

STATE OF FLORIDA
COMMISSION ON HUMAN RELATIONS

JOAN VASSAR,

HUD Case No. 04-15-0794-8

Petitioner,

FCHR Case No. 2015H0262

v.

DOAH Case No. 15-4724

CMP CHP SAN MARCOS LTD, OWNER,

FCHR Order No. 16-013

Respondent.

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

Preliminary Matters

Petitioner Joan Vassar filed a housing discrimination complaint pursuant to the Fair Housing Act, Sections 760.20 - 760.37, Florida Statutes (2014), alleging that Respondent CMP CHP San Marcos Ltd, Owner, committed a discriminatory housing practice on the basis of Petitioner's disability by failing to provide Petitioner a requested reasonable accommodation.

The allegations set forth in the complaint were investigated, and, on August 10, 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 Tallahassee, Florida, on October 26, 2015, before Administrative Law Judge Suzanne Van Wyk.

Judge Van Wyk issued a Recommended Order of dismissal, dated December 22, 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 17 day of March, 2016.
FOR THE FLORIDA COMMISSION ON HUMAN RELATIONS:

Commissioner Michael Keller, Panel Chairperson;
Commissioner Derick Daniel; and
Commissioner Donna Elam

Filed this 17 day of March, 2016,
in Tallahassee, Florida.

Jammy Barton
Clerk
Commission on Human Relations
4075 Esplanade Way, Room 110
Tallahassee, FL 32399
(850) 488-7082

Copies furnished to:

Joan Vassar
c/o Charles Hobbs, II, Esq.
Charles Hobbs, II, P.A.
820 East Park Ave.
Tallahassee, FL 32301

CMP CHP San Marcos Ltd, Owner
c/o Joelle C. Sharman, Esq.
Lewis, Brisbois, Bisgaard & Smith, LLP
1180 Peachtree Street N.E., Ste. 2900
Atlanta, GA 30309

Suzanne Van Wyk, 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 17 day of March, 2016.

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