

STATE OF FLORIDA
COMMISSION ON HUMAN RELATIONS

FLORIDA COMMISSION ON HUMAN
RELATIONS, ON BEHALF OF STEVEN
AND JAMIE TERRY,

Petitioner,

v.

HOYT AND NANCY DAVIS, FLORIDA
COASTAL JACKSONVILLE REALTY,
INC., AND JOHN MCMENAMY,

Respondents.

HUD Case No. 04-10-1569-8

FCHR Case No. 2011H0031

DOAH Case No. 11-2270

FCHR Order No. 12-038

FINAL ORDER AWARDING AFFIRMATIVE RELIEF
RELIEF FROM A DISCRIMINATORY HOUSING PRACTICE

Preliminary Matters

Complainants Steven and Jamie Terry filed a housing discrimination complaint pursuant to the Fair Housing Act, Sections 760.20 - 760.37, Florida Statutes (2010), alleging that Respondents Hoyt and Nancy Davis, Florida Coastal Jacksonville Realty, Inc., and John McMenamy, committed a discriminatory housing practice by refusing to rent a house to Complainants on the basis of Complainants' familial status.

The allegations set forth in the complaint were investigated, and, on September 17, 2010, the Executive Director issued a determination finding that there was reasonable cause to believe that a discriminatory housing practice had occurred.

Complainants elected to have the Commission resolve the charge in an administrative proceeding pursuant to Section 760.35(3)(a)1, Florida Statutes (2010).

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 in Jacksonville, Florida, on November 29, 2011, before Administrative Law Judge W. David Watkins.

Judge Watkins issued a Recommended Order finding that unlawful discrimination had occurred and recommending relief, dated May 30, 2012.

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

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

Affirmative Relief

Through our adoption of the Administrative Law Judge's findings of fact and conclusions of law, as set out above, we find that unlawful discrimination occurred in this matter in the manner found by the Administrative Law Judge and have adopted the Administrative Law Judge's recommendation for the remedy of the discrimination.

Respondents are hereby ORDERED to cease and desist from engaging in the prohibited practice by which they have been found to have unlawfully discriminated against Complainants (Section 760.35(3)(b), Florida Statutes (2012)).

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 15th day of August, 2012.
FOR THE FLORIDA COMMISSION ON HUMAN RELATIONS:

Commissioner Mario M. Valle, Panel Chairperson;
Commissioner Donna Elam; and
Commissioner Billy Whitefox Stall

Filed this 15th day of August, 2012,
in Tallahassee, Florida.

_____/s/_____
Violet Crawford, Clerk
Commission on Human Relations
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Copies furnished to:

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John McMenamy and Florida Coastal
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c/o N. Mark New, II, Esq.
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W. David Watkins, Administrative Law Judge, DOAH

I HEREBY CERTIFY that a copy of the foregoing has been mailed to the above listed addressees this 15th day of August, 2012.

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