

STATE OF FLORIDA
COMMISSION ON HUMAN RELATIONS

SHAWN TAYLOR,

Petitioner,

v.

FORT WALTON BEACH HOUSING
AUTHORITY,

Respondent.

HUD Case No. 04-08-1367-8

FCHR Case No. 28-92745H

DOAH Case No. 08-6177

FCHR Order No. 09-10

FILED
2009 NOV 25 A 10:33
DIVISION OF
ADMINISTRATIVE
HEARINGS

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

This matter is before the Commission for consideration of the Recommended Order of Dismissal, dated September 23, 2009, issued in the above-styled matter by Administrative Law Judge P. Michael Ruff.

Findings of Fact and Conclusions of Law

Judge Ruff's order reflects that Petitioner failed to appear at the scheduled administrative hearing in the matter. Consequently, Judge Ruff recommended the Commission issue a final order dismissing the case.

Commission panels have concluded that when a Petitioner fails to appear at the scheduled administrative hearing in their case, they fail to meet their burden of proof, and the Petition for Relief should be dismissed. See, e.g., Scott v. Two Men and a Truck, FCHR Order No. 09-009 (January 27, 2009), Enzor v. Sandco, Inc., FCHR Order No. 08-048 (July 29, 2008), Rodriguez v. Center Point Health and Rehab, FCHR Order No. 08-001 (January 14, 2008), West v. Sembler Corporation, d/b/a Bay Walk, FCHR Order No. 07-037 (June 15, 2007), Martinez v. KJC Enterprises, d/b/a Plantation Island Resort, FCHR Order No. 07-028 (April 20, 2007), Chaney, et al. v. Robert Buckner & Associates, FCHR Order No. 06-092 (November 13, 2006), and Prek v. Workforce Central Florida, FCHR Order No. 06-079 (September 18, 2006).

We adopt the Administrative Law Judge's finding as to the nonappearance of Petitioner and conclude that Petitioner has failed to carry her burden of proof.

Exceptions

Neither of the parties filed exceptions to the Administrative Law Judge's Recommended Order of Dismissal.

Dismissal

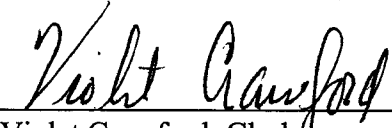
The Petition for Relief and Housing Discrimination Complaint are DISMISSED with prejudice.

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 of 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 November, 2009.
FOR THE FLORIDA COMMISSION ON HUMAN RELATIONS:

Commissioner Mario M. Valle, Panel Chairperson;
Commissioner Gayle Cannon; and
Commissioner Patty Ball Thomas

Filed this 24th day of November, 2009,
in Tallahassee, Florida.



Violet Crawford, Clerk
Commission on Human Relations
2009 Apalachee Parkway, Suite 200
Tallahassee, FL 32301
(850) 488-7082

Copies furnished to:

Shawn Taylor
Post Office Box 1890
Crestview, FL 32536

Fort Walton Beach Housing Authority
c/o Jeffery Daryl Toney, Esq.
Law Office of Jeffery D. Toney, Sr.
502 North Main Street
Post Office Box 579
Crestview, FL 32536

P. Michael Ruff, 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 November, 2009.

By:


Clerk of the Commission

Florida Commission on Human Relations