

STATE OF FLORIDA
COMMISSION ON HUMAN RELATIONS

PEDRO TAMAYO,

Petitioner,

v.

AVTEC HOMES, INC. ET AL.,

Respondent.

HUD Case No. 04-20-9288-8

FCHR No. 202022149

DOAH No. 20-2841

FCHR Order No. 21-019

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

Preliminary Matters

On October 24, 2019, Petitioner, Pedro Tamayo, filed a housing discrimination complaint pursuant to the Fair Housing Act, Sections 760.20 - 760.37, Florida Statutes (2018), alleging that Respondents, Avtec Homes, Inc. and Mike Amicucci, committed discriminatory housing practices against Complainant by discriminating against him on the basis of disability.

The allegations set forth in the complaint were investigated, and, on March 12, 2020, 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 "Rebuttal to [Determination]," which was treated as a Petition for Relief from a Discriminatory Housing Practice on April 10, 2020, 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 October 22, 2020, before Administrative Law Judge Suzanne Van Wyk via Zoom videoconference.

On December 22, 2020, Judge Van Wyk 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

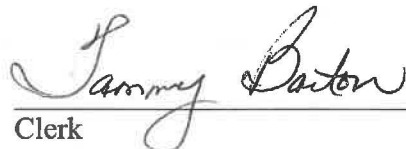
The Petition for Relief and Housing Discrimination Complaint are DISMISSED with prejudice.

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 25 day of February, 2021.
FOR THE FLORIDA COMMISSION ON HUMAN RELATIONS:

Commissioner Darrick McGhee, Panel Chairperson;
Commissioner Larry Hart; and
Commissioner Angela Primiano

Filed this 25 day of February, 2021, in Tallahassee, Florida.



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Suzanne Van Wyk, 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 25 day of February, 2021.

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