryant, 586 So. 2d 1205, at 1209 (Fla. 1st DCA 1991). Accord, Coley v. Bay County Board of County Commissioners, FCHR Order No. 10-027 (March 17, 2010) and Eaves, supra.

Based on the foregoing, Petitioner’s exceptions are rejected.

Dismissal

This Order disposes of all motions pending before the Commission.

The Petition for Relief and Amended Housing Discrimination Complaint are DISMISSED with prejudice.

The parties have the right to seek judicial review of this Order. The Commission and the appropriate District Court of Appeal must receive notice of appeal within 30 days of the date this Order is filed with the Clerk of the Commission. Explanation of the right to appeal is found in Section 120.68, Florida Statutes, and in the Florida Rules of Appellate Procedure 9.110.

DONE AND ORDERED this 27th day of March, 2012.
FOR THE FLORIDA COMMISSION ON HUMAN RELATIONS:

Commissioner Gilbert M. Singer, Panel Chairperson;
Commissioner James Johns; and
Commissioner Lizzette Romano

Filed this 27th day of March, 2012,
in Tallahassee, Florida.

_____/s/_____
Violet Crawford, Clerk
Commission on Human Relations
2009 Apalachee Parkway, Suite 100
Tallahassee, FL 32301
(850) 488-7082

Copies furnished to:

Peggy Symons
1410 Chris Avenue
Deland, FL 32724

GrandeVille on Saxon, Ltd., Carol Werblo,
and Cambridge Mgmt. Services, Inc.
c/o David D. Eastman, Esq.
c/o Carol S. Grondzik, Esq.
Lutz, Bobo, Telfair, Eastman, Gabel & Lee
2155 Delta Boulevard, Suite 210B
Tallahassee, FL 32303

Diane Cleavinger, Administrative Law Judge, DOAH

James Mallue, Legal Advisor for Commission Panel

I HEREBY CERTIFY that a copy of the foregoing has been mailed to the above listed addressees this 27th day of March, 2012.

By: ____/s/_____
Clerk of the Commission
Florida Commission on Human Relations

STATE OF FLORIDA
COMMISSION ON HUMAN RELATIONS

DOAH No. 10-3393

FCHR No. 2010H0135

PEGGY SYMONS

Petitioner,

v.

GRANDEVILLE ON SAXON,LTD.,

CAROL WERBLO, AND CAMBRIDGE MGMT. SERVICES.,

Respondents

MOTION TO SUBMIT EXCEPTIONS TO RECOMMENDED ORDER OF THE FLORIDA DIVISION OF ADMINISTRATIVE HEARINGS

Comes now Petitioner, Peggy Symons, before the Florida Commission on Human Relations to file Exceptions to the Recommended Order of the State of Florida Division of Administrative Hearings.

Petitioner, having been granted an extension of 10 days to obtain a transcript of hearing, files the following exceptions under the conditions of:

- 1) Repeated denial of timely access to Website of the Florida Commission, including email information and access to filing.(Attached)
- 2) Inability to obtain to a record of the hearing and that corroborating evidence and testimony to these exceptions are contained within the record of this hearing.
- 3) Petitioner was to be charged by Esquire Deposition Solutions. (attached)
 - a)\$5,885.00 for expedited copy.
 - b) \$ 3,920.00 for non-expedited copy, (\$100 for shipping and handling.)
 - c) A non –expedited transcript could not be produced until February 2, 2012.
 - d) These charges are in excess of fair market value.
 - e) Therefore, as of this date, Petitioner has no access to a record of this hearing.

4) These exceptions are submitted under the leave of the Commission; as of this date, Petitioner has exhausted all efforts and ability to obtain this record.

6) It is clear that even the hearing officer could not recall evidence, testimony and facts relevant to an accurate and inclusive Recommended Order in this case.

PRELIMINARY STATEMENT

- 1) As evident in the exhibits, documents, testimony and filings throughout this case the final ruling in this case comes down to the credibility of the parties.

Fundamental to this case is that Respondents showed Petitioner two different one bedroom floor plans, an ordinary apartment with a small porch (lanai model) and an apartment with an interior sunroom or "Imagination Room" on January 9, 2009. Petitioner returned to rent the sunroom apartment on January 31, 2009. Lease agents refused to provide application on request.

Petitioner sister and financial representative and Trustee , Katherine Newman, called lease agents on January 14, 2009 and again on January 22, 2009, to conform availability and give information on Petitioner's Supplemental Needs Trust as payer of rent and fee's and that Petitioner had a mental disability .Petitioner also told both lease agents she had a mental disability.

