

STATE OF FLORIDA  
COMMISSION ON HUMAN RELATIONS

SERENA VELAQUEZ,

EEOC Case No. 15D201100006

Petitioner,

FCHR Case No. 2010-02794

v.

DOAH Case No. 11-1616

LONE PALM GOLF CLUB, LLC, d/b/a  
PUBLIX,

FCHR Order No. 11-071

Respondent.

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

Preliminary Matters

Petitioner Serena Velaquez 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 Lone Palm Golf Club, LLC, d/b/a Publix, committed unlawful employment practices on the basis of Petitioner's sex (female) by sexually harassing Petitioner and on the basis of retaliation by terminating Petitioner from employment for complaining that she had been sexually harassed.

The allegations set forth in the complaint were investigated, and, on March 3, 2011, 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 in Lakeland, Florida, on June 14, 2011, before Administrative Law Judge J. D. Parrish.

Judge Parrish issued a Recommended Order of dismissal, dated June 30, 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

A transcript of the proceeding before the Administrative Law Judge was not filed with the Commission. In the absence of a transcript of the proceeding before the Administrative Law Judge, the Recommended Order is the only evidence for the Commission to consider. See National Industries, Inc. v. Commission on Human

Relations, et al., 527 So. 2d 894, at 897, 898 (Fla. 5th DCA 1988). Accord, Mack v. Agency for Persons with Disabilities, FCHR Order No. 11-026 (March 17, 2011), Hall v. Villages of West Oaks HOA, FCHR Order No. 08-007 (January 14, 2008), Beach-Gutierrez v. Bay Medical Center, FCHR Order No. 05-011 (January 19, 2005), and Waaser v. Streit's Motorsports, FCHR Order No. 04-157 (November 30, 2004).

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 30th day of August, 2011.  
FOR THE FLORIDA COMMISSION ON HUMAN RELATIONS:

Commissioner Donna Elam, Panel Chairperson;  
Commissioner Elena Flom; and  
Commissioner Lizzette Romano

Filed this 30th 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

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:

Serena Velaquez  
c/o W. John Gadd, Esq.  
The Law Office of W. John Gadd  
2727 Ulmerton Road, Suite 250  
Clearwater, FL 33762

Lone Palm Golf Club, LLC, d/b/a Publix  
c/o Glenn Michael Rissman, Esq.  
Stearns, Weaver, Miller, Weissler,  
Alhadeff & Sitterson, P.A.  
200 East Las Olas Boulevard, Suite 2100  
Fort Lauderdale, FL 33301

J. D. Parrish, 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 30th day of August, 2011.

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

Serena Velaquez v. Lone Palm Golf Club, LLC, d/b/a Publix  
DOAH 11-1616  
FCHR 2010-02794  
EEOC 15D201100006  
FCHR Order No. 11-071

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: sex, sexual harassment, termination, retaliation, no transcript (Petitioner failed to appear, but her counsel appeared, presented no evidence)

ADDRESSES FOR NOTICE:

For Petitioner.....

Serena Velaquez  
c/o W. John Gadd, Esq.  
The Law Office of W. John Gadd  
2727 Ulmerton Road, Suite 250  
Clearwater, FL 33762

For Respondent.....

Lone Palm Golf Club, LLC, d/b/a Publix  
c/o Glenn Michael Rissman, Esq.  
Stearns, Weaver, Miller, Weissler,  
Alhadeff & Sitterson, P.A.  
200 East Las Olas Boulevard, Suite 2100  
Fort Lauderdale, FL 33301

DOCKET INFORMATION:

Rec Order: Dismissal  
Transcript: No  
Exhibits: No  
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: Velaquez v. Lone Palm Golf Club, LLC, d/b/a Publix  
DOAH 11-1616; FCHR 2010-02794; FCHR Order No. 11-071

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**