

11-20-03

STATE OF FLORIDA
COMMISSION ON HUMAN RELATIONS

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STATE OF FLORIDA
COMMISSION ON HUMAN RELATIONS

CELESTE WASHINGTON,

HUD Case No. 04-02-1139-8

Petitioner,

FCHR Case No. 22-91535H

v.

AT

DOAH Case No. 03-1718

LJS-CWS

HARDIN HAMMOCK ESTATES,

FCHR Order No. 04-043

Respondent.

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

Petitioner, CELESTE WASHINGTON, filed a complaint of discrimination pursuant to Florida Fair Housing Act, Sections 760.20-760.37, Florida Statutes, alleging that Respondent, HARDIN HAMMOCK ESTATES, committed an unlawful act of housing discrimination for refusing to rent her an apartment because of her race. The allegations set forth in the complaint were investigated and on March 18, 2003, 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 Miami, Florida, on August 13, 2003, before Administrative Law Judge Larry J. Sartin.

Judge Sartin issued a Recommended Order of Dismissal dated November 20, 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 and Conclusions of Law

The Petitioner alleged that she was denied an opportunity to file an application for rental housing with the Respondent. The Petitioner demonstrated that she was a member of a protected class; that she had requested an application to rent a unit for which she was qualified; and was denied. However, the Respondent provided a legitimate, non-discriminatory reason for its action; in that, it had restricted its waiting list to 50 applicants (approximately two years worth due to a turn-over of only one or two units a month) and rejected all requests to file an application until the list was reduced to less than 50. The Petitioner failed to prove that those non-discriminatory reasons were mere pretext. The ALJ further found that the Petitioner did not provide any credible evidence that the Respondent practiced intentional discrimination nor engaged in a practice which had a discriminatory effect.

We adopt the Administrative Law Judge's findings and his conclusion that the Petitioner has failed to carry her burden of proof and that the Respondent had provided a legitimate, non-discriminatory business reason for not accepting applications.

Exceptions

Neither party filed any exceptions to the Recommended Order.

Dismissal

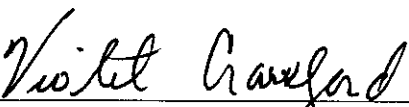
The Request for Relief and Complaint of Discrimination are DISMISSED with prejudice.

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 15th day of April, 2004.
FOR THE FLORIDA COMMISSION ON HUMAN RELATIONS

Commissioner Rita B. Craig, Chairperson
Commissioner Roosevelt Paige
Commissioner Mario Valle

Filed this 15th day of April, 2004
in Tallahassee, Florida.



Violet Crawford, Clerk
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Copies furnished to:

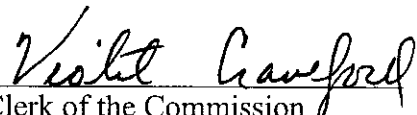
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Honorable Larry J. Sartin, Administrative Law Judge (DOAH)

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 15th day of April, 2004.

BY: 
Clerk of the Commission
Florida Commission on Human Relations