Karen Rega, Petitioners sister, called Respondents February 1, 2009, the day after Petitioner was denied an application; Ms. Rega was told there were three one bedroom apartments immediately available for rent.(Petitioners Exhibit 3)

PETITIONERS EXCEPTIONS TO PRELIMINARY STATEMENT RECOMMENDED RULING

Recommended: Hearing dates are October 31, November 1 and 2, 2011.

- 1) Exception: There was no hearing on October 31, 2011.

Recommended Endnote: "Petitioner was the main witness in a three day hearing"

- 2) Exception: The hearing was two days.

Recommended: The Florida Commission filed Petition for Relief on June 21, 2010

- 3) Exception: Correct date is June 22, 2010.

Recommended: Petitioner filed a Proposed Recommended Order on November 30, 2011.

- 4) Exception: Correct date is November 28, 2011.

Recommended: Petitioner filed a Proposed Recommended Order on November 30, 2011.

5) Exception: Correct date is November 28, 2011.

FINDINGS OF FACT

1) Recommended: Petitioner is 52

Exception: Correct age is 58

2) Recommended: Petitioner, at around age 50, decided to attempt living by herself:

Exception: Correct age is 55.

6) Recommended: Respondents required a prospective lessee to submit a completed application, and pay \$299.00 collectively "The application fees"

Exceptions:

- a) The crux of this case was that Respondents denied Petitioner an application on request on return visit. January 31, 2009.
- b) Testimony of rental agent Carol Werblo: she could not recall if Petitioner asked for an application.

c) Testimony (Prospective Tracking Record) established that renter of apartment 10219, applied for an apartment on Saturday, January 31, and entered into a lease on Sunday, February 1, 2009 with a ledgered amount of \$ 100 deposit.

d) Petitioners Exhibit shows a \$100.00 deposit will reserve an apartment.

e) There is no evidence that Ms. Tyler \$299.00 paid on either date.

f) Testimony: Petitioner had an ATM card and the ability to pay application fees of either \$100 dollars or \$299.00.

g) Respondents: ATM was not acceptable as a form of payment for application fees: Resp. Exhibit 5 shows electronic transfer of application funds from lessee of apartment 16217 and six subsequent electronic transfers.

8) Recommended: Applications could not be processed over a weekend except for a housing emergency.

Ms. Symons did not have a housing emergency on January 31, 2009.

Exceptions:

a) Petitioner returned to rent; asked for an application on the weekend of Saturday, January 31, 2009. Application was denied.

b) Petitioners planned move in date was Sunday, February 1, 2009. (Resp. Ex. 9A)

c) Grandeville Manager Barbara Piezon, and Lease Manager Carol Werblo, testified, Emily Tyler, renter of one-bedroom Unit 10219, applied for tenancy on Saturday, January 31, 2009; her application was approved on Sunday, February 1, 2009. (Based on Respondents Prospective Renter Tracking record: Emily Tyler).

d) There was no testimony or evidence that rental of Unit 10219 was a housing emergency.

e) Importantly, Respondents, Attorney David Eastman, testifying on behalf of Respondents, stated that the reason Ms. Tyler's application was submitted and approved in one day was that she applied on a weekday, Friday January 30, 2009.

This was no error, it was false testimony.

19) Recommended: The only significant contact Ms. Werblo had with Petitioner and Katherine Newman her sister and financial representative was on January 9 and 14, 2009.

Exception: Petitioners Exhibit 9A, Katherine Newman called lease agent twice January 14 and again on January 22, 2009 to confirm availability and discuss the details of the Supplemental needs trust as the payer of rent and fees.

22) Recommended: "Sometime between January 29, and January 31, 2009, Emily Tyler completed an application and leased Apartment 10219."

Exception: Saturday, January 31, 2009, is the correct date; documented and important throughout this hearing.

22) Recommended: "Ms. Symons testified she did not want to be on the third floor"

Exceptions:

a) Hearing officer dismissed Petitioners age (55) as irrelevant to not wanting a third floor apartment.

b) In fact, age 55 is relevant, as having to climb three flights of stairs everyday would be a common reason for prospective renters 55 and older to avoid a third floor dwelling. Petitioner stated so to lease agents.

23) Recommended: "When Petitioner went to Grandeville on January 31, 2009, she did not have with her any means to pay the required application fee of \$299.00."

Exceptions:

a) Testimony established Petitioner had an ATM card and could have paid fees.

b) Grandeville Manager Barbara Piezon testified that fees could not be paid by ATM.

c) Respondents Exhibit 5: Shows payment of application fees by electronic transfer of funds lessee of Unit 16217, in addition, six subsequent electronic transfer payments.

d) Carol Werblo, the lease agent testified she could not recall the events concerning Petitioner's attempts to secure an application.

