

STATE OF FLORIDA
COMMISSION ON HUMAN RELATIONS

ROBERT E. PACE, SR.,

EEOC Case No. 15D201600736

Petitioner,

FCHR Case No. 2016-01361

v.

DOAH Case Nos. 17-2015

SADDLE CREEK CORPORATION,

FCHR Order No. 17-081

Respondent.

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

This matter is before the Commission for consideration of the Recommended Order of Dismissal, dated August 21, 2017, issued in the above-styled matter by Administrative Law Judge Lynne A. Quimby-Pennock.

Findings of Fact and Conclusions of Law

This matter was before Judge Quimby-Pennock on Petitioner's response to the Order to Show Cause issued in this matter on August 2, 2017, and on "Respondent's Rebuttal to Petitioner's Response to Order to Show Cause," filed on August 16, 2017.

Judge Quimby-Pennock's Recommended Order of Dismissal states, "Even if the allegations contained in the Employment Charge of Discrimination, the Petition for Relief, and the response are accepted as true, Petitioner was not terminated from Respondent's employment in 2015 as alleged." The Recommended Order of Dismissal also states, "The undersigned has reviewed the pleadings and the file in this matter. Even if the allegations contained in the Employment Charge of Discrimination, the Petition for Relief, and the response are accepted as true, Petitioner's allegations, taken in the light most favorable to Petitioner, do not support a claim of discrimination under section 760.10."

We note that Commission Panels have concluded that when allegations in the Petition for Relief would not amount to unlawful discrimination, even if proved, dismissal of the Petition for Relief is appropriate. See, Rossi v. Gloria Edenfield Loan Officer Wells Fargo Bank, N.A., FCHR Order No. 09-070 (June 30, 2009), and Cowden v. Jarrett, FCHR Order No. 09-008 (January 27, 2009).

We adopt the Administrative Law Judge's findings of fact and conclusions of law which lead to the determination that, "Even if the allegations contained in the Employment Charge of Discrimination, the Petition for Relief, and the response are accepted as true, Petitioner's allegations, taken in the light most favorable to Petitioner, do not support a claim of discrimination under section 760.10."

Exceptions

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

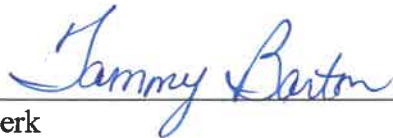
Dismissal

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 of appeal is found in Section 120.68, Florida Statutes, and in the Florida Rules of Appellate Procedure 9.110.

DONE AND ORDERED this 2 day of November, 2017.
FOR THE FLORIDA COMMISSION ON HUMAN RELATIONS:

Commissioner Rebecca Steele, Panel Chairperson;
Commissioner Donna Elam; and
Commissioner Jay Pichard

Filed this 2 day of November, 2017,
in Tallahassee, Florida.


Clerk
Commission on Human Relations
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Lynne A. Quimby-Pennock, 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 2 day of November, 2017.

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