

STATE OF FLORIDA  
COMMISSION ON HUMAN RELATIONS

FILED

2009 SEP 23 A 10:46

OLIVER HILL, SR.,

Petitioner,

v.

TALLAHASSEE HOUSING AUTHORITY,

Respondent.

HUD Case No. 04-08-1460-8

FCHR Case No. 28-92741H

DOAH Case No. 08-6178

FCHR Order No. 09-091

DIVISION OF  
ADMINISTRATIVE  
HEARINGS

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

Preliminary Matters

Petitioner Oliver Hill, Sr., filed a housing discrimination complaint pursuant to the Fair Housing Act, Sections 760.20 - 760.37, Florida Statutes (2007), alleging that Respondent Tallahassee Housing Authority committed a discriminatory housing practice by failing to accommodate Petitioner's disability.

The allegations set forth in the complaint were investigated, and, on October 10, 2008, the Executive Director issued a determination finding that there was no reasonable cause to believe that a discriminatory housing practice had occurred.

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 Tallahassee, Florida, on April 2, 2009, before Administrative Law Judge Ella Jane P. Davis.

Judge Davis issued a Recommended Order of dismissal, dated July 8, 2009.

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

Petitioner filed exceptions to the Administrative Law Judge's Recommended Order in a document entitled, "Petitioner's Written Exceptions to the Recommended Order," received by the Commission on July 23, 2009. Respondent filed with the Division of Administrative Hearings, on August 6, 2009, a Response to Petitioner's exceptions document, entitled, "Respondent's Response to Petitioner's Exceptions to Recommended Order."

Petitioner's exceptions document contains 32 numbered paragraphs each excepting to a Recommended Order paragraph.

In each instance the exceptions paragraph takes issue with facts found (2, 4, 5, 11, 12, 13, 15, 16, 19, 21, 22), facts not found (8, 10, 20), inferences drawn from the evidence presented (1, 3, 6, 7, 9, 17, 18), credibility determinations of the Administrative Law Judge (14), statements of the law applicable to the case (23, 31), and / or the application of the law (24, 25, 26, 27, 28, 29, 30, 32) [references are to exceptions document paragraph numbers].

The Commission has stated, "It is well settled that it is the Administrative Law Judge's function 'to consider all of the evidence presented and reach ultimate conclusions of fact based on competent substantial evidence by resolving conflicts, judging the credibility of witnesses and drawing permissible inferences therefrom. If the evidence presented supports two inconsistent findings, it is the Administrative Law Judge's role to decide between them.' Beckton v. Department of Children and Family Services, 21 F.A.L.R. 1735, at 1736 (FCHR 1998), citing Maggio v. Martin Marietta Aerospace, 9 F.A.L.R. 2168, at 2171 (FCHR 1986)." Barr v. Columbia Ocala Regional Medical Center, 22 F.A.L.R. 1729, at 1730 (FCHR 1999). Accord, Bowles v. Jackson County Hospital Corporation, FCHR Order No. 05-135 (December 6, 2005).

Based on the foregoing, and noting that we have found, above, the Administrative Law Judge's findings of fact to be supported by competent substantial evidence, and the Administrative Law Judge's application of the law to the facts to result in a correct disposition of the matter, Petitioner's exceptions are rejected.

### Dismissal

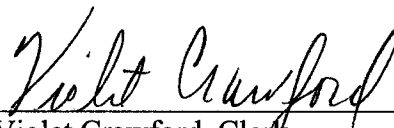
The Petition for Relief and Housing Discrimination Complaint are DISMISSED with prejudice.

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 22<sup>nd</sup> day of September, 2009.  
FOR THE FLORIDA COMMISSION ON HUMAN RELATIONS:

Commissioner Gilbert M. Singer, Panel Chairperson;  
Commissioner Patty Ball Thomas; and  
Commissioner Mario M. Valle

Filed this 22<sup>nd</sup> day of September, 2009,  
in Tallahassee, Florida.



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Ella Jane P. Davis, Administrative Law Judge, DOAH

James Mallue, Legal Advisor for Commission Panel

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I HEREBY CERTIFY that a copy of the foregoing has been mailed to the above listed addressees this 22<sup>nd</sup> day of September, 2009.

By: *Vicki Cranford*  
Clerk of the Commission  
Florida Commission on Human Relations