

STATE OF FLORIDA  
COMMISSION ON HUMAN RELATIONS

RITA LYNAR,

HUD Case No. N/A

Petitioner,

FCHR No. 201919649

v.

DOAH No. 20-1080

WESTMINSTER COMMUNITIES, INC.,  
ASBURY ARMS NORTH, INC., AND JOSEPH  
DOWNS, ADMINISTRATOR,

FCHR Order No. 21-023

Respondents.

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

Preliminary Matters

On June 11, 2019, Petitioner, Rita Lynar, filed a housing discrimination complaint pursuant to the Fair Housing Act, Sections 760.20 - 760.37, Florida Statutes (2019), alleging that Respondents, Westminster Communities, Inc., Asbury Arms North, Inc., and Joseph Downs, committed discriminatory housing practices against Complainant by retaliating against her due to her disability.

The allegations set forth in the complaint were investigated, and, on January 28, 2020, the Executive Director issued a determination finding that there was no reasonable cause to believe that a discriminatory housing practice had occurred.

On February 26, 2020, 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.

On March 9, 2020, Respondents filed a “Motion to Dismiss Based on Res Judicata and Collateral Estoppel and Motion for Sanctions and Attorneys Fees” to which Petitioner responded.

On March 16, 2020, a telephone hearing was conducted.

On March 18, 2020, an “Order Denying Respondents Motion to Dismiss Based on Res Judicata and Motion for Sanctions and Attorneys Fees, and Extending Time to Respond to Initial Order” was issued.

A final evidentiary hearing was scheduled for June 19, 2020, but Petitioner filed a Motion for Continuance on June 8, 2020, which was granted.

A final hearing was then scheduled for August 28, 2020, but Petitioner filed an “Emergency Motion to Compel Respondents to Produce Motion for Continuance and Objection to Respondent’s Discovery Violations” on August 21, 2020.

On August 25, 2020, an “Order Granting Motion for Continuance, Ordering Response to Motion to Compel and Scheduling Case Management Conference” was issued, and the hearing was rescheduled for September 17, 2020.

A final evidentiary hearing took place on September 17 and 28, 2020, before Administrative Law Judge Robert J. Telfer III, in Tallahassee, Florida, via Zoom conference.

On January 4, 2021, Judge Telfer issued a Recommended Order, which would result in a dismissal of 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

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 31 day of March, 2021.  
FOR THE FLORIDA COMMISSION ON HUMAN RELATIONS:

Commissioner Mario Garza, Panel Chairperson;  
Commissioner Libby Farmer; and  
Commissioner Larry Hart

Filed this 31 day of March, 2021, in Tallahassee, Florida.

Tammy Barton

Clerk  
Commission on Human Relations  
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Copies furnished to:

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Asbury Arms North, Inc.  
Joseph Downs, Administrator  
c/o Stephen G. Henderson, Esquire  
Henderson Legal Group  
5419 Village Drive  
Viera, Florida 32955

Robert J. Tefler III, 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 31 day of March, 2021.

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