

STATE OF FLORIDA  
COMMISSION ON HUMAN RELATIONS

ALICIA VALENTINE,

HUD Case No. 04-16-4380-8

Petitioner,

FCHR Case No. 2016H0315

v.

DOAH Case No. 16-3951

CATHOLIC CHARITIES OF THE  
ARCHDIOCESE,

FCHR Order No. 17-018

Respondent.

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

Preliminary Matters

Petitioner Alicia Valentine filed an amended housing discrimination complaint pursuant to the Fair Housing Act, Sections 760.20 - 760.37, Florida Statutes (2015), alleging that Respondent Catholic Charities of the Archdiocese committed a discriminatory housing practice by denying Petitioner rental assistance in Respondent's Homeless Prevention and Rapid Re-Housing Program.

The allegations set forth in the complaint were investigated, and, on June 9, 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 November 3, 2016, before Administrative Law Judge John G. Van Laningham.

Judge Van Laningham issued a Recommended Order of dismissal, dated December 7, 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 the financial rental assistance provided by the Respondent "is not a 'service' under section 760.23(2), even if the purpose of the gift is to enable the recipient to pay his or her rent," and that, therefore, Petitioner's "claim fails as a matter of law." See Recommended Order, ¶ 17.

Given that the Administrative Law Judge also found that even if the claim was "legally sufficient," Petitioner failed to prove her charge, we conclude it is unnecessary to either accept or reject the conclusion of law indicating that the financial assistance provided by Respondent to renters was not a "service" within the meaning of the above-indicated section of the Fair Housing Act. See, generally, Jern v. Camelot Residence's Association, Inc., et al., FCHR Order No. 16-016 (April 7, 2016), a case brought pursuant to the Fair Housing Act 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 Petitioner did not have standing to bring the matter.

With this comment, 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

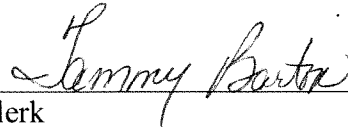
The Petition for Relief and Amended Housing Discrimination Complaint are DISMISSED with prejudice.

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 2 day of March, 2017.  
FOR THE FLORIDA COMMISSION ON HUMAN RELATIONS:

Commissioner Rebecca Steele, Panel Chairperson;  
Commissioner Derick Daniel; and  
Commissioner Gilbert M. Singer

Filed this 2 day of March, 2017,  
in Tallahassee, Florida.



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Commission on Human Relations  
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John G. Van Laningham, 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 2 day of March, 2017.

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