23) Recommended: "Mr. Smith could not give Petitioner a lease. . . tried to explain she must qualify to lease..by filing out an application"

Exceptions:

a) None of this testimony was given by Petitioner.

b) Carol Werblo, the lease agent testified she could not recall the events concerning Petitioner's attempts to secure an application.

25) Recommended: Petitioner "threatened to sue" when denied an application on January 31, 2009.

Exception: These are damaging words creating prejudice. They were never spoken by any party to this hearing.

Exception to Recommended Order: The Florida Commission on Human Relations Dismiss this Case.

Preliminary Statement

This case continues to be mired in false evidence, information, documents and testimony.

Two documents filed by Respondents with the Florida Commission show this case has taken a changing course, even into the dates of the hearing.

1. On December 7, 2009, Respondents submitted an Answer and Position Statement in response HUD/FCHR discrimination complaint.

a) Petitioner was shown only one apartment, the small porch or lanai floor plan.

b) Denied Petitioner was shown an apartment with the interior sunroom, which was the desired floor plan.

c) Denied the availability of any apartments except third floor Unit 10319, which was an ordinary apartment with a screened porch.

d) Denied that Petitioner was interested in renting the sunroom model.

e) Denied lease agent knew Petitioner's sister, Katherine Newman, handled her finances.

2. On July 6, 2010, at 12:38 P.M., attorneys for the Commission filed for a final hearing in this matter.

a) At 4:17 P.M., the same day, July 6, 2010, less than 4 hours after Respondents knew this case would be heard in the equivalent of a court of law, Respondents filed a new Answer and Position Statement changing the story:

a) Admitted availability of sunroom apartments

b) Admitted lease agent knew Petitioners sister, Katherine Newman, handled financial affairs.

c) Continued to deny Petitioner was shown a sunroom apartment, also known as "Imagination Room."

3) On November 1 and 2, 2011, the dates of hearing, the story changed again, Respondents:

a) Admitted showing Petitioner a sunroom apartment and that this was the only floor plan Petitioner wanted.

4) FALSIFICATION OF PROSPECTIVE RESIDENT TRACKING RECORDS: KAREN

REGA. Petitioners exhibits 11A, shows extensive falsification of OneSite Prospective Renter Tracking Records on Karen Rega, Petitioners sister, downloaded from on three significant and different dates.

a) January 10, 2011 download :(One day before Petitioner was deposed) Ms. Rega called Lease agent on Sunday, February 1, 2009.

b) Ms. Rega did in fact, did call lease agent to confirm availability of apartments represented to Petitioner unavailable, the day before. She was told there were 3 immediately available one bedroom apartments.

c) Documented Ms. Rega's visit on February 3, 2009. There was no visit.

d) Documented contact with Ms. Rega was "lost" on November 6, 2009.

e) October 21, 2011 download: Respondents created a new document on Karen Rega (the day after Hearing Officer ordered Petitioners right of Discovery)

f) Documents visit on November 6, 2009.

g) Ms. Werblo testified the handwriting was not hers.

h) Ms. Rega's request for an apartment entered as November 20, 2009.

i) October 25, 2011 download (Last day of Discovery) a new document was created showing an elaborate record of contact with Ms. Rega.

j) Visit on November 6, 2009. Ms. Rega "contacted us via visit. Relocating here for job. Relocating to area"

k) Contact with Ms. Rega was "lost" on December 18, 2010.

l)Established by testimony and affidavit; Karen Rega never visited Grandeville on Saxon on November 6, 2009 or February 3, 2009.; Ms. Rega was at work for the City of San Francisco on November 6, 2009;she wrote a check for her rent the same day.

5) FALSIFICATION OF PROSPECTIVE RESIDENT TRACKING RECORDS: Peggy Symons

a) Documents Petitioner was disqualified as a renter on "Return Visit", April 4, 2009.

b) There was no visit on April 4, 2009. The dates of Petitioners visits (January 9 and 31, 2009) are well established throughout this case.

6) Respondent's attorneys, in full knowledge the documents had been falsified, had them delivered to Petitioner on the last day of discovery, October 26, 2011, with stated intention to submit them into hearing.

7) Documents were entered in the hearing November 1-2, 2011.

CONCLUSION

Importantly, the obvious fabrication of Respondents documents entered into hearing casts a shadow of a doubt over all of Respondents documents, evidence, testimony and exhibits and again raises the necessity of a record of this hearing.

