

9-24-04

FILED

STATE OF FLORIDA  
COMMISSION ON HUMAN RELATIONS

2004 DEC -9 P 1:51

MIRIAM S. MARTINEZ,

HUD Case No. 04-08-1041-8

DIVISION OF  
ADMINISTRATIVE  
HEARINGS

Petitioner,

AT

FCHR Case No. 23-91832H

v.

DOAH Case No. 04-1971

JDP  
CWS

ALICIA LOPEZ, TEMPO CONDOMINIUM  
ASSOCIATION, and ONEIDA MORENA,

FCHR Order No. 04-155

Respondents.

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

Preliminary Matters

Petitioner Miriam S. Martinez filed a housing discrimination complaint pursuant to the Fair Housing Act, Sections 760.20 - 760.37, Florida Statutes (2003), alleging that Respondents Alicia Lopez, Tempo Condominium Association and Oneida Morena committed discriminatory housing practices on the basis of Petitioner's National Origin and handicap by conducting condominium association meetings in Spanish, by failing to timely repair an elevator needed by the Petitioner due to her physical handicap, and by committing acts of vandalism on the Petitioner's property.

The allegations set forth in the complaint were investigated, and, on May 6, 2004, the Executive Director issued a determination finding that there was no reasonable cause to believe that discriminatory housing practices had 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 Miami, Florida, on August 19, 2004, before Administrative Law Judge J. D. Parrish.

Judge Parrish issued a Recommended Order of dismissal, dated September 24, 2004.

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

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 7<sup>th</sup> day of December, 2004.  
FOR THE FLORIDA COMMISSION ON HUMAN RELATIONS:

Commissioner Rita Craig, Panel Chairperson;  
Commissioner Roosevelt Paige; and  
Commissioner Dominique B. Saliba, M.D.

Filed this 7<sup>th</sup> day of December, 2004,  
in Tallahassee, Florida.

  
Violet Crawford, Clerk  
Commission on Human Relations  
2009 Apalachee Parkway, Suite 100  
Tallahassee, FL 32301  
(850) 488-7082

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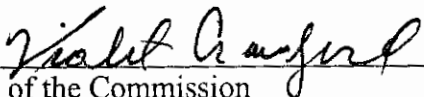
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4301 Northwest 18<sup>th</sup> Street, No. 209  
Miami, FL 33126

Alicia Lopez, Tempo Condominium  
Association and Oneida Morena  
c/o Carlos Caso, Esq.,  
1300 Coral Way, Suite 301  
Miami, FL 33145

J. D. Parrish, 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 7<sup>th</sup> day of December, 2004.

By:   
Clerk of the Commission  
Florida Commission on Human Relations