

STATE OF FLORIDA  
COMMISSION ON HUMAN RELATIONS

GARY E. BOYD,

EEOC Case No. 15D201700739

Petitioner,

FCHR Case No. 2017-01339

v.

DOAH Case No. 19-2693F  
18-3303

MAC PAPERS, INC.,

FCHR Order No. 19-067

Respondent.

---

**FINAL ORDER AWARDING AFFIRMATIVE RELIEF  
FROM AN UNLAWFUL EMPLOYMENT PRACTICE**

Preliminary Matters

On June 22, 2017, Petitioner Gary E. Boyd 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, Mac Papers, Inc., committed an unlawful employment practice on the basis of Petitioner's age by giving his accounts away to younger employees, suspending him, and unfairly terminating his employment.

The allegations set forth in the complaint were investigated, and, on May 18, 2018, the Executive Director issued a determination finding that there was no reasonable cause to believe that an unlawful employment practice had occurred.

On June 22, 2018, 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 scheduled for August 27, 2018, but was rescheduled.

An evidentiary hearing was held on October 2, 2018, in Jacksonville, Florida, before Administrative Law Judge James H. Peterson, III.

Judge Peterson issued a Recommended Order, dated February 19, 2019, recommending that the Commission find that an unlawful employment practice occurred and recommending affirmative relief.

The Commission issued an "Interlocutory Order Awarding Affirmative Relief from an Unlawful Employment Practice and Remanding Case to Administrative Law Judge for Issuance of Recommended Order Regarding Amounts of Attorney's Fees and Costs Owed Petitioner," FCHR Order No. 19-032, dated May 16, 2019.

On May 31, 2019, Respondent filed Respondent's Motion to Stay Proceedings Pending Appellate Review.

Judge Peterson issued an Order Relinquishing Jurisdiction and Closing File, dated October 4, 2019, finding that the parties agreed to attorney's fees for Petitioner in the amount of \$32,550.00 and costs in the amount of \$789.00.

The Commission panel designated below considered the record of this matter and determined the action to be taken on the Order Relinquishing Jurisdiction and Closing File.

#### Findings of Fact

We incorporate by reference the Findings of Fact section of FCHR Order No. 19-032 as it relates to the order of the Administrative Law Judge reviewed by that Commission order.

We find the Administrative Law Judge's findings of fact as set out in the Order Relinquishing Jurisdiction and Closing File to be supported by competent substantial evidence.

We adopt the Administrative Law Judge's findings of fact as set out in the Order Relinquishing Jurisdiction and Closing File.

#### Conclusions of Law

We incorporate by reference the Conclusions of Law section of FCHR Order No. 19-032 as it relates to the order of the Administrative Law Judge reviewed by that Commission order.

We find the Administrative Law Judge's application of the law to the facts as set out in the Order Relinquishing Jurisdiction and Closing File to result in a correct disposition of the matter.

We adopt the Administrative Law Judge's conclusions of law as set out in the Order Relinquishing Jurisdiction and Closing File.

#### Exceptions

We incorporate by reference the Exceptions sections of FCHR Order No. 19-032 as it contains the Commission's rulings on the exceptions filed by Respondent to the order of the Administrative Law Judge reviewed by that Commission order.

None of the parties filed exceptions to the Administrative Law Judge's Order Relinquishing Jurisdiction and Closing File.

#### Respondent's Motion to Stay Proceedings Pending Appellate Review

Respondent filed with the Commission a motion to stay FCHR Order No. 19-032 pending the outcome of its impending appeal of that order to the Florida First District Court of Appeal. In the Commission's view, the instant order (FCHR Order No. 19-067) is the first appealable order issued by the Commission in this case, and the appeal now pending before the First District Court of Appeal is premature.

Respondent's Motion to Stay FCHR Order No. 19-032 is DENIED.

Affirmative Relief

Through our adoption of the Administrative Law Judge's findings of fact and conclusions of law, with the indicated incorporation by reference to FCHR Order No. 19-032, we are in the position to issue a final order in this matter.

Respondent is hereby ORDERED:

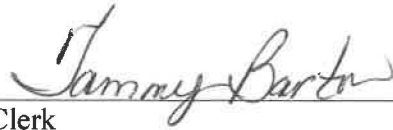
1. to cease and desist from discriminating further in the manner it has been found to have unlawfully discriminated against Petitioner;
2. to reinstate Petitioner his former or an equivalent position with the same potential earnings as of the time of his suspension as if he had not been terminated, as recommended by the Administrative Law Judge;
3. to pay Petitioner back-pay and lost wages in the amount of \$228,935.95, which includes the Administrative Law Judge's calculation of \$159,280.35, plus per diem of \$306.85 from October 2, 2018 through May 16, 2019 (or \$69,654.95);
4. to pay Petitioner interest in the amount of \$10,023.76.
5. to pay Petitioner attorney's fees in the amount of \$32,550.00, an amount found by the Administrative Law Judge to have been agreed to by the parties; and
6. to pay Petitioner \$789.00 in costs, an amount found by the Administrative Law Judge to have been incurred in this matter by Petitioner.

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 10 day of December, 2019.  
FOR THE FLORIDA COMMISSION ON HUMAN RELATIONS:

Commissioner Tony Jenkins, Panel Chairperson;  
Commissioner Mario Garza; and  
Commissioner Rebecca Steele

Filed this 10 day of December, 2019,  
in Tallahassee, Florida.



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

Copies furnished to:

Gary E. Boyd  
c/o Angela G. Robinson, Esq.  
Angela Robinson PA  
3610 Dubsdread Circle  
Orlando, FL 32804

Mac Papers Inc.  
c/o Leonard V. Feigel, Esq.  
Foley & Lardner LLP  
One Independent Drive, Suite 1300  
Jacksonville, FL 32202

Mac Papers Inc.  
c/o Kevin E. Hyde, Esq.  
Foley & Lardner LLP  
One Independent Drive, Suite 1300  
Jacksonville, FL 32202

James H. Peterson, 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 10 day of December, 2019.

By:   
Clerk of the Commission  
Florida Commission on Human Relations