

STATE OF FLORIDA
COMMISSION ON HUMAN RELATIONS

FILED

2009 SEP 23 A 10:46

LEWIS CORE,

Petitioner,

v.

EMBASSY HOUSE ASSOCIATION,
INC.,

Respondent.

HUD Case No. 04-09-0044-8

FCHR Case No. 2009H0019
DIVISION OF ADMINISTRATIVE HEARINGS

DOAH Case No. 09-0567

FCHR Order No. 09-088

**FINAL ORDER AWARDING AFFIRMATIVE RELIEF
FROM A DISCRIMINATORY HOUSING PRACTICE**

Preliminary Matters

Petitioner Lewis Core filed a housing discrimination complaint pursuant to the Fair Housing Act, Sections 760.20 - 760.37, Florida Statutes (2007), alleging that Respondent Embassy House Association, Inc., committed a discriminatory housing practice on the basis of Petitioner's handicap by failing to make reasonable accommodation for Petitioner by revoking an accommodation for an emotional support animal that it had previously granted.

The allegations set forth in the complaint were investigated, and, on January 16, 2009, 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 Sarasota, Florida, on May 13, 2009, before Administrative Law Judge Daniel Manry.

Judge Manry issued a Recommended Order, dated June 25, 2009, recommending that the Commission enter a final order upholding the Petition for Relief and "dismissing the proposed revocation of the accommodation for Petitioner to keep a support dog in his condominium."

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.

Affirmative Relief

Through our adoption of the Administrative Law Judge's findings of fact and conclusions of law, as set out above, we find that unlawful discrimination occurred in this matter in the manner found by the Administrative Law Judge and have adopted the Administrative Law Judge's recommendations for the remedy of the discrimination. Accord, Botero v. Calusa Club Village, P.O.A., FCHR Order No. 06-004 (January 6, 2006).

Respondent is hereby ORDERED:

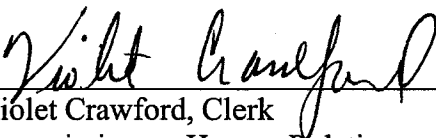
- (1) to cease and desist from discriminating further in the manner it has been found to have unlawfully discriminated against Petitioner; and
- (2) to not revoke its previously granted accommodation to Petitioner of allowing Petitioner an emotional support dog in his condominium, as recommended by the Administrative Law Judge in the Recommended Order.

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 22nd 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 22nd day of September, 2009,
in Tallahassee, Florida.



Violet Crawford, Clerk
Commission on Human Relations
2009 Apalachee Parkway, Suite 200
Tallahassee, FL 32301
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Copies furnished to:

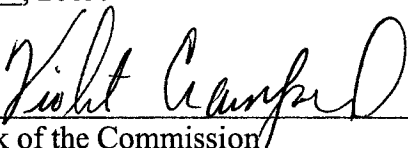
Lewis Core
770 South Palm Avenue, No. 1002
Sarasota, FL 34236

Embassy House Association, Inc.
c/o YueLing E. Lee, Esq.
Cole, Scott & Kissane, P.A.
Bridgeport Center, Suite 750
5201 West Kennedy Boulevard
Tampa, FL 33609

Daniel Manry, 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 22nd day of September, 2009.

By: 

Clerk of the Commission
Florida Commission on Human Relations