

10-2-02

STATE OF FLORIDA
COMMISSION ON HUMAN RELATIONS

AT

FILED
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UNIVERSITY OF
ADMINISTRATIVE
HEARINGS
EJD-CWS

RUTH ROLLINS,

HUD Case No. 04-01-12578

Petitioner,

FCHR Case No. 21-90833H

v.

DOAH Case No. 02-1411

JAMES L. WHITAKER AND
COUNTY OF VOLUSIA
COMMUNITY SERVICE GROUP,

FCHR Order No. 02-102

Respondents.

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

Preliminary Matters

Petitioner Ruth Rollins filed a housing discrimination complaint pursuant to the Fair Housing Act, Sections 760.20 - 760.37, Florida Statutes (1999), alleging that Respondents James L. Whitaker and County of Volusia Community Service Group committed a discriminatory housing practice on the basis of Petitioner's alleged disability (unspecified) and age (unspecified) by denying Petitioner a home rehabilitation / repair loan for which she had applied.

The allegations set forth in the complaint were investigated, and, on March 19, 2002, 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 Deland, Florida, on August 13, 2002, before Administrative Law Judge Ella Jane P. Davis.

Judge Davis issued a Recommended Order of dismissal, dated October 2, 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

None 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 2nd day of JANUARY, 2003.
FOR THE FLORIDA COMMISSION ON HUMAN RELATIONS:

Commissioner Rita Craig, Panel Chairperson;
Commissioner John Corbett; and
Commissioner Gilbert M. Singer

Filed this 2nd day of JANUARY, 2003,
in Tallahassee, Florida.



Violet Crawford, Clerk
Commission on Human Relations
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Copies furnished to:

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County of Volusia
123 West Indiana Avenue
Deland, FL 32720-4613

Ella Jane P. Davis, Administrative Law Judge

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 2ND day of JANUARY, 2003.

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