

FLORIDA CIVIL RIGHTS ASSOCIATION

PRESS RELEASE

FOR IMMEDIATE RELEASE

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CIVIL RIGHTS GROUP ASKS FEDS TO INVESTIGATE AHCA, DCF AND MARION COUNTY
SHERIFF'S OFFICE FOR TARGETING AFRICAN AMERICANS IN WARRANTLESS RAIDS
FOR UNLICENSED ASSISTED LIVING FACILITIES

ORLANDO, Fla. – The Florida Civil Rights Association (FCRA) is asking the US Department of Justice (DOJ) and the US Department of Housing and Urban Development (HUD) to launch an immediate federal investigation against the Florida Agency For Health Care Administration (AHCA), Florida Department of Children and Families (DCF), Marion County Government's Planning and Zoning, (MCG) Marion County Sheriff's Office (MCSO), Florida Attorney General's Medicaid Fraud Control Unit, and the State Attorney's Office for the Fifth Judicial Circuit (SAO) for targeting African American business owners Mary Alexander and Tara Collins-Johnson who operate Samaritan Comfort and Fresh Start Group Homes, an organization that assists persons with disabilities recovering from alcohol and drug addictions, in a series of warrantless raids for Unlicensed Assisted Living Facilities (ALF) conducted under the pretext (police ruse) of administrative licensing inspections.

The patently illegal tactics used by AHCA's licensing inspectors, DCF's protective investigators, Florida Attorney General's investigators, the Marion County Sheriff's detectives and Assistant State Attorneys have cast a dark cloud over how administrative licensing inspections are being conducted. "They being used illegally to conduct criminal investigations of businesses without first obtaining a search warrant from a judge on May 17, 2013," said Florida Civil Rights Association President, J. Willie David, III. "They violated federal law and must be held accountable for their actions," David added. Around June 17, 2013, detective Clinton Smith of the Marion County Sheriff's Office, Senior Investigator Andrea L. Chilton with the Florida Attorney General's Office, and Assistant State Attorney Philip Hanson duped, bamboozled, and deceived a Circuit Court Judge into signing a warrant which they knowingly obtained evidence in violation of the Fourth Amendment. Asking the Justice Department and HUD to investigate is the first step towards restoring public trust, stated David.

In a five (5) page federal civil rights complaint filed by the Florida Civil Rights Association with the US Department of Justice (DOJ) and the US Department of Housing and Urban Development (HUD) alleges that one or more employee, licensing inspector, protective investigator, code enforcement officer, investigator, detective, or Assistant State Attorney with either AHCA, DCF, Florida Attorney General's Office, State Attorney's Office for the Fifth Judicial Circuit, Marion County Sheriff's Office and the Marion County Government violated the Federal Fair Housing Act, (FHA) Americans Disabilities Act (ADA), Privacy Rights, Fourth and Fourteenth Amendments of the United States Constitution and other federal law between May 17, 2013 to present by:
(1) discriminating against African Americans (race) business owners and

persons with disabilities; (2) illegal entry into businesses under a police ruse using administrative licensing inspections; (3) conducting intrusive, unjustifiable and extended searches unrelated to unlicensed activities; (4) obtaining the names and date of births of disabled residents to conducted background checks; (5) confiscating cell phones and the house cordless phones and removed them from the homes until licensing inspections were completed; (6) providing false information that licensing inspectors and police were present to search for dead bodies; (7) threatening to arrest residents if they refused police entry and search in locked rooms, draws, containers, (8) openly disclosing occupants private medical history, (9) trespassing, and (10) harassment, intimidation, illegal traffic stops and vehicle searches by police.

Florida Civil Rights Association | Press Release February 5, 2014 |
Civil Rights Group Asks Feds to Investigate AHCA, DCF, Marion County
Sheriff Page 2 of 2

The federal Fair Housing Act (FHA) and Americans Disabilities Act (ADA) is clear that people recovering from alcohol and drug addictions are disabled and have a right to live in a residential community of their choice, stated David. Samaritan Comfort and Fresh Start Group Homes are licensed by Florida Division of Hotels and Restaurants of the Department of Business and Professional Regulations from November 2012 to June 2014. Florida Statute 509.032 (2) governs the inspections of these businesses. That's one of the reasons why these businesses are legally operating today.

Hollywood's deadly drug addiction of many actors and singers like Philip Seymour Hoffman, Heath Ledger, Michael Jackson, Whitney Houston, and Anna Nicole Smith had a history of struggling from this disabling disease (drug addiction), stated David. Moreover, Group Homes for disabled persons recovering from alcohol and drug addiction is needed more than ever to tackle this national crisis. The US Department of Health of Health and Human Services' Office of Disability says substance use disorders occur more often in persons with disabilities than in the general population. This includes problems related to the abuse prescription medications as well as illicit drugs. In addition, HHS's implemented the Community Living Initiative (CLI) to increase opportunities for Americans with disabilities and older adults to enjoy meaningful community living without discrimination, explained David.

AHCA enforce Chapter 429 Assisted Living Facilities (ALF) statutes. Florida Statutes 429.34 provides AHCA the right to enter unannounced upon and into the premises of any facility licensed only. They should have obtained a warrant. Officials at the Florida Civil Rights Association have read the Miami Herald's investigative story on the abuse and deaths at Assisted Living Facilities and a State Senate Panel push to shut down these facilities. We agree some type of reform is needed as long as the enforcement efforts do not violate individuals' civil rights, David stated.

The Florida Civil Rights Association intends to pursue justice to the fullest extent for Mary Alexander, Tra Collins-Johnson, other African Americans and persons with disability including demanding AHCA and DCF adopt new policies prohibiting the use of administrative licensing inspections with other government entities as a pretext for conducting warrantless inspections or collecting criminal evidence, David said. It

is time to close this illegal loophole used by law enforcement to get around warrant requirements.

The Florida Civil Rights Association is also requesting the Justice Department and HUD to withhold federal funds given to the AHCA, DCF, Marion County Sheriff's Office, Marion County Government, Florida Attorney General's Office and the State Attorney's Office for the Fifth Judicial Circuit until these discriminatory practices are addressed and corrected, stated David.

The Florida Civil Rights Association is deeply concerned about the lack of internal review by these government agencies when allegations of racial discrimination and civil rights violations are alleged in the news against a member of their agency, David expressed. "This is a clear red flag that these agencies do not take racial discrimination complaints seriously," stated David. The Florida Civil Rights Association will call on Inspector Generals' of AHCA, DCF and other agencies involved in the May 17, 2013 illegal search and privacy rights violation to open their own investigation.

In 2010, the Florida Civil Rights Association Attorneys took legal action against the Florida Department of Business and Professional Regulations (DBPR) and the Orange County Sheriff's Office (OCSO) in a joint operation for unlicensed barbering where 34 African Americans and Hispanic business owners and barbers were arrested. Three members of a state licensing agency – including regional and statewide program administrators – were fired after an internal review of a series of unorthodox Orange County barbershop inspections with sheriff's deputies.

(See Orlando Sentinel) http://articles.orlandosentinel.com/2010-12-09/news/os-dbpr-firings-orange-county-operati20101208_1_state-licensing-agency-charlie-liem-internal-review (WFTV Orlando News 9) <http://www.wftv.com/news/news/3-state-employees-fired-over-barbershop-raids/nJyM9/>

During Black History Month, the Florida Civil Rights Association plan to open a local chapter in Ocala to address civil rights concerns Marion County, focusing on the criminal justice system and economic opportunities for people of color.

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