

STATE OF FLORIDA
COMMISSION ON HUMAN RELATIONS

ANDREA CRUMP,

Petitioner,

v.

THE MAJESTIC TOWER
AT BAL HARBOUR,

Respondent.

2010 SEP 22 A 11:42

DIVISION OF
ADMINISTRATIVE
HEARINGS

HUD Case No. 04-10-0399-8

FCHR Case No. 2010H0173

DOAH Case No. 10-1849

FCHR Order No. 10-072

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

This matter is before the Commission for consideration of the Recommended Order, dated July 6, 2010, issued in the above-styled matter by Administrative Law Judge Stuart M. Lerner.

Findings of Fact and Conclusions of Law

Judge Lerner's order reflects that Petitioner failed to appear at the scheduled administrative hearing in the matter. Specifically, Judge Lerner concluded that by failing to appear Petitioner did not meet her burden of proof in this matter, and recommended the Commission enter a final order dismissing Petitioner's complaint.

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., Bermudez v. Lake County Housing Authority, FCHR Order No. 10-041 (April 27, 2010), 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.

Dismissal

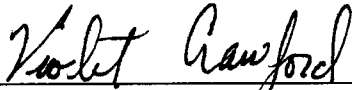
The Petition for Relief and Housing Discrimination Complaint are DISMISSED with prejudice.

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 21st day of September, 2010.
FOR THE FLORIDA COMMISSION ON HUMAN RELATIONS:

Commissioner Gilbert M. Singer, Panel Chairperson;
Commissioner Joanna Cunningham; and
Commissioner Patty Ball Thomas

Filed this 21st day of September, 2010,
in Tallahassee, Florida.



Violet Crawford, Clerk
Commission on Human Relations
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Stuart M. Lerner, 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 21st day of September, 2010.

By: *Kerit Crawford*
Clerk of the Commission
Florida Commission on Human Relations