

STATE OF FLORIDA
COMMISSION ON HUMAN RELATIONS

TIFFANI BERNARD,

Petitioner,

v.

BEACH HOUSE AT AMELIA,

Respondent.

HUD Case No. 04-20-1129-8

FCHR No. 202023623

DOAH No. 20-3368

FCHR Order No. 21-022

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

Preliminary Matters

On March 19, 2020, Petitioner, Tiffani Bernard, filed a housing discrimination complaint pursuant to the Fair Housing Act, Sections 760.20 - 760.37, Florida Statutes (2019), alleging that Respondent, Beach House at Amelia, committed discriminatory housing practices against Complainant on the basis of her child's disability.

The allegations set forth in the complaint were investigated, and, on June 30, 2020, the Executive Director issued a determination finding that there was no reasonable cause to believe that a discriminatory housing practice had occurred.

On July 28, 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.

A final evidentiary hearing was scheduled for October 5, 2020, but Petitioner filed a Motion for Continuance on September 16, 2020, which was granted.

A final evidentiary hearing took place on November 10, 2020, before Administrative Law Judge Yolanda Y. Green via Zoom conference.

On January 4, 2021, Judge Green 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. However, it is worth noting that, in paragraph 25 of the Findings of Fact, the Administrative Law Judge states that "Ms. Householder issued Respondent a Seven-Day Notice" when it should say that she issued the notice to Petitioner.

With this clarification, 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

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Yolanda Y. Green, 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: Jammy Barton
Clerk of the Commission
Florida Commission on Human Relations