

STATE OF FLORIDA
COMMISSION ON HUMAN RELATIONS

HUGO VILLAGRA,

HUD Case No. 04-15-0237-8

Petitioner,

FCHR Case No. 2015H0140

v.

DOAH Case No. 15-1812

PALM FROND CONDOMINIUM
ASSOCIATION,

FCHR Order No. 15-070

Respondent.

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

This matter is before the Commission for consideration of the Recommended Order of Dismissal, dated September 15, 2015, issued in the above-styled matter by Administrative Law Judge Lynne A. Quimby-Pennock.

Findings of Fact and Conclusions of Law

Judge Quimby-Pennock's order and the record reflect that following the final hearing in this matter, but prior to the issuance of a Recommended Order on the merits, Petitioner filed "Petitioner's Notice of Voluntary Dismissal," and that, subsequently, Respondent filed a "Notice of Non-Objection" to Petitioner's notice of voluntary dismissal. Based on Petitioner's filing, Judge Quimby-Pennock recommended the Commission issue a final order dismissing the Petition for Relief.

The Commission's rules state that with regard to cases involving allegations of discrimination in housing, such as the instant case, "Voluntary Dismissal. A Petition for Relief filed by a complainant may be dismissed by the complainant without order of the Administrative Law Judge, Panel of Commissioners or Commission (i) by serving, or during hearing by stating on the record, a notice of dismissal at any time before the issuance of a recommended order or (ii) by filing a stipulation of dismissal signed by all parties who have appeared in the action. The dismissal operates with prejudice with respect to Petitioner's Chapter 760, F.S., administrative remedies and constitutes final agency action." Fla. Admin. Code R. 60Y-8.001(5).

Based on the foregoing, we conclude that the Petition for Relief should be dismissed.

Exceptions

Neither of the parties filed exceptions to the Administrative Law Judge's Recommended Order of Dismissal.

Dismissal

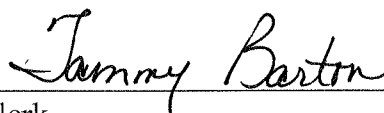
The Petition for Relief and Complaint of Discrimination are DISMISSED with prejudice.

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 to appeal is found in Section 120.68, Florida Statutes, and in the Florida Rules of Appellate Procedure 9.110.

DONE AND ORDERED this 3 day of December, 2015.
FOR THE FLORIDA COMMISSION ON HUMAN RELATIONS:

Commissioner Michael Keller, Panel Chairperson;
Commissioner Donna Elam; and
Commissioner Jay Pichard

Filed this 3 day of December, 2015,
in Tallahassee, Florida.



Clerk

Commission on Human Relations
4075 Esplanade Way, Room 110
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(850) 488-7082

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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 3 day of December, 2015.

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