Petitioners Exhibit 3: Ms. Rega,(Petitioner's sister)statement that there were three immediately available one bedroom apartments became admissible on entry of Respondents falsified "tracking records" on Ms. Rega.

Therefore, based on the foregoing, Petitioner respectfully requests that the State of Florida Commission on Human Relations accept the aforementioned exceptions with corroborating evidence in attached documents and under the condition that further evidence of these exceptions is in the record of the hearing.

Attached Documents

- 1) Grandeville on Saxon OneSite Prospective Renter Tracking Records: Karen Rega and Peggy Symons.
- 2) Email, Karen Rega, Katherine Newman
- 3) Affidavit Karen Rega
- 4) Activity for Rentals, 16213, 16214, 16217, showing payment of \$100.00 deposit to reserve one-bedroom apartment.
- 5) Denial of Access: Florida Commission website, email information and e-filing

Peggy J. Symons
1410 Chris Avenue
Deland, Fl. 32724

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing has been provided by U.S. Mail to David Eastman, Esq. and Carol Grondzik, Esq., 2155 Delta Blvd. Suite 210-B, Tallahassee, Fl.32303.

Mr. Gilbert Singer, Chair, Florida Commission on Human Relations.

Denise Crawford, Agency Clerk, Florida Commission on Human Relations ,2009 Apalachee Parkway, Suite 100, Tallahassee, Florida, 32301

kernel::50

- No database connection could be made, the system might not behave properly.

Access denied

You don't have permission to access this area.

Possible reasons for this are:

- Your current user does not have the proper privileges to access this page.
- You misspelled some parts of your URL, try changing it.

Grandeville on Saxon

741 Saxon Blvd
 Orange City, FL 32763
 (386) 789-5580
 Fax (386) 789-5529
 Leasing consultant : Patrick Smith

Guest Card

Karen Rega
 Status: Lost
 As of 1/10/2011
 Time 9:37 AM EST

Prospect Information

Name **Karen Rega**
 Address **3512 Shadowwood court**
 City, State, Zip **mobile, AL 32569**
 Country **United States**
 Phone **H:(650) 704-0398**
 E-mail address

Other Personal Information

Work location **N/A**
 Add'l contacts **N/A**
 Reason for moving **[no selection]**
 Advertising source **Apartment Rental Maps**
 Occupant count **1**
 Pets? **1Cat**

Preferences

Date Needed **02/07/2009**
 Price range **[no selection]**
 Floor plan group **1x1**
 Floor plan **[no selection]**
 Building **[no selection]**
 Unit **[no selection]**
 Desired floor **[no selection]**

Desired Features

[no selection]

Notes

Mother Nancy Rega is coming by to look for Karen. 2/02/2009, Nancy came in 2/3/09 looked at 10219

Pat E II A

Grandeville on Saxon
Activity for Prospect: Karen Rega

System Date	Activity Date	Activity	Leasing consultant	Logged by	Result	Notes
02/01/2009	02/01/2009	Phone call	Patrick Smith		Active	Prospect contacted us via Phone Call
02/03/2009	02/03/2009	Visit	Carol Werblo		Active - HIGH probability of leasing	moving from California
02/22/2009	02/22/2009	Phone call	Carol Werblo		Lost - Lost	
11/04/2009	11/04/2009	Phone call	Carol Werblo		Active - HIGH probability of leasing	
11/06/2009 *	11/06/2009	Phone call	Carol Werblo		Lost - Lost	

Grandeville on Saxon

741 Saxon Blvd
Orange City, FL 32763
(386) 789-5580
Fax (386) 789-5529
Leasing consultant: **Carol Werble**

Guest Card

Karen Rega
Status: Lost
As of 10/21/2011
Time 1:46 PM EST

Visit 11-6-2009

Prospect Information

Name: Karen Rega
Address:
City, State, Zip:
Country:
Phone: H:(850) 704-0398
E-mail address:

Other Personal Information

Work location: N/A
Add'l contacts: N/A
Reason for moving: [no selection]
Advertising source: Apartments.com
Occupant count: 1
Pets?: None

Preferences

Date Needed: 11/20/2009
Price range: [no selection]
Floor plan group: 1x1
Floor plan: [no selection]
Building: [no selection]
Unit: [no selection]
Desired floor: [no selection]

Desired Features

[no selection]

