

STATE OF FLORIDA  
COMMISSION ON HUMAN RELATIONS

FILED

2009 SEP 23 A 10:48

FLORIDA COMMISSION ON HUMAN  
RELATIONS ON BEHALF OF ROSE  
MARIE OWENS,

HUD Case No. 04-08-0634-8

FCHR Case No. 28-92453H

DIVISION OF  
ADMINISTRATIVE  
HEARINGS

Petitioner,

DOAH Case No. 09-0396

v.

FCHR Order No. 09-094

LONGBOAT HARBOUR OWNERS  
ASSOCIATION, INC.,

Respondent.

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

Preliminary Matters

Complainant Rose Marie Owens filed a housing discrimination complaint pursuant to the Fair Housing Act, Sections 760.20 - 760.37, Florida Statutes (2007), alleging that Respondent Longboat Harbour Owners Association, Inc., committed a discriminatory housing practice on the basis of Petitioner's handicap by failing to accommodate Petitioner's service animal, a cat, by demanding removal of the cat from Petitioner's unit.

Following its investigation of the matter, on or about August 6, 2008, the Commission issued a "Notice of Determination of Cause and Issuance of an Administrative Charge," charging Respondent with engaging in a discriminatory housing practice in violation of the Fair Housing Act.

Complainant elected to have the Commission resolve the charge in an administrative proceeding pursuant to Section 760.35(3)(a)1, Florida Statutes (2007).

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 Sarasota, Florida, on May 27, 2009, before Administrative Law Judge Daniel Manry.

Judge Manry issued a Recommended Order of dismissal, dated June 26, 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

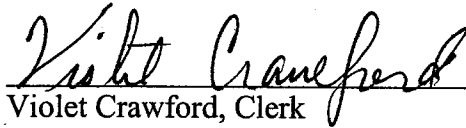
The Petition for Relief and Housing Discrimination Complaint are DISMISSED with prejudice.

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

Commissioner Donna Elam, Panel Chairperson;  
Commissioner Lizzette Gamero; and  
Commissioner Watson Haynes, II

Filed this 22<sup>nd</sup> day of September, 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:

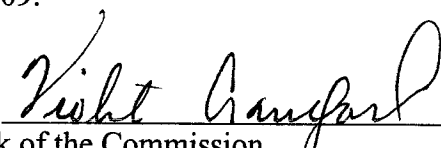
Rose Marie Owens  
13 Tidy Island Blvd.  
Bradenton, FL 34210

Longboat Harbour Owners Association, Inc.  
c/o Scott H. Jackman, Esq.  
Cole, Scott & Kissane, P.A.  
Bridgeport Center, Suite 750  
5201 West Kennedy Boulevard  
Tampa, FL 33609

Daniel Manry, Administrative Law Judge, DOAH

Lawrence F. Kranert, Jr., FCHR Chief Legal Counsel, Legal Advisor for Commission Panel

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:   
Clerk of the Commission  
Florida Commission on Human Relations