

STATE OF FLORIDA
COMMISSION ON HUMAN RELATIONS

KURT G. MAHLER,

EEOC Case No. 15D201200078

Petitioner,

FCHR Case No. 2012-00563

v.

DOAH Case No. 12-2177

MARION COUNTY BOARD OF COUNTY
COMMISSIONERS,

FCHR Order No. 13-001

Respondent.

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

Preliminary Matters

Petitioner Kurt G. Mahler filed a complaint of discrimination pursuant to the Florida Civil Rights Act of 1992, Sections 760.01 - 760.11, Florida Statutes (2010), alleging that Respondent Marion County Board of County Commissioners committed an unlawful employment practice on the basis of Petitioner's disability and on the basis of retaliation by terminating Petitioner from employment.

The allegations set forth in the complaint were investigated, and, on May 18, 2012, the Executive Director issued a 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 Ocala, Florida, on August 9, 2012, before Administrative Law Judge James H. Peterson, III.

Judge Peterson issued a Recommended Order of dismissal, dated October 12, 2012.

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 10th day of January, 2013.
FOR THE FLORIDA COMMISSION ON HUMAN RELATIONS:

Commissioner Gilbert M. Singer, Panel Chairperson;
Commissioner Michael Keller; and
Commissioner Michell Long

Filed this 10th day of January, 2013,
in Tallahassee, Florida.

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

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Copies furnished to:

Kurt G. Mahler
3382 Southwest 165th Loop
Ocala, FL 34473

Marion County Board of County Commissioners
c/o Michael H. Bowling, Esq.
Bell and Roper, P.A.
2707 East Jefferson Street
Orlando, FL 32803

James H. Peterson, III, 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 10th day of January, 2013.

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