Florida Commission on Human Relations

ELECTION OF RIGHTS FORM FOR HOUSING DISCRIMINATION COMPLAINTS

COMPLAINANT: Thomas & Melinda D'Aiuto

RESPONDENT: MOON BAY CONDOMINIUM ASSOCIATION, INC. et. Al

FCHR No.: 2016H0336 **HUD No.:** 04-16-4573-8

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Please complete the information below, checking only one response, and return to the Florida Commission on Human Relations, 4075 Esplanade Way, Suite 110, Tallahassee, FL 32399.

☑ 1. **I elect to have the Attorney General bring a court action in the name of the state on my behalf to enforce the provisions of the Fair Housing Act.**
At the election of the complainant, the Attorney General may bring an action in the name of the state on behalf of the complainant to enforce the provisions of sections 760.20-.37, F.S. This election must be made within 20 days after receipt of the notice of determination. If the Attorney General, in its discretion, determines that it will not initiate a civil action on behalf of the aggrieved person, the Commission shall institute a civil action in an appropriate court. If the court finds that a discriminatory housing practice has occurred, it shall issue an order prohibiting the practice and providing affirmative relief from the effects of the practice, including injunctive and other equitable relief, actual and punitive damages, and reasonable attorney's fees and costs. See sections 760.34(4) and 760.35(2), F.S. (2014), and Rules 60Y-7.001(8)(b)5.-6.,Florida Administrative Code (F.A.C.).

☐ 2. **I elect to have the Commission file a petition with the Division of Administrative Hearings for an administrative hearing and seek relief on my behalf.**
As an alternative to the Attorney General bringing an action, the Commission will petition for an administrative hearing and seek relief for complainant under section 120.57, F.S., and prosecute the matter to a final agency order, which may include defending against an appeal by the respondent. This election must be made within 30 days after receipt of the notice of determination. Administrative hearings shall be conducted pursuant to sections 120.569 and 120.57(1), F.S. If the administrative law judge finds that a discriminatory housing practice has occurred or is about to occur, he or she shall issue a recommended order to the Commission prohibiting the practice and recommending affirmative relief from the effects of the practice, including quantifiable damages and reasonable attorney's fees and costs. The Commission may adopt, reject, or modify a recommended order only as provided under section 120.57(1). See sections 760.35 (3)(a)-(b), F.S. (2014) and Rule 60Y-7.001 (8)(b)7., F.A.C.

☐ 3. **I elect to exercise my right to seek administrative or judicial relief without governmental assistance, and, therefore, I am withdrawing my complaint from the Commission.**
At all times, the complainant retains the right to seek administrative or judicial relief without governmental assistance. A petition for administrative relief must be filed within 30 days after receipt of the notice of determination, and a civil action must be commenced no later than two (2) years after the alleged discriminatory practice occurred. See sections 760.35 (1) and (3)(a)2., F.S. (2014) and Rule 60Y-7.001 (8)(b)8., F.A.C.

PLEASE CHECK ONE OF THE ABOVE, SIGN AND DATE

Thomas D'Aiuto
Complainant's Signature
Melinda D'Aiuto

Date Nov 25th, 2016