

STATE OF FLORIDA
COMMISSION ON HUMAN RELATIONS

DONALD BAYER,

HUD Case No. 04-18-0381-8

Petitioner,

FCHR Case No. 2016H0497

v.

DOAH Case No. 18-2663

WINTER HAVEN HOUSING AUTHORITY

FCHR Order No. 19-045

Respondent.

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

Preliminary Matters

Petitioner Donald Bayer filed a housing discrimination complaint pursuant to the Fair Housing Act, Sections 760.20 - 760.37, Florida Statutes (2016), alleging that Respondent, Winter Haven Housing Authority, committed a discriminatory housing practice on the basis of Petitioner's handicap by failing to provide Petitioner a reasonable accommodation for completing a section 8 housing application.

The allegations set forth in the complaint were investigated, and on April 19, 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 Winter Haven, Florida, on July 25, 2018, before Administrative Law Judge John D. C. Newton, II.

Judge Newton issued a Recommended Order, dated May 6, 2019, recommending that the Commission dismiss the Petition for Relief.

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

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 27 day of June, 2019.
FOR THE FLORIDA COMMISSION ON HUMAN RELATIONS:

Commissioner Latanya Peterson, Panel Chairperson;
Commissioner Donna Elam (not present and did not participate); and
Commissioner Gilbert Singer

Filed this 27 day of June, 2019,
in Tallahassee, Florida.



Clerk
Commission on Human Relations
4075 Esplanade Way, Room 110
Tallahassee, FL 32399
(850) 488-7082

Copies furnished to:

Donald Bayer
391 Avenue O Northeast, Apt. 301
Winter Haven, FL 33881

Winter Haven Housing Authority
c/o Joseph P. Mawhinney, Esq.
Reed, Mawhinney & Link, PLLC
1611 Harden Blvd.
Lakeland, FL 33803

John D. C. Newton II, Administrative Law Judge, DOAH

Stanley Gorsica, Legal Advisor for Commission Panel

I HEREBY CERTIFY that a copy of the foregoing has been mailed to the above listed addressees this 27 day of June, 2019.

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