

STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

JENNIFER MOREHEAD,

Petitioner,

vs.

Case No. 13-2113

DOME GRILL, INC.,

Respondent.

_____ /

FINAL ORDER

A Recommended Order was entered in this case on August 8, 2013, setting forth findings of fact and conclusions of law. The parties were given ten days from the date of the Recommended Order to submit written exceptions. Pursuant to the Pinellas County code section 70-77(g)(13), it is the responsibility of the Administrative Law Judge to consider any written exceptions and then to issue a Final Order.

APPEARANCES

For Petitioner: Jennifer Morehead, pro se
312 15th Avenue Northeast
St. Petersburg, Florida 33704

For Respondent: Walter E. Smith, Esquire
Meros, Smith, Lazzara, and Olney, P.A.
Post Office Box 27
St. Petersburg, Florida 33731-0027

STATEMENT OF THE ISSUE

The issue in this case is whether Respondent, the Dome Grill, Inc., discriminated against Petitioner, Jennifer Morehead, on the basis of her age, in violation of the Florida Civil Rights Act.

PRELIMINARY STATEMENT

Petitioner and Respondent filed exceptions to the Recommended Order. A transcript of the hearing was not ordered or filed with the Division.^{1/}

The following rulings are made on the exceptions filed:

Petitioner's Exception Number 1: DENIED. Petitioner argues that the Pinellas County Office of Human Relations investigative report was admitted into evidence by virtue of it's being filed with the Division of Administrative Hearings. Such is not the case. Petitioner did not offer any exhibits into evidence.

Petitioner's Exception Number 2: DENIED. Petitioner's Exception 2 is in reality a request for the hearing record to be reopened so that she, as a pro se litigant, may supplement the record with evidence purporting to be "Respondent's actual employment records from that time." The undersigned can find no authority to reopen this case for the purpose of supplementing the record.

Petitioner's numbered paragraphs 3, 4, and 5, are listed under a "Conclusion of Law" heading. It is unclear whether these

paragraphs are intended to be exceptions to the Recommended Order. In order to resolve this case without further delay, each paragraph is DENIED.

Respondent's Exception Number 1: (inclusive of A., B., and C.): DENIED. The findings were supported by competent substantial evidence and will not be changed.

FINDINGS OF FACT

The findings of fact set forth in the Recommended Order are approved, adopted and incorporated herein by reference. There is competent substantial evidence to support the findings of fact.

CONCLUSIONS OF LAW

The conclusions of law set forth in the Recommended Order are approved, adopted and incorporated herein by reference.

ORDER

Based on the foregoing, it is ORDERED that the claim for relief filed by Petitioner, Jennifer Morehead, is DENIED.

DONE AND ORDERED this 20th day of August, 2013, in Tallahassee, Leon County, Florida.



LYNNE A. QUIMBY-PENNOCK
Administrative Law Judge
Division of Administrative Hearings
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Filed with the Clerk of the
Division of Administrative Hearings
this 20th day of August, 2013.

ENDNOTE

^{1/} At the conclusion of the hearing, Petitioner indicated that she would be ordering the transcript. However, shortly after the hearing was completed, the undersigned was advised that a transcript was not ordered.

COPIES FURNISHED:

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NOTICE OF RIGHT TO JUDICIAL REVIEW

A party who is adversely affected by Final Order is entitled to seek judicial review by filing a petition for writ of certiorari in the circuit court of the Sixth Judicial Circuit in and for Pinellas County, Florida, within 30 calendar days of the date of this Final Order. §70-77(14), Pinellas County Code.