

STATE OF FLORIDA
COMMISSION ON HUMAN RELATIONS

FREDDIE MITCHELL,

Petitioner,

FCHR Case No. 2012-01098

v.

DOAH Case No. 12-3992

BB KING'S BLUES CLUB,

FCHR Order No. 14-024

Respondent.

GENEVIEVE ABAD BECK,

Petitioner,

FCHR Case No. 2012-01206

v.

DOAH Case No. 13-0517

BB KING'S BLUES CLUB,

FCHR Order No. 14-024

Respondent.

**FINAL ORDER DISMISSING PETITIONS FOR
RELIEF FROM AN UNLAWFUL PUBLIC ACCOMMODATIONS PRACTICE**

Preliminary Matters

Petitioner Freddie Mitchell filed a complaint of discrimination pursuant to the Florida Civil Rights Act of 1992, Sections 509.092 and 760.01 - 760.11, Florida Statutes (2011), alleging that Respondent BB King's Blues Club committed an unlawful public accommodations practice on the basis of Petitioner Mitchell's race (African American) by denying Petitioner Mitchell service at Respondent restaurant.

The allegations set forth in the complaint were investigated, and, on October 26, 2012, the Executive Director issued a determination finding that there was reasonable cause to believe that an unlawful public accommodations practice had occurred.

Petitioner Genevieve Abad Beck filed a complaint of discrimination pursuant to the Florida Civil Rights Act of 1992, Sections 509.092 and 760.01 - 760.11, Florida Statutes (2011), alleging that Respondent BB King's Blues Club committed an unlawful employment practice on the bases of Petitioner Beck's race (Asian), color (not specified in complaint) and National Origin (Asian) by denying Petitioner Beck service at Respondent restaurant.

The allegations set forth in the complaint were investigated, and, on January 11, 2013, the Executive Director issued a determination finding that there was reasonable cause to believe that an unlawful public accommodations practice had occurred.

Petitioners filed Petitions for Relief and the cases were transmitted to the Division of Administrative Hearings for the conduct of formal proceedings.

The Division of Administrative Hearings consolidated the cases for the purposes of final hearing and the issuance of a Recommended Order.

An evidentiary hearing was held by video teleconference at sites in Orlando and Tallahassee, Florida, on January 28, 2014, before Administrative Law Judge Elizabeth W. McArthur.

Judge McArthur issued a Recommended Order of dismissal, dated May 14, 2014.

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

None of the parties filed exceptions to the Administrative Law Judge's Recommended Order.

Dismissal

The Petitions for Relief and Complaints of Discrimination are DISMISSED with prejudice.

As recommended by the Administrative Law Judge, it is noted that in Orders dated July 11, 2013, pursuant to Section 120.569(2)(f), Florida Statutes (2012), the Administrative Law Judge ordered Petitioner Mitchell to pay Respondent \$1067.50 for "discovery violations," and ordered Petitioner Beck to pay Respondent \$1098.00 for "discovery violations." Those July 11, 2013, Orders were appealable final orders. The Commission has no "final order" authority over these awards of the Administrative Law

Judge. See Redmond v. The Hartford Fire Insurance Company, FCHR Order No. 12-025 (May 16, 2012), and cases cited therein.

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 July, 2014.
FOR THE FLORIDA COMMISSION ON HUMAN RELATIONS:

Commissioner Gilbert M. Singer, Panel Chairperson;
Commissioner Onelia Fajardo-Garcia; and
Commissioner Tony Jenkins

Filed this 30th day of July, 2014,
in Tallahassee, Florida.

_____/s/_____
Violet Crawford, Clerk
Commission on Human Relations
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Elizabeth W. McArthur, 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 July, 2014.

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