

5-1-03

STATE OF FLORIDA
COMMISSION ON HUMAN RELATIONS

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LOURDES GUZMAN,

AT

HUD Case No. 04-02-0732-8
FCHR Case No. 22-91238H
DIVISION OF ADMINISTRATIVE HEARINGS

Petitioner,

DOAH Case No. 02-4581

JVL-CWS

v.

CHARLES HARRIS,

FCHR Order No. 03-053

Respondent.

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

Preliminary Matters

Petitioner Lourdes Guzman filed a housing discrimination complaint pursuant to the Fair Housing Act, Sections 760.20 - 760.37, Florida Statutes (2001), alleging that Respondent Charles Harris committed a discriminatory housing practice on the basis of Petitioner's disability (the Administrative Law Judge found Petitioner to be legally blind) by refusing to rent Petitioner an apartment.

The allegations set forth in the complaint were investigated, and, on October 21, 2002, 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 by video teleconference at sites in Tallahassee and Miami, Florida, on March 17, 2003, before Administrative Law Judge John G. Van Laningham.

Judge Van Laningham issued a Recommended Order of dismissal, dated May 1, 2003.

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.

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

Neither party filed exceptions to the Administrative Law Judge's Recommended Order.

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 17th day of August, 2003.
FOR THE FLORIDA COMMISSION ON HUMAN RELATIONS:

Commissioner Roosevelt Paige, Panel Chairperson;
Commissioner Gayle Cannon; and
Commissioner Gilbert M. Singer

Filed this 17th day of August, 2003,
in Tallahassee, Florida.

Violet Crawford

Violet Crawford, Clerk
Commission on Human Relations
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John G. Van Laningham, Administrative Law Judge

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 11th day of August, 2003.

By: Violet Crawford
Clerk of the Commission
Florida Commission on Human Relations