

STATE OF FLORIDA
COMMISSION ON HUMAN RELATIONS

MCARTHUR AND MYRNA EDWARDS,

HUD Case No. 04-12-0928-8

Petitioners,

FCHR Case No. 2013H0018

v.

DOAH Case No. 12-3491

HAMILTON GROUP FUNDING, INC.,

FCHR Order No. 13-041

Respondent.

MCARTHUR AND MYRNA EDWARDS,

HUD Case No. 04-12-0927-8

Petitioners,

FCHR Case No. 2013H0019

v.

DOAH Case No. 12-3492

NICHOLAS HAMIC VENTURES, LLC;
BRISTOL GLOBAL MOBILITY; AND
RICHARD J. AND MICHELLE COFFEY.
PROPERTY OWNERS,

FCHR Order No. 13-041

Respondents.

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

This matter is before the Commission for consideration of the Recommended Order, dated March 6, 2013, issued in the above-styled consolidated cases by Administrative Law Judge Suzanne Van Wyk.

Findings of Fact and Conclusions of Law

Judge Van Wyk's order reflects that Petitioners failed to appear at the scheduled administrative hearing in the consolidated cases. Consequently, the order recommends that the Commission issue a final order dismissing the Petitioners' Petitions for Relief.

Commission panels have concluded that when a Petitioner fails to appear at the scheduled administrative hearing in their case, they fail to meet their burden of proof, and the Petition for Relief should be dismissed. See, e.g., Cushe v. Titusville Housing Authority, FCHR Order No. 13-012 (February 26, 2013), Goldenberg v. Department of Corrections, FCHR Order No. 12-051 (September 17, 2012), Dotson v. Department of Financial Services, FCHR Order No. 11-034

(April 13, 2011), Patterson v. Panama City Housing Authority, FCHR Order No. 11-001 (January 13, 2011), Crump v. The Majestic Tower at Bal Harbour, FCHR Order No. 10-072 (September 21, 2010), Bermudez v. Lake County Housing Authority, FCHR Order No. 10-041 (April 27, 2010), Cowden v. Difiglio, et al., FCHR Order No. 09-115 (December 14, 2009), Scott v. Two Men and a Truck, FCHR Order No. 09-009 (January 27, 2009), Enzor v. Sandco, Inc., FCHR Order No. 08-048 (July 29, 2008), Rodriguez v. Center Point Health and Rehab, FCHR Order No. 08-001 (January 14, 2008), West v. Sembler Corporation, d/b/a Bay Walk, FCHR Order No. 07-037 (June 15, 2007), Martinez v. KJC Enterprises, d/b/a Plantation Island Resort, FCHR Order No. 07-028 (April 20, 2007), Chaney, et al. v. Robert Buckner & Associates, FCHR Order No. 06-092 (November 13, 2006), and Prek v. Workforce Central Florida, FCHR Order No. 06-079 (September 18, 2006).

We adopt the Administrative Law Judge's finding as to the nonappearance of Petitioners and conclude that Petitioners have failed to carry their burden of proof in the consolidated cases.

Exceptions

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

Dismissal

The Petitions for Relief and Complaints of Discrimination 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 of 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
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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 8th day of May, 2013.

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