

**STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS**

ALLAN POWELL,

Petitioner,

vs.

Case No. 21-2736

ROYAL STEWART ARMS CONDOMINIUM
NO. 6, INC.,

Respondent.

FINAL ORDER

Pursuant to notice, the final hearing was held in this case on April 6, 2022, via Zoom conference, before Administrative Law Judge Lynne A. Quimby-Pennock of the Division of Administrative Hearings (“DOAH”).

APPEARANCES

For Petitioner: Robin L. Stover, Esquire
Gulfcoast Legal Services, Inc.
501 1st Avenue North
St. Petersburg, Florida 33701

Ryan Torrens, Esquire
Torrens Law Group, P.A.
4016 Henderson Boulevard
Tampa, Florida 33629

For Respondent: Scott H. Jackman, Esquire
Cole, Scott and Kissane, P.A.
4301 West Boy Scout Boulevard, Suite 400
Tampa, Florida 33607

STATEMENT OF THE ISSUES

The issues in this case are whether Respondent, Royal Stewart Arms Condominium No.6, Inc. (“Respondent”), violated chapter 70, Pinellas County

Code of Ordinances, as alleged in the housing discrimination complaint filed by Allan Powell (“Mr. Powell”); and, if so, what relief should be granted.

PRELIMINARY STATEMENT

On Friday, January 8, 2021, Mr. Powell filed a Housing Discrimination Complaint (“Complaint”) with the Pinellas County Office of Human Rights (the “PCOHR”).¹ Mr. Powell alleged that Respondent discriminated against him on the basis of his disability when it failed to provide a reasonable accommodation.

Pursuant to the procedures set forth in chapter 70, Pinellas County Code of Ordinances, the PCOHR investigated and found that there was reasonable cause to believe that unlawful discrimination (the denial of a reasonable accommodation) had occurred as alleged. On September 10, 2021, the case was forwarded to DOAH for the assignment of an Administrative Law Judge to conduct a hearing pursuant to section 70-147, Pinellas County Code of Ordinances, which conforms to the provisions of the Florida Administrative Procedure Act. *See* § 70-147(b), Pinellas Cnty. Code of Ord.

The parties timely responded to the Initial Order. The hearing was scheduled for November 5, 2021. After receipt of Respondent’s counsel’s September 22, 2021, Notice of Conflict, a telephonic pre-hearing conference was held on September 27, 2021. Based on information obtained during the conference, the hearing was rescheduled to December 7, 2021.

On November 17, 2021, Mr. Powell’s then counsel filed a Motion to Withdraw, and a telephonic motion hearing was held on November 19, 2021.

¹ The date stamped on the “HOUSING DISCRIMINATION COMPLAINT” is “JAN 08 2020.” Mr. Powell’s signature is dated “1/6/21.” PCOHR acknowledged the Complaint as being filed on Monday, January 11, 2021.

Mr. Powell's counsel was allowed to withdraw,² and the hearing scheduled for December 7, 2021, was cancelled. On December 15, 2021, a notice of appearance was filed by a new counsel for Mr. Powell, and his additional counsel entered an appearance on January 25, 2022. The hearing was rescheduled for April 6, 2022, and completed on that day.

Each party filed a pre-hearing statement. Within each statement there were three identical statements of facts which were confirmed prior to the start of the hearing. Where relevant, those facts have been incorporated into this Recommended Order.

At the final hearing, Mr. Powell testified on his own behalf and presented the testimony of his wife, Barbara Powell; a neighbor, Anita Apley; a neighbor and attorney, Blair Kooi, Esquire; and Mr. Powell's neurologist, Allan Spiegel, M.D. Mr. Powell's Exhibits 2 through 7,³ 10,⁴ 14, 18, and 21 through 27 were admitted in evidence.⁵

Respondent presented the testimony of David Garrett, the president of Respondent's Board.⁶ Respondent's Exhibits 1 through 5 were admitted in evidence without objections.

