

STATE OF FLORIDA  
COMMISSION ON HUMAN RELATIONS

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ADMINISTRATIVE  
HEARINGS

MARYHELEN MEACHAM,

HUD Case No. 04-04-0331-8

Petitioner,

FCHR Case No. 24-90408H

v.

DOAH Case No. 05-0091 *SML closed*

DELORES MADDOX, MANAGER, KINGS  
MANOR ESTATES, AND UNIPROP  
CORPORATION,

FCHR Order No. 05-084

*fff*

Respondent.

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

Preliminary Matters

Petitioner Maryhelen Meacham filed a housing discrimination complaint pursuant to the Fair Housing Act, Sections 760.20 - 760.37, Florida Statutes (2003), alleging that Respondents Delores Maddox, Manager, Kings Manor Estates, and Uniprop Corporation, committed discriminatory housing practices in the following manner: by first denying, and then unreasonably delaying Petitioner's reasonable modifications to install a wheelchair ramp leading to her front door; by harassing Petitioner and retaliating against Petitioner for asserting her disability rights; by informing other residents that Petitioner had not paid her rent and threatening to throw her rent payment money orders away so that her rent would be unpaid and she would be evicted; by making derogatory remarks about Petitioner's National Origin, Native American; and by maintaining property that is not compliant with the Fair Housing Act regarding wheelchair accessibility.

The allegations set forth in the complaint were investigated, and, on December 28, 2004, the Executive Director issued 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 by video teleconference at sites in Fort Lauderdale and Tallahassee, Florida, on March 28, 2005, before Administrative Law Judge Stuart M. Lerner.

Judge Lerner issued a Recommended Order of dismissal, dated May 5, 2005.

Pursuant to notice, public deliberations were held on July 7, 2005, 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, 2009 Apalachee Parkway, Suite 100, Tallahassee, Florida, 32301. 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 in a document entitled, "Petitioner's [sp] Letter regarding Submitting Exceptions."

Generally, it can be said that Petitioner excepts to the facts found by the Administrative Law Judge, excepts that other alleged facts were not found by the Administrative Law Judge, and excepts to inferences drawn from the evidence presented. See Filing.

The Commission has stated, "It is well settled that it is the Administrative Law Judge's function 'to consider all of the evidence presented and reach ultimate conclusions of fact based on competent substantial evidence by resolving conflicts, judging the credibility of witnesses and drawing permissible inferences therefrom. If the evidence presented supports two inconsistent findings, it is the Administrative Law Judge's role to decide between them.' Beckton v. Department of Children and Family Services, 21 F.A.L.R. 1735, at 1736 (FCHR 1998), citing Maggio v. Martin Marietta Aerospace, 9 F.A.L.R. 2168, at 2171 (FCHR 1986)." Barr v. Columbia Ocala Regional Medical Center, 22 F.A.L.R. 1729, at 1730 (FCHR 1999).

Further, as indicated above, the Commission's file does not contain a transcript of the proceeding on the merits before the Administrative Law Judge. With regard to findings of fact set out in Recommended Orders, the Administrative Procedure Act states, "The agency may not reject or modify the findings of fact unless the agency first determines from a review of the entire record, and states with particularity in the order, that the findings of fact were not based on competent substantial evidence or that the proceedings on which the findings were based did not comply with the essential requirements of law." Section 120.57(1)(I), Florida Statutes (2003).

In the absence of a transcript of the proceeding before the Administrative Law Judge, the Recommended Order is the only evidence for the Commission to consider. See, National Industries, Inc. v. Commission on Human Relations, et al., 527 So. 2d 894, at 897, 898 (Fla. 5<sup>th</sup> DCA 1988), and Rizos v. Point Vista Apartments, FCHR Order No. 05-010 (January 19, 2005).

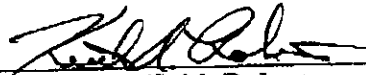
Based on the foregoing, Petitioner's exceptions are rejected.

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 12<sup>th</sup> day of July, 2005.  
FOR THE FLORIDA COMMISSION ON HUMAN RELATIONS:

  
\_\_\_\_\_  
Commissioner Keith Roberts,  
Panel Chairperson;  
Commissioner Gilbert M. Singer; and  
Commissioner Billy Whitefox Stall

Filed this 12<sup>th</sup> day of July, 2005,  
in Tallahassee, Florida.

  
\_\_\_\_\_  
Violet Crawford, Clerk  
Commission on Human Relations  
2009 Apalachee Parkway, Suite 100  
Tallahassee, FL 32301

Copies furnished to:

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Delores Maddox, Manager, Kings Manor Estates,  
and Uniprop Corporation  
c/o Ernest A. Kollra, Esq.  
1995 East Oakland Park Boulevard, Suite 300  
Fort Lauderdale, FL 33306

Stuart M. Lerner, 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 12<sup>th</sup> day of July, 2005.

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