

STATE OF FLORIDA
COMMISSION ON HUMAN RELATIONS

RICARDO VEGA,

Petitioner,

v.

CLUB DEVELOPMENT, INC., AND
FRANK BAREFIELD,

Respondents.

HUD Case No. 04-08-1675-8

FCHR Case No. 29-92784H

DOAH Case No. 08-6141

FCHR Order No. 09-061

FILED
14 JUL 2 10:41
DIVISION OF ADMINISTRATIVE
HEARINGS

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

Preliminary Matters

Petitioner Ricardo Vega filed a housing discrimination complaint pursuant to the Fair Housing Act, Sections 760.20 - 760.37, Florida Statutes (2007), alleging that Respondents Club Development, Inc., and Frank Barefield committed discriminatory housing practices on the basis of Petitioner's National Origin (Puerto Rico) by refusing to sell Petitioner a condominium unit he was renting, by attempting to push Petitioner into buying another unit that was below code, by refusing to make repairs, by changing locks to amenities, by installing a fake water meter, and by attempting to evict Petitioner.

The allegations set forth in the complaint were investigated, and, on October 31, 2008, the Executive Director issued a "Notice of Determination (No Cause)" concluding that the Commission did not have jurisdiction of the housing discrimination complaint.

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 Orlando, Florida, on February 16, 2009, before Administrative Law Judge Jeff B. Clark, on the issue of whether the Commission and the Division of Administrative Hearings had jurisdiction of the matter, and whether the Petition for Relief was timely filed.

Judge Clark issued a Recommended Order of dismissal, dated April 27, 2009, finding that the housing discrimination complaint filed in the matter was time-barred.

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.

Dismissal

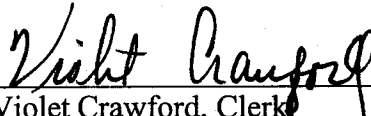
The Petition for Relief and Housing Discrimination Complaint are DISMISSED with prejudice.

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 July, 2009.
FOR THE FLORIDA COMMISSION ON HUMAN RELATIONS:

Commissioner Donna Elam, Panel Chairperson;
Commissioner Gayle Cannon; and
Commissioner Mario M. Valle

Filed this 1st day of July, 2009,
in Tallahassee, Florida.



Violet Crawford, Clerk
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Jeff B. Clark, 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 July, 2009.

By: 

Clerk of the Commission
Florida Commission on Human Relations