

STATE OF FLORIDA
COMMISSION ON HUMAN RELATIONS

FILED

CIRA CAIMINTI,

2010 JUN 25 A 11: 23 EEOC Case No. 15D200900240

Petitioner,

DIVISION OF
ADMINISTRATIVE
HEARINGS

FCHR Case No. 2009-00709

v.

DOAH Case Nos. 10-1081F
09-3961

THE FURNITURE ENTERPRISES, LLC,
d/b/a LANE HOME FURNITURE and
THE LEATHER GALLERIES, INC.,

FCHR Order No. 10-057

Respondents.

FINAL ORDER AWARDING ATTORNEY'S FEES TO PETITIONER

Preliminary Matters

Petitioner Cira Caiminti filed a complaint of discrimination pursuant to the Florida Civil Rights Act of 1992, Sections 760.01 - 760.11, Florida Statutes (2007), alleging that Respondents The Furniture Enterprises, LLC, d/b/a Lane Home Furniture and The Leather Galleries, Inc., committed unlawful employment practices by discriminating against Petitioner on the bases of Petitioner's sex (female) and National Origin (Hispanic), and by terminating Petitioner from employment in retaliation for complaining about the discrimination.

The allegations set forth in the complaint were investigated, and, on June 16, 2009, the Executive Director issued his determination finding that there was 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 by video teleconference on October 29, 2009, at locations in Tallahassee and Daytona Beach, Florida, before Administrative Law Judge Suzanne F. Hood.

Judge Hood issued a Recommended Order, dated December 16, 2009, recommending that the Commission find that an unlawful employment practice occurred and recommending affirmative relief.

The Commission issued a "Final Order Awarding Affirmative Relief from an Unlawful Employment Practice and Remanding Case to Administrative Law Judge for Issuance of Recommended Order Regarding Amounts of Attorney's Fees and Costs Owed Petitioner," FCHR Order No. 10-022, dated February 26, 2010.

Judge Hood issued a Recommended Order, dated April 26, 2010, recommending the Commission enter a final order awarding Petitioner attorney's fees in the amount of \$1,560, and finding that Petitioner was not seeking reimbursement for costs.

The Commission panel designated below considered the record of this matter and determined the action to be taken on the Recommended Order, dated April 26, 2010.

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

None of the parties filed exceptions to the Administrative Law Judge's Recommended Order.

Attorney's Fees Award

Through our adoption of the Administrative Law Judge's findings of fact and conclusions of law, as set out above, we have adopted the Administrative Law Judge's recommendation as to the amount of attorney's fees owed Petitioner.


Respondent The Leather Galleries, Inc., is hereby ORDERED to pay Petitioner attorney's fees in the amount of \$1,560.

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 24th day of June, 2010.
FOR THE FLORIDA COMMISSION ON HUMAN RELATIONS:

Commissioner Donna Elam, Panel Chairperson;
Commissioner Joanna Cunningham; and
Commissioner Mario M. Valle

Filed this 24th day of June, 2010,
in Tallahassee, Florida.



Violet Crawford, Clerk
Commission on Human Relations
2009 Apalachee Parkway, Suite 200
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:

Cira Caiminti
c/o David W. Glasser, Esq.
Glasser and Handel
116 Orange Avenue
Daytona Beach, FL 32114

The Furniture Enterprises, LLC, d/b/a
Lane Home Furniture and The Leather Galleries, Inc.
c/o Dominic Persampiere
Corporate Representative
485 Suncrest Court
Oviedo, FL 32765

Suzanne F. Hood, 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 24th day of June, 2010.

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