

STATE OF FLORIDA
COMMISSION ON HUMAN RELATIONS

KRISTAL CLEMONS,

EEOC Case No. 15D201800739

Petitioner,

FCHR Case No. 2018-08385

v.

DOAH Case No. 19-4204

THE BOARD OF TRUSTEES OF FLORIDA
STATE UNIVERSITY,

FCHR Order No. 19-064

Respondent.

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

This matter is before the Commission for consideration of the Order Closing File and Relinquishing Jurisdiction, dated September 4, 2019, issued in the above-styled matter by Administrative Law Judge Lawrence P. Stevenson.

Findings of Fact and Conclusions of Law

Petitioner Kristal Clemons 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, The Board of Trustees of Florida State University, committed an unlawful employment practice by subjecting her to a hostile work environment, based on her race (not identified in complaint) and sex (female), and retaliation.

The allegations set forth in the complaint were investigated, and, on July 5, 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 case was scheduled for hearing on September 24 and 25, 2019.

On August 29, 2019, Respondent filed Respondent's Motion to Relinquish Jurisdiction to the Florida Commission on Human Relations in which Respondent requested the Division of Administrative Hearings to relinquish jurisdiction to the Florida Commission on Human Relations for dismissal, with prejudice, of Petitioner's Petition for Relief. Respondent argues there is no genuine issue as to any material fact based on an August 27, 2019 email received from Petitioner stating, "At this time, I do not wish to go any further with this matter. I've notified the Florida Commission on Human Relations." Administrative Law Judge Lawrence P. Stevenson issued an Order Closing File and Relinquishing Jurisdiction, dated September 4, 2019.

In the absence of disputed facts, relinquishment of jurisdiction to the Commission is appropriate. See, *Rossi v. Gloria Edenfield Loan Officer Wells Fargo Bank, N.A.*, FCHR Order No. 09-070 (June 30, 2009), *Banks v. Department of Corrections*, FCHR Order No. 09-003 (January 12, 2009), and *Newton v. Pensacola Glass Company*, FCHR Order No. 05-001 (January 31, 2005). FCHR Case No. 2012-02.

Exceptions

Neither of the parties filed exceptions to the Administrative Law Judge's Order Closing File and Relinquishing Jurisdiction.

Dismissal

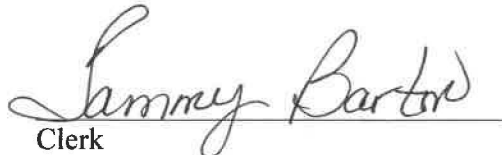
Given the above, including the lack of exception from either party to the Administrative Law Judge's Order Closing File and Relinquishing Jurisdiction, we conclude there is no genuine issue as to any material fact. The Petition for Relief and Complaint of Discrimination are DISMISSED with prejudice.

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 November, 2019.
FOR THE FLORIDA COMMISSION ON HUMAN RELATIONS:

Commissioner Tony Jenkins, Panel Chairperson;
Commissioner Donna Elam (not present and did not participate); and
Commissioner Rebecca Steele

Filed this 12 day of November, 2019,
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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Lawrence P. Stevenson, 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 September, 2019.

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