

2-4-02

STATE OF FLORIDA  
COMMISSION ON HUMAN RELATIONS

AT

FILED  
02 OCT -9 PM 3:00

DIVISION OF  
ADMINISTRATIVE  
HEARINGS

LPS-CWS

ELIZABETH C. O'DONNELL,

HUD Case No. 04-01-10668

Petitioner,

FCHR Case No. 21-90752H

v.

DOAH Case No. 01-4346

BARBARA BROWN AND NAPLES  
ESTATES HOMEOWNERS ASSOCIATION,

FCHR Order No. 02-052

Respondents.

FINAL ORDER DISMISSING PETITION FOR  
RELIEF FROM A DISCRIMINATORY HOUSING PRACTICE

Preliminary Matters

Petitioner Elizabeth C. O'Donnell filed a housing discrimination complaint pursuant to the Fair Housing Act, Sections 760.20 - 760.37, Florida Statutes (1999), alleging that Respondents Barbara Brown and Naples Estates Homeowners Association committed a discriminatory housing practice on the basis of Petitioner's alleged disability (hearing impairment) when they refused to allow Petitioner to tape record for later listening Naples Estates Homeowners Association meetings.

The allegations set forth in the complaint were investigated, and, on September 25, 2001, 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.

An evidentiary hearing was held in Naples, Florida, on January 8, 2002, before Administrative Law Judge Lawrence P. Stevenson.

Judge Stevenson issued a Recommended Order of dismissal, dated February 4, 2002.

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.

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.

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 7<sup>th</sup> day of October, 2002.  
FOR THE FLORIDA COMMISSION ON HUMAN RELATIONS:

Commissioner Rita Craig, Panel Chairperson;  
Commissioner Roosevelt Paige; and  
Commissioner Billy Whitefox Stall

Filed this 7<sup>th</sup> day of October, 2002,  
in Tallahassee, Florida.

  
Violet Crawford, Clerk  
Commission on Human Relations  
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FCHR Order No. 02-052

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Lawrence P. Stevenson, Administrative Law Judge, DOAH

James Mallue, Legal Advisor for Commission Panel