

STATE OF FLORIDA  
COMMISSION ON HUMAN RELATIONS

BENEDICT THEISEN,

HUD Case No. 04-20-9089-8

Petitioner,

FCHR No. 202022005

v.

DOAH No. 20-2538

PARK LANE CONDOMINIUM OWNERS  
ASSOCIATION, INC., ET. AL.

FCHR Order No. 22-012

Respondents.

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

Preliminary Matters

On October 11, 2019, Petitioner, Benedict Theisen, filed a housing discrimination complaint pursuant to the Fair Housing Act, Sections 760.20 - 760.37, Florida Statutes (2019), alleging that Respondent, Park Lane Condominium Owners Association, Inc., committed discriminatory housing practices against him on the basis of disability.

The allegations set forth in the complaint were investigated, and, on May 20, 2020, the Executive Director issued a determination finding that there was no reasonable cause to believe that a discriminatory housing practice had occurred.

On June 1, 2020, Petitioner filed a Petition for Relief from a Discriminatory Housing Practice, and, on June 3, 2021, the case was transmitted to the Division of Administrative Hearings for the conduct of a formal proceeding.

A final evidentiary hearing took place on August 25, 2020, before Administrative Law Judge Lynne A. Quimby-Pennock, in Tallahassee, Florida, via Zoom conference.

On September 25, 2020, Judge Quimby-Pennock 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

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 24 day of February, 2022.  
FOR THE FLORIDA COMMISSION ON HUMAN RELATIONS:

Commissioner Darrick McGhee, Panel Chairperson;  
Commissioner Kenyetta Moyé; and  
Commissioner Vivian Myrtetus

Filed this 24 day of February, 2022, in Tallahassee, Florida.

*Tammy Barton*  
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Clerk  
Commission on Human Relations  
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Lynne A. Quimby-Pennock, 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 24 day of February, 2022.

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