² Prior to the Order granting this counsel to withdraw, the counsel filed a number of exhibits with DOAH. These original exhibits were not utilized during the hearing.

³ Exhibit 7 is an October 20, 2020, letter with attachments. Attachments to Exhibit 7, labeled as Exhibits 4 and 5, were not admitted.

⁴ Exhibit 10 is a February 22, 2021, letter with attachments. Attachments to Exhibit 10, labeled as Exhibits 9, 9A, and 10, were not admitted.

⁵ Exhibits 5 and 21 through 23 were admitted over relevancy objections.

⁶ Ed Strong appeared via the Zoom conference connection and was present for part of the hearing as a party representative.

A court reporter was present to preserve the testimony at the final hearing, but no transcript was ordered. At the conclusion of the hearing, the parties were advised to file their post-hearing submittals by Monday, April 18, 2022, as the tenth day after the hearing fell on a weekend. After discussion, Respondent’s counsel requested an extended deadline to April 25, 2022. Petitioner’s counsel did not object, and the request was granted.

Both parties timely filed post–hearing submittals within the extended time and their submittals have been considered in the preparation of this Final Order.

FINDINGS OF FACT

The following Findings of Fact are based on the relevant stipulated facts and the oral and documentary evidence adduced at the final hearing.

Admitted Facts Per Stipulation of the Parties

1. The parties agree that the Federal Act (42 U.S.C. § 3601 et seq.), the Florida Fair Housing Act (sections 760.20 through 760.37, Florida Statutes (2021)),⁷ and the chapter 70 Pinellas County Code of Ordinances, are all substantively identical and the same legal arguments apply to each.

2. Section 8.2, Common Elements, subsection B., Alteration and Improvement, of the Declaration of Condominium for Royal Stewart Arms (“Declaration”), provides “that alteration or improvement of the common elements may be made if the approval in writing of not less than 75% of the Owners (Leasehold-Owners) is obtained”

⁷ Unless stated otherwise, all statutory citations will be to the 2021 version of the Florida Statutes. No legislative changes have been made to sections 760-20 through 760-37 since 2013.

3. Mr. Powell modified the common area adjacent to his residence by installing a paver patio during the summer of 2020 without prior authorization to do so from Respondent.

Additional Findings of Fact

Based on the credibility and demeanor of the witnesses and the greater weight of the competent substantial evidence presented at the final hearing, the following additional facts are found.

4. Respondent is part of an eight-building entity, comprising of three high rise structures and four smaller buildings. There are seven building associations.

5. Section 7.2, Common Elements, subsection B., (2) Porch and Balcony, of the Declaration, provides the following:

Porch and Balcony. Each Apartment on the first floor of the Apartment building shall have a porch area enclosed by wall or fence and this area shall be referred to herein as the "Porch area", and each Apartment on the remaining floors shall have a balcony, with said area herein referred to as the "balcony area". It is intended that the patio area and the balcony area shall be a limited common element, and that the Owner (Leasehold-Owner) owning the Apartment interest in the adjacent Apartment shall be entitled to the exclusive use of said area, and the other Owners (Leasehold-Owners) in the Condominium shall not be entitled to use such space for any purpose whatsoever.

Respondent's developer used the same Declaration for all seven buildings.

6. Mr. Powell, who is now 80 years old, resides with his wife in the Glencoe building on Respondent's campus. Their condominium ("condo"), unit 109, is on the ground-level at the west end of the Glencoe building. Their condo has two bedrooms, two bathrooms, and a storage unit on the third floor of the building.

7. All the other ground floor condos with backdoors, except Unit 101, have

patios adjacent to those backdoors. Unit 101 is on the opposite end of the building, and has a three-foot square concrete step at its backdoor. There is a good-sized patio nearby in the common elements.

8. Mr. and Mrs. Powell have owned this single-family condo since 1989. They have resided in the condo full-time for the past 16 years. They are not “snowbirds.” When the condo was bought, there was a three-foot square concrete step at the backdoor of the condo. There was no porch with an enclosed wall or fence.

