

STATE OF FLORIDA
COMMISSION ON HUMAN RELATIONS

JENNIFER NICHOLE KING,

HUD Case No. 04-18-0399-8

Petitioner,

FCHR Case No. 2017H0577

v.

DOAH Case No. 18-1939

ADVANTAGE REALTY AND MANAGEMENT,
INC., AND HOUSING AUTHORITY OF
FLAGLER COUNTY,

FCHR Order No. 18-051

Respondents.

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

Preliminary Matters

Petitioner Jennifer Nichole King filed a housing discrimination complaint pursuant to the Fair Housing Act, Sections 760.20 - 760.37, Florida Statutes (2016), alleging that Respondents Advantage Realty and Management, Inc., and Housing Authority of Flagler County, committed discriminatory housing practices by subjecting Petitioner to discriminatory terms and conditions on the basis of Petitioner's race (African American/Black). Specifically, Petitioner alleged that Advantage Realty and Management, Inc., and Housing Authority of Flagler County engaged in the practice of racial steering and conspired to deny Petitioner housing through Advantage Realty and Management, Inc.'s failure to perform repairs, required by Housing Authority of Flagler County, for habitability.

The allegations set forth in the complaint were investigated, and, on February 15, 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 and the case was transmitted to the Division of Administrative Hearings for the conduct of a formal proceeding.

An evidentiary hearing was held in Bunnell, Florida, on June 19, 2018, before Administrative Law Judge James H. Peterson, III.

Judge Peterson issued a Recommended Order of dismissal, dated August 30, 2018.

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

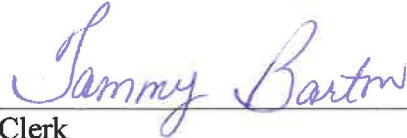
The Petition for Relief and Housing Discrimination Complaint are DISMISSED with prejudice.

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 15 day of November, 2018.
FOR THE FLORIDA COMMISSION ON HUMAN RELATIONS:

Commissioner Tony Jenkins, Panel Chairperson;
Commissioner Donna Elam; and
Commissioner Gilbert M. Singer

Filed this 15 day of November, 2018,
in Tallahassee, Florida.



Clerk
Commission on Human Relations
4075 Esplanade Way, Room 110
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Copies furnished to:

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c/o Dmitriy Belkin – Representative
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Palm Coast, FL 32137

Housing Authority of Flagler County and Chris Beyrer, Executive Director
c/o Rhonda E. Stringer, Esq.
Saxon Gilmore & Carraway, P.A.
201 East Kennedy Blvd., Suite 600
Tampa, FL 33602

James H. Peterson, III, Administrative Law Judge, DOAH

Stanley G. Gorsica, Legal Advisor for Commission Panel

I HEREBY CERTIFY that a copy of the foregoing has been mailed to the above listed
addressees this 15 day of November, 2018.

By: 
Clerk of the Commission
Florida Commission on Human Relatio