

STATE OF FLORIDA  
COMMISSION ON HUMAN RELATIONS

JOHN HOMER,

HUD Case No. 04-17-6033-8

Petitioner,

FCHR Case No. 2017H0258

v.

DOAH Case No. 17-3451

GOLFSIDE VILLAS CONDOMINIUM  
ASSOCIATION, INC.; HARA  
COMMUNITY 1ST ADVISORS, LLC;  
AND RICK MICHAUD,

FCHR Order No. 18-012

Respondents.

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

Preliminary Matters

Petitioner John Homer filed a housing discrimination complaint pursuant to the Fair Housing Act, Sections 760.20 - 760.37, Florida Statutes (2016), alleging that Respondents Golfside Villas Condominium Association, Inc., Hara Community 1<sup>st</sup> Advisors, LLC, and Rick Michaud committed discriminatory housing practices by failing to accommodate Petitioner's disability.

The allegations set forth in the complaint were investigated, and, on May 8, 2017, 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 Orlando and Tallahassee, Florida, on November 30, 2017, before Administrative Law Judge D. R. Alexander.

Judge Alexander issued a Recommended Order of dismissal, dated December 14, 2017.

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 adopt the Administrative Law Judge's conclusions of law.

#### Exceptions

None 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 8 day of March, 2018.  
FOR THE FLORIDA COMMISSION ON HUMAN RELATIONS:

Commissioner Tony Jenkins, Panel Chairperson;  
Commissioner Donna Elam; and  
Commissioner Sandra Turner (not participating –  
replaced by Governor after being empaneled)

Filed this 8 day of March, 2018,  
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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Winter Park, FL 32792

Golfside Villas Condominium Association, Inc.,  
Hara Community 1<sup>st</sup> Advisors, and Rick Michaud  
c/o Candace W. Padgett, Esq.  
Vernis & Bowling of North Florida, P.A.  
4309 Salisbury Road  
Jacksonville, FL 32216

D. R. Alexander, 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 March, 2018.

By:   
Clerk of the Commission  
Florida Commission on Human Relations