

STATE OF FLORIDA  
COMMISSION ON HUMAN RELATIONS

ANN HERVAS,

HUD Case No. 04-15-1145-8

Petitioner,

FCHR Case No. 2016H0183

v.

DOAH Case No. 16-1798

POAH CUTLER MEADOWS, LLC,

FCHR Order No. 17-047

Respondent.

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

Preliminary Matters

Petitioner Ann Hervas filed a housing discrimination complaint pursuant to the Fair Housing Act, Sections 760.20 - 760.37, Florida Statutes (2015), alleging that Respondent POAH Cutler Meadows, LLC, committed a discriminatory housing practice by failing to accommodate Petitioner's disability. Petitioner alleged that Respondent failed to move her from a 1-bedroom apartment to a 2-bedroom apartment to accommodate live-in aides.

The allegations set forth in the complaint were investigated, and, on February 22, 2016, 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 Miami and Tallahassee, Florida, on October 14, 2016, before Administrative Law Judge Robert E. Meale.

Judge Meale issued a Recommended Order of dismissal, dated January 13, 2017.

On April 20, 2017, the Commission issued an "Order Remanding Case to Administrative Law Judge for Re-Issuance of Recommended Order" (FCHR Order No. 17-031), directing the Administrative Law Judge to re-issue the Recommended Order over concerns that the Recommended Order had been sent to an incorrect address for Petitioner.

Judge Meale issued an Amended Recommended Order of dismissal, dated April 21, 2017.

The Commission panel designated below considered the record of this matter and determined the action to be taken on the Amended 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 Amended Recommended Order.

Dismissal

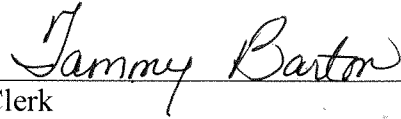
The Petition for Relief and Housing Discrimination Complaint are DISMISSED with prejudice.

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 13 day of July, 2017.  
FOR THE FLORIDA COMMISSION ON HUMAN RELATIONS:

Commissioner Rebecca Steele, Panel Chairperson;  
Commissioner Donna Elam; and  
Commissioner Jay Pichard

Filed this 13 day of July, 2017,  
in Tallahassee, Florida.



Clerk

Commission on Human Relations  
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Copies furnished to:

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c/o Jon K. Stage, Esq.  
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Robert E. Meale, 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 13 day of July, 2017.

By:   
Clerk of the Commission  
Florida Commission on Human Relations