

4-29-03

STATE OF FLORIDA
COMMISSION ON HUMAN RELATIONS

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DIVISION OF
ADMINISTRATIVE
HEARINGS

MONICA AND VINCENT WILLIAMS,

At

HUD Case No. 04-01-118248

Petitioners,

FCHR Case No. 21-90805H

v.

DOAH Case No. 02-3002

SML-CLOS

SAMARI LAKE EAST CONDOMINIUM
ASSOCIATION, INC.; RAFAEL
PENALVER; AND CARLOS REYES,

FCHR Order No. 03-050

Respondents.

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

Preliminary Matters

Petitioners Monica and Vincent Williams filed a housing discrimination complaint pursuant to the Fair Housing Act, Sections 760.20 - 760.37, Florida Statutes (1999), alleging that Respondents Samari Lake East Condominium Association, Inc., Rafael Penalver, and Carlos Reyes, committed a discriminatory housing practice on the basis of Petitioners' race (Black) and familial status, generally alleging harassment in the use of commonly owned facilities and the enjoyment of their condominium.

The allegations set forth in the complaint were investigated, and, on June 21, 2002, the Commission issued its determination finding that there was no reasonable cause to believe that a discriminatory housing practice occurred.

Petitioners 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 on October 3, 2002, November 25 and 26, 2002, and January 17 and 24, 2003, by video teleconference at sites in Miami and Tallahassee, Florida, and on January 8 and 9, 2003, in Miami, Florida, before Administrative Law Judge Stuart M. Lerner.

Judge Lerner issued a Recommended Order of dismissal, dated April 29, 2003.

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 complete transcript of the proceeding before the Administrative Law Judge was not filed with the Commission. A transcript of the proceeding only from January 8, 2003, was 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

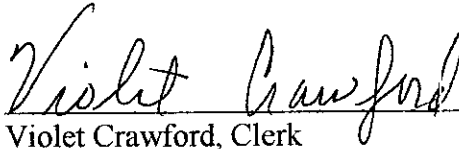
The Petition for Relief and Housing Discrimination Complaint are DISMISSED with prejudice.

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 11th day of August, 2003.
FOR THE FLORIDA COMMISSION ON HUMAN RELATIONS:

Commissioner Roosevelt Paige, Panel Chairperson;
Commissioner Gayle Cannon; and
Commissioner Gilbert M. Singer

Filed this 11th day of August, 2003,
in Tallahassee, Florida.



Violet Crawford, Clerk

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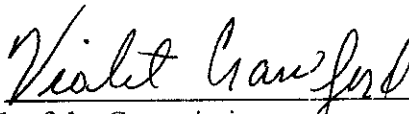
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Stuart M. Lerner, Administrative Law Judge, DOAH

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 11th day of August, 2003.

By: 

Clerk of the Commission

Florida Commission on Human Relations