

2 20-01

AT

STATE OF FLORIDA
COMMISSION ON HUMAN RELATIONS

01 JUL 10 PM 1:28

MINCHI TORRES,

EEOC Case No. 151A00924

Petitioner,

FCHR Case No. 20-02137

v.

DOAH Case No. 00-3018 *L.P.S.*

SWEET TOMATOES RESTAURANT,

FCHR Order No. 01-029

Respondent.

FINAL ORDER DISMISSING PETITION FOR
RELIEF FROM AN UNLAWFUL EMPLOYMENT PRACTICE

Preliminary Matters

Petitioner Minchi Torres filed a complaint of discrimination pursuant to the Florida Civil Rights Act of 1992, Sections 760.01 - 760.11, Florida Statutes (1999), alleging that Respondent Sweet Tomatoes Restaurant committed an unlawful employment practice on the basis of Petitioner's sex (female) when it denied her the opportunity to perform light duty during her pregnancy.

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 in Tampa, Florida, on January 4, 2001, before Administrative Law Judge Lawrence P. Stevenson.

Judge Stevenson issued a Recommended Order of dismissal, dated February 20, 2001.

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

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 party filed exceptions to the Administrative Law Judge's Recommended Order.

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 to appeal is found in Section 120.68, Florida Statutes, and in the Florida Rules of Appellate Procedure 9.110.

DONE AND ORDERED this 6 day of July, 2001.
FOR THE FLORIDA COMMISSION ON HUMAN RELATIONS:

Commissioner Roosevelt Paige, Panel Chairperson;
Commissioner Donna Elam; and
Commissioner Aristides Sosa

Filed this 6 day of July, 2001,
in Tallahassee, Florida.

Aziz Dixon
Aziz Dixon Clerk
Commission on Human Relations
325 John Knox Rd., Bldg. F, Suite 240
Tallahassee, FL 32303-4149
(850) 488-7082

NOTICE TO COMPLAINANT / PETITIONER

As your complaint was filed under Title VII of the Civil Rights Act of 1964, which is enforced by the U.S. Equal Employment Opportunity Commission (EEOC), you have the right to request EEOC to review this Commission's final agency action. To secure a "substantial weight review" by EEOC, you must request it in writing within 15 days of your receipt of this Order. Send your request to Miami District Office (EEOC), One Biscayne Tower, 2 South Biscayne Blvd., Suite 2700, 27th Floor, Miami, FL 33131.

Copies furnished to:

Scott Charlton, Esq.
Clark, Charlton, Martino & Borders, P.A.
3407 West Kennedy Boulevard
Post Office Box 24268
Tampa, FL 33623-4268

Donald E. Cope, Esq.
Fine, Boggs, Cope & Perkins, LLP
225 South Cabrillo Highway
Suite B-200
Half Moon Bay, CA 94019

Lawrence P. Stevenson, Administrative Law Judge, DOAH

James Mallue, Legal Advisor for Commission Panel