

STATE OF FLORIDA
COMMISSION ON HUMAN RELATIONS

FLORIDA COMMISSION ON HUMAN
RELATIONS ON BEHALF OF MICHELLE
WEISS,

Petitioner,

v.

ROLLING GREEN CONDOMINIUM D,
ASSOCIATION,

Respondent.

HUD Case No. 04-09-1550-8

FCHR Case No. 2010H0048

DOAH Case No. 10-1828

FCHR Order No. 11-011

FILED
2011 FEB -9 A 11:20
DIVISION OF
ADMINISTRATIVE
HEARINGS

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

Preliminary Matters

Complainant Michelle Weiss filed a housing discrimination complaint pursuant to the Fair Housing Act, Sections 760.20 - 760.37, Florida Statutes (2009), alleging that Respondent Rolling Green Condominium D, Association, committed a discriminatory housing practice by failing to provide a reasonable accommodation for the handicap of Petitioner's minor child.

The allegations set forth in the complaint were investigated, and, on October 28, 2009, the Executive Director issued a determination finding that there was reasonable cause to believe that a discriminatory housing practice had occurred.

Complainant elected to have the Commission resolve the charge in an administrative proceeding pursuant to Section 760.35(3)(a)1, Florida Statutes (2009).

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 by video teleconference at sites in Ft. Lauderdale and Tallahassee, Florida, on August 19, 2010, before Administrative Law Judge John D. C. Newton, III.

Judge Newton issued a Recommended Order of dismissal, dated November 12, 2010.

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

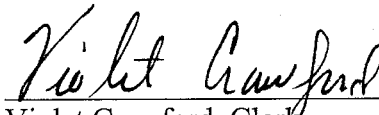
The Petition for Relief and Housing Discrimination Complaint are DISMISSED with prejudice.

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 8th day of February, 2011.
FOR THE FLORIDA COMMISSION ON HUMAN RELATIONS:

Commissioner Donna Elam, Panel Chairperson;
Commissioner Gayle Cannon; and
Commissioner Billy Whitefox Stall (dissenting)

Filed this 8th day of February, 2011,
in Tallahassee, Florida.



Violet Crawford, Clerk
Commission on Human Relations
2009 Apalachee Parkway, Suite 100
Tallahassee, FL 32301
(850) 488-7082


Copies furnished to:

Florida Commission on Human Relations
on behalf of Michelle Weiss
c/o David A. Organes, Esq.
2009 Apalachee Parkway, Suite 100
Tallahassee, FL 32301

Rolling Green Condominium D, Association
c/o Mark Perlman, Esq.
Law Offices of Mark Perlman, P.A.
1820 East Hallandale Beach Boulevard
Hallandale Beach, FL 33009

John D. C. Newton, III, Administrative Law Judge, DOAH

I HEREBY CERTIFY that a copy of the foregoing has been mailed to the above listed addressees this 8th day of February, 2011.

By: 
Clerk of the Commission
Florida Commission on Human Relations