

STATE OF FLORIDA  
COMMISSION ON HUMAN RELATIONS

MANUEL RODRIGUEZ,

HUD Case No. 04-18-3286-8

Petitioner,

FCHR No. 2019-14064

v.

DOAH No. 19-2791

INDIAN RIVER COUNTY HABITAT  
FOR HUMANITIES, INC.

FCHR Order No. 19-061

Respondent.

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

Preliminary Matters

On July 24, 2018, Petitioner, Manuel Rodriguez, filed a housing discrimination complaint pursuant to the Fair Housing Act, Sections 760.20 - 760.37, Florida Statutes (2017), alleging that Indian River County Habitat for Humanities, Inc., committed discriminatory housing practices on the bases of his national origin and race by refusing to lend him money to purchase an affordable home under the same terms and conditions applicable to others.

The allegations set forth in the complaint were investigated, and, on May 7, 2019, 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 May 23, 2019, 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 July 30, 2019, before Administrative Law John G. Van Laningham, in Tallahassee, Florida.

On August 15, 2019, Judge Van Laningham 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

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

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 12 day of November, 2019.  
FOR THE FLORIDA COMMISSION ON HUMAN RELATIONS:

Commissioner Tony Jenkins, Panel Chairperson;  
Commissioner Donna Elam (not present and did  
not participate); and Commissioner Rebecca  
Steele

Filed this 12 day of November, 2019, in Tallahassee, Florida.



Clerk

Commission on Human Relations  
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Collins Brown Barkett, Chartered  
756 Beachland Boulevard  
Vero Beach, Florida 32963

John G. Van Laningham, 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 12 day of November, 2019.

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