

STATE OF FLORIDA
COMMISSION ON HUMAN RELATIONS

SHARON FORD,

EEOC Case No. 15D201800344

Petitioner,

FCHR Case No. 2018-04543

v.

DOAH Case No. 18-5072

LINCARE, INC.,

FCHR Order No. 19-047

Respondent.

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

Preliminary Matters

On January 19, 2018, Petitioner Sharon Ford filed a complaint of discrimination pursuant to the Florida Civil Rights Act of 1992, Sections 760.01 - 760.11, Florida Statutes (2017), alleging that Respondent Lincare, Inc., committed an unlawful employment practice against Petitioner on the basis of sex, by subjecting her to a hostile work environment based on sexual harassment committed by Respondent's General Counsel, Paul Tripp.

The allegations set forth in the complaint were investigated, and, on July 13, 2018, the Executive Director issued a determination finding that there was no reasonable cause to believe that an unlawful employment practice had occurred.

On August 16, 2018, Petitioner filed a Petition for Relief from an Unlawful Employment Practice, and, on September 21, 2018, the case was transmitted to the Division of Administrative Hearings for the conduct of a formal proceeding.

An evidentiary hearing was held in Tampa, Florida, on February 21 and February 22, 2019, before Administrative Law Judge Andrew D. Manko.

Judge Manko issued a Recommended Order of dismissal, dated May 17, 2019.

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. However, in Recommended Order paragraph 79, the Administrative Law Judge concludes that Petitioner failed to prove by a greater weight of the evidence that she was sexually harassed, but further states that, "the undersigned would be *constrained* to find that Ms. Ford *failed to prove* elements (2) and (3) by a preponderance of the evidence" (emphasis added). It should be noted that there appears to be a typographical error here and that the Administrative Law Judge meant that Petitioner failed to prove elements (2) and (3) of prima facie, which would be consistent with the rest of the legal analysis presented in the paragraph. We accept this conclusion of law with this clarification.

With the above comment, we adopt the Administrative Law Judge's conclusions of law.

Exceptions

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

Dismissal

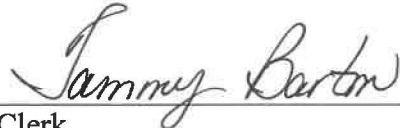
The Petition for Relief and Complaint of Discrimination are DISMISSED with prejudice.

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 8 day of August, 2019.
FOR THE FLORIDA COMMISSION ON HUMAN RELATIONS:

Commissioner Tony Jenkins, Panel Chairperson;
Commissioner Jay Pichard; and
Commissioner Rebecca Steele

Filed this 8 day of August, 2019,
in Tallahassee, Florida.



Clerk

Commission on Human Relations
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Andrew D. Manko, Administrative Law Judge, DOAH

Sarah Stewart, Legal Advisor for Commission Panel

I HEREBY CERTIFY that a copy of the foregoing has been mailed to the above listed addressees this 8 day of August, 2019.

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