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Barton, Tammy

From: askmeinn . <askmeinn@gmail.com>
Sent: Thursday, July 13, 2017 12:07 PM
To: Barton, Tammy
Subject: Appeal

RECEIVED
FLORIDA COMMISSION
ON
HUMAN RELATIONS
2017 JUL 13 PM 4:30

RECEIVED, 8/7/2017 2:08 PM, Joanne P. Simmons, Fifth District Court of Appeal

Dear Mrs. Barton,

Today, July 13, 2017, I attended the telephone hearing with the Florida Commission on Human Relations regarding case # DOAH 17-1160; FCHR 2016H0394. The three Commissioners voted to dismiss my case. Based on their decisions I require that you proceed on my behalf by filing an Appeal with the Florida Court of Appeals for the following reasons:

1. The USPS made an error in scanning the pickup date for the Certified letter from FCHR which caused my case to be dismissed for failure to file timely.
2. During the investigation by FCHR they failed to contact my most critical witnesses that could have supported my claims against Salt Springs Resort and Bosshardt Property Management. The investigator, Sedrick Ross, who had promised me in writing that he would contact all my witnesses but failed to do as he said he would. This has caused great harm to me.
3. FCHR lost my entire file, that I spent a month to provide to them, which included approx 100 exhibits/evidence and to this day the file has never been found. How can the FCHR make any type of ruling on my case without my evidence that was presented to them and not calling my witnesses? FCHR, in my opinion, took the word of the two lawyers representing the Association and Property Manager without ever giving me the opportunity to present any evidence or critical witnesses in my defense.
4. FCHR contributed to the delay in the claimant's filing of the appeal by telling me that a FCHR supervisor would call me back regarding my DOAH request but never did until over a week later when I called you Mrs. Barton at which time you had me go to the post office and get proof of the date I signed for the Certified letter and emailed to you.
4. DOAH Judge R. BRUCE MCKIBBEN should have factored into consideration in his late filing dismissal the fact that I was bedridden with my disability and was unable to get to the Post Office to pick up any mail. Without the help of my neighbor, Jill Amos, driving me to the post office on Dec 23, 2017, I would not have received the Certified notice from FCHR at that time. Had I received an email from you, or the FCHR, that my DOAH request has been accepted I would have had someone monitor the Post Office daily for pickup. The same day that I signed for, and received, the FCHR certified letter I telephoned the FCHR and Judge McKibben's office because he had already issued orders that I had not received until Dec 23, 2017.

I further believe that Judge McKibben should have considered, based on all the above, Florida Statute 443.151(4)(b)3., and provided me with a show cause why a late-filed should not be dismissed and to provide me an opportunity to provide good cause for failure to appeal timely instead of 7 days prior to trial dismissing my case and 32 Subpoenaed witnesses that I had worked for months to get.

” Ch.2005–209, § 7, Laws of Fla. (emphasis added). This “good cause” amendment to section 443.151(4)(b)3. codifies previous case precedent requiring the agency, on a case-by-case basis, to consider the facts surrounding late-filed appeals when appellants challenge their timely receipt of notice from the Commission or other

situations where the Commission might have contributed to the delay in the claimant's filing of the appeal. See *Ortolano v. Unemployment Appeals Comm'n.*, 33 So.2d 823 (Fla. 5th DCA 2010); *Pollett v. Fla. Unemployment Appeals Comm'n.*, 928 So.2d 469 (Fla. 1st DCA 2006); *Applegate v. Nat'l Health Care Affiliates*, 667 So.2d332 (Fla. 1st DCA 1995).

Please, I request that you begin my Appeal process as quickly as you can because great harm has been done to me by these mistakes and my health is being affected. I pray I have my chance to present my evidence before Judge McKibben to put a stop to the discriminatory, selective and retaliatory abuse that Salt Springs Resort and Bosshardt Property Management have put me through for the last 3.5 years. No one should have the right to abuse an elderly/disabled person as they have me because they don't like me. They have now started Foreclosure against my home and trying to take my home from me. Just this week their attorney, Bradford Tropello, tells another attorney that they hate me and just want me out of the Association. Salt Springs Resort has already had one homeowner take his life because of the abuse the board put him through, along with many more homeowners that they have run off with their bad behavior and this has got to STOP but it is very hard to do anything about it because out of 450 homeowners who own RV lots at SSR, only about 50 are full-time residents. The other 400 are snow birds and they simply don't care what goes on as long as it does not affect them, so the selective enforcement and abuse continues. If you are part of "the club" there are no rules for you, if not, or they don't like you, they use the rules to get rid of you. This is wrong!

Thank you, and please let me know when the Appeal has been filed.

Scarlett Rabalais
352-685-6125

Florida Commission on Human Relations
Certified Copy
Date: July 14, 2017
By: Tommy Boston
Agency Clerk

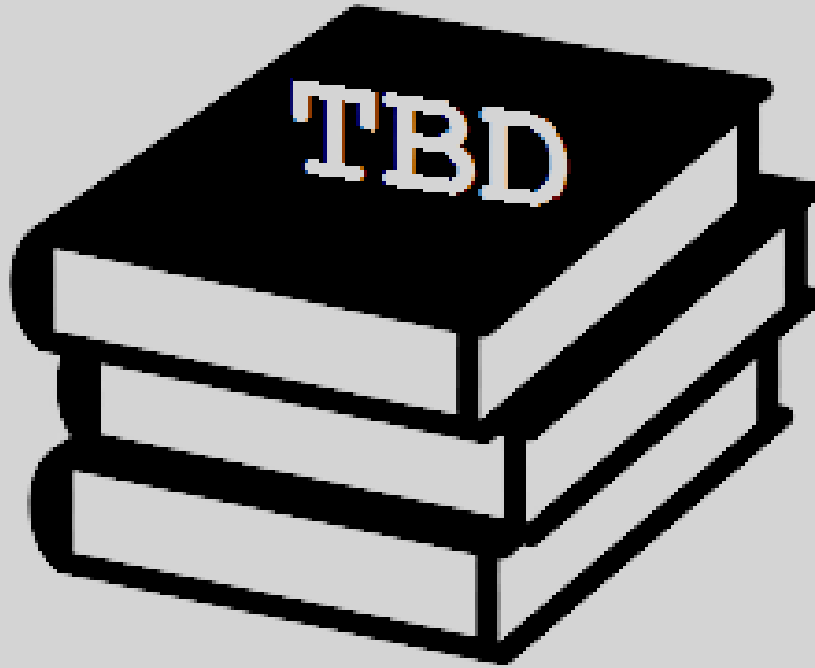


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