

STATE OF FLORIDA
COMMISSION ON HUMAN RELATIONS

KENNETH AND LISA ANDUZE,

HUD Case No. 04-15-1078-8

Petitioners,

FCHR Case No. 2016H0167

v.

DOAH Case No. 16-0342

FUND WATERFORD LAKES, LLC,

FCHR Order No. 18-009

Respondent.

**FINAL ORDER AWARDING AFFIRMATIVE RELIEF
FROM A DISCRIMINATORY HOUSING PRACTICE**

Preliminary Matters

Petitioners Kenneth and Lisa Anduze filed a housing discrimination complaint pursuant to the Fair Housing Act, Sections 760.20 - 760.37, Florida Statutes (2014), alleging that Respondent Fund Waterford Lakes, LLC, committed discriminatory housing practices on the basis of Petitioners' race (African American) by failing to address Petitioners' noise and disturbance complaints and on the basis of retaliation by not allowing Petitioners to renew their apartment lease.

The allegations set forth in the complaint were investigated, and, on December 22, 2015, the Executive Director issued a determination finding that there was no reasonable cause to believe that a discriminatory housing practice had occurred.

Petitioners 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 West Palm Beach and Tallahassee, Florida, on May 25, 2016, before Administrative Law Judge Cathy M. Sellers.

Judge Sellers issued a Recommended Order, dated August 31, 2016, recommending that the Commission find that a discriminatory housing practice occurred on the basis of retaliation when Respondent declined to renew Petitioners' lease, but concluding that no remedy was available from the discriminatory housing practice because no evidence of "quantifiable damages" was presented by Petitioners.

The Commission issued an "Interlocutory Order Awarding Affirmative Relief from a Discriminatory Housing Practice and Remanding Case to Administrative Law Judge for Issuance of a Recommended Order Regarding Amounts of Quantifiable Damages and Costs Owed Petitioners," FCHR Order No. 16-057, dated November 17, 2016.

Judge Sellers issued a Recommended Order After Remand, dated July 18, 2017, awarding Petitioners \$2,221.80 in quantifiable damages and costs, and reserving

jurisdiction as necessary to determine the amounts of attorney's fees and costs owed Petitioners incurred after the case was remanded to the Division of Administrative Hearings by the Commission.

The Commission issued a "Second Interlocutory Order Awarding Affirmative Relief from a Discriminatory Housing Practice and Remanding Case to Administrative Law Judge for Issuance of Recommended Order Regarding Amounts of Attorney's Fees and Costs Owed Petitioners," FCHR Order No. 17-080, dated October 12, 2017. This order awarded Petitioners \$2,671.16 in quantifiable damages and costs.

Judge Sellers issued a Recommended Order After Remand Awarding Attorney's Fees and Costs, dated November 30, 2017, awarding Petitioners \$14,463.64 in attorney's fees and costs.

The Commission panel designated below considered the record of this matter and determined the action to be taken on the Recommended Order After Remand Awarding Attorney's Fees and Costs.

Findings of Fact

We incorporate by reference the Findings of Fact sections of FCHR Order No. 16-057 and FCHR Order No. 17-080 as they relate to the orders of the Administrative Law Judge reviewed by those Commission orders.

We find the Administrative Law Judge's findings of fact as set out in the Recommended Order After Remand Awarding Attorney's Fees and Costs to be supported by competent substantial evidence.

We adopt the Administrative Law Judge's findings of fact as set out in the Recommended Order After Remand Awarding Attorney's Fees and Costs.

Conclusions of Law

We incorporate by reference the Conclusions of Law sections of FCHR Order No. 16-057 and FCHR Order No. 17-080 as they relate to the orders of the Administrative Law Judge reviewed by those Commission orders.

We find the Administrative Law Judge's application of the law to the facts as set out in the Recommended Order After Remand Awarding Attorney's Fees and Costs to result in a correct disposition of the matter.

We adopt the Administrative Law Judge's conclusions of law as set out in the Recommended Order After Remand Awarding Attorney's Fees and Costs.

Exceptions

We incorporate by reference the Exceptions sections of FCHR Order No. 16-057 and FCHR Order No. 17-080 as they contain the Commission's rulings on the exceptions

filed by Petitioners and Respondent to the orders of the Administrative Law Judge reviewed by those Commission orders.

None of the parties filed exceptions to the Administrative Law Judge's Recommended Order After Remand Awarding Attorney's Fees and Costs.

Affirmative Relief

Through our adoption of the Administrative Law Judge's findings of fact and conclusions of law, with the indicated incorporation by reference to FCHR Order No. 16-057 and FCHR Order No. 17-080, we are in the position to issue a final order in this matter, including the relief owed Petitioners for the discriminatory housing practice found to have occurred in this matter.

Respondent is hereby ORDERED:

(1) to cease and desist from discriminating further in the manner it has been found to have unlawfully discriminated against Petitioners, as ordered in FCHR Order No. 16-057;

(2) to pay Petitioners quantifiable damages in the amount of \$2,671.16, as ordered in FCHR Order No. 17-080; and

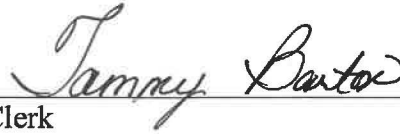
(3) to pay Petitioners attorney's fees and costs in the amount of \$ 14,463.64, as recommended by the Administrative Law Judge.

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 8 day of February, 2018.
FOR THE FLORIDA COMMISSION ON HUMAN RELATIONS:

Commissioner Rebecca Steele, Panel Chairperson;
Commissioner Derick Daniel; and
Commissioner Jay Pichard

Filed this 8 day of February, 2018,
in Tallahassee, Florida.



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

Copies furnished to:

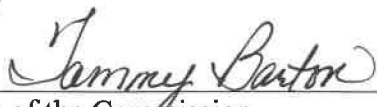
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Cathy M. Sellers, Administrative Law Judge, DOAH

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 8 day of February, 2018.

By: 
Clerk of the Commission
Florida Commission on Human Relations