

STATE OF FLORIDA
COMMISSION ON HUMAN RELATIONS

ZONYA A. FLEMINGS,

EEOC Case No. 15D201800546

Petitioner,

FCHR Case No. 2018-04959

v.

DOAH Case No. 19-2223

U.S. SECURITY ASSOCIATES, INC.,

FCHR Order No. 19-053

Respondent.

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

Preliminary Matters

Petitioner Zonya A. Flemings 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 U.S. Security Associates, Inc. discriminated against Petitioner because of her race and sex. Complainant also alleged that she suffered retaliation.

The allegations set forth in the complaint were investigated, and, on March 22, 2019, 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.

The Recommended Order of Dismissal issued by Administrative Law Judge Robert J. Telfer III grants Respondent's Motion to Dismiss Case in Light of Pending Litigation filed by Petitioner for lack of jurisdiction. Judge Telfer's Recommended Order of Dismissal states that section 760.11(4), Florida Statutes, provides Petitioner the right to either pursue a civil complaint or an administrative hearing, and that section 760.11(5), Florida Statutes, indicates that by Petitioner commencing a civil action, prior to filing of the Petition for Relief with the Commission, the Commission is divested of jurisdiction in this matter.

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

Findings of Fact

We find the Administrative Law Judge's findings of facts 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 party 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 to appeal is found in Section 120.68, Florida Statutes, and in the Florida Rules of Appellate Procedure 9.110.

DONE AND ORDERED this 12 day of Sept., 2019.
FOR THE FLORIDA COMMISSION ON HUMAN RELATIONS:

Commissioner Tony Jenkins, Panel Chairperson;
Commissioner Mario Garza; and
Commissioner Gilbert Singer

Filed this 12 day of Sept., 2019,
in Tallahassee, Florida.



Clerk
Commission on Human Relations
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Copies furnished to:

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Robert J. Telfer III, Administrative Law Judge, DOAH

Stanley Gorsica, Legal Advisor for Commission Panel

I HEREBY CERTIFY that a copy of the foregoing has been mailed to the above listed addressees this 12 day of Sept, 2019.

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