

STATE OF FLORIDA
COMMISSION ON HUMAN RELATIONS

KAREN MOORE,

HUD Case No. NONE

Petitioner,

FCHR Case No. 2017-08407
2017H0873

v.

DOAH Case No. 18-5104

MIAMI-DADE COUNTY PUBLIC HOUSING
AND COMMUNITY DEVELOPMENT
OVERTON TRANSIT VILLAGE NORTH;
MIAMI-DADE COUNTY; ANGEL
NAVARRO; BONNY TEJADA; AND DAVID
EMILIO IBARS,

FCHR Order No. 19-016

Respondents.

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

Preliminary Matters

Petitioner Karen Moore filed a housing discrimination complaint pursuant to the Fair Housing Act, Sections 760.20 - 760.37, Florida Statutes (2016), alleging that Respondents Miami-Dade County Public Housing and Community Development Overton Transit Village North, Miami-Dade County, Angel Navarro, Bonny Tejada and David Emilio Ibars, committed a discriminatory housing practice on the basis of Petitioner's race (African American) regarding the terms and conditions of Petitioner's rental of an apartment.

The allegations set forth in the complaint were investigated, and, on August 22, 2018, the Executive Director issued a determination finding that there was no reasonable cause to believe that a discriminatory housing practice had occurred, concluding that the housing discrimination complaint was untimely.

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.

The matter was assigned to Administrative Law Judge June C. McKinney.

Prior to an evidentiary hearing in the case, Judge McKinney considered "Respondents Miami-Dade County and Miami-Dade Public Housing and Community Development's Motion to Dismiss Petition for Relief."

In response to this motion, Judge McKinney issued an "Order Granting Motion to Dismiss, Closing File, and Relinquishing Jurisdiction," dated December 12, 2018,

concluding that the housing discrimination complaint was untimely because it was not filed within one year after the alleged discriminatory housing practice occurred.

The Commission panel designated below considered the record of this matter and determined the action to be taken on the “Order Granting Motion to Dismiss, Closing File, and Relinquishing Jurisdiction.”

Findings of Fact

We find the Administrative Law Judge’s findings of fact contained in the “Order Granting Motion to Dismiss, Closing File, and Relinquishing Jurisdiction,” 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 contained in the “Order Granting Motion to Dismiss, Closing File, and Relinquishing Jurisdiction,” 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 “Order Granting Motion to Dismiss, Closing File, and Relinquishing Jurisdiction.”

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 4 day of March, 2019.
FOR THE FLORIDA COMMISSION ON HUMAN RELATIONS:

Commissioner Tony Jenkins, Panel Chairperson;
Commissioner Maryam Laguna Borrego (not participating); and
Commissioner Gilbert Singer

Filed this 4 day of March, 2019,
in Tallahassee, Florida.



Clerk
Commission on Human Relations
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David Emilio Ibars
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June C. McKinney, 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 4 day of March, 2019.

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