

STATE OF FLORIDA
COMMISSION ON HUMAN RELATIONS

FILED

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LATONIA M. ENZOR,

Petitioner,

v.

TALLAHASSEE CONTRACTORS, LLC,

Respondent.

DIVISION OF
EEOC Case No. ~~AL5D200700615E~~
HEARINGS

FCHR Case No. 2007-01761

DOAH Case No. 08-1227

FCHR Order No. 08-045

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

Preliminary Matters

Petitioner Latonia M. Enzor filed a complaint of discrimination pursuant to the Florida Civil Rights Act of 1992, Sections 760.01 - 760.11, Florida Statutes (2005), alleging that Respondent Tallahassee Contractors, LLC, committed an unlawful employment practice on the basis of Petitioner's sex (female) by terminating Petitioner from employment.

The allegations set forth in the complaint were investigated, and, on February 22, 2008, the Executive Director issued a "Determination: No Jurisdiction," finding that the Commission did not have jurisdiction of the matter because Respondent did not have sufficient employees to be a covered "employer" under 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.

An evidentiary hearing on the issue of whether Respondent had sufficient employees to be an "employer" covered by the Florida Civil Rights Act of 1992 was held on April 23, 2008, in Tallahassee, Florida, before Administrative Law Judge Lisa Shearer Nelson.

Judge Nelson issued a Recommended Order of dismissal, dated May 20, 2008, concluding that the Commission lacked jurisdiction over the Respondent, since Petitioner failed to prove that Respondent had the required number of employees to be a covered "employer" under the Florida Civil Rights Act of 1992.

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

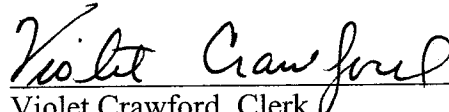
The Petition for Relief and Complaint of Discrimination are DISMISSED with prejudice.

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 8th day of July, 2008.
FOR THE FLORIDA COMMISSION ON HUMAN RELATIONS:

Commissioner Donna Elam, Panel Chairperson;
Commissioner Anice R. Prosser; and
Commissioner Mario M. Valle

Filed this 8th day of July, 2008,
in Tallahassee, Florida.



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

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:


Latoria M. Enzor
3535 Roberts Avenue, Number 274
Tallahassee, FL 32310

Tallahassee Contractors, LLC
c/o Steve Ghazvini, Director
662 Crossway Road
Tallahassee, FL 32305

Lisa Shearer Nelson, 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 8th day of July, 2008.

By: 
Clerk of the Commission
Florida Commission on Human Relations