

11-23-04

STATE OF FLORIDA
COMMISSION ON HUMAN RELATIONS

FILED
05 FEB -1 AM 10:05
DIVISION OF
ADMINISTRATIVE
HEARINGS

VANESSA BROWN,

Petitioner,

FCHR Case No. 21-02226

v.

DOAH Case No. 04-1591F

Dmk
CWS

CAPITAL CIRCLE HOTEL COMPANY,
d/b/a SLEEP INN,

FCHR Order No. 05-016

Respondent.

FINAL ORDER AWARDING ATTORNEY'S FEES AND COSTS

Preliminary Matters

Petitioner Vanessa Brown filed a complaint of discrimination pursuant to Sections 509.092 and 760.11, Florida Statutes (1999), alleging that Respondent Capital Circle Hotel Company d/b/a Sleep Inn committed unlawful public accommodation discrimination on the basis of Petitioner's race (African-American) when it failed to rent Petitioner a room at the Sleep Inn in Temple Terrace, Florida.

The allegations set forth in the complaint were investigated, and, on August 22, 2001, the Executive Director issued his determination finding that there was reasonable cause to believe that unlawful discrimination had occurred.

Petitioner filed a Petition for Relief and the case was transmitted to the Division of Administrative Hearings for the conduct of a formal proceeding.

An evidentiary hearing was held on September 4, 2002, in Orlando, Florida, before Administrative Law Judge Daniel M. Kilbride.

Judge Kilbride issued a Recommended Order on October 17, 2002, recommending that the Commission enter a final order finding that Respondent unlawfully discriminated against Petitioner on the basis of Petitioner's race, and recommending affirmative relief.

The Commission issued a "Final Order Awarding Affirmative Relief from Unlawful Public Accommodation Discrimination," filed March 7, 2003, adopting the Administrative Law Judge's recommendations with regard to the finding of discrimination and the remedy, and reserved jurisdiction as to determination of precise amounts owed Petitioner.

The parties were unable to agree on the amounts of attorney's fees and costs owed Petitioner, and by operation of the provisions set out in the Commission's above-referenced Order, the matter was remanded to the Administrative Law Judge for determination of those amounts.

The Commission panel designated below considered the record of this matter and determined the action to be taken on the Recommended Order for Attorney's Fees and Costs.

Findings of Fact

A transcript of the proceeding before the Administrative Law Judge was not filed with the Commission.

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 for Attorney's Fees and Costs.

Award of Attorney's Fees and Costs

Through our adoption of the Administrative Law Judge's findings of fact and conclusions of law, as set out above, we have adopted the Administrative Law Judge's recommendations for the award of attorney's fees and costs in this matter.

Respondent is hereby ORDERED:

(1) to pay to Petitioner an award of attorney's fees in the sum of \$54,900.00; and

(2) to pay Petitioner an award of costs in the sum of \$8,315.79, which includes \$4,200.00 to be paid Petitioner for payment of Petitioner's expert witness, George F. Indest, III, Esq.

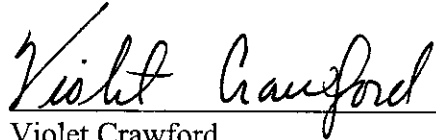
The parties have the right to seek judicial review of this Order. The Commission and the appropriate District Court of Appeal must receive notice of appeal within 30 days of the date this Order is filed with the Clerk of the Commission. Explanation of the right to appeal is found in Section 120.68, Florida Statutes, and in the Florida Rules of Appellate Procedure 9.110.

DONE AND ORDERED this 31st day of January, 2005.

FOR THE COMMISSION ON HUMAN RELATIONS:

Commissioner Roosevelt Paige, Panel Chairperson;
Commissioner Gayle Cannon; and
Commissioner Dominique B. Saliba, M.D.

FILED this 31st day of January, 2005,
in Tallahassee, Florida.



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

Copies furnished to:

Vanessa Brown
c/o Tricia A. Madden, Esq.
Tricia A. Madden, P.A.
500 East Altamonte Drive, Suite 200
Altamonte Springs, FL 32701

Capital Circle Hotel Company, d/b/a Sleep Inn
c/o Stephen F. Baker, Esq.
Stephen F. Baker, P.A.
800 First Street South
Winter Haven, FL 33880

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 31st day of January, 2005.

By: 
Clerk of the Commission