9. Since owning the condo, Mr. Powell’s overall health has declined significantly. Mr. Powell considered himself an “outdoor” man, and had worked with a boy scout troop for 16 years.⁸ As a couple, Mr. and Mrs. Powell used to enjoy riding bikes, kayaking, hiking in the Smokey Mountains, and walking on the beach. Now, due to his inability to walk unassisted, Mr. Powell is unable to enjoy those activities.

10. Mr. Powell credibly testified that sitting in a straight back chair is nearly impossible, and he can only stand for short periods of time. Although the couple used to enjoy going out to dinner (pre-pandemic), Mr. Powell is unable to remain seated to enjoy a meal. When at a restaurant, he has been known to stand close to a wall near the table, or go out to his car to sit in a reclining position which affords him some respite from his pain. Mr. Powell has found relief from his back pain when sitting in a zero-recliner, as it relieves the pressure on his back.

11. In 2004, Mr. Powell had major laminectomy (back) surgery. Mr. Powell has utilized a disabled person parking permit since 2008. Two or three years ago, Mr. Powell underwent spinal stimulator surgery where a two-wire

⁸ The period of time he worked with the boy scout troop was not provided.

stimulation device was to be inserted in his back. The surgeon was unable to insert the second wire appropriately, and the procedure failed. Mr. Powell described his awakening from the anesthesia as his “worst pain experience.” In October 2021, Mr. Powell had knee replacement surgery redone, and the knee has not healed properly. He now uses a cane or walker to ambulate safely.

12. Dr. Spiegel is a practicing neurologist with over 38 years of medical experience. Dr. Spiegel is treating Mr. Powell for his extensive degenerative disease of the spine, and specifically identified the neuropathy in Mr. Powell’s legs and feet. This neuropathy, weakness in his extremities, causes Mr. Powell severe imbalance and a heightened risk of falling on uneven surfaces. Dr. Spiegel acknowledged Mr. Powell’s multiple failed back surgeries, and testified Mr. Powell would benefit from using a recliner, including a zero-recliner which would alleviate some of his back pain.

13. Dr. Spiegel acknowledged and affirmed that:

Mr. Powell is, and always will be, substantially limited in his ability to ambulate, which of course, is a major life activity. He is, and will always be, significantly more vulnerable to falling while ambulating on surfaces other than hard, even surfaces, such as on grassy areas, which results in a significant risk to his overall safety. I am also aware of the recliner that Mr. Powell uses to alleviate his back pain, and view his use of it as an effective means of therapy.

It is undisputed that Mr. Powell is disabled.

14. Mr. Powell testified the zero-recliner reclines about 75% backwards, which allows him some relief from his backpain and enables him to read comfortably. Mr. Powell did not have enough space on the three-foot square step outside his backdoor to comfortably use his zero-recliner. The substantial backward position of the zero-recliner would hit the building and it was not feasible.

15. David Garrett, President of Respondent, owns a condo on the ground floor of the Glencoe building. He testified that he lives in his condo during the winter months, arriving sometime in October and returning home the next year.

16. Around June 2020,⁹ Mr. Powell saw patio construction work being done at Glencoe condo units 103 and 104. Mr. Garrett testified there was a one and one quarter (1¼) inch dip in the original patio area which needed to be fixed. Based on the demonstrative exhibits, condos 103 and 104 had new pavers placed over the existing patio. Additional pavers, roughly three-foot square ramps, were placed at either end of the patio which appear to extend into the common elements.

17. Mr. Powell approached Mr. Garrett, the owner of one of the condos where the construction work was being done. Mr. Powell stated he wanted to have a patio put in outside of his condo at his expense. Mr. Powell asked Mr. Garrett for the name and contact information of the contractor which information was provided.

18. Mr. Garrett expected the patio to be constructed at the northwest end of the Glencoe building on the common elements. He suggested that Mr. Powell should provide a sketch and obtain a bid for the work to be done. Mr. Garrett believed he could get the requisite 75% approval for the patio to be built and used by all the residents.

