

STATE OF FLORIDA  
COMMISSION ON HUMAN RELATIONS

FILED  
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DIVISION OF  
ADMINISTRATIVE  
HEARINGS

JOHN AND RUTH DISCHER,

HUD Case No. 04-07-1562-8

Petitioners,

FCHR Case No. 27-92302H

v.

DOAH Case No. 08-0603

MONROE COUNTY COMMISSIONERS,

FCHR Order No. 09-019

Respondent.

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

Preliminary Matters

Petitioners John and Ruth Discher filed a housing discrimination complaint pursuant to the Fair Housing Act, Sections 760.20 - 760.37, Florida Statutes (2005), alleging that Respondent Monroe County Commissioners committed a discriminatory housing practice on the basis of John Discher's disability (identified in the complaint as "a physical and mental impairment") by failing to release Petitioners from a 20-year affordable housing deed restriction.

The allegations set forth in the complaint were investigated, and, on January 7, 2008, 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 conducted in Tallahassee, Florida, on June 16, 2008, before Administrative Law Judge Errol H. Powell.

Judge Powell issued a Recommended Order of dismissal, dated December 31, 2008.

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

We find the Administrative Law Judge's findings of fact to be supported by competent substantial evidence.

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.

Petitioners sent a letter to Judge Powell, a copy of which was received by the Commission on January 13, 2009, containing argument, requesting Judge Powell's assistance, and seeking to insert additional information into the record.

We decline to consider this document as an "exceptions" document. Accord, generally, Hurtado v. North Florida Rehab and Specialty Care, FCHR Order No. 08-047 (July 29, 2008) in which a Commission Panel declined to consider as an "exceptions" document a filing which sought to place into the record a letter that was not admitted into evidence by the Administrative Law Judge.

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 6th day of March, 2009.  
FOR THE FLORIDA COMMISSION ON HUMAN RELATIONS:

Commissioner Anice R. Prosser, Panel Chairperson;  
Commissioner Watson Haynes, II; and  
Commissioner Mario M. Valle

Filed this 6th day of March, 2009,  
in Tallahassee, Florida.



Violet Crawford, Clerk

Commission on Human Relations

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Errol H. Powell, 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 6th day of March, 2009.

By:



Clerk of the Commission

Florida Commission on Human Relations