

STATE OF FLORIDA
COMMISSION ON HUMAN RELATIONS

JIMMY AND GELENE STEWART,

HUD Case No. 04-20-3194-8

Petitioner,

FCHR Case No. 202126622

v.

DOAH Case No. 21-0389

US GROWTH INVESTMENT, INC.,

FCHR Order No. 21-057

Respondent.

**FINAL ORDER DISMISSING PETITION FOR
RELIEF FROM AN UNLAWFUL HOUSING PRACTICE**

This matter is before the Commission for consideration of the Recommended Order, dated June 10, 2021, issued in the above-styled matter by Administrative Law Judge Lynn A. Quimby-Pennock.

Findings of Fact and Conclusions of Law

Judge Quimby-Pennock's order reflects that Petitioners failed to appear at the scheduled administrative hearing in the case. The hearing was originally scheduled for March 16, 2021, but Petitioners filed a letter requesting a continuance on March 11, 2021. There was a telephonic motion hearing held on March 15, 2021, and the parties were asked for three mutually agreeable dates between then and May 28, 2021, due May 22, 2021. The hearing was rescheduled to May 28, 2021. Petitioners did not attend the Zoom hearing. Judge Quimby-Pennock checked with her judicial assistant that Petitioners had not contacted her to report a problem with the Zoom connection. The hearing continued without the Petitioners after Judge Quimby-Pennock waited a sufficient amount of time.

Commission panels have concluded that when a Petitioner fails to appear at the scheduled administrative hearing in their case, they fail to meet their burden of proof, and the Petition for Relief should be dismissed. See, e.g., Sushkova v. Marco Destin, Inc., FCHR Order No. 17-083 (November 2, 2017), Santana v. Charter Communications, Inc., FCHR Order No. 17-067 (August 23, 2017), Jacome v. Victoria's Secret, LLC, FCHR Order No. 16-030 (June 9, 2016), Wade v. District School Board of Putnam County, FCHR Order No. 15-008 (February 12, 2015), Demons v. Emerald Grande, LLC, FCHR Order No. 14-033 (September 10, 2014), Bullard v. Lowry Group Properties, Inc., et al., FCHR Order No. 13-011 (February 26, 2013), Goldenberg v. Department of Corrections, FCHR Order No. 12-051 (September 17, 2012), Dotson v. Department of Financial Services, FCHR Order No. 11-034 (April 13, 2011), Patterson v. Panama City Housing Authority, FCHR Order No. 11-001 (January 13, 2011), Crump v. The Majestic Tower at Bal Harbour, FCHR Order No. 10-072 (September 21, 2010), Bermudez v. Lake County Housing Authority, FCHR Order No. 10-041 (April 27, 2010), Cowden v. Difiglio,

et al., FCHR Order No. 09-115 (December 14, 2009), Scott v. Two Men and a Truck, FCHR Order No. 09-009 (January 27, 2009), Enzor v. Sandco, Inc., FCHR Order No. 08-048 (July 29, 2008), Rodriguez v. Center Point Health and Rehab, FCHR Order No. 08-001 (January 14, 2008), West v. Sembler Corporation, d/b/a Bay Walk, FCHR Order No. 07-037 (June 15, 2007), Martinez v. KJC Enterprises, d/b/a Plantation Island Resort, FCHR Order No. 07-028 (April 20, 2007), Chaney, et al. v. Robert Buckner & Associates, FCHR Order No. 06-092 (November 13, 2006), and Prek v. Workforce Central Florida, FCHR Order No. 06-079 (September 18, 2006).

We adopt the Administrative Law Judge's finding as to the nonappearance of Petitioners and conclude that Petitioners have failed to carry their burden of proof.

Exceptions

Neither party filed exceptions to the Administrative Law Judge's Recommended Order.

Dismissal

The Petition for Relief and Complaint of Discrimination 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 of appeal is found in Section 120.68, Florida Statutes, and in the Florida Rules of Appellate Procedure 9.110.

DONE AND ORDERED this 19 day of August, 2021.
FOR THE FLORIDA COMMISSION ON HUMAN RELATIONS:

Commissioner Darrick McGhee, Panel Chairperson;
Commissioner Libby Farmer; and
Commissioner Angela Primiano

Filed this 19 day of August, 2021, in Tallahassee, Florida.



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Lynn 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 19 day of August, 2021.

By: Jimmy Bator
Clerk of the Commission
Florida Commission on Human Relations