19. Mr. Powell contacted the contractor, and the patio was installed on the south side of the building, outside Mr. Powell's backdoor in July 2020. With the addition of this space, Mr. Powell is able to enjoy the fresh outdoors while reclining in his zero-recliner. Mr. Powell credibly testified that he is not able to move his zero-recliner by himself, but must rely on Mrs. Powell to assist him to move the zero-recliner and the large umbrella that are on the patio.

⁹ At this time, the COVID-19 pandemic was ongoing. Although COVID-19 has morphed to different strains, the pandemic remains a source of concern for many Florida residents. Choices in addressing individual health related issues are critical.

When opened, the large umbrella is approximately 15 feet wide, and covers the patio. When the weather is windy, the umbrella has to be taken down and stored inside the condo.

20. Mr. Garret became aware of the Powells newly constructed patio on the “common elements” via a picture, as he was at his home up north. Mr. Garrett “immediately sent” a message to the Powells about the new patio. Mr. Powell responded he would remove the pavers if he were to move from his condo.

21. By letter dated July 13, 2020, Mr. and Mrs. Powell were notified by Respondent’s attorney that their new “patio and landscaping” were constructed in violation of Respondent’s Declaration because prior approval had not been obtained.

22. On July 20, 2020, at 7:33 a.m., Mrs. Powell sent the following e-mail and letter to the three Board members (Mr. Garrett, Mr. Strong, and “srbinco”):

Good morning,
Response to attorney letter attached. It would have been nice to have some discussion prior to moving to this step. We pray that you might have some compassion.

sincerely, [sic]
Barb and Al Powell

To the Glencoe Board

We have received a letter from Stephan C. Nikoloff. In response to Mr. Nikoloff’s letter, we would like to take an opportunity to meet with the board when they get back in town so that we may resolve the situation and come to a mutually agreeable solution to the benefit of all parties.

We are asking for your support to assist my husband, Allan. Allan has had multiple surgeries on his back due to his spine collapsing. He must walk with a cane and has numbness down his right

let [sic] which causes him to become imbalanced. Additionally, Allan suffers from depression related to his physical condition, and especially in this COVID-19 environment – the new normal – easy access to an open-air location is additionally important to his mental health. You may be unaware of Allan’s physical disability and his Florida State approved handicapped parking privilege; we believe the law of the American Disabilities Act, and additional considerations, may allow this outdoor space as reasonable accommodation. We are pleased to supply the necessary supporting medical information.

We ask that you inform Mr. Nikoloff to hold off any further action to afford us the benefit of discussion. This would be mutually beneficial to all parties.

We look forward to hearing from you with the opportunity of discussing the matter further.

Yours Sincerely,
Allan and Barbara Powell

Additionally, Mrs. Powell printed out the letter, and placed it in the Board members’ screen doors. Later on the 20th, Mrs. Powell noticed an error in one Board member’s e-mail address. Mrs. Powell sent the e-mail and letter to that Board member again.

23. Mr. Garrett assumed he received the July 20th e-mail because it was sent to his then correct e-mail address. Mr. Garrett testified he did not remember responding to the e-mail. Further, Mr. Garrett did not remember if the letter was attached, nor did he recall seeing the letter. However, Mr. Garrett did recall that he did not call the Powells to say the letter was not attached, and Mr. Garrett did not respond to the Powells’s e-mail. Instead, Mr. Garrett said it was “foolish to engage” in conversation once the matter was turned over to the attorney. At what point the matter was turned

over to Respondent's attorney was never disclosed. The Powells did not receive any timely responses to their July 20th letter to the Board members.

24. Roughly three months later, in October 2020, at the request of Respondent's counsel, Mr. Powell provided medical documentation in support of his request for the reasonable accommodation of a patio out his back door.

25. To Mr. Garrett's knowledge, Respondent did not have Mr. Powell's medical documentation reviewed by a medical professional. Yet, Mr. Garrett did not dispute Mr. Powell's disability.