Notes

Pet Ex 10 A

Grandeville on Saxon
Activity for Prospect: Karen Rega

System Date	Activity Date	Activity	Leasing consultant	Logged by	Result	Notes
11/06/2009	11/06/2009	Visit	Carol Werblo		Active	Prospect contacted us via Visit
11/07/2009	11/07/2009	Phone call	Carol Werblo		Active - MEDIUM probability of leasing	relocating here for job, faxing over application.
11/11/2009	11/11/2009	Phone call	Carol Werblo		Active - MEDIUM probability of leasing	is relocating to area, left a message. will keep in contact.
11/20/2009	11/20/2009	Phone call	Carol Werblo		Active - Waiting on job offer	not sure when she will be transferring.
12/03/2009	12/03/2009	Phone call	Carol Werblo		Active - LOW probability of leasing	
12/05/2009	12/05/2009	Phone call	Carol Werblo		Future - Not needed for over 90 days	
01/15/2010	01/15/2010	Phone call	Carol Werblo		Future - Not needed for over 90 days	
02/18/2010 *	02/18/2010	Phone call	Carol Werblo		Lost - Lost	

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Pet Ex 12 for
ID

not adm

AFFIDAVIT

I, Karen Rega, of Alameda, California, do solemnly and sincerely declare, to the best of my knowledge and belief, to the following:

- 1) 1) I did not visit Grandville Apartments on November 6th, 2009. A copy of my bank account records places me definitively in Alameda, California on both November 5, 2009 and November 7, 2009. **Exhibit A**
- 2) A copy of an email to my Supervisor on November 5 2009 at approximately 8:14 PM states I would not be needing time off from work; the intention to be at work the next day can be inferred from same. **Exhibit B**
- 3) From November 2nd until November 5th, I had anticipated attending the funeral of a friend sometime around the 6th or 7th of November and would not have considered leaving the area. **Exhibit B and Exhibit C**
- 4) I have never been to Grandville Apartments.
- 5) I have never met Carol Werblo.
- 6) I have never met any employee of Grandville Apartments
- 7) I have never had the intent to leave California until after I had vested with the City and County of San Francisco, which occurred in 2011.
- 8) I never left the State of California in November, 2009. **Exhibit A and Exhibit D**
- 9) On February 1, 2009 I phoned Grandville Apartments and spoke with Patrick LNU to inquire about the immediate availability of an apartment. I stated I needed the apartment within a few days. This is the only day I ever initiated contact with the complex. I provided an address in Mobile, Alabama that belongs to my brother, Ralph W. Symons, Jr.
- 10) To the best of my knowledge, no correspondence was ever directed to my brother's address about future availability to the Mobile address.
- 11) On February 3, 2009, it was my mother, Nancy Marshall Welch, aka Nancy Rega, who visited the complex to view the available apartments under the pretense it was needed immediately and I was sending her to confirm they were suitable for me. According to her affidavit of ____, there were no tenants in the apartments that she was shown.
- 12) Approximately two weeks later, in February, 2009, Carol Werblo called me to follow up on a possible immediate lease. I do not recall the exact and precise contents or date of the call; however, at no time did I make a commitment to a) lease an apartment, or b) visit the apartments in November of 2009.

- 13) I did not contact Carol Werble or the complex on October 21, 2009. A copy of my phone bill for 10/21/09 does not include a detailed summary of my incoming or outgoing phone calls, nor can they be retrieved on line from my account or from AT&T directly at this late date. Exhibit E In a concerted attempt to provide proof I did not call Ms. Werble, on 10/29/11 I called AT&T at approximately 12:21 PM Pacific Time and was told by employee Nick Larson that no records are kept prior to October, 2010 in their system either. However, I state emphatically I never called or spoke to her at anytime other than on the occasion in February discussed above.
- 14) I did not contact Carol Werble or the complex on November 4, 2009
- 15) In November of 2009, I paid the full month's rent at the residence I still maintain at 1538 St. Charles Avenue, Apartment No.10, Alameda, California 94501. Had I given notice, with the intent to depart sometime in November mid-month, a prorated rent would have applied and would have been deducted from the last month's rent given to the landlord in April, 2004. I would not have written the check for \$1,000.00, which still remains my monthly rent. A copy of the actual check can be obtained from my bank on the next banking day if this is necessary. I paid the same in December, 2009. Exhibit F
- 16) Upon my arrival at work today, I was able to obtain work records for the first two weeks of November. Please note I attended work on November 6, 2009. The only other days I was absent ^{W.S.V.R.} are November 9 and November 11. Purchases on my debit card place me in Alameda on November 3, 2009 as well as on both the day before and the day after, ^{Exhibit G} November 9. ^{llk}
- 17) The entirety of the "Guest Card" provided by Grandville Apartments presented to the Division of Administrative Hearing and the Plaintiff is patently and egregiously false.

I declare under penalty of perjury, under the laws of the State of California, that all statements contained in this document and any accompanying documents, is true and correct.

