

5-3-04

STATE OF FLORIDA
COMMISSION ON HUMAN RELATIONS

04 SEP 23 AM 9:48
DIVISION OF ADMINISTRATIVE HEARINGS

GERALDINE DAR DAR,

AT

EEOC Case No. 151-2004-00062

Petitioner,

FCHR Case No. NONE

v.

DOAH Case No. 04-1137

WFO
CWS

ASSOCIATED OUTDOOR CLUB, INC.,

FCHR Order No. 04-118

Respondent.

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

Preliminary Matters

Petitioner Geraldine Dar Dar filed a complaint of discrimination pursuant to the Florida Civil Rights Act of 1992, Sections 760.01 - 760.11, Florida Statutes (2001), alleging that Respondent Associated Outdoor Club, Inc., committed unlawful employment practices by maintaining a racially and sexually hostile work environment and by terminating Petitioner in retaliation for complaining about the hostile work environment.

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 William F. Quattlebaum issued a Recommended Order of Dismissal, dated May 3, 2004, finding that the Petition for Relief was not timely filed.

Pursuant to notice, public deliberations were held on August 31, 2004, by means of Communications Media Technology (namely, telephone) before this panel of Commissioners. The public access point for these telephonic deliberations was the Office of the Florida Commission on Human Relations, 2009 Apalachee Parkway, Suite 100, Tallahassee, Florida, 32301. At these deliberations, the Commission panel determined the action to be taken on the Petition for Relief.

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

Petitioner filed exceptions to the Recommended Order of Dismissal in a document entitled, "Petitioner's Exceptions to Judges [sic] Recommended Order," received by the Commission on May 11, 2004.

Generally, it can be said that the document excepts to the Administrative Law Judge's recommendation that the matter be dismissed, seemingly suggesting that Saturdays and Sundays should not be included in the applicable time computation.

It is worth noting that the Administrative Law Judge considered this argument as set out in Petitioner's response to Respondent's motion to dismiss, prior to the issuance of the Recommended Order of Dismissal.

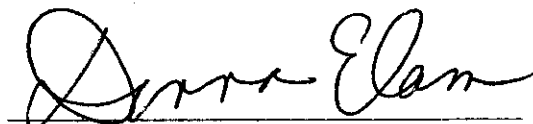
Petitioner's exceptions are rejected, by a vote of 2 to 1.

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 22nd day of September, 2004.
FOR THE FLORIDA COMMISSION ON HUMAN RELATIONS:



Commissioner Donna Elam,
Panel Chairperson;
Commissioner Roosevelt Paige; and
Commissioner Gilbert M. Singer

Filed this 22ND day of SEPTEMBER, 2004,
in Tallahassee, Florida.

Violet Crawford
Violet Crawford, Clerk
Commission on Human Relations
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Tampa, FL 33606

William F. Quattlebaum, 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 22ND day of SEPTEMBER, 2004.

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