

11-19-03

STATE OF FLORIDA  
COMMISSION ON HUMAN RELATIONS

FILED

JUN -3 AM 9:51

DIVISION OF ADMINISTRATIVE HEARINGS

HUD Case No. 04-09-3423-8

FCHR Case No. 99-08178H

YOUNCY CARTER,

Petitioner,

v.

AT

DOAH Case No. 03-2662

REM-CWS

MAJESTIC GARDENS CONDOMINIUM  
"C" CORPORATION and MAJESTIC  
GARDENS CONDOMINIUM  
ASSOCIATION, INC.,

FCHR Order No. 04-049

Respondents.

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

Preliminary Matters

Petitioner Youncy Carter filed a housing discrimination complaint pursuant to the Fair Housing Act, Sections 760.20 - 760.37, Florida Statutes (2001), alleging that Respondents Majestic Gardens Condominium "C" Corporation and Majestic Gardens Condominium Association, Inc., committed a discriminatory housing practice on the basis of disability by failing to assign Petitioner a parking space in addition to the parking space already assigned to his condominium unit.

The allegations set forth in the complaint were investigated, and, on July 24, 2002, the Executive Director entered a determination finding that there was no 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 Miami, Florida, on August 7, 2003, before Administrative Law Judge Robert E. Meale.

Judge Meale issued a Recommended Order of dismissal, dated November 19, 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

We find the Administrative Law Judge's findings of fact to be supported by competent substantial evidence.

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

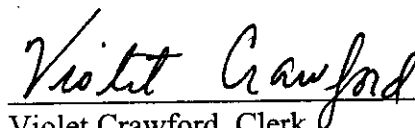
The Petition for Relief and Housing Discrimination Complaint are DISMISSED with prejudice.

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 2<sup>nd</sup> day of June, 2004.  
FOR THE FLORIDA COMMISSION ON HUMAN RELATIONS:

Commissioner Roosevelt Paige, Panel Chairperson;  
Commissioner Dominique B. Saliba; and  
Commissioner Billy Whitefox Stall

Filed this 2<sup>nd</sup> day of June, 2004,  
in Tallahassee, Florida.



Violet Crawford, Clerk  
Commission on Human Relations  
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Copies furnished to:

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Florida Donaldson  
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4045 Northwest 16<sup>th</sup> Street, Building C  
Lauderhill, FL 33313

Robert E. Meale, 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 2<sup>nd</sup> day of June, 2004.

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