Dated the 31st day of October, 2011, in San Francisco California.

Signature: Karen Rega
 Printed name: Karen Rega

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CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of SAN FRANCISCO

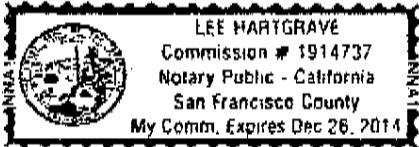
On Oct. 31, 2011 before me LEE HARTGRAVE NOTARY
Date Here Insert Name and Title of the Officer

personally appeared Karen Rega
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature: [Handwritten Signature]
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: Affidavit

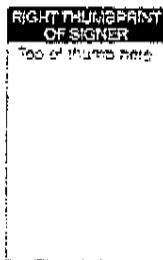
Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____

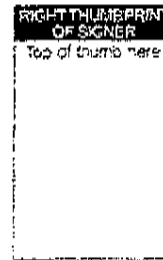
- Individual
- Corporate Officer — Title(s): _____
- Partner — Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: _____



Signer Is Representing: _____

Signer's Name: _____

- Individual
- Corporate Officer — Title(s): _____
- Partner — Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: _____



Signer Is Representing: _____

Grandeville on Saxon

741 Saxon Blvd
 Orange City, FL 32763
 (386) 788-5580
 Fax (386) 788-5529
 Leasing consultant : Carol Werbia

Guest Card

Peggy Symons
 Status: Unqualified
 As of 11/23/2009
 Time 10:49 AM EST

Prospect Information

Name **Peggy Symons**
 Address **po box 904**
 City, State, Zip **Goldenrod, FL 32733**
 Country **United States**
 Phone
 E-mail address

Other Personal information

Work location **N/A**
 Advt contacts **N/A**
 Reason for moving **[no selection]**
 Advertising source **Drive by**
 Occupant count **1**
 Pets? **None**

Preferences

Date Needed **02/01/2009**
 Price range **[no selection]**
 Floor plan group **1x1**
 Floor plan **[no selection]**
 Building **[no selection]**
 Unit **[no selection]**
 Desired floor **[no selection]**

Desired Features

[no selection]

Notes

her daughter called on 1/22/09 for more information. Offered her the 599.00 special, daughter thought it was too high.

XX

Pet Ex 9 A

Grandeville on Saxon
Activity for Prospect: Peggy Symone

Date	Activity	Leasing consultant	Result	Notes
01/08/2009	Visit	Carol Werble	Active	Prospect contacted us via Visit not in a hurry to move, looking for the best price.
01/14/2009	Phone call	Carol Werble	Active - Still looking	
04/04/2009	Visit (return)	Carol Werble	Unqualified - Does not meet property criteria	

there was no visit on 4/4/2009



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Peggy sign out

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lambiesmom@hotmail.co...

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Sent

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Addresses

G King

NAMI

NATIONAL ASSOCIATIO...

NIMH

Orlando Sentinel

Peggy Kim

Peggys Essays (2)

Sister Dottie

Uncle John and Aunt Pat

Manage folders

Related places

Today

Contact list

Calendar

Privacy

RE: Apartment

Pat E+3

From: **Kathy Newman** (kathynewman2001@hotmail.com)

Sent: Mon 2/02/09 7:52 PM

To: Peggy Symons (lambiesmom@hotmail.com); karen rega (krega@yahoo.com)

8 attachment(s)

Image001.jpg (33.2 KB), Image002.gif (4.6 KB), Image003.gif (7.4 KB), Image004.jpg (40.4 KB), Image005.jpg (3.0 KB), Image006.jpg (21.4 KB), Image007.jpg (22.4 KB), Image008.gif (0.1 KB)

Hi Peg,

yes, I will write down what I have. Not sure if I used my cell phone or home phone. The home phone does not retain calls made- only calls recieved. Will get back to you and Karen tonight.

Kathy

From: lambiesmom@hotmail.com

To: kathynewman2001@hotmail.com

Subject: RE: Apartment

Date: Mon, 2 Feb 2009 18:15:35 -0500

Hi Kathy,

I called Karen and she was a huge help.

She called the apt from California.

She told them she needed a one bedroom in a hurry, "her mother, Nancy would come and choose one"

They offered her 3 apts, including the one they were going to rent to me.

They offered her 699 a month with immediate availability.

Karen said there is a clear and enforceable discrimination charge here.

She made detailed notes of her call.

She spoke with the same rental agent who told me on Jaunary 31 there were no apts. available, no specials and the rent went up.

She was going to have mom go look at the apts today to prove there were available apts.

It rained all day, Mom was in so much pain I heard tears in her voice.

