

STATE OF FLORIDA  
COMMISSION ON HUMAN RELATIONS

STACEY JERN,

HUD Case No. 04-15-0740-8

Petitioner,

FCHR Case No. 2015H0270

v.

DOAH Case No. 15-4817

CAMELOT RESIDENCE'S  
ASSOCIATION, INC.; CHARLES  
KANE, PROPERTY MANAGER; AND  
GREG HUNNICUTT, PRESIDENT,

FCHR Order No. 16-016

Respondents.

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

Preliminary Matters

Petitioner Stacey Jern filed a housing discrimination complaint pursuant to the Fair Housing Act, Sections 760.20 - 760.37, Florida Statutes (2014), alleging that Respondents Camelot Residence's Association, Inc., Charles Kane, Property Manager, and Greg Hunnicutt, President, committed a discriminatory housing practice by retaliating against Petitioner for having filed an earlier housing discrimination complaint.

The allegations set forth in the complaint were investigated, and, on August 3, 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 by video teleconference at sites in Sebastian and Tallahassee, Florida, on December 1, 2015, before Administrative Law Judge Suzanne Van Wyk.

Judge Van Wyk issued a Recommended Order of dismissal, dated January 12, 2016.

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

A transcript of the proceeding before the Administrative Law Judge was not filed with the Commission. In the absence of a transcript of the proceeding before the

Administrative Law Judge, the Recommended Order is the only evidence for the Commission to consider. See National Industries, Inc. v. Commission on Human Relations, et al., 527 So. 2d 894, at 897, 898 (Fla. 5th DCA 1988). Accord, Coleman v. Daytona Beach, Ocean Center Parking Garage, FCHR Order No. 14-034 (September 10, 2014), Gantz, et al. v. Zion's Hope, Inc., d/b/a Holy Land Experience, FCHR Order No. 11-048 (June 6, 2011), and Hall v. Villages of West Oaks HOA, FCHR Order No. 08-007 (January 14, 2008).

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 note that the Administrative Law Judge concluded that Petitioner had not established standing to bring the instant action. See Recommended Order, ¶ 28 and ¶ 32.

Given that the Administrative Law Judge also found on the merits that no discriminatory housing practice had occurred, we conclude it is unnecessary to either accept or reject the conclusions of law indicating that Petitioner lacked standing to bring this matter. See, generally, Gaggi v. JC Penney Headquarters, FCHR Order No. 15-076 (December 16, 2015), in which a Commission Panel concluded that because of the decision on the merits against the Petitioner, it was unnecessary to either accept or reject the conclusion of law that the complaint of discrimination was untimely.

With these comments, 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

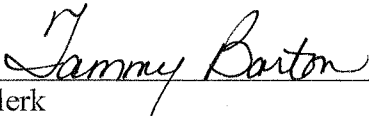
The Petition for Relief and Housing Discrimination Complaint are DISMISSED with prejudice.

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 7 day of April, 2016.  
FOR THE FLORIDA COMMISSION ON HUMAN RELATIONS:

Commissioner Gilbert M. Singer, Panel Chairperson;  
Commissioner Tony Jenkins; and  
Commissioner Jay Pichard

Filed this 7 day of April, 2016,  
in Tallahassee, Florida.

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

Copies furnished to:

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Charles Kane, Property Manager, and  
Greg Hunnicutt, President  
c/o Nicholas A. Vidoni, Esq.  
Watson, Soileau, DeLeo, Burgett & Pickles, P.A.  
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Cocoa, FL 32923

Suzanne Van Wyk, Administrative Law Judge, DOAH

James Mallue, Legal Advisor for Commission Panel

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I HEREBY CERTIFY that a copy of the foregoing has been mailed to the above listed addressees this 7 day of April, 2016.

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