

STATE OF FLORIDA
COMMISSION ON HUMAN RELATIONS

PHYLLIS PHYL,

Petitioner,

FCHR Case No. 2014-00758

v.

DOAH Case No. 14-4457

G6 HOSPITALITY, LLC,
d/b/a STUDIO 6,

FCHR Order No. 15-039

Respondent.

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

Preliminary Matters

Petitioner Phyllis Phyl filed a complaint of discrimination pursuant to the Florida Civil Rights Act of 1992, Sections 509.092 and 760.01 - 760.11, Florida Statutes (2013), alleging that Respondent G6 Hospitality, LLC, d/b/a Studio 6, committed unlawful public accommodations practices on the basis of Petitioner's race (Black) by not allowing Petitioner to check-in early to her hotel room and by treating Petitioner in a hostile manner when she checked-out of her hotel room.

The allegations set forth in the complaint were investigated, and, on August 19, 2014, the Executive Director issued a determination finding that there was no reasonable cause to believe that an unlawful public accommodations practice had occurred.

Petitioner filed a Petition for Relief 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 West Palm Beach and Tallahassee, Florida, on March 18, 2015, before Administrative Law Judge John G. Van Laningham.

Judge Van Laningham issued a Recommended Order of dismissal, dated April 22, 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

A transcript of the proceeding before the Administrative Law Judge was not filed with the Commission. In the absence of a transcript of the proceeding before the

Administrative Law Judge, the Recommended Order is the only evidence for the Commission to consider. See National Industries, Inc. v. Commission on Human Relations, et al., 527 So. 2d 894, at 897, 898 (Fla. 5th DCA 1988). Accord, Coleman v. Daytona Beach, Ocean Center Parking Garage, FCHR Order No. 14-034 (September 10, 2014), Gantz, et al. v. Zion's Hope, Inc., d/b/a Holy Land Experience, FCHR Order No. 11-048 (June 6, 2011), and Hall v. Villages of West Oaks HOA, FCHR Order No. 08-007 (January 14, 2008).

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.

On May 5, 2015, Petitioner filed with the Division of Administrative Hearings a document entitled, "Appealing Proposed Recommended Decision."

We note that the appeals rights of the parties are set out in this Order, 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 9 day of July, 2015.
FOR THE FLORIDA COMMISSION ON HUMAN RELATIONS:

Commissioner Gilbert M. Singer, Panel Chairperson;
Commissioner Rebecca Steele; and
Commissioner Billy Whitefox Stall

Filed this 9 day of July, 2015,
in Tallahassee, Florida.

Jimmy Barton

Clerk

Commission on Human Relations

4075 Esplanade Way, Room 110

Tallahassee, FL 32399

(850) 488-7082

Copies furnished to:

Phyllis Phyl
6079 Boca Colony Drive, Unit 1012
Boca Raton, FL 33433

G6 Hospitality, LLC,
d/b/a Studio 6
c/o Warren Astbury, Esq.
Ogletree, Deakins, Nash, Smoak
& Stewart, P.C.
100 North Tampa Street, Suite 3600
Tampa, FL 33602

John G. Van Laningham, 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 July, 2015.

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