

STATE OF FLORIDA  
COMMISSION ON HUMAN RELATIONS

JENNIFER PEAVY,

EEOC Case No. 15DA500266

Petitioner,

FCHR Case No. 2005-00638

v.

DOAH Case No. 05-1920

B LAY ENTERPRISES, LLC, d/b/a  
BARGAIN BARRY'S,

FCHR Order No. 05-124

Respondent.

DIVISION OF  
ADMINISTRATIVE  
HEARINGS

05 DEC 15 PM 2:48

FILED

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

Preliminary Matters

Petitioner Jennifer Peavy filed a complaint of discrimination pursuant to the Florida Civil Rights Act of 1992, Sections 760.01 - 760.11, Florida Statutes (2003), alleging that Respondent B Lay Enterprises, LLC, d/b/a Bargain Barry's, 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 April 18, 2005, the Executive Director issued his 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.

An evidentiary hearing was held in Pensacola, Florida, on August 2, 2005, before Administrative Law Judge Don W. Davis.

Judge Davis issued a Recommended Order of dismissal, dated October 4, 2005.

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

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

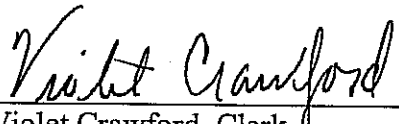
The Petition for Relief and Complaint of Discrimination are DISMISSED with prejudice.

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 14<sup>th</sup> day of December, 2005.  
FOR THE FLORIDA COMMISSION ON HUMAN RELATIONS:

Commissioner Roosevelt Paige, Panel Chairperson;  
Commissioner Dominique B. Saliba, M.D.; and  
Commissioner Gilbert M. Singer

Filed this 14<sup>th</sup> day of December, 2005,  
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:

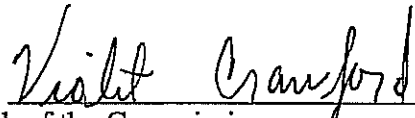
Jennifer Peavy  
c/o Kenneth M. Hesser, Esq.  
Seven East Silver Springs Boulevard  
Suite 300  
Ocala, FL 34470

B Lay Enterprises, LLC, d/b/a, Bargain Barry's  
c/o Gary R. Wheeler, Esq.  
McConnaughay, Duffy, Coonrod,  
Pope and Weaver, P.A.  
Post Office Box 550770  
Jacksonville, FL 32255-0770

Don W. 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 14<sup>th</sup> day of December, 2005.

By:   
Clerk of the Commission  
Florida Commission on Human Relations