

STATE OF FLORIDA  
COMMISSION ON HUMAN RELATIONS

PIERRE AND EMMANUELLA WOOLLEY,	HUD Case No. 04-12-0423-8
Petitioners,	FCHR Case No. 2012H0195
v.	DOAH Case No. 12-2030
STONEBROOK II HOA, INC.,	FCHR Order No. 13-025
Respondent.	

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

Preliminary Matters

Petitioners Pierre and Emmanuella Woolley filed a housing discrimination complaint pursuant to the Fair Housing Act, Sections 760.20 - 760.37, Florida Statutes (2011), alleging that Respondent Stonebrook II HOA, Inc., committed discriminatory housing practices on the basis of Petitioners' National Origin (Haitian) by fining Petitioners for HOA violations for which non-Haitians were not being fined, and by failing to provide to Petitioners gate access to the community.

The allegations set forth in the complaint were investigated, and, on May 16, 2012, the Executive Director issued a determination finding that there was no 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 Tallahassee and Lauderdale Lakes, Florida, on November 30, 2012, before Administrative Law Judge Robert E. Meale.

Judge Meale issued a Recommended Order of dismissal, dated January 30, 2013.

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.

The Recommended Order reflects that the Administrative Law Judge denied Respondent's motion for attorney's fees and costs in which Respondent sought attorney's fees and costs pursuant to Section 120.595, Florida Statutes. Recommended Order, ¶ 29.

We note that awards pursuant to Section 120.595, Florida Statutes, are within the purview of the Administrative Law Judge and that the Commission does not have "final order" authority over awards made pursuant to this statutory section. See, Alexander v. Health Central Hospital, FCHR Order No. 11-035 (April 13, 2011) and cases cited therein.

With this comment, 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 4th day of April, 2013.  
FOR THE FLORIDA COMMISSION ON HUMAN RELATIONS:

Commissioner Gilbert M. Singer, Panel Chairperson;  
Commissioner James Johns; and  
Commissioner Michael Keller

Filed this 4th day of April, 2013,  
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 4th day of April, 2013.

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