

STATE OF FLORIDA  
COMMISSION ON HUMAN RELATIONS

MARGARET G. TAYLOR,

EEOC Case No. NONE

Petitioner,

FCHR Case No. 2012-02678

v.

DOAH Case No. 13-1657

UNIVERSAL STUDIOS,

FCHR Order No. 14-007

Respondent.

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

Preliminary Matters

Petitioner Margaret G. Taylor filed a complaint of discrimination pursuant to the Florida Civil Rights Act of 1992, Sections 760.01 - 760.11, Florida Statutes (2011), alleging that Respondent Universal Studios committed unlawful employment practices on the basis of Petitioner's age (DOB: 1-5-47) by harassing Petitioner and by terminating Petitioner from employment.

The allegations set forth in the complaint were investigated, and, on April 3, 2013, 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 by video teleconference at sites in Orlando and Tallahassee, Florida, on November 12, 2013, before Administrative Law Judge Linzie F. Bogan.

Judge Bogan issued a Recommended Order of dismissal, dated January 7, 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

Petitioner filed exceptions to the Administrative Law Judge's Recommended Order, received by the Commission on or about January 22, 2014.

There is no indication on the document that it was provided to Respondent as is required by Fla. Admin. Code R. 28-106.104(4) and Fla. Admin. Code R. 28-106.110. However, the Commission published the document to the Respondent, and placed the document in the record of this case, through the issuance of a notice of ex parte communication, mailed to the parties on January 23, 2014.

While Petitioner's exceptions document does not reference specific findings of fact, conclusions of law or page numbers of the Recommended Order, nor does it contain citations to the record (see the requirements for exceptions set out in Section 120.57(1)(k), Florida Statutes (2013)), in our view, generally, it can be said that the document takes issue with inferences drawn and credibility determinations made from the evidence presented.

The Commission has stated, "It is well settled that it is the Administrative Law Judge's function 'to consider all of the evidence presented and reach ultimate conclusions of fact based on competent substantial evidence by resolving conflicts, judging the credibility of witnesses and drawing permissible inferences therefrom. If the evidence presented supports two inconsistent findings, it is the Administrative Law Judge's role to decide between them.' Beckton v. Department of Children and Family Services, 21 F.A.L.R. 1735, at 1736 (FCHR 1998), citing Maggio v. Martin Marietta Aerospace, 9 F.A.L.R. 2168, at 2171 (FCHR 1986)." Barr v. Columbia Ocala Regional Medical Center, 22 F.A.L.R. 1729, at 1730 (FCHR 1999). Accord, Bowles v. Jackson County Hospital Corporation, FCHR Order No. 05-135 (December 6, 2005) and Eaves v. IMT-LB Central Florida Portfolio, LLC, FCHR Order No. 11-029 (March 17, 2011).

In addition, it has been stated, "The ultimate question of the existence of discrimination is a question of fact." Florida Department of Community Affairs v. Bryant, 586 So. 2d 1205, at 1209 (Fla. 1<sup>st</sup> DCA 1991). Accord, Coley v. Bay County Board of County Commissioners, FCHR Order No. 10-027 (March 17, 2010) and Eaves, *supra*.

Petitioner's exceptions are rejected.

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 26<sup>th</sup> day of March, 2014.  
FOR THE FLORIDA COMMISSION ON HUMAN RELATIONS:

Commissioner Mario M. Valle, Panel Chairperson;  
Commissioner Donna Elam; and  
Commissioner Michael Keller

Filed this 26<sup>th</sup> day of March, 2014,  
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:

Margaret G. Taylor  
8836 Darlene Drive  
Orlando, FL 32836

Universal Studios  
c/o J. Lester Kaney, Esq.  
KaneyLaw  
Post Office Box 731148  
Ormond Beach, FL 32173-1148

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Linzie F. Bogan, 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 26<sup>th</sup> day of March, 2014.

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

January 21, 2014

STATE OF FLORIDA  
DIVISION OF ADMINISTRATIVE HEARINGS

MARGARET G. TAYLOR,  
PETITIONER,

VS

Case No. 13-1657

UNIVERSAL STUDIOS,  
Respondent.

I would like an exception made to this recommended order. Luz told Kira she did not know who the espresso was for. This was a lie. No one brought this up to me at the time so I could defend myself. At the time of the incident I responded in that way because I thought Luz would get in trouble for giving me the espresso. I was not thinking straight because of the infection. Kira's loud abusive tone in her voice caused me anxiety. I ground my own coffee and brought it every day. Everyone knew that. Being under the weather I made an error making my coffee that morning. The espresso I was given was cold.

Ms Reis did not offer ages of other servers. "General age category of Ms Taylor" could mean 15 to 20 years difference. Why should Ms Reis' testimony be more credible than mine? Universal has the exact dates of the servers ages.

I complained about Ms Reis loud aggressive remarks to me to Mark, another direct supervisor but was unable to get his last name so I could request his testimony. Universal would not give it to me. Ms Reis was gradually getting worse after this. She was causing me growing anxiety. I wanted to have employees to testify but since I want my job back I did not want to put them through that.

I was working as a server at Universal Studios for 18 years, ten of which were at Lombards Seafood Grill.

I did not receive the respondent's final recommended order until December 31, which was a day late, which should then not be accepted into evidence.

Sincerely,

Margaret Taylor