

STATE OF FLORIDA  
COMMISSION ON HUMAN RELATIONS

JULIO FUENTES,

Petitioner,

v.

MIAMI-DADE BOARD OF COUNTY  
COMMISSIONERS,

Respondent.

FILED

HUD Case No. 04-10-0975-8

2010 DEC 16 A 11:50

FCHR Case No. 2010H0279

DIVISION OF  
ADMINISTRATIVE  
HEARINGS

DOAH Case No. 10-4819

FCHR Order No. 10-093

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

This matter is before the Commission for consideration of the Order Relinquishing Jurisdiction and Closing File, dated October 6, 2010, issued in the above-styled matter by Administrative Law Judge Robert E. Meale.

Findings of Fact and Conclusions of Law

Judge Meale's order reflects that Petitioner failed to appear at the scheduled administrative hearing in the matter. Specifically, Judge Meale's order states that based on Petitioner's failure to appear, "the file is closed, the proceeding is dismissed, and jurisdiction is relinquished to the Florida Commission on Human Relations for entry of 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., Crump v. The Majestic Tower at Bal Harbour, FCHR Order No. 10-072 (September 21, 2010), Bermudez v. Lake County Housing Authority, FCHR Order No. 10-041 (April 27, 2010), 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 his burden of proof.

Exceptions

Neither of the parties filed exceptions to the Administrative Law Judge's Order Relinquishing Jurisdiction and Closing File.

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 15<sup>th</sup> day of December, 2010.  
FOR THE FLORIDA COMMISSION ON HUMAN RELATIONS:

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

Filed this 15<sup>th</sup> day of December, 2010,  
in Tallahassee, Florida.

  
\_\_\_\_\_  
Violet Crawford, Clerk  
Commission on Human Relations  
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Robert E. Meale, 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 15<sup>th</sup> day of December, 2010.

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