

STATE OF FLORIDA  
COMMISSION ON HUMAN RELATIONS

JESSIE HILL,

EEOC Case No. 510201304149

Petitioner,

FCHR Case No. 2013-01631

v.

DOAH Case No. 14-0040

FIVE STAR QUALITY CARE, INC.  
(RIVIERA),

FCHR Order No. 14-038

Respondent.

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

Preliminary Matters

Petitioner Jessie Hill filed a complaint of discrimination pursuant to the Florida Civil Rights Act of 1992, Sections 760.01 - 760.11, Florida Statutes (2012), alleging that Respondent Five Star Quality Care, Inc. (Riviera) committed unlawful employment practices on the basis of Petitioner's disability by failing to provide Petitioner a reasonable accommodation and by terminating Petitioner from employment.

The allegations set forth in the complaint were investigated, and, on December 13, 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 in Daytona Beach, Florida, on March 7, 2014, before Administrative Law Judge W. David Watkins.

Judge Watkins issued a Recommended Order of dismissal, dated July 21, 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

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

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 9 day of October, 2014.  
FOR THE FLORIDA COMMISSION ON HUMAN RELATIONS:

Commissioner Michael Keller, Panel Chairperson;  
Commissioner Derick Daniel; and  
Commissioner Donna Elam

Filed this 9 day of October, 2014,  
in Tallahassee, Florida.

  
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Clerk  
Commission on Human Relations  
2009 Apalachee Parkway, Suite 100  
Tallahassee, FL 32301  
(850) 488-7082

Copies furnished to:

Jessie Hill  
c/o David W. Glasser, Esq.  
Law Office of David W. Glasser  
116 Orange Avenue  
Daytona Beach, FL 32114

Five Star Quality Care, Inc. (Riviera)  
c/o J. Robert McCormick, Esq.  
Ogletree, Deakins, Nash,  
Smoak & Stewart, P.C.  
100 North Tampa Street, Suite 3600  
Tampa, FL 33602

W. David Watkins, 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 9 day of October, 2014.

By: Cheyenne Castilla  
Clerk of the Commission  
Florida Commission on Human Relations