

STATE OF FLORIDA  
COMMISSION ON HUMAN RELATIONS

ZOE GAIL MCLENDON,

Petitioner,

v.

BOARD OF COUNTY COMMISSIONERS,  
DEPARTMENT OF DEVELOPMENT  
SERVICES, SHIP PROGRAM,

Respondent.

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HUD Case No. 04-09-1207-8

FCHR Case No. 2009H0272 /

DOAH Case No. 09-4806

FCHR Order No. 10-017

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

Preliminary Matters

Petitioner Zoe Gail McLendon filed a housing discrimination complaint pursuant to the Fair Housing Act, Sections 760.20 - 760.37, Florida Statutes (2007), alleging that Respondent Board of County Commissioners, Department of Development Services, SHIP Program, committed discriminatory housing practices on the basis of Petitioner's race (Black) in the provision of home repair assistance under Respondent's State Housing Initiatives Partnership (SHIP) Program.

The allegations set forth in the complaint were investigated, and, on August 19, 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 Inverness, Florida, on November 10, 2009, before Administrative Law Judge James H. Peterson, III.

Judge Peterson issued a Recommended Order of dismissal, dated December 7, 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

A transcript of the proceeding before the Administrative Law Judge was not filed with the Commission. In the absence of a transcript of the proceeding before the

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DIVISION OF ADMINISTRATIVE HEARINGS

Administrative Law Judge, the Recommended Order is the only evidence for the Commission to consider. See National Industries, Inc. v. Commission on Human Relations, et al., 527 So. 2d 894, at 897, 898 (Fla. 5th DCA 1988). Accord, Hall v. Villages of West Oaks HOA, FCHR Order No. 08-007 (January 14, 2008), Beach-Gutierrez v. Bay Medical Center, FCHR Order No. 05-011 (January 19, 2005), and Waaser v. Streit's Motorsports, FCHR Order No. 04-157 (November 30, 2004).

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 26 day of FEBRUARY, 2010.  
FOR THE FLORIDA COMMISSION ON HUMAN RELATIONS:

Commissioner Donna Elam, Panel Chairperson;  
Commissioner Onelia A. Fajardo; and  
Commissioner Watson Haynes, II

Filed this 26 day of FEBRUARY, 2010,  
in Tallahassee, Florida.

  
Violet Crawford, Clerk  
Commission on Human Relations  
2009 Apalachee Parkway, Suite 200  
Tallahassee, FL 32301  
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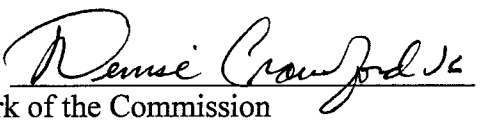
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Board of County Commissioners  
Department of Development Services,  
SHIP Program  
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Citrus County Attorney's Office  
110 North Apopka Avenue  
Inverness, FL 34450

James H. Peterson, III, 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 26 day of FEBRUARY, 2010.

By:   
Clerk of the Commission  
Florida Commission on Human Relations