

STATE OF FLORIDA  
COMMISSION ON HUMAN RELATIONS

ALBERT MARCHMAN,

Petitioner,

FCHR Case No. 2012-02239

v.

DOAH Case No. 13-0242

ST. ANTHONY'S HOSPITAL, INC.,

FCHR Order No. 13-051

Respondent.

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

This matter is before the Commission for consideration of the Order Closing File and Relinquishing Jurisdiction, dated May 10, 2013, issued in the above-styled matter by Administrative Law Judge Linzie F. Bogan.

Findings of Fact and Conclusions of Law

This case involves allegations of unlawful public accommodations discrimination.

The Administrative Law Judge's order before the Commission indicates that the Commission issued a "Determination: No Jurisdiction," concluding that Respondent hospital was not a public accommodation or public food service establishment, as those terms are defined.

With regard to the vending machines and Koffey Korner Coffee and Pastries Shops, referenced in the Technical Assistance Questionnaire filed with the Commission by Petitioner and whether their existence makes the Respondent hospital a "public accommodation," the Administrative Law Judge concluded, "the facts, as stated in the Petition for Relief, are insufficient to establish matters over which FCHR has jurisdiction." With regard to whether the existence of the Respondent's cafeteria makes the hospital a public accommodation, the Administrative Law Judge concluded that FCHR's precedential authority that it does not, as stated in the Mena case, cited *infra*, has resolved this issue as a matter of law. Based on these two conclusions, the Administrative Law Judge relinquished jurisdiction of the matter to the Commission.

We conclude that the record as it exists before the Commission does not indicate that the Commission has jurisdiction of the matter.

Consequently, we conclude the matter should be dismissed. Accord, Mena v. Lifemark Hospitals of Florida, Inc., d/b/a Palmetto General Hospital, FCHR Order No. 12-023 (May 16, 2012), per curiam affirmed 109 So. 3<sup>rd</sup> 787 (Fla. 1<sup>st</sup> DCA 2013).



