

STATE OF FLORIDA  
COMMISSION ON HUMAN RELATIONS

APRIL DUKES,

Petitioner,

v.

BRENNAN REALTY, INC., JOSEPH P.  
BRENNAN, KATHLEEN BRENNAN, AND  
THOMAS BRENNAN,

Respondents.

HUD Case No. 04-21-4094-8

FCHR No. 202127234

DOAH No. 21-0859

FCHR Order No. 21-052

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

**Preliminary Matters**

On October 29, 2020, Petitioner, April Dukes, filed a housing discrimination complaint pursuant to the Fair Housing Act, Sections 760.20 - 760.37, Florida Statutes (2020), alleging that Respondent, Brennan Realty, Inc., Joseph P. Brennan, Kathleen Brennan, and Thomas Brennan, committed discriminatory housing practices against her on the basis of her disability.

The allegations set forth in the complaint were investigated, and, on January 11, 2021, the Executive Director issued a determination finding that there was no reasonable cause to believe that a discriminatory housing practice had occurred because the complaint was untimely filed, and there was no jurisdiction to continue investigating the complaint.

On February 26, 2021, 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 took place on May 10, 2020, before Administrative Law Judge Darren A. Schwartz via Zoom conference.

On June 7, 2021, Judge Schwartz 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 that Petitioner's initial complaint was untimely filed, and that her Petition for Relief was untimely filed.

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 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.



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

Copies furnished to:

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Brennan Realty, Inc., et. al.  
c/o Ms. Vanessa Marie Bertran, Esquire  
Law Offices of Vanessa M. Bertran, P.A.  
55 Alhambra Plaza, Suite 800  
Coral Gables, Florida 33134

Darren A. Schwartz, 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: Sammy Barton  
Clerk of the Commission  
Florida Commission on Human Relations