

STATE OF FLORIDA
COMMISSION ON HUMAN RELATIONS

KAREN LEE KRASON,

Petitioner,

v.

COMMUNITY HOUSING INITIATIVE,
INC.,

Respondent.

HUD Case No. 04-09-1174-8

FCHR Case No. 2009H0278

DOAH Case No. 09-5222

FCHR Order No. 10-037

FILED
2010 APR 28 A 11:21
DIVISION OF
ADMINISTRATIVE
HEARINGS

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

This matter is before the Commission for consideration of the Recommended Order of Dismissal, dated February 4, 2010, issued in the above-styled matter by Administrative Law Judge J. D. Parrish.

Findings of Fact and Conclusions of Law

Judge Parrish's order reflects that Petitioner failed to appear at the scheduled administrative hearing in the matter. Specifically, Judge Parrish concluded that Petitioner had the burden of proof and failed to appear and present evidence, and recommended the Commission enter a final order dismissing Petitioner's claim of discrimination.

Commission panels have concluded that when a Petitioner fails to appear at the scheduled administrative hearing in their case, they fail to meet their burden of proof, and the Petition for Relief should be dismissed. See, e.g., Cowden v. Difulio, et al., FCHR Order No. 09-115 (December 14, 2009), Scott v. Two Men and a Truck, FCHR Order No. 09-009 (January 27, 2009), Enzor v. Sandco, Inc., FCHR Order No. 08-048 (July 29, 2008), Rodriguez v. Center Point Health and Rehab, FCHR Order No. 08-001 (January 14, 2008), West v. Sembler Corporation, d/b/a Bay Walk, FCHR Order No. 07-037 (June 15, 2007), Martinez v. KJC Enterprises, d/b/a Plantation Island Resort, FCHR Order No. 07-028 (April 20, 2007), Chaney, et al. v. Robert Buckner & Associates, FCHR Order No. 06-092 (November 13, 2006), and Prek v. Workforce Central Florida, FCHR Order No. 06-079 (September 18, 2006).

We adopt the Administrative Law Judge's finding as to the nonappearance of Petitioner and conclude that Petitioner has failed to carry her burden of proof.

Exceptions

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

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 of appeal is found in Section 120.68, Florida Statutes, and in the Florida Rules of Appellate Procedure 9.110.

DONE AND ORDERED this 27th day of April, 2010.
FOR THE FLORIDA COMMISSION ON HUMAN RELATIONS:

Commissioner Gilbert M. Singer, Panel Chairperson;
Commissioner Lizzette Gamero; and
Commissioner Patty Ball Thomas

Filed this 27th day of April, 2010,
in Tallahassee, Florida.



Violet Crawford, Clerk
Commission on Human Relations
2009 Apalachee Parkway, Suite 200
Tallahassee, FL 32301
(850) 488-7082

Copies furnished to:

Karen Lee Krason
1715 Erin Court Northeast
Palm Bay, FL 32905

Community Housing Initiative, Inc.
c/o Nicole Tenpenny, Executive Director
Post Office Box 410522
Melbourne, FL 32941-0522

J. D. Parrish, 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 27th day of April, 2010.

By: 
Clerk of the Commission
Florida Commission on Human Relations