

STATE OF FLORIDA
COMMISSION ON HUMAN RELATIONS

LAVENDER SUAREZ,

FCHR No. 201914951

Petitioner,

DOAH Case No. 19-5889

v.

FCHR Order No. 21-033

SARSOTA COUNTY GOVERNMENT,

Respondent.

INTERLOCUTORY ORDER FINDING THAT AN UNLAWFUL EMPLOYMENT PRACTICE OCCURRED AND REMANDING CASE TO ADMINISTRATIVE LAW JUDGE TO DETERMINE THE AMOUNT OF COSTS, INCLUDING ATTORNEY'S FEES, OWED TO PETITIONER

Preliminary Matters

On August 16, 2018, Petitioner Lavender Suarez filed a complaint of discrimination against Respondent, Sarasota County Government, alleging discrimination based on race, gender, and retaliation, pursuant to the Florida Civil Rights Act of 1992, Sections 760.01 - 760.11, Florida Statutes (2017).

According to Petitioner, she was a Fiscal Manager (Manager II) with Respondent. Complainant alleged that Respondent subjected her to disparate treatment. The alleged disparate treatment included Respondent forcing Complainant to resign without providing Complainant with an action plan or performance improvement plan.

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 on February 4, 2020, before Administrative Law Judge Hetal Desai.

Judge Desai issued a Recommended Order finding that an unlawful employment practice occurred, dated July 15, 2020.

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

A transcript of the proceeding before the Administrative Law Judge was filed with the Division of Administrative Hearings. 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 Recommended Order.

Order and Remand

Through our adoption of the Administrative Law Judge's findings of fact and conclusions of law, as set out above, we find that unlawful discrimination occurred in this matter in the manner found by the Administrative Law Judge. In addition, we conclude the case should be remanded to the Administrative Law Judge for determination of the amounts of attorney's fees and costs owed Petitioner.

Respondent is hereby ORDERED:

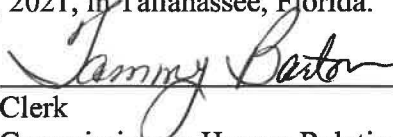
(1) to pay Petitioner back pay/lost wages and interest; and
(2) to pay Petitioner the amounts of attorney's fees and costs that have been reasonably incurred in this matter by Petitioner.

This matter is REMANDED to the Administrative Law Judge for further proceedings to determine the amounts of attorney's fees and costs owed to Petitioner, and the issuance of a Supplemental Recommended Order as to those amounts.

DONE AND ORDERED this 5 day of May, 2021.
FOR THE FLORIDA COMMISSION ON HUMAN RELATIONS:

Commissioner Mario Garza, Panel Chairperson
Commissioner Darrick McGhee; and
Commissioner Angela Primiano

Filed this 5 day of May, 2021, in Tallahassee, Florida.


Clerk
Commission on Human Relations
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Hetal Desai, Administrative Law Judge, DOAH

John Scotese, Legal Advisor for Commission Panel

I HEREBY CERTIFY that a copy of the foregoing has been mailed to the above listed addressees this 5 day of May, 2021.

By: Jammy Berton
Clerk of the Commission
Florida Commission on Human Relations