

STATE OF FLORIDA
COMMISSION ON HUMAN RELATIONS

DIANA VARONA,

HUD Case No. 04-14-1118-8

Petitioner,

FCHR Case No. 2015H0088

v.

DOAH Case No. 15-1720

HIALEAH HOUSING AUTHORITY,

FCHR Order No. 16-003

Respondent.

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

Preliminary Matters

Petitioner Diana Varona filed a housing discrimination complaint pursuant to the Fair Housing Act, Sections 760.20 - 760.37, Florida Statutes (2013), alleging that Respondent Hialeah Housing Authority committed discriminatory housing practices on the bases of Petitioner's national origin (Hispanic), color (Black) and disability by wrongfully disclosing Petitioner's medical condition, denying Petitioner services, and treating Petitioner unfairly and less favorably than those not members of Petitioner's identified protected classes.

The allegations set forth in the complaint were investigated, and, on February 12, 2015, 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 in Kissimmee, Florida, on August 5 and 27, 2015, before Administrative Law Judge Lynne A. Quimby-Pennock. (Respondent participated in the hearing by telephonic conference call from Hialeah, Florida).

Judge Quimby-Pennock issued a Recommended Order of dismissal, dated November 4, 2015.

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

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 21 day of January, 2016.
FOR THE FLORIDA COMMISSION ON HUMAN RELATIONS:

Commissioner Michael Keller, Panel Chairperson;
Commissioner Gilbert M. Singer; and
Commissioner Sandra Turner

Filed this 21 day of January, 2016,
in Tallahassee, Florida.

Tammy Barton
Clerk
Commission on Human Relations
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Lynne A. Quimby-Pennock, 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 21 day of January, 2016.

By: Tammy Barton
Clerk of the Commission
Florida Commission on Human Relations