

STATE OF FLORIDA
COMMISSION ON HUMAN RELATIONS

SERGIO TRUJILLO-GONZALEZ AND
MARIELLA TRUJILLO-GONZALEZ,

Petitioners,

v.

RICHMAN PROPERTY SERVICES, INC.;
JOE LAMBERT; MIRA VERDE LIMITED
PARTNERSHIP; AND RMS GP, LLC,

Respondents.

HUD Case No. 04-18-3326-8

FCHR No. 201914145

DOAH No. 19-3655

FCHR Order No. 21-047

**FINAL ORDER AWARDING AFFIRMATIVE RELIEF
FROM A DISCRIMINATORY HOUSING PRACTICE**

Preliminary Matters

On July 18, 2018, Petitioners, Sergio Trujillo-Gonzalez and Mariella Trujillo-Gonzalez, filed a housing discrimination complaint pursuant to the Fair Housing Act, Sections 760.20 - 760.37, Florida Statutes (2018), alleging that Respondents committed discriminatory housing practices against Petitioners on the bases of disability and national origin.

The allegations set forth in the complaint were investigated, and, on June 20, 2019, the Executive Director issued a determination finding that there was no reasonable cause to believe that a discriminatory housing practice had occurred.

On July 8, 2019, Petitioners 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 hearing was originally scheduled for September 5, 2019, but was rescheduled due to Hurricane Dorian.

On October 25, 2019, a final evidentiary hearing took place before Administrative Law Judge John D.C. Newton, II, via video teleconference in Tallahassee and Fort Myers, Florida.

On January 15, 2020, Judge Newton issued a Recommended Order, which found that a discriminatory Housing practice occurred regarding Petitioners' requests to move into an apartment that was already altered to accommodate a disabled individual.

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. However, the beginning of the last sentence of Paragraph 39 of the Conclusions of Law section of the Recommended Order states: "Respondents also *make* the requested accommodation" (emphasis added), which is not consistent with the facts presented in the Recommended Order. We assume this is a typographical error and that the word "make" was meant to say "denied" based on the rest of the language in the section.

With this clarification, we adopt the Administrative Law Judge's conclusions of law.

Exceptions

Neither party filed exceptions to the Administrative Law Judge's Recommended Order.

Affirmative Relief

Through our adoption of the Administrative Law Judge's findings of fact and conclusions of law, as set out above, we find that unlawful discrimination occurred in this matter in the manner found by the Administrative Law Judge and have adopted the Administrative Law Judge's recommendations for the remedy of the discrimination.

Respondents Richman Property Services, Inc., Joe Lambert, and Mira Verde Limited Partnership are hereby ORDERED:

1. to cease and desist from refusing to provide reasonable accommodations to disabled tenants;
2. to, within 30 days of this Order becoming final, either:
 - a. lease the Petitioners an apartment with existing modifications that at least include bathroom grab bars and a wheelchair ramp, or
 - b. modify Petitioners' existing apartment, at Respondents' expense, by installing at least grab bars in each bathroom and a wheelchair ramp.

Dismissal

All other claims of discrimination in the Petition for Relief and Housing Discrimination Complaint, including all claims against RMS GP, LLC, 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 19 day of August, 2021.
FOR THE FLORIDA COMMISSION ON HUMAN RELATIONS:

Commissioner Darrick McGhee, Panel Chairperson;
Commissioner Libby Farmer; and
Commissioner Angela Primiano

Filed this 19 day of August, 2021, in Tallahassee, Florida.



Clerk 
Commission on Human Relations
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Copies furnished to:

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Mira Verde Limited Partnership
Mr. Joe Lambert
c/o Mr. J. Mike Williams, Esquire
Fowler, Hein, Cheatwood, and Williams, P.A.
Park Central
2970 Clairmont Road, Suite 220
Atlanta, Georgia 30329

John D.C. Newton, II, 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 19 day of August, 2021.

By: 
Clerk of the Commission
Florida Commission on Human Relations