

STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

TORRI HOLMES,

Petitioner,

vs.

Case No. 13-4655

CAROLINA SQUARE APARTMENTS,

Respondent.

_____ /

RECOMMENDED ORDER OF DISMISSAL

This cause came on for hearing pursuant to notice on January 29, 2014, in Tallahassee, Florida, before Suzanne Van Wyk, Administrative Law Judge of the Division of Administrative Hearings (Division). The hearing was noticed to be heard at 9:30 a.m. at the Division in Tallahassee, Florida. The Notice of Hearing was not returned as undeliverable. Petitioner delivered by facsimile on the morning of January 29, 2014, a letter to the undersigned stating his intent not to appear at the scheduled hearing. Petitioner did not appear at the scheduled time of 9:30 a.m. on the day of the hearing. Counsel for the Respondent was present with two witnesses ready to proceed. A court reporter was also present and recorded the proceedings outlined below.

FINDINGS OF FACT

1. The undersigned convened the final hearing at 9:40 a.m. on January 29, 2014, having allowed Petitioner additional time to appear.

2. Respondent's counsel made his appearance for the record.

3. The undersigned informed Respondent's counsel regarding Petitioner's communication stating his intent not to appear.

4. Respondent's counsel was questioned about any acquaintance with the undersigned and confirmed that he never met nor communicated with the undersigned before the hearing on January 29, 2014.

CONCLUSION OF LAW

5. Petitioner has the burden of proof and the burden to go forward. As no evidence was presented in support of Petitioner's petition, Petitioner failed to meet his burden.

RECOMMENDATION

Based upon the fact that Petitioner failed to present any evidence in support of his Petition, it is

RECOMMENDED that the Florida Commission on Human Relations enter an order dismissing this case.

DONE AND ENTERED this 29th day of January, 2014, in
Tallahassee, Leon County, Florida.

Suzanne Van Wyk

SUZANNE VAN WYK
Administrative Law Judge
Division of Administrative Hearings
The DeSoto Building
1230 Apalachee Parkway
Tallahassee, Florida 32399-3060
(850) 488-9675
Fax Filing (850) 921-6847
www.doah.state.fl.us

Filed with the Clerk of the
Division of Administrative Hearings
this 29th day of January, 2014.

COPIES FURNISHED:

Violet Denise Crawford, Agency Clerk
Florida Commission on Human Relations
2009 Apalachee Parkway, Suite 100
Tallahassee, Florida 32301

Cheyenne Costilla, General Counsel
Florida Commission on Human Relations
2009 Apalachee Parkway, Suite 100
Tallahassee, Florida 32301

Torri Holmes
1700 North Monroe Street, Suite 11-263
Tallahassee, Florida 32303

Elwin R. Thrasher, III, Esquire
The Thrasher Law Firm
908 North Gadsden Street
Tallahassee, Florida 32303

NOTICE OF RIGHT TO SUBMIT EXCEPTIONS

All parties have the right to submit written exceptions within 15 days from the date of this Recommended Order. Any exceptions to this Recommended Order should be filed with the agency that will issue the Final Order in this case.