She just couldn't do it today.

I contacted my NAMI friend who is a lawyer.

Aunt Sylvia has experience in this area.

I know housing discrimination goes on.

I never thought it was going to happen to me.

Karen said to write down in the greatest detail possible your conversation with the rental agent.

You might be able to find the date on your cell phone.

There are details in your exchange with the rental agent that could be very important.

Karen wrote her notes out and sent them to me.

Thanks for the help Kathy

From: kathynewman2001@hotmail.com

To: krega@yahoo.com; jedykeman@yahoo.com; jackiesikes@aol.com; lambiesmom@hotmail.com;

jsymons@sycomp.com; susan_ritchhart@hotmail.com; laura.lopez@cepal.org

Subject: FW: Girlfriends & Sister

Date: Mon, 26 Jan 2009 22:52:36 -0500

Grandeville on Saxon
Activity for Norris, Kristine; Norris, James (Unit 16213)

Date	Activity	Leasing consultant	Notes
03/16/2009	General note	R. Piezon Jr	Deposit \$100.00 added on 03/16/2009 - Deposit Received
03/16/2009	Edit Lease	R. Piezon Jr	Date changed: MI: 03/23/2009 to 03/18/2009 Lease begin: 03/23/2009 to 03/18/2009 Lease end: 04/30/2010 to 04/30/2010
03/16/2009	Rescore	R. Piezon Jr	Rent was updated
03/16/2009	Submit	R. Piezon Jr	Application was submitted
03/16/2009	Visit	R. Piezon Jr	Prospect contacted us via Visit
03/16/2009	Quote	R. Piezon Jr	
03/16/2009	Leased	R. Piezon Jr	Prospect leased property: Grandeville on Saxon
03/18/2009	Moved in	S. Perez	Resident moved in for date 03/18/2009
03/27/2009	Rescore	R. Piezon Jr	Rent was updated
03/27/2009	Submit	R. Piezon Jr	Application was submitted
03/27/2009	Decision	B. Piezon	Application was approved
03/27/2009	Letter printed	B. Piezon	Approval letter was printed
04/13/2009	General note	S. Perez	Deposit \$150.00 added on 04/13/2009 - Pet Deposit Received
09/23/2009	General note	S. Davey	Resident from 16212 called to complain about a dog barking and scratching at the wall like it was going to come through the wall....this has been going on for most part of the day. I called this resident 16213 and it went to voicemail. I left a message to call the office about her dog disturbing other residents.
03/15/2010	Move out notice	B. Piezon	Notice given for move out on 03/15/2010 for 05/01/2010, reason: Changed jobs
05/01/2010	Moved out	B. Piezon	Resident moved out on 05/01/2010, reason: Changed jobs

Grandeville on Saxon
Activity for Nurses, Access (Unit 16214)

Date	Activity	Leasing consultant	Notes
03/09/2009	General note	S. Perez	Deposit \$100.00 added on 03/10/2009 - Deposit Received
03/10/2009	Visit	S. Perez	Prospect contacted us via Visit
03/10/2009	Quote	S. Perez	
03/10/2009	Leased	S. Perez	Prospect leased property: Grandeville on Saxon
03/11/2009	Edit Lease	S. Perez	Date changed: MI: 03/11/2009 to 03/12/2009 Lease begin: 03/11/2009 to 03/12/2009 Lease end: 10/31/2009 to 10/31/2009
03/12/2009	Moved in	S. Perez	Resident moved in for date 03/12/2009
03/12/2009	Edit Lease	S. Perez	User Sam Perez changed LEASE SIGNED from 03/12/2009 to 03/11/2009
03/12/2009	Edit Lease	S. Perez	User Sam Perez changed MOVE IN from 03/12/2009 to 03/11/2009
03/12/2009	Edit Lease	S. Perez	User Sam Perez changed LEASE START from 03/12/2009 to 03/11/2009
06/08/2009	Move out notice	S. Perez	Notice given for move out on 06/08/2009 for 06/22/2009, reason: Corporate or short term lease only
06/22/2009	Moved out	B. Piezan	Resident moved out on 06/22/2009, reason: Corporate or short term lease only

Grandeville on Saxon
Activity for Rentas, Debbie; Lopez, Hector (Unit 16217)

