

**STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS**

LISA HENDRICKSON,

Petitioner,

vs.

Case No. 21-1994

BOARD OF COLLIER COUNTY
COMMISSIONERS,

Respondent.

_____ /

RECOMMENDED ORDER

The undersigned convened the hearing in this matter at 9:00 a.m., October 19, 2021, by Zoom conference as noticed.

FINDINGS OF FACT

1. As of 9:20 a.m., the Petitioner, Lisa Hendrickson, had not appeared. She also had not contacted the office of the undersigned to advise of any difficulty being able to participate. Counsel for Respondent, Board of Collier County Commissioners, appeared with witnesses and a party representative prepared to proceed.

2. The Notice of Hearing in this matter, issued July 9, 2021, cautioned the parties, "As with any hearing, the failure to appear may constitute a waiver of the right to present evidence, or be grounds for closure of the file without further proceedings."

3. On September 17, 2021, the undersigned issued notices of status conferences to be held on September 21, and October 11, 2021. Each Notice cautioned, "A party's failure to participate in the status conference may be treated as the party abandoning the position that it has taken in this proceeding and agreeing to the relief the other party seeks." Ms. Hendrickson

did not call in to participate in either conference. She also did not contact the office of the undersigned to advise of any difficulty participating.

4. The docket of the Division of Administrative Hearings documents seven notices and orders issued by the undersigned and sent to the parties. None have been returned as undeliverable. The notices and orders were mailed to Ms. Hendrickson at the address she provided in her Petition for Relief.

CONCLUSIONS OF LAW

5. Ms. Hendrickson bears the burden of proof in this employment discrimination case. *See Dep't of Transp. v. J.W.C., Co.*, 396 So. 2d 778 (Fla. 1st DCA 1981). By failing to attend and participate in the hearing, Ms. Hendrickson failed to meet her burden.

6. In addition, by failing to attend and participate Ms. Hendrickson abandoned her claim of discrimination and waived her right to a hearing.

RECOMMENDATION

Based on the foregoing, it is RECOMMENDED that the Florida Commission on Human Relations enter a final order dismissing the Petition for Relief.

DONE AND ENTERED this 20th day of October, 2021, in Tallahassee, Leon County, Florida.



JOHN D. C. NEWTON, II
Administrative Law Judge
1230 Apalachee Parkway
Tallahassee, Florida 32399-3060
(850) 488-9675
www.doah.state.fl.us

Filed with the Clerk of the
Division of Administrative Hearings
this 20th day of October, 2021.

COPIES FURNISHED:

Tammy S. Barton, Agency Clerk
Florida Commission on Human Relations
4075 Esplanade Way, Room 110
Tallahassee, Florida 32399-7020

Colleen M. Greene, Esquire
Collier County Attorney
3299 Tamiami Trail East, Suite 800
Naples, Florida 33112

Lisa A. Hendrickson
1555 Airway Drive
Naples, Florida 34104

NOTICE OF RIGHT TO SUBMIT EXCEPTIONS

All parties have the right to submit written exceptions within 15 days from the date of this Recommended Order. Any exceptions to this Recommended Order should be filed with the agency that will issue the Final Order in this case.