26. Respondent's Board does not have in place policies and/or procedures to specifically review and act upon requests for reasonable accommodations. When asked if Respondent's Board intended to write any policies and/or procedures ("P and P") to handle future requests for reasonable accommodations, Mr. Garrett responded "maybe so."

27. Mr. Garrett testified Respondent has a management office. The extent to what, if any, actions the management office took in response to the accommodation request were not offered.

28. Mr. Garrett identified the Powells had not obtained approval of 75% of the unit owners prior to constructing the patio, and the patio extended into the common areas. Mrs. Powell provided they had obtained almost 75% approval from condo owners. However, the method of obtaining such owner approval and the time frame in which to secure owner approvals is unknown, as there are no established P and Ps. Although the patio extends into the common area, based on the demonstrative evidence, the patio appears to be of the same material as several other patios. The landscaping provided, although young plants, appears to be of the same quality and continuation as the established landscaping. Lastly, Mr. Garrett did not offer that this particular accommodation would cause any undue financial burden to Respondent.

29. At some point, Respondent offered an alternative solution. Respondent's Board offered to pay half the cost of removing Mr. Powell's

patio, and re-constructing a patio in the northwest corner of the Glencoe property. The Powells would be responsible for the other half of the cost.

30. The northwest corner of the Glencoe property would not be a reasonable accommodation for Mr. Powell. In order to get to this fictional northwest patio, Mr. Powell would have to walk around a stairwell, on a road with his cane or walker, while carrying his zero-recliner, which he cannot do. A neighbor, Ms. Apley, testified that this alternative location has an additional issue, in that it is close to the garbage receptacles, and the odor can be unpleasant.

31. The Powells offered to pay half the cost of the alternative patio position while retaining the patio at their condo.

Ultimate Findings of Fact

32. Mr. Powell is substantially limited in his daily activities, including his ability to walk. Dr. Spiegel confirmed and Respondent offered no evidence to the contrary that Mr. Powell is disabled.

33. Respondent knew or should have known that Mr. Powell is disabled.

34. Mr. Powell requested a reasonable accommodation to modify his dwelling place. The request came after the alteration had been completed, but Mr. Powell provided the requisite documentation to support the requested accommodation.

35. Respondent denied his requested accommodation.

36. The preponderance of the evidence demonstrates that having the patio outside Mr. Powell's condo is a reasonable accommodation such that he can enjoy the space attendant. Further, it appears that the Declaration provided for a patio on the ground floor.

CONCLUSIONS OF LAW

37. DOAH has jurisdiction over this matter pursuant to section 120.65(6), Florida Statutes, and the contract between DOAH and Pinellas County, Florida.

38. Division 3, chapter 70, Pinellas County Code of Ordinances, governs housing and public accommodation complaints. Section 70-147(b) provides that “the Florida Administrative Procedures [sic] Act (F.S. ch. 120) governs hearings under this section.” Subsection (f) further provides that the “administrative law judge shall issue a final order within 30 days of the hearing conducted under this section. The final order issued by the administrative law judge shall be the final agency action under this section.” The Pinellas County Code of Ordinances provides that if the administrative law judge determines that the respondent has engaged in a discriminatory housing practice, he/she may order a wide range of relief to the complainant. *See* § 70-148, Pinellas Cnty. Code of Ord.

39. Section 70-180(c), provides in pertinent part:

(c) For purposes of this section only, discrimination includes:

* * *

(2) A refusal to make reasonable accommodations in rules, policies, practices, or services when such accommodations may be necessary to afford the person equal opportunity to use and enjoy a dwelling:

40. Section 120.57(1)(j) provides:

Findings of fact shall be based upon a preponderance of the evidence, except in penal or licensure disciplinary proceedings or except as otherwise provided by statute, and shall be based exclusively on the evidence of record and on matters officially recognized.