Date	Activity	Leasing consultant	Notes
02/16/2009	Visit	R. Piezon Jr	Prospect contacted us via Visit
02/17/2009	General note	R. Piezon Jr	Deposit \$100.00 added on 02/17/2009 - Deposit Received
02/17/2009	Rescore	R. Piezon Jr	Rent was updated
02/17/2009	Submit	R. Piezon Jr	Application was submitted
02/17/2009	Rescore	R. Piezon Jr	Rent was updated
02/17/2009	Submit	R. Piezon Jr	Application was submitted
02/17/2009	Quote	R. Piezon Jr	
02/17/2009	Leased	R. Piezon Jr	Prospect leased property: Grandeville on Saxon
02/18/2009	General note	B. Piezon	Screening cancelled - cancelled-owe 2 apt communities \$
02/18/2009	General note	B. Piezon	Screening cancelled - cancelled-owe 2 apt communities money
02/18/2009	Lease cancelled	B. Piezon	Lease cancelled on 02/18/2009, reason: Cancelled
02/18/2009	Cancel Application	B. Piezon	Screening Application was cancelled
02/18/2009	Cancel Application	B. Piezon	Screening Application was cancelled
02/18/2009	System	B. Piezon	Lease cancelled on 02/18/2009, reason: Cancelled
02/18/2009	Visit (return)	B. Piezon	applicants owe 2 apt communities money

Grandeville on Saxon
Activity for Cipolla, Jaclyn (Unit 16217)

Date	Activity	Leasing consultant	Notes
03/11/2009	General note	R. Piezon Jr	Deposit \$100.00 added on 03/11/2009 - Deposit Received
03/11/2009	Visit	R. Piezon Jr	Prospect contacted us via Visit
03/11/2009	Quote	R. Piezon Jr	
03/11/2009	Leased	R. Piezon Jr	Prospect leased property: Grandeville on Saxon
03/15/2009	Moved in	B. Piezon	Resident moved in for date 03/15/2009
09/16/2009	General note	C. Werblo	spoke to resident about upstairs neighbor being loud. Left message with Miguel Kent our courtesy officer to go to both apartments to solve this problem.
09/18/2009	General note	C. Werblo	resident called and said that people were pounding on her door. I told her it was maintenance and the fire department doing an inspection.
09/21/2009	General note	B. Piezon	Resident called again regarding upstairs neighbors. She said the music has gotten better but today she can hear pounding. Sam went over there, inside her apartment, and hear nothing.
10/14/2009	Delinquency comments	B. Piezon	NSF rec 10/13
01/30/2010	General note	C. Werblo	Jaclyn left message with service about loud music. Did not know what apartment it was coming from.
04/21/2010	Renewed lease	S. Perez	Renewed Lease/Signed on 04/21/2010 /Lease Term 05/01/2010 to 04/30/2011
06/15/2010	General note	C. Werblo	jackie called to complain about her upstairs neighbor. He is playing the drums and it is shaking her apartment. I called Brian and he is going up to 16317 to talk to him.
06/21/2010	General note	R. Mort	Jaclyn called to complain about the neighbor playing drums again. She said she was going to call the cops and abruptly hung up.
09/15/2010	General note	S. Shealy	No answer any of the #'s. Tried to contact about cig butts.
10/05/2010	Complaint	E. Virella	Jaclyn called to complain about her downstairs neighbors. They seem to always be hanging out on the steps near her bedroom, making noise & playing music. Her next door neighbors are always playing the drums. She mentioned when she complained to the people downstairs they stated that they have a studio in their apt. and she would have to put up with it. I spoke to Brian and had him go by that evening, he said that she did not answer the door but would keep an eye on that breezeway.
10/20/2010	General note	S. Shealy	Called Jaclyn about the bed (entire bed) in breezeway that I found during the prop walk. I asked her if it was her bed and she said that it was. I asked her if she could please move it. She told me it wouldn't be until next week when she could get help. I told her that the bed could not sit there for a week. She said that she was at work and that she wouldn't get off until 10:30pm. She said she wanted to talk to Sam and let me go.
10/25/2010	General note	S. Shealy	Spoke to Jaclyn, she will pay the \$10 to remove mattress today.
10/26/2010	General note	S. Shealy	Called Jaclyn, after asking her to pay the office, I let her know that she would need to pay the guys \$10 each to move it since it would be after hours and that I had misinformed her on that end. I explained that we had been generous in giving her a full week to move it. She copped an attitude and said that she is the one who has been generous by putting up w the 'stuff' that goes on here... and went on about her neighbors. Then she said that she would not be home until 8pm to pay the guys to move the mattress and pad. I let her know that they would go ahead and remove it for her and she could square up the money with the guys at another time-per Gary.
11/05/2010	Delinquency comments	B. Piezon	Resident called 11/5 pd with ck on 30th.
11/13/2010	General note	C. Werblo	Sent Ms. Cipolla a letter stating that her insurance has been cancelled. She needs to give us her new policy number.