

8-28-01

CA

STATE OF FLORIDA  
COMMISSION ON HUMAN RELATIONS

FILED

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AT

GERALD CASTELLANOS AND DONNA  
CASTELLANOS,

HUD Case No. 04-99-3370-8

ADMINISTRATIVE  
HEARINGS

FCHR Case No. 20-90189H

Petitioners,

DOAH Case No. 01-1113

UPS-Closed

v.

FCHR Order No. 02-009

SB PARTNERS REAL ESTATE  
CORPORATION AND SENTINEL REAL  
ESTATE, INC.,

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HUMAN RELATIONS  
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Respondents.

FINAL ORDER DISMISSING PETITION FOR  
RELIEF FROM A DISCRIMINATORY HOUSING PRACTICE

Preliminary Matters

Petitioners Gerald and Donna Castellanos filed a housing discrimination complaint pursuant to the Fair Housing Act, Sections 760.20 - 760.37, Florida Statutes (1997), alleging that Respondents SB Partners Real Estate Corporation and Sentinel Real Estate, Inc., committed discriminatory housing practices. Petitioners alleged that Respondents discriminated against Petitioner Gerald Castellanos because of his disability and, according to the Administrative Law Judge's Recommended Order, on the basis of retaliation.

The allegations set forth in the complaint were investigated, and, on August 21, 2000, the Commission issued its determination finding that there was no reasonable cause to believe that a discriminatory housing practice 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 Tampa, Florida, on June 13 and July 19, 2001, before Administrative Law Judge Lawrence P. Stevenson.

Judge Stevenson issued a Recommended Order of dismissal, dated August 28, 2001.

Pursuant to notice, public deliberations were held on February 13, 2002, by means of Communications Media Technology (namely, telephone) before this panel of Commissioners. The public access point for these telephonic deliberations was the Office of the Florida Commission on Human Relations, 325 John Knox Road, Building K, Tallahassee, Florida, 32303-4149. At these deliberations, the Commission panel determined the action to be taken on the Petition for Relief.

Findings of Fact

A transcript of the proceeding before the Administrative Law Judge was not filed with the Commission.

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

Petitioner filed exceptions to the Administrative Law Judge's Recommended Order by "marking up" a copy of the Recommended Order and filing it with the Commission.

As indicated, above, the Commission's file does not contain a transcript of the proceeding on the merits before the Administrative Law Judge. The filing of such a transcript is a requirement to the filing of exceptions to a Recommended Order. See, Fla. Admin. Code R. 60Y-4.025(3), and Fla. Admin. Code R. 60Y-4.027(1). In the absence of the filing of such a transcript the Commission has ordered exceptions stricken. See, e.g., Ebeh v. Consumer Credit Counseling Service of the Tampa Bay Area, Inc., 16 F.A.L.R. 2149, at 2150 (FCHR 1994), an employment discrimination case, and Lee v. Emmer Development Corporation, 20 F.A.L.R. 3132, at 3134 (FCHR 1998), a housing discrimination case.

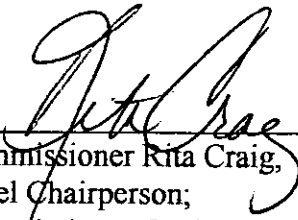
Petitioner's exceptions are hereby stricken.

Dismissal

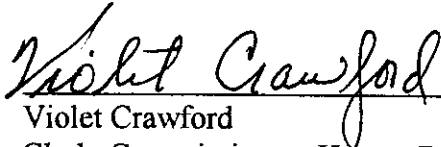
The Petition for Relief and Housing Discrimination Complaint are DISMISSED with prejudice.

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 27<sup>th</sup> day of February, 2002.  
FOR THE FLORIDA COMMISSION ON HUMAN RELATIONS:

  
\_\_\_\_\_  
Commissioner Rita Craig,  
Panel Chairperson;  
Commissioner Gayle Cannon; and  
Commissioner Juan Montes

Filed this 27<sup>th</sup> day of February, 2002,  
in Tallahassee, Florida.

  
\_\_\_\_\_  
Violet Crawford  
Clerk, Commission on Human Relations  
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Lawrence P. Stevenson, Administrative Law Judge, DOAH

James Mallue, Legal Advisor for Commission Panel

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