

STATE OF FLORIDA  
COMMISSION ON HUMAN RELATIONS

FILED  
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ANTHONY L. HESTER, and  
KRISTINA ROSEN-HESTER,

Petitioners,

v.

GRANADA PROPERTY OWNERS  
ASSOCIATION,

Respondent.

HUD Case No. 04-051167-8F

FCHR Case No. 25-91666H

DOAH Case No. 06-1954

FCHR Order No. 07-039

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

Preliminary Matters

Petitioners Anthony L. Hester and Kristina Rosen-Hester filed a housing discrimination complaint pursuant to the Fair Housing Act, Sections 760.20 - 760.37, Florida Statutes (2003), alleging that Respondent Granada Property Owners Association committed discriminatory housing practices on the basis of Petitioner Anthony L. Hester's race (Black) by taking action through its Board members designed to get Petitioners to move.

The allegations set forth in the complaint were investigated, and, on May 15, 2006, the Executive Director issued a determination finding that there was no reasonable cause to believe that a discriminatory housing practice had occurred.

Petitioners 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 Stuart, Florida, on August 28, September 26, November 3, and December 21, 2006, and January 26, 2007, before Administrative Law Judge Robert E. Meale.

Judge Meale issued a Recommended Order of dismissal, dated May 9, 2007.

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). See, also, Villamizar, et al. v. Gomez, FCHR Order No. 06-093 (November 13, 2006).

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

None of the parties 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 1st day of August, 2007.  
FOR THE FLORIDA COMMISSION ON HUMAN RELATIONS:

Commissioner Donna Elam, Panel Chairperson;  
Commissioner Shahrukh S. Dhanji; and  
Commissioner Onelia A. Fajardo

Filed this 1st day of August, 2007,  
in Tallahassee, Florida.



Violet Crawford, Clerk  
Commission on Human Relations  
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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 1st day of August, 2007.

By:   
Clerk of the Commission  
Florida Commission on Human Relations