Thus, Mr. Powell has the burden of proving by a preponderance of the evidence that Respondent committed an unlawful housing discrimination practice. *See* § 120.57(1)(j), Fla. Stat. *See also* *U.S. Dep’t of Hous. & Urban Dev. v. Blackwell*, 908 F.2d 864, 870 (11th Cir. 1990) (Mr. Powell has the

burden of establishing facts to prove a prima facie case of housing discrimination).

41. The Fair Housing Amendments Act of 1988 (“FHA”), as codified at 42 U.S.C. § 3604, protects individuals with disabilities from discriminatory housing practices. In the Complaint, Mr. Powell alleges that Respondent failed to make a reasonable accommodation based on his disability. The FHA defines discrimination based on handicap to include “a refusal to make reasonable accommodations in rules, policies, practices, or services, when such accommodations may be necessary to afford such person equal opportunity to use and enjoy a dwelling.” *Id.* § 3604(f)(3)(B). Accordingly, under the FHA, a person or entity may be liable if there is a refusal to make a reasonable accommodation in the rules, policies, practices, or services, when such accommodations may be necessary to afford a handicapped person equal opportunity to use and enjoy a dwelling or facilities. *See Schwarz v City of Treasure Island*, 544 F.3d 1201, 1218-19 (11th Cir. 2008). The essence of Mr. Powell’s claim is that Respondent failed to accommodate his request to retain the patio outside his condo.

42. Sections 760.20 through 760.37 make it unlawful to discriminate against persons in matters incidental to a dwelling on the basis of a person’s handicap. In that regard, section 760.22 provides, in pertinent part:

(3) “Disability” means:

(a) A person has a physical or mental impairment which substantially limits one or more major life activities, or he or she has a record of having, or is regarded as having, such physical or mental impairment;

43. The Florida Fair Housing Act is patterned after Title VIII of the Civil Rights Act of 1968, as amended by the FHA of 1988, and discrimination covered under the Florida Fair Housing Act is the same discrimination prohibited under the federal Fair Housing Act. *Savannah Club Worship Serv.*

Inc. v. Savannah Club Homeowners' Ass'n, Inc., 456 F. Supp. 2d 1223, 1224 (S.D. Fla. 2005); *see also Loren v. Sasser*, 309 F.3d 1296, 1299 (11th Cir. 2002). When “a Florida Statute is modeled after a federal law on the same subject, the Florida statute will take on the same constructions as placed on its federal prototype.” *Brand v. Fla. Power Corp.*, 633 So. 2d 504, 509 (Fla. 1st DCA 1994); *see also Dornbach v. Holley*, 854 So. 2d 211, 213 (Fla. 2d DCA 2002); *Fla. Dep't of Cmty. Aff. v. Bryant*, 586 So. 2d 1205, 1209 (Fla. 1st DCA 1991).

44. As provided above, Mr. Powell has the burden of establishing by a preponderance of the evidence that Respondent violated the Florida Fair Housing Act. *See* § 760.34(5), Fla. Stat.; *Fla. Dep't of Transp. v. J.W.C. Co.*, 396 So. 2d 778 (Fla. 1st DCA 1981). Mr. Powell bears the burden of establishing the following:

- (1) [Mr. Powell] is a person with a disability within the meaning of the FHA or a person associated with that individual;
- (2) [Mr. Powell] requested a reasonable accommodation for the disability;
- (3) the requested accommodation was necessary to afford [Mr. Powell] an opportunity to use and enjoy the dwelling; and
- (4) [Respondent] refused to make the accommodation.

Hunt v. Aimco Props., L.P., 814 F.3d 1213, 1225-26 (11th Cir. 2016) (citing *Bhogaita v. Altamonte Heights Condo. Ass'n, Inc.*, 765 F.3d 1277, 1285 (11th Cir. 2014)); *Bone v. Vill. Club, Inc.*, 223 F. Supp. 3d 1203, 1210-11 (M.D. Fla. 2016).

45. Mr. Powell credibly established that he has physical disabilities within the meaning of the FHA.

46. Mr. Powell requested a reasonable accommodation for his disability such to afford him the opportunity to use and enjoy his dwelling.

