

STATE OF FLORIDA
COMMISSION ON HUMAN RELATIONS

RAYMOND GEISEL AND
SUSANNE KYNAST,

Petitioners,

v.

CITY OF MARATHON, CITY MARINA,

Respondent.

HUD Case No. 04-11-0089-8

FCHR Case No. 2011H0107

DOAH Case No. 11-0035

FCHR Order No. 11-087

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

This matter is before the Commission for consideration of the Order Closing File, dated August 31, 2011, 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 Petitioners failed to comply with an order of the Administrative Law Judge. Specifically, Petitioners failed to respond to an Order to Show Cause issued by Judge Meale on August 10, 2011, asking Petitioners to indicate whether they wished to further pursue this action.

We note that, generally, Commission panels have concluded that a Petitioner's failure to respond to orders of an Administrative Law Judge amounts to a voluntary dismissal of the Petition for Relief. See, generally, Roundtree, et al. v. Advenir at Stonelake, LLC, FCHR Order No. 11-069 (August 30, 2011), Biggers v. Rooms To Go, FCHR Order No. 09-045 (May 12, 2009), Shook v. Riverside National Bank, FCHR Order No. 08-029 (May 6, 2008), Clifton v. Krys, et al., FCHR Order No. 07-062 (November 7, 2007), Bordonaro v. The Green at the Heather Condominium Association, Inc., FCHR Order No. 07-010 (February 14, 2007), Butler v. The Pepsi Bottling Group, FCHR Order No. 06-107 (December 4, 2006), Castellanos v. Express Net Airlines Pilots Association, FCHR Order No. 05-061 (June 15, 2005), Mayfield v. Karl's Haberdashery of Florida, Inc., FCHR Order No. 04-020 (March 10, 2004), and Kenny v. Florida Department of Corrections, FCHR Order No. 02-020 (June 3, 2002).

Based on the foregoing, we conclude that the Petition for Relief should be dismissed.

Exceptions

None of the parties filed exceptions to the Administrative Law Judge's Order Closing File.

Dismissal

The Petition for Relief and Complaint of Discrimination 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 3rd day of November, 2011.
FOR THE FLORIDA COMMISSION ON HUMAN RELATIONS:

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

Filed this 3rd day of November, 2011,
in Tallahassee, Florida.

/s/
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 3rd day of November, 2011.

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