

STATE OF FLORIDA  
COMMISSION ON HUMAN RELATIONS

KIMBERLY D. DOTSON,

Petitioner,

v.

DEPARTMENT OF FINANCIAL  
SERVICES,

Respondent.

2011 APR 14 P 12:31

DIVISION OF  
ADMINISTRATIVE  
HEARINGS

EEOC Case No. 15D200800945

FCHR Case No. 2008-01963

DOAH Case No. 09-2386

EEOC Case No. NONE

FCHR Case No. 2010-01100

DOAH Case No. 10-10017

FCHR Order No. 11-034

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

This matter is before the Commission for consideration of the Recommended Order of Dismissal, dated January 26, 2011, issued in the above-styled consolidated cases by Administrative Law Judge Lawrence P. Stevenson.

**Findings of Fact and Conclusions of Law**

Judge Stevenson's order reflects that Petitioner failed to appear at the scheduled administrative hearing in the consolidated cases. Specifically, Judge Stevenson's order states that based on Petitioner's failure to appear, "Petitioner has failed to meet her burden of proof to establish either her claim that Respondent engaged in unlawful employment practices or that Respondent terminated her employment in retaliation for Petitioner's seeking a remedy with FCHR."

Commission panels have concluded that when a Petitioner fails to appear at the scheduled administrative hearing in their case, they fail to meet their burden of proof, and the Petition for Relief should be dismissed. See, e.g., Patterson v. Panama City Housing Authority, FCHR Order No. 11-001 (January 13, 2011), Crump v. The Majestic Tower at Bal Harbour, FCHR Order No. 10-072 (September 21, 2010), Bermudez v. Lake County Housing Authority, FCHR Order No. 10-041 (April 27, 2010), Cowden v. Difulio, et al., FCHR Order No. 09-115 (December 14, 2009), Scott v. Two Men and a Truck, FCHR Order No. 09-009 (January 27, 2009), Enzor v. Sandco, Inc., FCHR Order No. 08-048 (July 29, 2008), Rodriguez v. Center Point Health and Rehab, FCHR Order No. 08-001 (January 14, 2008), West v. Sembler Corporation, d/b/a Bay Walk, FCHR Order No. 07-037 (June 15, 2007), Martinez v. KJC Enterprises, d/b/a Plantation Island Resort, FCHR Order No. 07-028 (April 20, 2007), Chaney, et al. v. Robert Buckner & Associates, FCHR Order No. 06-092 (November 13, 2006), and Prek v. Workforce Central Florida, FCHR Order No. 06-079 (September 18, 2006).

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 of the parties filed exceptions to the Administrative Law Judge's Recommended Order of Dismissal.

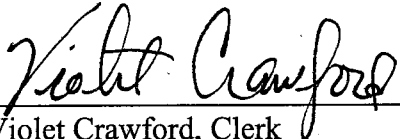
Dismissal

The Petitions for Relief and Complaints 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 13<sup>th</sup> day of April, 2011.  
FOR THE FLORIDA COMMISSION ON HUMAN RELATIONS:

Commissioner Donna Elam, Panel Chairperson;  
Commissioner Elena Flom; and  
Commissioner Billy Whitefox Stall

Filed this 13<sup>th</sup> day of April, 2011,  
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:

Kimberly D. Dotson  
825 Briandav Street  
Tallahassee, FL 32305

Kimberly D. Dotson  
825 Briandav Street  
Tallahassee, FL 32305

Department of Financial Services  
c/o Kim M. Fluharty-Denson, Esq.  
612 Larson Building  
200 East Gaines Street  
Tallahassee, FL 32399-0333

Lawrence P. Stevenson, 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 13<sup>th</sup> day of April, 2011.

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