

STATE OF FLORIDA
COMMISSION ON HUMAN RELATIONS

DONOVAN HARGRETT, II,

HUD Case No. 04-19-6427-8

Petitioner,

FCHR No. 201919134

v.

DOAH No. 20-3198

GRANDVIEW FAMILY COMMUNITIES, LLC,
ET AL.,

FCHR Order No. 22-011

Respondents.

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

This matter is before the Commission for consideration of the Recommended Order of Dismissal, issued in the above-styled matter by Administrative Law Judge Lynne A. Quimby-Pennock, on August 18, 2020.

Findings of Fact and Conclusions of Law

Judge Quimby-Pennock's order reflects that Petitioner failed to comply with orders of the Administrative Law Judge. On April 4, 2019, Petitioner filed a complaint with the Florida Commission on Human Relations (Commission), pursuant to the Fair Housing Act, Sections 760.20 - 760.37, Florida Statutes (2018), claiming that the Respondent discriminated against him based on his disability. On April 23, 2020, the Commission sent Petitioner a "Determination (No Cause)" and "Notice of Determination of No Cause" after determining that no cause existed to believe that discrimination occurred. Complainant was advised in the Notice that he had 30 days from the date of service of the Notice to file a Petition for Relief, and the Petition for Relief form was provided to him. In his Petition for Relief, Petitioner confirmed that he received the Notice on April 25, 2020, through certified mail. However, Petitioner did not file his Petition for Relief until July 10, 2020. Judge Quimby-Pennock issued an Initial Order on July 15, 2020. The parties filed a "Joint Response to Initial Order". On July 27, 2020, Respondent filed a Motion to Dismiss the Petition for Relief as untimely. Judge Quimby-Pennock issued an Order to Show Cause directed toward Petitioner on the same day. In the Order, Petitioner was advised to respond by August 7, 2020, and explain why his complaint should not be dismissed as untimely. Petitioner did not respond, so the hearing scheduled for September 16, 2020, was cancelled and Judge Quimby-Pennock determined that the Petition for Relief was untimely.

We note that, generally, Commission panels have concluded that a Petitioner's failure to respond to orders of an Administrative Law Judge amounts to a voluntary dismissal of the Petition for Relief. See, generally, Varona v. Marshall Apartments, LLC, FCHR Order No. 15-062 (October 14, 2015), Noel v. C and S Wholesale Services, Inc., FCHR Order No. 15-044 (July 31, 2015), Morgan v. Skin Cancer Associates, FCHR Order No. 15-035 (June 10, 2015), Herard v. MasTec, Inc., FCHR Order No. 13-034 (May 1, 2013), Cawley v. Primrose Center, Inc., FCHR Order No. 12-009 (February 21, 2012), Roundtree, et al. v. Advenir at Stonelake, LLC, FCHR Order No. 11-069 (August 30, 2011), Biggers v. Rooms To Go, FCHR Order No.

09-045 (May 12, 2009), Shook v. Riverside National Bank, FCHR Order No. 08-029 (May 6, 2008), Clifton v. Kryz, et al., FCHR Order No. 07-062 (November 7, 2007), Bordonaro v. The Green at the Heather Condominium Association, Inc., FCHR Order No. 07-010 (February 14, 2007), Butler v. The Pepsi Bottling Group, FCHR Order No. 06-107 (December 4, 2006), Castellanos v. Express Net Airlines Pilots Association, FCHR Order No. 05-061 (June 15, 2005), Mayfield v. Karl's Haberdashery of Florida, Inc., FCHR Order No. 04-020 (March 10, 2004), and Kenny v. Florida Department of Corrections, FCHR Order No. 02-020 (June 3, 2002).

Based on the foregoing, we conclude that the Petition for Relief should be dismissed.

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

Clerk
Commission on Human Relations
4075 Esplanade Way, Room 110
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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