

**STATE OF FLORIDA
COMMISSION ON HUMAN RELATIONS**

JACQUELINE WALKER,)	HUD Case No. 04-98-2371-8
Petitioner,)	FCHR Case No. 98-W087H
)	DOAH Case No. 99-003578
vs.)	FCHR Order No. <u>01-021</u>
)	
THE FOUNTAINS APARTMENTS AT FOUNTAINBLEAU PARK,)	
Respondent)	

**ORDER FINDING DISCRIMINATORY HOUSING PRACTICE AND REMANDING
MATTER FOR DETERMINATION OF RELIEF**

Preliminary Matters

Petitioner Jacqueline Walker filed a housing discrimination complaint pursuant to the Fair Housing Act, Sections 760.20 - 760.37, Florida Statutes (1997), alleging that Respondents The Fountains Apartments at Fountainbleau Park and Alina Portuono committed a discriminatory housing practice on the basis of Petitioner's race (Black) and familial status.

The allegations set forth in the complaint were investigated, and, on June 3, 1999, the Commission issued its determination finding that there was no reasonable cause to believe that a discriminatory housing practice 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.

Prior to the conduct of a formal proceeding, Administrative Law Judge Michael M. Parrish issued an Order Closing File, dated February 25, 2000, finding that the failure by Respondents to file an answer to the Petition for Relief amounted to an admission of all material facts contained in the Petition for Relief, and that, therefore, there was no need for further proceedings before the Division of Administrative Hearings.

The Commission panel designated below considered the record of this matter and determined the action to be taken on the Order Closing File and Petition for Relief.

Findings of Facts and Conclusions of Law

The findings of fact as set out by the Administrative Law Judge in the Order Closing File, dated February 25, 2000, and the conclusions of law as applied by the Administrative Law Judge in the Order Closing File, dated February 25, 2000, are adopted by the Commission and incorporated by reference herein.

We note that this results in the ultimate finding that a discriminatory housing practice occurred in this matter. See Pleading. We further note that the Petition for Relief from a Discriminatory Housing Practice requests the Florida Commission on Human Relations to grant "such affirmative relief as may be just and equitable in this cause." See Pleading.

Exceptions

None of the parties filed exceptions to the Administrative Law Judge's Order Closing File.

Remand

The Petition for Relief and Housing Discrimination Complaint are hereby REMANDED to the Administrative Law Judge for further proceedings consistent with this Order, to determine the appropriate relief in this matter.

DONE AND ORDERED this 18th day of May, 2001
FOR THE FLORIDA COMMISSION ON HUMAN RELATIONS:

Commissioner George Farrell; and
Commissioner Rita Craig; and
Commissioner Roosevelt Paige;

Filed this 18th day of May, 2001,
in Tallahassee, Florida

/s/

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

Copies furnished to:

Jacqueline Walker
Apartment No. 1
3429
Northwest Fifth Avenue
Miami, FL 3312

Alina Portuono
9330 Fountainbleau Boulevard
Miami, FL 33172

The Fountains Apartments at Fountainbleau Park
9330 Fountainbleau Boulevard
Miami, FL 33172

Carla M. Barzow, Esq.
Coffey, Diaz & O'Naghten, L.L.P.
Suite 200
Grand Bay Plaza
2665 South Bayshore Drive
Miami, FL 33133

Michael M. Parrish, Administrative Law Judge, DOAH

James Mallue, Legal Advisor for Commission Panel

By: /s/
Azizi Coleman,
Clerk of the Commission
Florida Commission on Human Relations