

STATE OF FLORIDA  
COMMISSION ON HUMAN RELATIONS

DAWN M. SOLE,

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EEOC Case No. 510201001077

Petitioner,

DIVISION OF  
ADMINISTRATIVE  
HEARINGS

FCHR Case No. 2010-00660

v.

DOAH Case No. 10-4985

ADT SECURITY SERVICES,

FCHR Order No. 11-003

Respondent.

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

Preliminary Matters

Petitioner Dawn M. Sole filed a complaint of discrimination pursuant to the Florida Civil Rights Act of 1992, Sections 760.01 - 760.11, Florida Statutes (2009), alleging that Respondent ADT Security Services committed an unlawful employment practice on the basis of Petitioner's sex (female) by denying Petitioner promotion to a position for which she had applied.

The allegations set forth in the complaint were investigated, and, on June 3, 2010, the Executive Director issued his determination finding that there was no 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 at sites in Lauderdale Lakes and Tallahassee, Florida, on August 17, 2010, before Administrative Law Judge Stuart M. Lerner.

Judge Lerner issued a Recommended Order of dismissal, dated October 27, 2010.

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 of the parties 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 13<sup>th</sup> day of January, 2011.  
FOR THE FLORIDA COMMISSION ON HUMAN RELATIONS:

Commissioner Mario M. Valle, Panel Chairperson;  
Commissioner Joanna Cunningham; and  
Commissioner Lizzette Romano

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

Dawn M. Sole  
c/o Orion G. Callison, III, Esq.  
Silver, Garvett & Hinkel, P.A.  
18001 Old Cutler Road, Suite 600  
Miami, FL 33157

ADT Security Services  
c/o Michael Tricarico, Esq.  
Ogletree, Deakins, Nash, Smoak  
and Stewart, P.C.  
701 Brickell Avenue, Suite 2020  
Miami, FL 33131

Stuart M. Lerner, 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 January, 2011.

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