

STATE OF FLORIDA
COMMISSION ON HUMAN RELATIONS

FILED

LEON ROSSI,

Petitioner,

v.

GLORIA EDENFIELD LOAN OFFICER
WELLS FARGO BANK, N.A.,

Respondents.

2009 JUL -1 A 10: 17

DIVISION OF
ADMINISTRATIVE
HEARINGS

HUD Case No. 04-09-0129-8

FCHR Case No. 2009H0022

DOAH Case No. 09-1239

FCHR Order No. 09-070

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

This matter is before the Commission for consideration of the Order Relinquishing Jurisdiction and Closing File, dated April 8, 2009, issued in the above-styled matter by Administrative Law Judge Harry L. Hooper.

Findings of Fact and Conclusions of Law

The matter was before the Administrative Law Judge on "Respondents' Motion to Remand for Lack of Jurisdiction and Memorandum of Law in Support of Same," filed with the Division of Administrative Hearings on March 30, 2009.

The Administrative Law Judge found that "[t]he facts alleged by Petitioner in his Petition for Relief are deemed to be true for purposes of this Motion." The Administrative Law Judge also concluded that "[a] careful reading of the Petition reveals no allegation of disputed facts," and that "[t]here being none, the Division of Administrative Hearings is without jurisdiction."

We agree that, in the absence of disputed facts, relinquishment of jurisdiction to the Commission is appropriate. See, Banks v. Department of Corrections, FCHR Order No. 09-003 (January 12, 2009), and Newton v. Pensacola Glass Company, FCHR Order No. 05-001 (January 31, 2005).

We also note the appropriateness of dismissing the Petition for Relief in situations, such as the instant case, when the allegations contained in the Petition for Relief, even if proved, would not amount to a violation of the Fair Housing Act. See, Cowden v. Jarrett, FCHR Order No. 09-008 (January 27, 2009).

Exceptions

None of the parties filed exceptions to the Administrative Law Judge's Order Relinquishing Jurisdiction and Closing File.

Dismissal

It is the Commission's position that this order is dispositive of "Respondents' Motion For Entry of Final Order of No Cause," filed with the Commission on June 8, 2009.

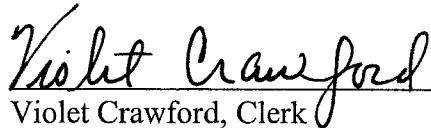
The Petition for Relief and Housing Discrimination Complaint are DISMISSED with prejudice.

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 30th day of June, 2009.
FOR THE FLORIDA COMMISSION ON HUMAN RELATIONS:

Commissioner Gilbert M. Singer, Panel Chairperson;
Commissioner Watson Haynes, II; and
Commissioner Patty Ball Thomas

Filed this 30th day of June, 2009,
in Tallahassee, Florida.



Violet Crawford, Clerk
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Harry L. Hooper, 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 30th day of June, 2009.

By: 
Clerk of the Commission
Florida Commission on Human Relations