

2-14-03

STATE OF FLORIDA
COMMISSION ON HUMAN RELATIONS

03 JUL -8 PM 12:58

AT

JOANNE WHITAKER MCSHANE,

EEOC Case No. 15D996018

Petitioner,

FCHR Case No. 99-04139

v.

DOAH Case No. 01-4449

DMK-CLDS

BREVARD COUNTY SHERIFF'S
OFFICE,

FCHR Order No. 03-040

Respondent.

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

Preliminary Matters

Petitioner Joanne Whitaker McShane filed a complaint of discrimination pursuant to the Florida Civil Rights Act of 1992, Sections 760.01 - 760.11, Florida Statutes (1997), alleging that Respondent Brevard County Sheriff's Office committed an unlawful employment practice on the basis of retaliation.

On October 1, 2001, the Executive Director issued his determination finding that the Commission lacked jurisdiction over the Complaint of Discrimination.

Petitioner filed a Petition for Relief from an Unlawful Employment Practice, and the case was transmitted to the Division of Administrative Hearings for the conduct of a formal proceeding.

Administrative Law Judge Daniel M. Kilbride issued a Recommended Order of Dismissal on February 15, 2002.

The Commission issued an Order Remanding Petition for Relief from an Unlawful Employment Practice on November 8, 2002.

Judge Kilbride issued a Recommended Order of dismissal on February 14, 2003.

The Commission panel designated below considered the record of this matter and determined the action to be taken on the Recommended Order issued on February 14, 2003.

Findings of Fact

We find the Administrative Law Judge's findings of fact to be supported by competent substantial evidence.

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

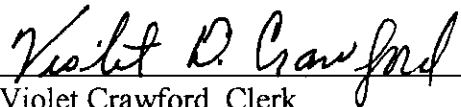
The Petition for Relief and Complaint of Discrimination are DISMISSED with prejudice.

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

DONE AND ORDERED this 3rd day of July, 2003.
FOR THE FLORIDA COMMISSION ON HUMAN RELATIONS:

Commissioner Roosevelt Paige, Panel Chairperson;
Commissioner Leonie Hermantin; and
Commissioner Billy Whitefox Stall

Filed this 3rd day of July, 2003,
in Tallahassee, Florida.



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:

Joanne Whitaker McShane
c/o William R. Amlong
Amlong & Amlong, P.A.
500 Northeast Fourth Street
Second Floor
Fort Lauderdale, FL 33301-1154

Brevard County Sheriff's Office
c/o Keith C. Tischler, Esq.
Powers, Quaschnick, Tischler, Evans & Dietzen
1669 Mahan Center Boulevard
Post Office Box 12186
Tallahassee, FL 32317-2186

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 3rd day of July, 2003.

By: Violet Crawford
Clerk of the Commission
Florida Commission on Human Relations