

STATE OF FLORIDA  
COMMISSION ON HUMAN RELATIONS

FILED

DANIELLE HARGER,

2010 MAR 18 P 12:00

HUD Case No. 04-09-1247-8

Petitioner,

FCHR Case No. 2010H0030

v.

DIVISION OF  
ADMINISTRATIVE  
HEARINGS

DOAH Case No. 09-6518

STERLING CREST APARTMENT,

FCHR Order No. 10-026

Respondent.

**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 January 13, 2010, issued in the above-styled matter by Administrative Law Judge Daniel Manry.

**Findings of Fact and Conclusions of Law**

Judge Manry's order reflects that Petitioner failed to appear at the scheduled administrative hearing in the matter. Specifically, Judge Manry 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 Petition for Relief.

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. Difiglio, 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

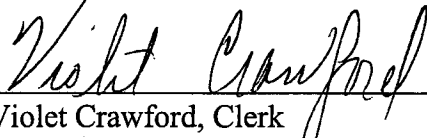
The Petition for Relief and Housing Discrimination Complaint are DISMISSED with prejudice.

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 17th day of March, 2010.  
FOR THE FLORIDA COMMISSION ON HUMAN RELATIONS:

Commissioner Gilbert M. Singer, Panel Chairperson;  
Commissioner Anice R. Prosser; and  
Commissioner Mario M. Valle

Filed this 17th day of March, 2010,  
in Tallahassee, Florida.

  
\_\_\_\_\_  
Violet Crawford, Clerk  
Commission on Human Relations  
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Tallahassee, FL 32301  
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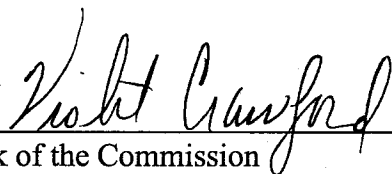
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Tallahassee, FL 32301

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 17th day of March, 2010.

By:



Clerk of the Commission

Florida Commission on Human Relations