

STATE OF FLORIDA  
COMMISSION ON HUMAN RELATIONS

SCARLETT RABALAIS,

HUD Case No. 04-16-5004-8

Petitioner,

FCHR Case No. 2016H0394

v.

DOAH Case No. 17-1160

SALT SPRINGS RESORT ASSOC.,  
INC. AND BOSSHARDT PROPERTY  
MANAGEMENT, INC.,

FCHR Order No. 17-050

Respondents.

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**FINAL ORDER DISMISSING PETITION FOR RELIEF FROM AN UNLAWFUL  
HOUSING PRACTICE**

Preliminary Matters

Petitioner Scarlett Rabalais filed a complaint of discrimination pursuant to the Florida Fair Housing Act, Section 760.23, Florida Statutes (2015), alleging that Respondents Salt Springs Resort Association, Inc. and Bosshardt Property Management, Inc., committed an unlawful housing practice on the basis of Petitioner's disability by imposing improper fines on Petitioner.

This Order dismisses all pending motions.

The allegations set forth in the complaint were investigated, and, on December 7, 2016, the Executive Director issued a determination finding that there was no reasonable cause to believe that an unlawful housing practice had occurred.

Petitioner filed a Petition for Relief from an Unlawful Housing Practice, and the case was transmitted to the Division of Administrative Hearings for the conduct of a formal proceeding.

Judge R. Bruce McKibben issued a Final Order of Dismissal, dated April 25, 2017, which the Commission is treating as a recommended order.

This case was dismissed without a hearing on the merits.

The Commission panel designated below considered the record of this matter and determined the action to be taken on the Administrative Law Judge's Final Order of Dismissal.

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

On May 13, 2017, Petitioner filed an exception to the Administrative Law Judge's Recommended Order in a document entitled "Motion for Reconsideration of Its Motion for Dismissal Due to Untimeliness." This exception takes issue with the Administrative Law Judge's conclusion that the Petition for Relief was untimely filed. We note that we have adopted the Administrative Law Judge's findings of fact and conclusions of law. Petitioner's exceptions are rejected.

Dismissal

The Petition for Relief and Complaint of Discrimination 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.

Tommy Barton  
Clerk  
Commission on Human Relations  
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COPIES FURNISHED:

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c/o Bradford J. Tropello, Esquire  
Blanchard, Merriam, Adel & Kirkland, P.A.  
Post Office Box 1869  
Ocala, Florida 34478

Bosshardt Property Management, Inc.  
c/o Charles J. Meltz, Esquire  
Grower, Ketcham, Eide, Telan & Meltz, PA  
Post Office Box 538065  
Orlando, Florida 32853

R. Bruce McKibben, Administrative Law judge  
Radhika Puri, Legal Advisor 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: Jammy Barton  
Clerk of the Commission  
Florida Commission on Human Relations