

STATE OF FLORIDA
COMMISSION ON HUMAN RELATIONS

RITA LYNAR,

Petitioner,

HUD Case No. 04-17-9673-8

FCHR No. 2017H0199

v.

DOAH No. 18-1314

WESTMINSTER RETIREMENT
COMMUNITIES FOUNDATION, INC., ET
AL.,

FCHR Order No. 19-058

Respondent.

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

Preliminary Matters

On August 17, 2017, Petitioner, Rita Lynar, filed a housing discrimination complaint pursuant to the Fair Housing Act, Sections 760.20 - 760.37, Florida Statutes (2015), alleging that Westminster Retirement Communities of Florida Foundation, Inc. ("Westminster"), committed discriminatory housing practices in retaliation for Petitioner filing a previous housing discrimination complaint against Respondent.

The allegations set forth in the complaint were investigated, and, on February 9, 2018, 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 on March 6, 2018, and the case was transmitted to the Division of Administrative Hearings for the conduct of a formal proceeding.

A final evidentiary hearing took place on September 11, 2018 and January 9, 2019, before Administrative Law Judge J. Bruce Culpepper, in Sebastian, Florida.

On July 10, 2019, Judge Culpepper issued a Recommended Order of dismissal.

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

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 party 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 1st day of October, 2019.
FOR THE FLORIDA COMMISSION ON HUMAN RELATIONS:

Commissioner Latanya Peterson, Panel Chairperson;
Commissioner Donna Elam; and
Commissioner Jay Pichard

Filed this 1st day of October, 2019, in Tallahassee, Florida.



Clerk

Commission on Human Relations
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(850) 488-7082

Copies furnished to:

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Westminster Retirement Communities Foundation, Inc.
c/o Maria Vaeth Henderson, Esquire
c/o Stephen G. Henderson, Esquire
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5419 Village Drive
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J. Bruce Culpepper, Administrative Law Judge, DOAH

Sarah Stewart, Legal Advisor for Commission Panel

I HEREBY CERTIFY that a copy of the foregoing has been mailed to the above listed addressees this 1st day of October, 2019.

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