

STATE OF FLORIDA  
COMMISSION ON HUMAN RELATIONS

JOHN ZIOLKOWSKI,

HUD Case No. 04-10-1316-8

Petitioner,

FCHR Case No. 2010H0324

v.

DOAH Case No. 10-9509

PARK SHORE LANDING CONDOMINIUM  
ASSOCIATION, ET AL.,

FCHR Order No. 11-070

Respondents.

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

This matter is before the Commission for consideration of the Supplemental Recommended Order of Dismissal on Remand, dated June 29, 2011, issued in the above-styled matter by Administrative Law Judge Elizabeth W. McArthur.

Findings of Fact and Conclusions of Law

Judge McArthur's Supplemental Recommended Order of Dismissal on Remand reflects that Petitioner failed to appear at the scheduled administrative hearing in the matter.

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., Patterson v. Panama City Housing Authority, FCHR Order No. 11-001 (January 13, 2011), 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 note that Judge McArthur also found that Petitioner failed to comply with the Order of Pre-Hearing Instructions issued in this matter. See Supplemental Recommended Order of Dismissal on Remand, ¶ 13.

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.



Park Shore Landing Condominium Association, et al.  
c/o James K. Parker, Esq.  
c/o Joseph G. Riopelle, Esq.  
Boyd, Richards, Parker and Colonnelli, P.L.  
400 North Ashley Drive, Suite 1150  
Tampa, FL 33602

Elizabeth W. McArthur, 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 30th day of August, 2011.

By: \_\_\_\_\_/s/\_\_\_\_\_  
Clerk of the Commission  
Florida Commission on Human Relations

John Ziolkowski v. Park Shore Landing Condominium Association, et al.

DOAH 10-9509

FCHR 2010H0324

HUD 04-10-1316-8

FCHR Order No. 11-070

Type of case: housing

Basis of discrimination: handicap

Commission staff determination: no cause

ALJ recommendation: dismissal

Commission panel final action: Adopt Supplemental Recommended Order of Dismissal on Remand

Key Words: failure to appear

ADDRESSES FOR NOTICE:

For Petitioner.....

John Ziolkowski  
333 West 57<sup>th</sup> Street, Apartment 807  
New York, NY 10019

For Respondent.....

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c/o James K. Parker, Esq.  
c/o Joseph G. Riopelle, Esq.  
Boyd, Richards, Parker and Colonnelli, P.L.  
400 North Ashley Drive, Suite 1150  
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DOCKET INFORMATION:

Rec Order: Dismissal

Transcript: No

Exhibits: No

Exceptions: No

STATE OF FLORIDA  
COMMISSION ON HUMAN RELATIONS

**Order Approval/Disapproval**

TO: FCHR Commissioners impaneled to decide the below-referenced case

FROM: Jim Mallue, Assistant General Counsel

RE: Ziolkowski v. Park Shore Landing Condominium Association, et al.  
DOAH 10-9509; FCHR 2010H0324; FCHR Order No. 11-070

Accompanying this "Order Approval/Disapproval" page is a copy of a final order drafted by the Panel's counsel / legal advisor containing counsel's recommendation to you regarding the disposition of the case. This case has been returned to the Commission from the Division of Administrative Hearings.

Please review the case record and determine whether you are in agreement with the recommendations contained in the order drafted by Commission counsel.

Further, please indicate your approval or disapproval of the order drafted by Commission counsel by signing on the appropriate line below, and returning this form by FAX to Denise Crawford in the Commission's Tallahassee office at 850-488-5291, and by then returning this form by Mail to Ms. Denise Crawford, Clerk of the Commission, Florida Commission on Human Relations, 2009 Apalachee Parkway, Suite 100, Tallahassee, FL 32301. If a majority of the panel approves of the order, the order will be entered by the Clerk of the Commission.

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I **approve** of the order drafted to reflect the Commission's disposition of this matter:

\_\_\_\_\_, Commissioner.

I **do not approve** of the order drafted to reflect the Commission's disposition of this matter:

\_\_\_\_\_, Commissioner.

**END**