

STATE OF FLORIDA
COMMISSION ON HUMAN RELATIONS

KENYETTA WEBSTER,

HUD Case No. 04-20-0729-8

Petitioner,

FCHR No. 202023511

v.

DOAH No. 20-4260

MITHILESH AMIN AND VINODINI AMIN,

FCHR Order No. 21-026

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 Lisa Shearer Nelson, on January 14, 2021.

Findings of Fact and Conclusions of Law

Judge Nelson's order reflects that Petitioner failed to comply with orders of the Administrative Law Judge. Specifically, Judge Nelson issued an Initial Order on September 22, 2020, directing the parties to confer and provide information related to scheduling a hearing. Respondents filed a unilateral response to the Order and reported that Petitioner did not respond when Respondents attempted to confer with her. A telephonic prehearing conference was scheduled for November 4, 2020, but Petitioner did not appear. On November 9, 2020, Judge Nelson issued an Order Requiring Petitioner to Update her Contact Information because the Notice of Telephonic Pre-Hearing Conference was returned to the Division of Administrative Hearings as undeliverable. Petitioner did not file anything in response to the Order despite having contacted staff at the Division of Administrative Hearings. The hearing scheduled for November 23, 2020 was cancelled and the parties were directed to provide a joint status report no later than December 4, 2020. On December 1, 2020, Petitioner filed a letter with contact information for two witnesses, but did not respond to Judge Nelson's instructions. On December 9, 2020, Judge Nelson issued an Order explaining Petitioner's burden in the case and requiring her to file a response to the Order, affirming that she wanted to proceed and that she understood her burden to present her case, no later than December 18, 2020. The parties were also instructed to file a joint response no later than December 21, 2020. Petitioner did not file anything in response to the Order, but did contact Judge Nelson's assistant, so a Status Conference was held on December 11, 2020 by telephone. On December 14, 2020, an Order Rescheduling Hearing was issued, and the hearing was scheduled for January 29, 2021. On December 22, 2020, Respondents filed a Unilateral Response to Order to Show Cause and stated that counsel for Respondents attempted to reach Petitioner, but she did not respond. On December 29, 2020, an Order Requiring Response from Petitioner was issued. Petitioner was advised that if no response was timely filed by January 8, 2021, the hearing would be cancelled, and jurisdiction would be released to the Florida Commission on Human Relations. Petitioner did not file a response to the December 29, 2020 Order.

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 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.

Jammy Barton
Clerk
Commission on Human Relations
4075 Esplanade Way, Room 110
Tallahassee, FL 32399
(850) 488-7082

Copies furnished to:

Kenyetta Webster
7153 Southeast 124th Street
Belleview, Florida 34420

Mithilesh Amin and Vinodini Amin
c/o Danialle Riggins, Esquire
Riggins Law Firm, P.A.
211 N.W. Third Street
Ocala, Florida 34475

Lisa Shearer Nelson, 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