

7-31-02

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THE...

STATE OF FLORIDA  
COMMISSION ON HUMAN RELATIONS

AT

ROBERT S. MCCANCE,

HUD Case No. 04-99-4306-8

Petitioner,

FCHR Case No. 99-W396H

v.

DOAH Case No. 00-2317 WRP-CWS

HELEN SOWINSKI,

FCHR Order No. 02-085

Respondent.

FINAL ORDER DISMISSING PETITION FOR  
RELIEF FROM A DISCRIMINATORY HOUSING PRACTICE

Preliminary Matters

Petitioner Robert S. McCance filed a housing discrimination complaint pursuant to the Fair Housing Act, Sections 760.20 - 760.37, Florida Statutes (1997), alleging that Respondent Helen Sowinski committed a discriminatory housing practice on the basis of retaliation.

The allegations set forth in the complaint were investigated, and, on April 19, 2000, 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.

Upon consideration of Respondent's Motion to Dismiss, filed June 12, 2000, Administrative Law Judge William R. Pfeiffer issued an Order Closing File, dated August 2, 2000.

The Commission issued an Order Remanding Petition for Relief from a Discriminatory Housing Practice, dated February 8, 2001.

An evidentiary hearing was held in Tavares, Florida, on May 14, 2001, before Judge Pfeiffer.

Judge Pfeiffer issued a Recommended Order of dismissal, dated July 31, 2001.

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

While the Administrative Law Judge's letter transmitting the case from the Division of Administrative Hearings to the Commission indicates that the record of this matter includes a

one-volume transcript of the proceeding before the Administrative Law Judge, the Commission's record of this matter does not contain such a transcript.

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

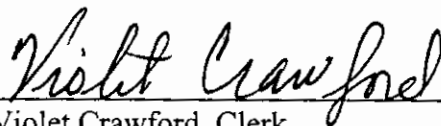
The Petition for Relief and Housing Discrimination Complaint are DISMISSED with prejudice.

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

Commissioner Roosevelt Paige, Panel Chairperson;  
Commissioner John Corbett; and  
Commissioner Leonie Hermantin

Filed this 4<sup>th</sup> day of December, 2002,  
in Tallahassee, Florida.



Violet Crawford, Clerk  
Commission on Human Relations  
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William R. Pfeiffer, Administrative Law Judge, DOAH

James Mallue, Legal Advisor for Commission Panel

I HEREBY CERTIFY that a copy of the foregoing has been mailed to the above listed addressees this 4<sup>th</sup> day of December, 2002.

By: Violet Crawford  
Clerk of the Commission  
Florida Commission on Human Relations