

STATE OF FLORIDA
COMMISSION ON HUMAN RELATIONS

FILED

2006 AUG -3 P 2:10

JAMES W. TRAVIS,

Petitioner,

v.

GEORGE P. RANCE,

Respondent.

HUD Case No. 04-06-0071-8

FCHR Case No. 25-9173-AT

DOAH Case No. 06-0943

FCHR Order No. 06-075

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

Petitioner, James W. Travis, filed a complaint of discrimination pursuant to Florida Fair Housing Act, Sections 760.20-760.37, Florida Statutes, alleging that Respondent, George P. Rance, OWNER, committed an unlawful act of housing discrimination by failing to accommodate his need for companion pets because of his disability. The allegations set forth in the complaint were investigated and on February 13, 2006, the Executive Director issued his determination that the Commission did not have reasonable cause to believe that a discriminatory housing practice had occurred. The Petitioner filed a Petition for Relief to challenge the Commission's determination of no cause and was granted a formal evidentiary hearing that was held in Bushnell, Florida, on May 18, 2006, before Administrative Law Judge Don W. Davis.

Judge Davis issued a Recommended Order of Dismissal dated June 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 and Conclusions of Law

The Commission's file does not contain a transcript of the proceeding before the Administrative Law Judge. In the absence of a transcript of the proceeding before the Administrative Law Judge, his Recommended Order is the only evidence for the Commission to consider. National Industries, Inc. vs. Commission on Human Relations, et al., 527 So. 2d 894, at 898 (Fla. 5th DCA 1988). Therefore, in the absence of a transcript, the Commission is limited in its review to the facts found by the ALJ in the Recommended Order. See Ebeh vs. Consumer Credit Counseling Service of the Tampa Bay Area, Inc., 20 F.A.L.R. 3132, at 3134 (FCHR 1998).

Judge Davis's order finds that Petitioner, by his own admission, did not pay the required rent and was then evicted from the trailer park. We adopt the Administrative Law Judge's

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finding of fact that the Petitioner was not forced to move out as a result of Respondent's failure to make accommodations for Petitioner's handicap and that no evidence other than Petitioner's unsupported, subjective belief that he had been the subject of discrimination was provided. We further adopt the ALJ's conclusion that "the entire body of circumstantial evidence adduced in this case, fails to constitute preponderant evidence that Respondent has subjected Petitioner to an unfair housing practice." Recommended Order, ¶ 16.

Exceptions

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

Dismissal

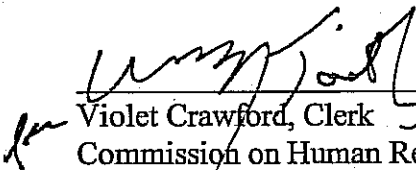
The Petition for Relief and Complaint of Discrimination are DISMISSED with prejudice.

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 1st day of August, 2006.
FOR THE FLORIDA COMMISSION ON HUMAN RELATIONS:

Commissioner Gilbert M. Singer, Panel Chairperson;
Commissioner Gayle Cannon; and
Commissioner Dominique B. Saliba, M.D.

Filed this 1st day of August, 2006,
in Tallahassee, Florida.



Violet Crawford, Clerk
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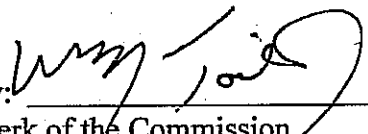
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George P. Rance
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Don W. Davis, Administrative Law Judge, DOAH

Jim Tait, Legal Advisor for Commission Panel

I HEREBY CERTIFY that a copy of the foregoing has been mailed to the above listed addressees this 12 day of August, 2006.

By: 
Clerk of the Commission
Florida Commission on Human Relations