

10-11-02

STATE OF FLORIDA
COMMISSION ON HUMAN RELATIONS

FILED

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GLENN E. WHITENER,

AT

HUD Case No. 04-01-11618

DIVISION OF
ADMINISTRATIVE
HEARINGS

Petitioner,

FCHR Case No. 21-90812H

v.

DOAH Case No. 02-3070

DWD-CAB

LOUTITT MANOR,

FCHR Order No. 03-010

Respondent.

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

Petitioner, GLENN E. WHITENER, filed a complaint of discrimination pursuant to Florida Fair Housing Act, Sections 760.20-760.37, Florida Statutes (2001), alleging that Respondent, LOUITT MANOR, committed an unlawful act of housing discrimination for failing to make reasonable accommodation for his handicap. The allegations set forth in the complaint were investigated and on June 24, 2002, the Executive Director issued his determination that there was no reasonable cause to believe that a discriminatory act occurred. The Petitioner filed a Petition for Relief and was granted a formal evidentiary hearing that was held in Daytona Beach, Florida, on September 24, 2002, before Administrative Law Judge Don W. Davis.

Judge Davis issued a Recommended Order of Dismissal dated October 18, 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 and Conclusions of Law

The Petitioner alleged that he was not given an accommodation for his disability by the Respondent's failure to provide him a parking space closer to the building. The ALJ found that, by the Petitioner's own admission, he "should walk as much as possible" and that a disabled parking permit should be use only in "extreme circumstances." The Judge further found that the Respondent had developed appropriate procedures, including supplying third-party medical documentation of the need for closer parking, in assigning parking spaces.

We adopt the Administrative Law Judge's findings and his conclusion that the Petitioner has failed to carry his burden of proof and that the Respondent had provided a legitimate, non-discriminatory business reason for its failure to accommodate.

Exceptions

Neither party filed any exceptions to the Recommended Order.

Dismissal

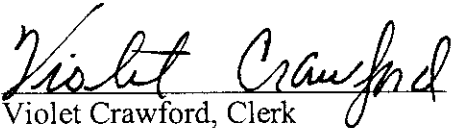
The Request for Relief and Complaint of Discrimination are DISMISSED with prejudice.

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 21st day of February, 2003.
FOR THE FLORIDA COMMISSION ON HUMAN RELATIONS

Commissioner Roosevelt Paige, Panel Chairperson
Commissioner John Corbett
Commissioner Aletta Shutes

Filed this 21st day of February, 2003
in Tallahassee, Florida.


Violet Crawford, Clerk
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Copies furnished to:

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Don W. Davis, Administrative Law Judge (DOAH)

Jim Tait, Legal Advisor for Commission Panel

I HEREBY CERTIFY that a copy of the foregoing has been mailed to the above listed addressees this 21st day of FEBRUARY, 2003.

BY: *Victor Crawford*
Clerk of the Commission
Florida Commission on Human Relations