

STATE OF FLORIDA
COMMISSION ON HUMAN RELATIONS

DANIEL W. MCMAHON,

Petitioner,

v.

SUNCOAST SCHOOLS FEDERAL CREDIT
UNION,

Respondent.

FILED
2011 JUL 14 P 12:04 HUD Case No. 04-10-0071-8

DIVISION OF ADMINISTRATIVE HEARINGS FCHR Case No. 2010H0089
DOAH Case No. 10-0327

FCHR Order No. 11-059

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

Preliminary Matters

Petitioner Daniel W. McMahon filed a housing discrimination complaint pursuant to the Fair Housing Act, Sections 760.20 - 760.37, Florida Statutes (2009), alleging that Respondent Suncoast Schools Federal Credit Union committed discriminatory housing practices on the basis of Petitioner's disability by twice not allowing Petitioner to apply for a mortgage loan.

The allegations set forth in the complaint were investigated, and, on December 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 Naples, Florida, on November 17, 2010, and February 23, 2011, before Administrative Law Judge Susan B. Harrell.

Judge Harrell issued a Recommended Order of dismissal, dated April 27, 2011.

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.

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 13th day of July, 2011.
FOR THE FLORIDA COMMISSION ON HUMAN RELATIONS:

Commissioner Donna Elam, Panel Chairperson;
Commissioner Watson Haynes, II; and
Commissioner Billy Whitefox Stall

Filed this 13th day of July, 2011,
in Tallahassee, Florida.


Violet Crawford, Clerk

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Copies furnished to:

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Suncoast Schools Federal Credit Union
c/o Ashley Nicole Richardson, Esq.
McConnaughay, Duffy, Coonrod,
Pope & Weaver, P.A.
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Susan B. Harrell, 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 13th day of July, 2011.

By:


Clerk of the Commission

Florida Commission on Human Relations