

STATE OF FLORIDA  
COMMISSION ON HUMAN RELATIONS

FILED  
2006 AUG - 3 P 2:11  
DIVISION OF  
ADMINISTRATIVE  
HEARINGS

BRENDA VAN SANDT-FULLER,

EEOC Case No. NONE

Petitioner,

FCHR Case No. 2005-02671

v.

DOAH Case No. 05-4057

COASTAL COSMETIC CENTER, INC.,

FCHR Order No. 06-069

Respondent.

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

Preliminary Matters

Petitioner Brenda Van Sandt-Fuller 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 Coastal Cosmetic Center, Inc., committed an unlawful employment practice on the basis of Petitioner's age (DOB: 12-10-49) by terminating Petitioner from employment.

The allegations set forth in the complaint were investigated, and, on September 26, 2005, the Executive Director issued his "Determination: No Jurisdiction" finding that the Commission lacked jurisdiction over the matter because Respondent did not have enough employees to be an "employer" as defined by the Florida Civil Rights Act of 1992.

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 on the issue of jurisdiction was held in Jacksonville, Florida, on January 31, 2006, before Administrative Law Judge Barbara J. Staros.

Judge Staros issued a Recommended Order of dismissal, dated April 20, 2006.

In an Order dated May 24, 2006, the Commission remanded the case to Judge Staros over concern that the correct address was not used to mail the Recommended Order to Petitioner.

Judge Staros issued an Order Declining Remand, dated June 5, 2006, finding and explaining that the Recommended Order was sent to Petitioner's correct address.

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

Findings of Fact

We find the Administrative Law Judge's findings of fact in both the Recommended Order and the Order Declining Remand 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 in both the Recommended Order and the Order Declining Remand.

Exceptions

Neither party filed exceptions to the Administrative Law Judge's Recommended Order or Order Declining Remand.

Dismissal

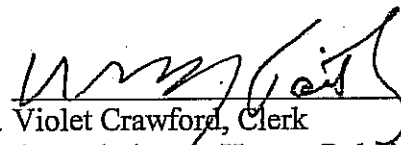
The Petition for Relief and Complaint of Discrimination are DISMISSED with prejudice.

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 1<sup>st</sup> day of AUGUST, 2006.  
FOR THE FLORIDA COMMISSION ON HUMAN RELATIONS:

Commissioner Gilbert M. Singer, Panel Chairperson;  
Commissioner Gayle Cannon; and  
Commissioner Dominique B. Saliba, M.D.

Filed this 1<sup>st</sup> day of AUGUST, 2006,  
in Tallahassee, Florida.

*for*   
Violet Crawford, Clerk  
Commission on Human Relations  
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Copies furnished to:


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50 North Laura Street, Suite 2600  
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Barbara J. Staros, 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 day of August, 2006.

*for*   
By: \_\_\_\_\_  
Clerk of the Commission  
Florida Commission on Human Relations