

STATE OF FLORIDA
COMMISSION ON HUMAN RELATIONS

JUDITH AMADIZ,

HUD Case No. 04-10-1540-8

Petitioner,

FCHR Case No. 2011H0047

v.

DOAH Case No. 11-3975

SUNBEACH APTS. CORP.,

FCHR Order No. 12-053

Respondent.

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

Preliminary Matters

Petitioner Judith Amadiz filed an amended housing discrimination complaint pursuant to the Fair Housing Act, Sections 760.20 - 760.37, Florida Statutes (2009), alleging that Respondent Sunbeach Apts. Corp. committed discriminatory housing practices on the bases of Petitioner's National Origin (non-Hispanic) and disability / handicap by making a statement indicating a preference for Hispanic residents, and by failing to accommodate Petitioner's disability by failing to steam clean Petitioner's apartment after it had been flooded.

The allegations set forth in the complaint were investigated, and, on November 17, 2010, the Executive Director issued a determination finding that there was reasonable cause to believe that a discriminatory housing practice 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 by video teleconference at sites in Miami and Tallahassee, Florida, on May 9, 2012, before Administrative Law Judge June C. McKinney.

Judge McKinney issued a Recommended Order of dismissal, dated August 16, 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

Neither of the parties filed exceptions to the Administrative Law Judge's Recommended Order.

Dismissal

The Petition for Relief and Amended 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 30th day of October, 2012.
FOR THE FLORIDA COMMISSION ON HUMAN RELATIONS:

Commissioner Gilbert M. Singer, Panel Chairperson;
Commissioner Michell Long; and
Commissioner Mario M. Valle

Filed this 30th day of October, 2012,
in Tallahassee, Florida.

_____/s/_____
Violet Crawford, Clerk
Commission on Human Relations
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Tallahassee, FL 32301
(850) 488-7082

Copies furnished to:

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Sunbeach Apts. Corp.
c/o Juan C. Zorrilla, Esq.
Zorrilla and Associates, P.L.
2600 Douglas Road, Penthouse 10
Coral Gables, FL 33134

June C. McKinney, 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 October, 2012.

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