

STATE OF FLORIDA  
COMMISSION ON HUMAN RELATIONS

DENISE BURNS,

EEOC Case No. 15D201700289

Petitioner,

FCHR Case No. 2017-00520

v.

DOAH Case No. 18-0425

CITY OF GAINESVILLE,

FCHR Order No. 18-046

Respondent.

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

Preliminary Matters

Petitioner Denise Burns filed a complaint of discrimination pursuant to the Florida Civil Rights Act of 1992, Sections 760.01 - 760.11, Florida Statutes (2016), alleging that Respondent City of Gainesville committed an unlawful employment practice by giving Petitioner a poor job performance evaluation in retaliation for Petitioner having earlier filed a discrimination complaint against Respondent with the Equal Employment Opportunity Commission.

The allegations set forth in the complaint were investigated, and, on December 21, 2017, 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 Gainesville, Florida, on April 5 and 20, 2018, before Administrative Law Judge Suzanne Van Wyk.

Judge Van Wyk issued an Amended Recommended Order of dismissal, dated August 20, 2018.

The Commission panel designated below considered the record of this matter and determined the action to be taken on the Amended 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 Amended Recommended Order.

Dismissal

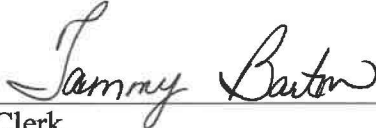
The Petition for Relief and Complaint of Discrimination are DISMISSED with prejudice.

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 14 day of November, 2018.  
FOR THE FLORIDA COMMISSION ON HUMAN RELATIONS:

Commissioner Latanya Peterson, Panel Chairperson;  
Commissioner Jay Pichard; and  
Commissioner Rebecca Steele

Filed this 14 day of November, 2018,  
in Tallahassee, Florida.

  
Clerk  
Commission on Human Relations  
4075 Esplanade Way, Room 110  
Tallahassee, FL 32399  
(850) 488-7082

Copies furnished to:

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Suzanne Van Wyk, 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 14 day of November, 2018.

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