

STATE OF FLORIDA
COMMISSION ON HUMAN RELATIONS

ARISMAIDA PRADO,

HUD Case No. 04-12-0661-8

Petitioner,

FCHR Case No. 2012H0246

v.

DOAH Case No. 12-2619

MIAMI-DADE BOARD OF
COMMISSIONERS,

FCHR Order No. 13-037

Respondent.

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

Preliminary Matters

Petitioner Arismaida Prado filed a housing discrimination complaint pursuant to the Fair Housing Act, Sections 760.20 - 760.37, Florida Statutes (2011), alleging that Respondent Miami-Dade Board of Commissioners committed a discriminatory housing practice by failing to accommodate Petitioner's disability by denying Petitioner's request for a two-bedroom Housing Choice Voucher instead of the one-bedroom Housing Choice Voucher Petitioner was provided.

The allegations set forth in the complaint were investigated, and, on July 5, 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 Miami and Tallahassee, Florida, on January 9, 2013, before Administrative Law Judge Jessica E. Varn.

Judge Varn issued a Recommended Order of dismissal, dated February 18, 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

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

Neither 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 8th day of May, 2013.
FOR THE FLORIDA COMMISSION ON HUMAN RELATIONS:

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

Filed this 8th day of May, 2013,
in Tallahassee, Florida.

_____/s/_____
Violet Crawford, Clerk
Commission on Human Relations
2009 Apalachee Parkway, Suite 100
Tallahassee, FL 32301
(850) 488-7082

Copies furnished to:

Arismaida Prado
422 Southwest 78th Court
Miami, FL 33144

Miami-Dade Board of Commissioners
c/o Stephanie E. Farrell, Esq.
Genovese Joblove and Battista, P.A.
100 Southeast 2nd Street, 44th Floor
Miami, FL 33131

Miami-Dade Board of Commissioners
c/o Terrence A. Smith, Esq.
Miami-Dade County Attorney's Office
111 Northwest 1st Street, Suite 2810
Miami, FL 33128

Miami-Dade Board of Commissioners
c/o Michael R. Band, Esq.
Michael R. Band, P.A.
1200 Alfred I. DuPont Building
169 East Flagler Street
Miami, FL 33131

Jessica E. Varn, 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 this 8th day of May, 2013.

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