

STATE OF FLORIDA  
DIVISION OF ADMINISTRATIVE HEARINGS

HUGO VILLAGRA,

Petitioner,

vs.

Case No. 15-1812

PALM FROND CONDOMINIUM  
ASSOCIATION,

Respondent.

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RECOMMENDED ORDER OF DISMISSAL

Pursuant to notice, a final hearing was held in this case on July 10, 2015, in Ft. Myers, Florida, before Administrative Law Judge Lynne A. Quimby-Pennock of the Division of Administrative Hearings (Division).

APPEARANCES

For Petitioner: Hugo M. Villagra, pro se  
Apartment 8B  
1165 Palm Avenue  
North Fort Myers, Florida 33903

For Respondent: Ron M. Campbell, Esquire  
Audrey Michelle Singleton, Esquire  
Cole, Scott and Kissane, P.A.  
Suite 200  
27300 Riverview Center Boulevard  
Bonita Springs, Florida 34134

STATEMENT OF THE ISSUE

Whether Respondent, Palm Frond Condominium Association, discriminated against Petitioner, Hugo M. Villagra, in violation of the Florida Fair Housing Act.

PRELIMINARY STATEMENT

In December 2014, Petitioner filed a housing discrimination complaint with the Florida Commission on Human Relations (Commission). The Commission investigated, and on February 25, 2015, entered a Notice of Determination of No Cause. The Notice was sent to Petitioner via certified mail. On March 27, Petitioner filed a Petition for Relief with the Commission, and it was referred to the Division that same day.

At the final hearing, the parties offered Joint Exhibits 1 through 10, which were admitted into evidence. Petitioner testified on his own behalf and called Michael Weiss, Jere Frank, and Javares Knight to testify. Mr. Knight's testimony was to be taken by deposition and filed by August 31, 2015.<sup>1/</sup> Petitioner's Exhibits 12, 16, and 17 were admitted into evidence. Respondent called Karen Misiunas to testify on its behalf. Respondent did not offer any additional exhibits.

A court reporter was present during the hearing; however, no hearing transcript was ordered. The parties were advised that the record would remain open until the deposition transcript of Mr. Knight was filed or August 31, 2015, whichever occurred

first. The parties were to submit their proposed recommended orders (PROs) ten days after the filing of Mr. Knight's deposition transcript.

On September 2, the undersigned issued an Order that closed the hearing record. The deposition transcript was not timely filed, and neither party requested the record be reopened to allow the filing of it. Further, the Order provided that each party should file its proposed recommended order before the close of business on September 11.

On September 8, Petitioner filed a Notice of Voluntary Dismissal. On September 10, Respondent's counsel filed a Notice of Non-Objection to Petitioner's Notice.

#### RECOMMENDATION

Based on Petitioner's Notice of Voluntary Dismissal, it is RECOMMENDED that a final order be entered by the Florida Commission on Human Relations dismissing the Petition for Relief filed by Petitioner.

DONE AND ENTERED this 15th day of September, 2015, in  
Tallahassee, Leon County, Florida.



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LYNNE A. QUIMBY-PENNOCK  
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  
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Filed with the Clerk of the  
Division of Administrative Hearings  
this 15th day of September, 2015.

ENDNOTE

<sup>1/</sup> On April 28, Petitioner filed a Motion to Allow Testimony of Non-party Via Videoconference (Motion). The Motion was granted, and the Order provided specific directions on the attendance of a Notary Public to administer an oath to Mr. Knight. Mr. Knight did not have a Notary Public present with him. At hearing, Petitioner moved to continue the hearing when it became apparent there was no Notary Public. The Motion was denied.

The undersigned allowed Petitioner the opportunity to notice and take Mr. Knight's deposition prior to the end of business on July 24. The parties were advised that Mr. Knight's deposition was to be filed on or before the close of business on August 31 in order to be considered, and the record of the proceeding would be closed on August 31.

COPIES FURNISHED:

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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.