

STATE OF FLORIDA
COMMISSION ON HUMAN RELATIONS

SAEID HASSANI,

HUD Case No. 04-13-0970-8

Petitioner,

FCHR Case No. 2014H0023

v.

DOAH Case No. 13-4132

JACKSONVILLE HOUSING AUTHORITY,

FCHR Order No. 15-003

Respondent.

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

Preliminary Matters

Petitioner Saeid Hassani filed a housing discrimination complaint pursuant to the Fair Housing Act, Sections 760.20 - 760.37, Florida Statutes (2012), alleging that Respondent Jacksonville Housing Authority committed discriminatory housing practices on the bases of Petitioner's sex (male) and disability / handicap when Respondent's manager used her position as property manager at the property at which Petitioner resided, and took advantage of Petitioner's developmental disability, to have unwanted sexual relations with Petitioner, resulting in pregnancy. The complaint further alleges that Respondent engaged in "hostile environment sexual harassment" against Petitioner, and discriminated against Petitioner on the basis of Petitioner's disability.

The allegations set forth in the complaint were investigated, and, on September 18, 2013, 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 Jacksonville and Tallahassee, Florida, on September 15 and 16, 2014, before Administrative Law Judge E. Gary Early.

Judge Early issued a Recommended Order of dismissal, dated November 3, 2014.

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

Petitioner filed exceptions to the Administrative Law Judge's Recommended Order, in a document received by the Commission on November 14, 2014.

There is no indication on the document that it was provided to Respondent as is required by Fla. Admin. Code R. 28-106.104(4) and Fla. Admin. Code R. 28-106.110. However, the Commission published the document to the Respondent, and placed the document in the record of this case through the issuance of a notice of ex parte communication, mailed to the parties on November 21, 2014.

In our view, generally, it can be said that Petitioner's exceptions document takes issue with inferences drawn and credibility determinations made from the evidence presented and with the Administrative Law Judge's ultimate conclusion that no discriminatory housing practice occurred.

The Commission has stated, "It is well settled that it is the Administrative Law Judge's function 'to consider all of the evidence presented and reach ultimate conclusions of fact based on competent substantial evidence by resolving conflicts, judging the credibility of witnesses and drawing permissible inferences therefrom. If the evidence presented supports two inconsistent findings, it is the Administrative Law Judge's role to decide between them.' Beckton v. Department of Children and Family Services, 21 F.A.L.R. 1735, at 1736 (FCHR 1998), citing Maggio v. Martin Marietta Aerospace, 9 F.A.L.R. 2168, at 2171 (FCHR 1986)." Barr v. Columbia Ocala Regional Medical Center, 22 F.A.L.R. 1729, at 1730 (FCHR 1999). Accord, Bowles v. Jackson County Hospital Corporation, FCHR Order No. 05-135 (December 6, 2005), Eaves v. IMT-LB Central Florida Portfolio, LLC, FCHR Order No. 11-029 (March 17, 2011) and Taylor v. Universal Studios, FCHR Order No. 14-007 (March 26, 2014).

In addition, it has been stated, "The ultimate question of the existence of discrimination is a question of fact." Florida Department of Community Affairs v. Bryant, 586 So. 2d 1205, at 1209 (Fla. 1st DCA 1991). Accord, Coley v. Bay County Board of County Commissioners, FCHR Order No. 10-027 (March 17, 2010), Eaves, supra, and Taylor, supra.

Petitioner's exceptions are rejected.

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 14th day of January, 2015.
FOR THE FLORIDA COMMISSION ON HUMAN RELATIONS:

Commissioner Gilbert M. Singer, Panel Chairperson;
Commissioner Onelia Fajardo-Garcia; and
Commissioner Rebecca Steele

Filed this 14th day of January, 2015,
in Tallahassee, Florida.

Chryanne Castilla
Clerk
Commission on Human Relations
4075 Esplanade Way
Tallahassee, FL 32399
(850) 488-7082

Copies furnished to:

Saeid Hassani
8090 Atlantic Blvd., Apt. A-34
Jacksonville, FL 32211

Jacksonville Housing Authority
c/o Wendy L. Mummaw, Esq.
c/o Ashley Benson, Esq.
City of Jacksonville
Office of General Counsel
117 West Duval Street, Suite 480
Jacksonville, FL 32202

E. Gary Early, 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 16th day of January, 2015.

By: *Cheyenne Castilla*
Clerk of the Commission
Florida Commission on Human Relations