

STATE OF FLORIDA
COMMISSION ON HUMAN RELATIONS

FILED
07 APR 23 PM 1:45

EVELYN MARTINEZ,

Petitioner,

v.

KJC ENTERPRISES, d/b/a
PLANTATION ISLAND RESORT,

Respondent.

EEOC Case No. 15DA600239

FCHR Case No. 2006-00432

DOAH Case No. 06-2904

FCHR Order No. 07-028

DIVISION OF
ADMINISTRATIVE
HEARINGS

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

This matter is before the Commission for consideration of the Recommended Order, dated January 31, 2007, issued in the above-styled matter by Administrative Law Judge Ella Jane P. Davis.

Findings of Fact and Conclusions of Law

Judge Davis' order reflects that Petitioner failed to appear at the scheduled administrative hearing in the matter and that, therefore, Petitioner failed to establish a prima facie case of the discrimination alleged in the Charge of Discrimination and Petition for Relief. Consequently, Judge Davis recommended the Commission issue a final order dismissing the matter.

We adopt the Administrative Law Judge's finding as to the nonappearance of Petitioner and conclude that Petitioner has failed to carry her burden of proof.

Exceptions

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

Dismissal

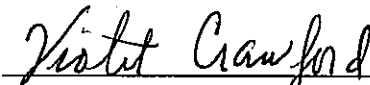
The Petition for Relief and Complaint of Discrimination are DISMISSED with prejudice.

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 of appeal is found in Section 120.68, Florida Statutes, and in the Florida Rules of Appellate Procedure 9.110.

DONE AND ORDERED this 20th day of April, 2007.
FOR THE FLORIDA COMMISSION ON HUMAN RELATIONS:

Commissioner Rita Craig, Panel Chairperson;
Commissioner Dominique B. Saliba, M.D.; and
Commissioner Gilbert M. Singer

Filed this 20th day of April, 2007,
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:

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489 East 142nd Street, No. 1A
Bronx, NY 10454

Evelyn Martinez
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Ormond Beach, FL 32176

KJC Enterprises, d/b/a Plantation Island Resort
c/o C. Anthony Schoder, Jr., Esq.
Smith & Schoder, LLP
605 South Ridgewood Avenue
Daytona Beach, FL 32114

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 20th day of April, 2007.

By: *Robert Crawford*
Clerk of the Commission
Florida Commission on Human Relations