

STATE OF FLORIDA
COMMISSION ON HUMAN RELATIONS

TANIA APONTE,

EEOC Case No. NONE

Petitioner,

FCHR Case No. 2010-01250

v.

DOAH Case No. 10-7920

WATSON PHARMACEUTICALS, INC.,

FCHR Order No. 11-066

Respondent.

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

Preliminary Matters

Petitioner Tania Aponte filed a complaint of discrimination pursuant to the Florida Civil Rights Act of 1992, Sections 760.01 - 760.11, Florida Statutes (2007), alleging that Respondent Watson Pharmaceuticals, Inc., committed unlawful employment practices on the basis of Petitioner's sex (female) by subjecting Petitioner to sexual harassment and by terminating Petitioner from employment. Petitioner also alleged that she was unlawfully disciplined and terminated in retaliation for having complained about sexual harassment.

The allegations set forth in the complaint were investigated, and, on July 2, 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 Fort Lauderdale and Tallahassee, Florida, on April 1, 2011, before Administrative Law Judge John D. C. Newton, II.

Judge Newton issued a Recommended Order of dismissal, dated May 31, 2011.

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 2nd day of August, 2011.
FOR THE FLORIDA COMMISSION ON HUMAN RELATIONS:

Commissioner Donna Elam, Panel Chairperson;
Commissioner Watson Haynes, II; and
Commissioner Mario M. Valle

Filed this 2nd day of August, 2011,
in Tallahassee, Florida.

/s/
Violet Crawford, Clerk
Commission on Human Relations
2009 Apalachee Parkway, Suite 100
Tallahassee, FL 32301
(850) 488-7082

Copies furnished to:

Tania Aponte
c/o Stewart Lee Karlin, Esq.
Karlin Law Group, P.A.
400 Southeast 8th Street
Fort Lauderdale, FL 33316

Tania Aponte
c/o Stewart Lee Karlin, Esq.
The Law Office of Stewart Lee Karlin, P.C.
9 Murray Street, 4-W
New York, NY 10007

Watson Pharmaceuticals, Inc.
c/o Teresa Ragatz, Esq.
Isicoff, Ragatz & Koenigsberg, P.A.
1200 Brickell Avenue, Suite 1900
Miami, FL 33131

John D. C. Newton, II, 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 2nd day of August, 2011.

By: _____/s/_____
Clerk of the Commission
Florida Commission on Human Relations

Tania Aponte v. Watson Pharmaceuticals, Inc.

DOAH 10-7920

FCHR 2010-01250

EEOC None

FCHR Order No. 11-066

Type of case: Employment

Basis of discrimination: sex (female / sexual harassment), retaliation

Commission staff determination: No Cause

ALJ recommendation: dismissal

Commission panel final action: Adopt Recommended Order

Key Words: sexual harassment, termination, retaliation

ADDRESSES FOR NOTICE:

For Petitioner.....

Tania Aponte
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For Respondent.....

Watson Pharmaceuticals, Inc.
c/o Teresa Ragatz, Esq.
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1200 Brickell Avenue, Suite 1900
Miami, FL 33131

DOCKET INFORMATION:

Rec Order: Dismissal

Transcript: Yes

Exhibits: Yes

Exceptions: No

STATE OF FLORIDA
COMMISSION ON HUMAN RELATIONS

Order Approval/Disapproval

TO: FCHR Commissioners impaneled to decide the below-referenced case

FROM: Jim Mallue, Assistant General Counsel

RE: Aponte v. Watson Pharmaceuticals, Inc.
DOAH 10-7920; FCHR 2010-01250; FCHR Order No. 11-066

Accompanying this "Order Approval/Disapproval" page is a copy of a final order drafted by the Panel's counsel / legal advisor containing counsel's recommendation to you regarding the disposition of the case. This case has been returned to the Commission from the Division of Administrative Hearings.

Please review the case record and determine whether you are in agreement with the recommendations contained in the order drafted by Commission counsel.

Further, please indicate your approval or disapproval of the order drafted by Commission counsel by signing on the appropriate line below, and returning this form by FAX to Denise Crawford in the Commission's Tallahassee office at 850-488-5291, and by then returning this form by Mail to Ms. Denise Crawford, Clerk of the Commission, Florida Commission on Human Relations, 2009 Apalachee Parkway, Suite 100, Tallahassee, FL 32301. If a majority of the panel approves of the order, the order will be entered by the Clerk of the Commission.

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I **approve** of the order drafted to reflect the Commission's disposition of this matter:

_____, Commissioner.

I **do not approve** of the order drafted to reflect the Commission's disposition of this matter:

_____, Commissioner.

END