

12-16-04

STATE OF FLORIDA
COMMISSION ON HUMAN RELATIONS

2005 MAY 24 P 2:19
FRANK M. BAFFORD, SR.,

HUD Case No. 04-04-0848-8

Petitioner,
ADMINISTRATIVE
LEADINGS

FCHR Case No. 24-91007H

v.

DOAH Case No. 04-3272 *FLB*
Closed

GARY HEDIGER, MARCUS AND
MILLICHAP COMPANY AND TOWNSHIP
APARTMENTS ASSOCIATES, ET AL.,

FCHR Order No. 05-017

AT

Respondents.

_____ /

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

This matter is before the Commission for consideration of the Recommended Order of Dismissal, dated December 16, 2004, issued in the above-styled matter by Administrative Law Judge Fred L. Buckine.

Findings of Fact and Conclusions of Law

Judge Buckine's order reflects that at a telephonic hearing Petitioner insisted that his Petition for Relief be dismissed and that Petitioner "of his own free will knowingly and willingly declined to pursue his claim of housing discrimination against Respondents by a written motion that his Amended Housing Discrimination Complaint be dismissed." Consequently, Judge Buckine recommended the Commission issue a final order dismissing the Petition for Relief.

The Commission's rules reflect that a Petition for Relief from a Discriminatory Housing Practice "may be dismissed by complainant without order of the Administrative Law Judge, Panel of Commissioners or Commission (i) by serving, or during hearing by stating on the record, a notice of dismissal at any time before the issuance of the recommended order... The dismissal operates with prejudice with respect to Petitioner's chapter 760, FS, administrative remedies and constitutes final agency action." Fla. Admin. Code R. 60Y-8.001(5).

We adopt the Administrative Law Judge's findings and conclusions that Petitioner's Petition for Relief be dismissed.

Exceptions

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

Dismissal


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 of appeal is found in Section 120.68, Florida Statutes, and in the Florida Rules of Appellate Procedure 9.110.

DONE AND ORDERED this 22nd day of February, 2005.
FOR THE FLORIDA COMMISSION ON HUMAN RELATIONS:

Commissioner Donna Elam, Panel Chairperson;
Commissioner Roosevelt Paige; and
Commissioner Dominique B. Saliba, M.D.

Filed this 22nd day of February, 2005,
in Tallahassee, Florida.



Violet Crawford, Clerk
Commission on Human Relations
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Fred L. Buckine, 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 22nd day of February, 2005.

By: *Vivian Cranford*
Clerk of the Commission
Florida Commission on Human Relations