

STATE OF FLORIDA
COMMISSION ON HUMAN RELATIONS

RONNIE N. WILLIAMS,

EEOC Case No. 15D201400216

Petitioner,

FCHR Case No. 2014-00113

v.

DOAH Case No. 14-3208

GADSDEN COUNTY SHERIFF'S OFFICE,

FCHR Order No. 16-002

Respondent.

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

Preliminary Matters

Petitioner Ronnie N. Williams 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 Gadsden County Sheriff's Office committed unlawful employment practices on the basis of Petitioner's race (Black) and on the basis of retaliation by subjecting Petitioner to different terms, conditions and disciplinary practices than white officers and by terminating Petitioner from his position.

The allegations set forth in the complaint were investigated, and, on June 24, 2014, 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 Tallahassee, Florida, on March 25 and August 13, 2015, before Administrative Law Judge June C. McKinney.

Judge McKinney issued a Recommended Order of dismissal, dated October 29, 2015.

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.

The Administrative Law Judge concluded, "In this case, Petitioner failed to file a complaint with [the Commission] within 365 days of the alleged violation. The last date of the alleged unlawful occurrence was either March 9, 2012, the last date Petitioner worked at [Respondent] before he was suspended or June 1, 2012, when Petitioner voluntarily started working with Midway Police Department, unbeknownst to [Respondent]. Therefore, Petitioner's complaint filing date of January 21, 2014, is time-barred due to it being more than 365 days after the alleged violation." Recommended Order, ¶ 29.

We note that the complaint also appears to allege that the amendment of Petitioner's AMTS global profile status by Respondent, found to have occurred in March 2013, but alleged in the complaint to have occurred in June 2013, was an unlawful employment practice. This amendment occurred within 365 days of the filing of the complaint. Nevertheless, the Administrative Law Judge found that Respondent "followed the same policies for the two white male part-time reservists that had criminal-related trouble as [Respondent] did for [Petitioner] after his arrest." Recommended Order, ¶ 21.

With these comments, 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.

On November 13, 2015, Petitioner filed a document with the Division of Administrative Hearings stating, "I would like to have my case transferred to the District Court of Appeals." Respondent filed a response to this filing by Petitioner.

The appeal rights of the parties upon the issuance of this Order are set out below.

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 21 day of January, 2016.
FOR THE FLORIDA COMMISSION ON HUMAN RELATIONS:

Commissioner Michael Keller, Panel Chairperson;
Commissioner Gilbert M. Singer; and
Commissioner Sandra Turner

Filed this 21 day of January, 2016,
in Tallahassee, Florida.

Tommy Barton
Clerk
Commission on Human Relations
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Copies furnished to:

Ronnie N. Williams
[address of record]

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June C. McKinney, 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 21 day of January, 2016.

By: Tommy Barton
Clerk of the Commission
Florida Commission on Human Relations