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STATE OF FLORIDA
COMMISSION ON HUMAN RELATIONS

LINDA D. SMITH,

HUD Case No. 04-17-1116-8

Petitioner,

FCHR Case No. 2017H0320

v.

DOAH Case No. 18-2698

SAUL SILBER PROPERTIES, LLC,

FCHR Order No. 18-050

Respondent.

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

Preliminary Matters

Petitioner Linda D. Smith filed a housing discrimination complaint pursuant to the Fair Housing Act, Sections 760.20 - 760.37, Florida Statutes (2015), alleging that Respondent Saul Silber Properties, LLC, committed a discriminatory housing practice on the basis of Petitioner's race (African American/Black), by issuing to her a Notice of Non-Renewal (pertaining to Petitioner's residential lease agreement with Respondent), but not issuing the same type of notice to Complainant's neighbor (white).

The allegations set forth in the complaint were investigated, and, on May 4, 2018, the Executive Director issued a determination finding that there was no reasonable cause to believe that a discriminatory housing practice had occurred.

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.

An evidentiary hearing was held by video teleconference at sites in Tallahassee and Gainesville, Florida, on July 16, 2018, before Administrative Law Judge Yolonda Y. Green.

Judge Green issued a Recommended Order of dismissal, dated August 29, 2018.

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

A transcript of the proceeding before the Administrative Law Judge was not filed with the Commission. In the absence of a transcript of the proceeding before the Administrative Law Judge, the Recommended Order is the only evidence for the Commission to consider. See National Industries, Inc. v. Commission on Human

Relations, et al., 527 So. 2d 894, at 897, 898 (Fla. 5th DCA 1988). Accord, Coleman v. Daytona Beach, Ocean Center Parking Garage, FCHR Order No. 14-034 (September 10, 2014), Gantz, et al. v. Zion's Hope, Inc., d/b/a Holy Land Experience, FCHR Order No. 11-048 (June 6, 2011), and Hall v. Villages of West Oaks HOA, FCHR Order No. 08-007 (January 14, 2008).

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.

We also find the housing discrimination complaint untimely. The complaint was filed with the Commission on August 22, 2017. Petitioner's last alleged discriminatory housing practice, a Notice of Non-Renewal issued by Respondent to Complainant, was found by the Administrative Law Judge to have occurred on March 15, 2016, not August 16, 2016, as alleged in the complaint. In conclusion, the complaint was not filed with the Commission within 1 year after the occurrence of the actual date of the alleged discriminatory housing practice as required by section 760.34(2), Florida Statutes.

Exceptions

Neither of the parties 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 15 day of November, 2018.
FOR THE FLORIDA COMMISSION ON HUMAN RELATIONS:

Commissioner Tony Jenkins, Panel Chairperson;
Commissioner Donna Elam; and
Commissioner Gilbert M. Singer

Filed this 15 day of November, 2018,
in Tallahassee, Florida.



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

Copies furnished to:

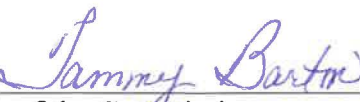
Linda D. Smith
1120 NE 24th Terrace
Gainesville, FL 32641

Saul Silber Properties, LLC
c/o Saul Silber, Owner
3434 SW 24th Avenue, Suite A
Gainesville, FL 32607

Yolonda Y. Green, Administrative Law Judge, DOAH

Stanley G. Gorsica, Legal Advisor for Commission Panel

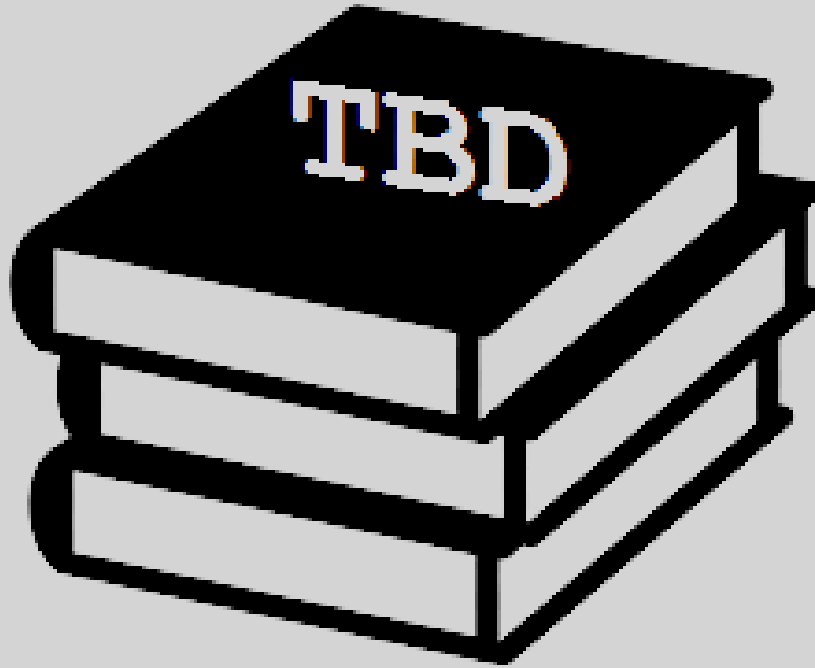
I HEREBY CERTIFY that a copy of the foregoing has been mailed to the above
listed addressees this 15 day of November, 2018.

By: 
Clerk of the Commission
Florida Commission on Human Relations

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