

STATE OF FLORIDA
COMMISSION ON HUMAN RELATIONS

RECEIVED

LINDA PARAH AND ANDREW
LOVELAND, SR.,

Petitioners,

v.

DONNA MORRISON, RANDY MORRISON
AND HILLSIDE MOBILE HOME PARK,

Respondents.

06 MAY 30 PM 12: 39 HUD Case No. 04-05-0814-8

DIVISION OF
ADMINISTRATIVE
HEARINGS

FCHR Case No. 25-91609H

DOAH Case No. 05-2445

FCHR Order No. 06-038

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

Preliminary Matters

Petitioners Linda Parah and Andrew Loveland, Sr., filed a housing discrimination complaint pursuant to the Fair Housing Act, Sections 760.20 - 760.37, Florida Statutes (2003), alleging that Respondents Donna Morrison, Randy Morrison and Hillside Mobile Home Park, committed a discriminatory housing practice on the basis of Petitioners' disability by failing to make reasonable accommodation for Petitioners' service animal.

The allegations set forth in the complaint were investigated, and, on June 14, 2005, 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 in Dade City, Florida, on September 1, 2005, before Administrative Law Judge Fred L. Buckine.

Judge Buckine issued a Recommended Order of dismissal, dated March 16, 2006.

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. 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. 5th DCA 1988). Accord, Beach-Gutierrez v. Bay Medical Center, FCHR Order No. 05-011 (January 19, 2005), and Waaser v. Streit's Motorsports, FCHR Order No. 04-157 (November 30, 2004).

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

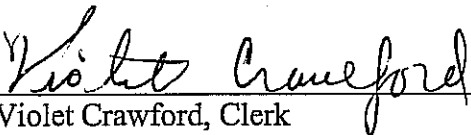
The Petition for Relief and Housing Discrimination Complaint are DISMISSED with prejudice.

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 24th day of May, 2006.
FOR THE FLORIDA COMMISSION ON HUMAN RELATIONS:

Commissioner Billy Whitefox Stall, Panel Chairperson;
Commissioner Donna Elam; and
Commissioner Dominique B. Saliba, M.D.

Filed this 24th day of May, 2006,
in Tallahassee, Florida.


Violet Crawford, Clerk
Commission on Human Relations
2009 Apalachee Parkway, Suite 100
Tallahassee, FL 32301
(850) 488-7082

Copies furnished to:

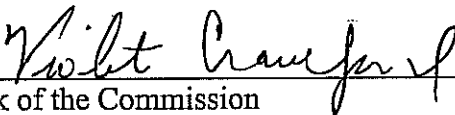
Linda Parah
Andrew Loveland, Sr.
36928 Happy Days Drive, Lot 120
Zephyrhills, FL 33541-2892

Donna Morrison, Randy Morrison
and Hillside Mobile Home Park
c/o Matthew J. Schlichte, Esq.
Law Office of Ray A. Schlichte, Jr., P.A.
2134 Hollywood Boulevard
Hollywood, FL 33020

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 24th day of May, 2006.

By: 
Clerk of the Commission
Florida Commission on Human Relations