

STATE OF FLORIDA  
COMMISSION ON HUMAN RELATIONS

DEBORAH MARTINDALE,

Petitioner,

v.

WESTGATE VACATION VILLAS, LLC,

Respondent.

HUD Case No. 04-08-1701-8

FCHR Case No. 29-92761H

DOAH Case No. 08-0146

FCHR Order No. 09-063

FILED  
JUL - 2 2009  
DIVISION OF  
ADMINISTRATIVE  
HEARINGS

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

Preliminary Matters

Petitioner Deborah Martindale filed a housing discrimination complaint pursuant to the Fair Housing Act, Sections 760.20 - 760.37, Florida Statutes (2007), alleging that Respondent Westgate Vacation Villas, LLC, committed discriminatory housing practices by refusing to sell or negotiate for the sale of a timeshare based on Petitioner's race (African American) and sex (female).

The allegations set forth in the complaint were investigated, and, on December 18, 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 Orlando, Florida, on March 20, 2009, before Administrative Law Judge Susan B. Harrell.

Judge Harrell issued a Recommended Order of dismissal, dated April 30, 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

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

Dismissal

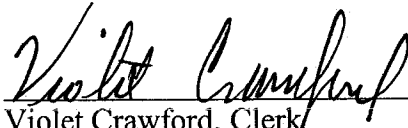
The Petition for Relief and Housing Discrimination Complaint are DISMISSED with prejudice.

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 1<sup>st</sup> 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 1<sup>st</sup> day of July, 2009,  
in Tallahassee, Florida.

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

Copies furnished to:

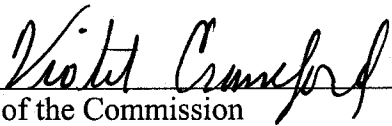
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Westgate Vacation Villas, LLC  
c/o Myrna L. Maysonet, Esq.  
Greenspoon Marder, P.A.  
201 East Pine Street, Suite 500  
Orlando, FL 32801

Susan B. Harrell, 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 1<sup>st</sup> day of July, 2009.

By:   
Clerk of the Commission  
Florida Commission on Human Relations