

12-22-04

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ADMINISTRATIVE
HEARINGS

STATE OF FLORIDA
COMMISSION ON HUMAN RELATIONS

WILLIAM D. HUNT,

Petitioner,

v.

TPE STRUCTURES OF BAY COUNTY,
INC.,

Respondent.

_____ /

CHARLES C. WHITE,

Petitioner,

v.

TPE STRUCTURES OF BAY COUNTY,
INC.,

Respondent.

_____ /

EEOC Case No. 15DA400313

FCHR Case No. 2004-20649

DOAH Case No. 04-2424

FCHR Order No. 05-028

AT

CCA

CWS

EEOC Case No. 15DA400308

FCHR Case No. 2004-20650

DOAH Case No. 04-2425

FCHR Order No. 05-028

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

Preliminary Matters

Petitioners William D. Hunt and Charles C. White filed complaints of discrimination pursuant to the Florida Civil Rights Act of 1992, Sections 760.01 - 760.11, Florida Statutes (2003), alleging that Respondent TPE Structures of Bay County, Inc., committed unlawful employment practices on the basis of Petitioners' sex by subjecting Petitioners to sexual harassment.

The allegations set forth in the complaints were investigated, and, on June 8, 2004, the Executive Director issued his determinations in both cases finding that the Commission lacked jurisdiction over the allegations of the complaints because Respondent did not employ sufficient employees to be subjected to the Florida Civil Rights Act of 1992.

Petitioners filed Petitions for Relief from an Unlawful Employment Practice, and the cases were transmitted to the Division of Administrative Hearings for the conduct of a formal proceeding.

The Division of Administrative Hearings consolidated the cases, and an evidentiary hearing was held in Tallahassee, Florida, on November 22, 2004, before Administrative Law Judge Charles C. Adams, on the issue of whether Respondent is an employer within the meaning of the Florida Civil Rights Act of 1992.

Judge Adams issued a Recommended Order of dismissal, dated December 22, 2004, recommending that the Commission dismiss the Petitions for Relief because Petitioners failed to show that Respondent falls within the jurisdiction of the Commission.

The Commission panel designated below considered the records of these matters and determined the action to be taken on the Recommended Order.

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

None of the parties filed exceptions to the Administrative Law Judge's Recommended Order.

Dismissal

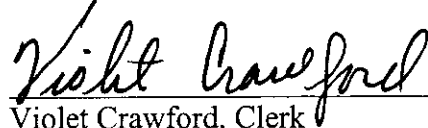
The Petitions for Relief and Complaints of Discrimination are DISMISSED with prejudice.

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 February, 2005.
FOR THE FLORIDA COMMISSION ON HUMAN RELATIONS:

Commissioner Donna Elam, Panel Chairperson;
Commissioner Roosevelt Paige; and
Commissioner Dominique B. Saliba, M.D.

Filed this 22nd day of February, 2005,
in Tallahassee, Florida.



Violet Crawford, Clerk
Commission on Human Relations
2009 Apalachee Parkway, Suite 100
Tallahassee, FL 32301
(850) 488-708

NOTICE TO COMPLAINANTS / PETITIONERS

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:

William D. Hunt
Charles C. White
c/o Daniel A. Perez, Esq.
Allen & Trent, P.A.
700 North Wickham Road, Suite 107
Melbourne, FL 32935

TPE Structures of Bay County, Inc.
c/o Kenneth L. Karr
President
Post Office Box 18155
Panama City Beach, FL 32417

Charles C. Adams, 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 February, 2005.

By: 
Clerk of the Commission
Florida Commission on Human Relations