

STATE OF FLORIDA  
COMMISSION ON HUMAN RELATIONS

JEAN RATH,	HUD Case No. 04-17-7698-8
Petitioner,	FCHR Case No. 2017H0139
v.	DOAH Case No. 17-4227
PERRY CARRELL,	FCHR Order No. 18-023
Respondent.	

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

Preliminary Matters

Petitioner Jean Rath filed a complaint of discrimination pursuant to the Florida Fair Housing Act, Section 760.23, Florida Statutes (2015), alleging that Respondent Perry Carrell committed an unlawful housing practice on the basis of Petitioner's disability by ending Petitioner's tenancy.

The allegations set forth in the complaint were investigated, and, on June 30, 2017, 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. An evidentiary hearing was held in Port St. Lucie, Florida and Tallahassee, Florida, on January 24, 2018, before Administrative Law Judge Darren A. Schwartz.

Judge Darren A. Schwartz issued a Recommended Order of dismissal, dated February 27, 2018.

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.

Findings of Fact

We find the Administrative Law Judge's findings of fact to be supported by competent substantial evidence.

Paragraph number 13 of the Administrative Law Judge's Recommended Order states that Petitioner vacated the property on or about July 1, 2017. In our view, the record reflects that Petitioner vacated the property on or about July 1, 2016.

We adopt the rest of 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 March 6, 2018, Petitioner filed an exception to the Administrative Law Judge's Recommended Order in a document entitled "Exceptions to the Ruling." This exception takes issue with the Administrative Law Judge's conclusion that Respondent's statement of the homeowners' association's rules is accurate and that Respondent's position that Petitioner failed to sign a lease is incorrect. Petitioner also states that any fines imposed on Respondent were due to his own failure to present the homeowners association with Petitioner's documentation and his own failure to provide a lease. 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 17 day of May, 2018.  
FOR THE FLORIDA COMMISSION ON HUMAN RELATIONS:

Commissioner Tony Jenkins, Panel Chairperson;  
Commissioner Latanya Peterson; and  
Commissioner Gilbert M. Singer

Filed this 17 day of May, 2018  
in Tallahassee, Florida.

  
Clerk  
Commission on Human Relations  
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Darren A. Schwartz, 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 17 day of May, 2018.

By: Tammy Barton  
Clerk of the Commission  
Florida Commission on Human Relations