

11-28-01

STATE OF FLORIDA  
COMMISSION ON HUMAN RELATIONS

FILED  
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MARIA OLIVERAS,

EEOC Case No. 15DA10305

Petitioner,

At

FCHR Case No. 21-01229

v.

DOAH Case No. 01-3928

Dmk-Plus

AERO DECAL,

FCHR Order No. 03-063

Respondent.

**FINAL ORDER DISMISSING PETITION FOR  
RELIEF FROM AN UNLAWFUL EMPLOYMENT PRACTICE**

This matter is before the Commission for consideration of the Recommended Order of Dismissal, dated November 28, 2001, issued in the above-styled matter by Administrative Law Judge Daniel M. Kilbride.

Findings of Fact and Conclusions of Law

Judge Kilbride's order reflects, among other things, that Petitioner failed to comply with an Order to Show Cause issued on October 31, 2001, directing Petitioner to show cause why the matter should not be dismissed on the basis that Respondent is not an "employer" within the meaning of the Florida Civil Rights Act of 1992. Judge Kilbride concluded, therefore, that the Commission and the Division of Administrative Hearings did not have jurisdiction over the matter because Respondent is not an "employer" within the meaning of the Florida Civil Rights Act of 1992, and recommended that the matter be dismissed. Judge Kilbride also concluded that the Petition for Relief was not timely filed.

We adopt the Administrative Law Judge's finding that Respondent is not an "employer" subject to the Florida Civil Rights Act of 1992, and adopt the Administrative Law Judge's recommendation that the matter, therefore, should be dismissed.

We note that through the operation of administrative rule it is possible that the Petition for Relief in this matter was timely filed, and, given our adoption of the Administrative Law Judge's recommendation as to jurisdiction, we find it unnecessary to adopt the Administrative Law Judge's conclusion that the Petition for Relief was not timely filed.

Exceptions

Neither party filed exceptions to the Administrative Law Judge's Recommended Order of Dismissal.

Dismissal

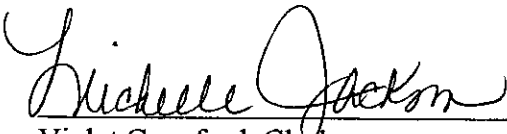
The Petition for Relief and Complaint of Discrimination are DISMISSED with prejudice.

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 of appeal is found in Section 120.68, Florida Statutes, and in the Florida Rules of Appellate Procedure 9.110.

DONE AND ORDERED this 20<sup>th</sup> day of November, 2003.  
FOR THE FLORIDA COMMISSION ON HUMAN RELATIONS:

Commissioner Roosevelt Paige, Panel Chairperson;  
Commissioner Aletta Shutes; and  
Commissioner P. C. Wu

Filed this 20<sup>th</sup> day of November, 2003,  
in Tallahassee, Florida.

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

NOTICE TO COMPLAINANT / PETITIONER

As your complaint was filed under Title VII of the Civil Rights Act of 1964, which is enforced by the U.S. Equal Employment Opportunity Commission (EEOC), you have the right to request EEOC to review this Commission's final agency action. To secure a "substantial weight review" by EEOC, you must request it in writing within 15 days of your receipt of this Order. Send your request to Miami District Office (EEOC), One Biscayne Tower, 2 South Biscayne Blvd., Suite 2700, 27th Floor, Miami, FL 33131.

Copies furnished to:


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339 Galicia Street Southwest  
Palm Bay, FL 32908

Aero Decal  
c/o Christopher J. Coleman, Esq.  
Schillinger & Coleman, P.A.  
1329 Bedford Drive, Suite 1  
Melbourne, FL 32940

Daniel M. Kilbride, 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 20<sup>th</sup> day of November, 2003.

for By:   
Clerk of the Commission  
Florida Commission on Human Relations