47. Respondent refused to allow the reasonable accommodation.

48. Once Mr. Powell establishes a prima facie case of discrimination, the burden shifted to Respondent to articulate a legitimate, non-discriminatory, non-retaliatory reason for the challenged action. *McDonnell Douglas Corp. v. Green*, 411 U.S. 792, 802 (1973).

49. Respondent's arguments do not constitute a legitimate, non-discriminatory reason for denying the requested accommodation.

50. The law is well-settled that common areas may be modified upon a request for a reasonable accommodation by a person with a disability: "in certain circumstances, the Act requires that housing providers allow residents to make reasonable structural modifications to units and public/common areas in a dwelling when those modifications may be necessary for a person with a disability to have full enjoyment of a dwelling." Page 6, *Joint DOJ/HUD Statement on Reasonable Accommodations Under the Fair Housing Act* (2004). Additionally, "The Fair Housing Act does not require that a request be made in a particular manner at a particular time." Page 10, *Joint DOJ/HUD Statement on Reasonable Accommodations Under the Fair Housing Act* (2004).

DISPOSITION

Based on the foregoing Findings of Fact and Conclusions of Law, it is ORDERED that: A. Respondent violated section 70-180, Pinellas County Code of Ordinances; 42 U.S.C. § 3604; B. Respondent shall provide the requested reasonable accommodation by allowing Mr. Powell to retain the patio outside his Condominium unit; and C. Respondent shall pay Mr. Powell reasonable attorney's fees and costs in prosecuting this action. Jurisdiction is retained to determine the amount of reasonable attorney's fees and costs. The parties are hereby directed to confer within 20 days of the date of this Final

Order concerning the amount of attorney's fees and costs. Within five days after the parties confer, the parties shall file a written joint status report that informs the undersigned as to whether they are able to stipulate to an amount of attorney's fees and costs. If the parties are able to stipulate an amount of the attorneys' fees and costs, then the stipulation shall be sent to the undersigned for review and approval. If the parties are unable to reach a stipulation as to attorney's fees and costs, then a hearing shall be set to determine the reasonable amount of attorney's fees and costs.

DONE AND ORDERED this 6th day of May, 2022, in Tallahassee, Leon County, Florida.



LYNNE A. QUIMBY-PENNOCK
Administrative Law Judge
1230 Apalachee Parkway
Tallahassee, Florida 32399-3060
(850) 488-9675
www.doah.state.fl.us

Filed with the Clerk of the
Division of Administrative Hearings
this 6th day of May, 2022.

COPIES FURNISHED:

Scott H. Jackman, Esquire
Cole, Scott and Kissane, P.A.
Suite 400
4301 West Boy Scout Boulevard
Tampa, Florida 33607

Allan Powell
8 Glencoe Place, Unit 9
Dunedin, Florida 34698

Yury L. Rosas, Administrative Support
Pinellas County, Office of Human Rights
400 South Fort Harrison Avenue, Fifth Floor
Clearwater, Florida 33756

Jeffery Lorick, Director/Compliance Officer
Pinellas County Office of Human Rights
400 South Fort Harrison Avenue, Fifth Floor
Clearwater, Florida 33756

Robin L. Stover, Esquire
Gulfcoast Legal Services, Inc.
501 1st Avenue North
St. Petersburg, Florida 33701

Lisa Postell, Equal Opportunity
Coordinator 1
Pinellas County Office of Human Rights
400 South Fort Harrison Avenue, Fifth Floor
Clearwater, Florida 33756

Ryan Torrens, Esquire
Torrens Law Group, P.A.
4016 Henderson Boulevard
Tampa, Florida 33629

NOTICE OF RIGHT TO JUDICIAL REVIEW

Any party who is adversely affected by this Final Order is entitled to seek judicial review by filing a petition for writ of certiorari in the circuit court of the Sixth Judicial Circuit in and for Pinellas County, Florida, within 30 calendar days of the date of this Final Order. § 70-147(g), Pinellas County Code.