

STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

CIRA CAIMINTI,)
)
 Petitioner,)
)
 vs.) Case No. 10-1081F
)
 THE FURNITURE ENTERPRISES, LLC,)
 d/b/a LANE HOME FURNITURE AND)
 THE LEATHER GALLERIES, INC.,)
)
 Respondent.)
 _____)

RECOMMENDED ORDER

This cause came on for consideration of 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.

APPEARANCES

For Petitioner: David W. Glasser, Esquire
Glasser & Handel
116 Orange Avenue
Daytona Beach, Florida 32114

For Respondent: No Appearance

STATEMENT OF THE ISSUE

The issue relates to the amount of attorney's fees and costs owed Petitioner by Respondent The Leather Galleries, Inc.

PRELIMINARY STATEMENT

On February 26, 2010, the Florida Commission on Human Relations (FCHR) entered 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 by Respondent The Leather Galleries (Respondent) in Division of Administrative Hearings (DOAH) Case No. 09-3961. The Florida Commission on Human Relations referred the case to DOAH on March 3, 2010. On March 3, 2010, DOAH issued a Notice that the undersigned would consider the merits of this case.

On March 4, 2010, the undersigned issued an Initial Order in the case now identified as DOAH Case No. 10-1081F. The Initial Order required Petitioner Cira Caiminti (Petitioner) to file an itemized claim for fees and costs and an affidavit of counsel.

The Initial Order required Respondent to file a written statement either admitting the reasonableness of the fees and costs or stating the basis for disputing those amounts, together with a supporting counter-affidavit.

The Initial Order specifically stated that Respondent's failure to file a timely response might result in a finding that Respondent does not contest Petitioner's claim and the issuance of an order awarding attorney's fees and costs without further

notice. Petitioner filed her Statement for Attorney's Fees and an Affidavit of Counsel for the Petitioner on March 15, 2010. Respondent has not filed a response to the Initial Order.

FINDINGS OF FACT

1. Respondent has not challenged the reasonableness of the attorney's fees as set forth in Petitioner's claim.

Petitioner's counsel spent a total of 10.40 hours preparing for the hearing, attending the hearing, drafting and filing Petitioner's Proposed Recommended Order, and preparing the statement relating to fees and the supporting affidavit.

2. At \$150 per hour, the fee for services performed by Petitioner's counsel is \$1,560. Petitioner is not claiming reimbursement for costs.

3. An attorney's fee in the amount of \$1,560 is reasonable under the circumstances.

CONCLUSIONS OF LAW

4. The Division of Administrative Hearings has jurisdiction over the subject and the parties to this proceeding pursuant to Sections 120.569, 120.57(1), and 760.11, Florida Statutes (2009), and the Final Order in FCHR Order No. 10-022/DOAH Case No. 09-3961.

5. Petitioner seeks attorney's fees pursuant to Section 760.11(6), Florida Statutes (2009), which provides as follows in relevant part:

In any action or proceeding under this subsection, the commission, in its discretion, may allow the prevailing party a reasonable attorney's fee as part of the costs. It is the intent of the Legislature that this provision for attorney's fees be interpreted in a manner consistent with federal case law involving Title VII action.

6. Petitioner was the prevailing party in FCHR Order No. 10-022/DOAH Case No. 09-3961. Respondent does not contest the claim that Petitioner has incurred attorney's fees in the amount of \$1,560.

RECOMMENDATION

Based on the foregoing Findings of Facts and Conclusions of Law, it is

RECOMMENDED:

That the Florida Commission on Human Relations enter a final order awarding Petitioner attorney's fees in the amount of \$1,560.

DONE AND ENTERED this 26th day of April, 2010, in Tallahassee, Leon County, Florida.



SUZANNE F. HOOD
Administrative Law Judge
Division of Administrative Hearings
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Filed with the Clerk of the
Division of Administrative Hearings
this 26th day of April, 2010.

COPIES FURNISHED:

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NOTICE OF RIGHT TO SUBMIT EXCEPTIONS

All parties have the right to submit written exceptions within 15 days from the date of this Recommended Order. Any exceptions to this Recommended Order should be filed with the agency that will issue the Final Order in this case.