

STATE OF FLORIDA
COMMISSION ON HUMAN RELATIONS

SERGE HERARD,

EEOC Case No. NONE

Petitioner,

FCHR Case No. 2012-01208

v.

DOAH Case No. 12-4028

MASTEC, INC.,

FCHR Order No. 13-034

Respondent.

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

This matter is before the Commission for consideration of the Order Relinquishing Jurisdiction, dated February 7, 2013, issued in the above-styled matter by Administrative Law Judge Thomas P. Crapps.

Findings of Fact and Conclusions of Law

Judge Crapps' order reflects that Petitioner failed to comply with an order of the Administrative Law Judge. Specifically, Judge Crapps issued a Second Order to Show Cause directing Petitioner to provide a copy of the employment discrimination charge Petitioner alleged was filed with the EEOC on March 2, 2012. The Second Order to Show Cause directed Petitioner to make this filing by February 1, 2013. As of February 6, 2013, Petitioner had not complied with the Second Order to Show Cause.

We note that, generally, Commission panels have concluded that a Petitioner's failure to respond to orders of an Administrative Law Judge amounts to a voluntary dismissal of the Petition for Relief. See, generally, Cawley v. Primrose Center, Inc., FCHR Order No. 12-009 (February 21, 2012), Roundtree, et al. v. Advenir at Stonelake, LLC, FCHR Order No. 11-069 (August 30, 2011), Biggers v. Rooms To Go, FCHR Order No. 09-045 (May 12, 2009), Shook v. Riverside National Bank, FCHR Order No. 08-029 (May 6, 2008), Clifton v. Krys, et al., FCHR Order No. 07-062 (November 7, 2007), Bordonaro v. The Green at the Heather Condominium Association, Inc., FCHR Order No. 07-010 (February 14, 2007), Butler v. The Pepsi Bottling Group, FCHR Order No. 06-107 (December 4, 2006), Castellanos v. Express Net Airlines Pilots Association, FCHR Order No. 05-061 (June 15, 2005), Mayfield v. Karl's Haberdashery of Florida, Inc., FCHR Order No. 04-020 (March 10, 2004), and Kenny v. Florida Department of Corrections, FCHR Order No. 02-020 (June 3, 2002).

Based on the foregoing, we conclude that the Petition for Relief should be dismissed.

Exceptions

Neither of the parties filed exceptions to the Administrative Law Judge's Order Relinquishing Jurisdiction.

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 1st day of May, 2013.
FOR THE FLORIDA COMMISSION ON HUMAN RELATIONS:

Commissioner Gilbert M. Singer, Panel Chairperson;
Commissioner Onelia Fajardo-Garcia; and
Commissioner James Johns

Filed this 1st day of May, 2013,
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:

Serge Herard
c/o Vana Renejuste, Esq.
c/o Michael Price, Esq.
Renejuste Law and Associates
3049 Cleveland Avenue, Suite 140
Fort Myers, FL 33901

MasTec, Inc.
c/o Jessica Theresa Travers, Esq.
Littler Mendelson, PC
One Biscayne Tower, Suite 1500
2 South Biscayne Boulevard
Miami, FL 33131

Thomas P. Crapps, 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 1st day of May, 2013.

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