

STATE OF FLORIDA
COMMISSION ON HUMAN RELATIONS

MARY J. DANIELS,

EEOC Case No. 15D202000596

Petitioner,

FCHR Case No. 202022091

v.

DOAH Case Nos. 20-4296

THE CITY OF DEERFIELD BEACH,

FCHR Order No. 21-044

Respondent.

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

This matter is before the Commission for consideration of the Recommended Order of Dismissal, dated April 22, 2021, issued in the above-styled matter by Administrative Law Judge John G. Van Laningham.

A transcript of the proceeding before the Administrative Law Judge was not filed with the Commission. In the absence of a transcript of the proceeding before the Administrative Law Judge, the Recommended Order is the only evidence for the Commission to consider. See National Industries, Inc. v. Commission on Human Relations, et al., 527 So. 2d 894, at 897, 898 (Fla. 5th DCA 1988). Accord, Coleman v. Daytona Beach, Ocean Center Parking Garage, FCHR Order No. 14-034 (September 10, 2014), Gantz, et al. v. Zion's Hope, Inc., d/b/a Holy Land Experience, FCHR Order No. 11-048 (June 6, 2011), and Hall v. Villages of West Oaks HOA, FCHR Order No. 08-007 (January 14, 2008).

Judge Van Laningham's Recommended Order of Dismissal reflects that a hearing in this matter occurred on April 21, 2021. The order indicates that during the hearing, "the parties reached an agreement to settle this matter, pursuant to which [Petitioner] agreed to withdraw her petition with prejudice", and that Judge Van Laningham "granted the parties' ore tenus motion to dismiss." Based on the settlement agreement of the parties, Judge Van Laningham recommended the Commission enter a final order of dismissal.

We adopt the Administrative Law Judge's finding and conclusion that the parties reached an agreement to settle this matter and that Petitioner agreed to withdraw her petition with prejudice.

Exceptions

Neither of the parties 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 of appeal is found in Section 120.68, Florida Statutes, and in the Florida Rules of Appellate Procedure 9.110.

DONE AND ORDERED this 21 day of July, 2021.
FOR THE FLORIDA COMMISSION ON HUMAN RELATIONS:

Commissioner Mario Garza, Panel Chairperson;
Commissioner Larry Hart; and
Commissioner Jay Pichard

Filed this 21 day of July, 2021, in Tallahassee, Florida.



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

Copies furnished to:

Mary J. Daniels
1300 Southwest 6th Way
Deerfield Beach, Florida 33441

The City of Deerfield Beach
c/o Milton R. Collins, Esq.
Weiss Serota Helfman Cole & Bierman, P.L.
1200 North Federal Hwy., Suite 312
Boca Raton, Florida 33432

John G. Van Laningham, 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 21 day of July, 2021.

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