

STATE OF FLORIDA  
COMMISSION ON HUMAN RELATIONS

LISA CARDWELL,

HUD Case No. 04-11-0523-8

Petitioner,

FCHR Case No. 2011H0251

v.

DOAH Case No. 11-3387

CHARLESTON CAY LTD, ET AL.,

FCHR Order No. 12-001

Respondents.

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

Preliminary Matters

Petitioner Lisa Cardwell filed a housing discrimination complaint pursuant to the Fair Housing Act, Sections 760.20 - 760.37, Florida Statutes (2010), alleging that Respondents Charleston Cay Ltd, et al., committed discriminatory housing practices on the basis of Petitioner's race (African American) in the manner in which it implemented the lease between Petitioner and Respondents and the manner in which Respondents handled the nonrenewal of Petitioner's lease. Petitioner also alleged that Respondents unlawfully retaliated against Petitioner for filing a housing discrimination complaint.

The allegations set forth in the complaint were investigated, and, on June 8, 2011, the Executive Director issued a determination finding that there was no reasonable cause to believe that a discriminatory housing practice had occurred on the basis of Petitioner's race. This determination mistakenly indicated that there was reasonable cause to believe that unlawful retaliation had occurred, but on November 2, 2011, the Executive Director issued an Amended Notice of Determination (No Cause) correcting the mistake and indicating that no reasonable cause existed to believe that unlawful retaliation had occurred.

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 Port Charlotte, Florida, on September 29, 2011, before Administrative Law Judge Thomas P. Crapps.

Judge Crapps issued a Recommended Order of dismissal, dated October 28, 2011.

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

A transcript of the proceeding before the Administrative Law Judge was not filed with the Commission. In the absence of a transcript of the proceeding before the Administrative Law Judge, the Recommended Order is the only evidence for the Commission to consider. See National Industries, Inc. v. Commission on Human Relations, et al., 527 So. 2d 894, at 897, 898 (Fla. 5th DCA 1988). Accord, Mack v. Agency for Persons with Disabilities, FCHR Order No. 11-026 (March 17, 2011), Hall v. Villages of West Oaks HOA, FCHR Order No. 08-007 (January 14, 2008), Beach-Gutierrez v. Bay Medical Center, FCHR Order No. 05-011 (January 19, 2005), and Waaser v. Streit's Motorsports, FCHR Order No. 04-157 (November 30, 2004).

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.

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 to appeal is found in Section 120.68, Florida Statutes, and in the Florida Rules of Appellate Procedure 9.110.

DONE AND ORDERED this 25<sup>th</sup> day of January, 2012.  
FOR THE FLORIDA COMMISSION ON HUMAN RELATIONS:

Commissioner Donna Elam, Panel Chairperson;  
Commissioner Lizzette Romano; and  
Commissioner Billy Whitefox Stall

Filed this 25<sup>th</sup> day of January, 2012,  
in Tallahassee, Florida.

  
Violet Crawford, Clerk  
Commission on Human Relations  
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Thomas P. Crapps, 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 25<sup>th</sup> day of January, 2012.

By:   
Clerk of the Commission  
Florida Commission on Human Relations