

STATE OF FLORIDA
COMMISSION ON HUMAN RELATIONS

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SHERRY VERES,

Petitioner,

v.

ENERGY ERECTORS, INC.,

Respondent.

EEOC Case No. NONE

FCHR Case No. 22-02063

DOAH Case No. 04-3004

FCHR Order No. 06-039

DIVISION OF
ADMINISTRATIVE
HEARINGS

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

Preliminary Matters

Petitioner Sherry Veres filed a complaint of discrimination pursuant to the Florida Civil Rights Act of 1992, Sections 760.01 - 760.11, Florida Statutes (1999), alleging that Respondent Energy Erectors, Inc., committed an unlawful employment practice on the basis of Petitioner's sex (female) by subjecting Petitioner to sexual harassment.

The allegations set forth in the complaint were investigated, and, on July 15, 2004, the Executive Director issued his amended determination finding that there was no reasonable cause to believe that an unlawful employment practice had occurred.

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 Don W. Davis issued a Recommended Order of Dismissal, dated April 11, 2005, concluding that the Petition for Relief was not timely filed.

The Commission issued an "Order Remanding Petition for Relief from an Unlawful Employment Practice," dated June 15, 2005, in which it was concluded that the Petition for Relief was timely filed.

An evidentiary hearing on the merits was held in Leesburg, Florida, on October 19, 2005, before Administrative Law Judge Ella Jane P. Davis.

Judge Ella Jane P. Davis issued a Recommended Order of dismissal, dated March 22, 2006.

The Commission panel designated below considered the record of this matter and determined the action to be taken on the Recommended Order, dated March 22, 2006.

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

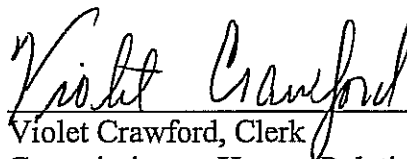
The Petition for Relief and Complaint of Discrimination are DISMISSED with prejudice.

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 24th day of May, 2006.
FOR THE FLORIDA COMMISSION ON HUMAN RELATIONS:

Commissioner Billy Whitefox Stall, Panel Chairperson;
Commissioner Donna Elam; and
Commissioner Dominique B. Saliba, M.D.

Filed this 24th day of May, 2006,
in Tallahassee, Florida.



Violet Crawford, Clerk
Commission on Human Relations
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(850) 488-7082

Copies furnished to:

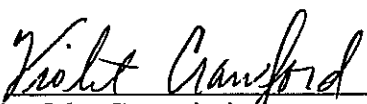
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Ella Jane P. Davis, Administrative Law Judge, DOAH

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 24th day of May, 2006.

By: 
Clerk of the Commission
Florida Commission on Human Relations