

STATE OF FLORIDA  
COMMISSION ON HUMAN RELATIONS

FILED  
02 SEP 16 AM 9:18  
DIVISION OF  
ADMINISTRATIVE  
HEARINGS

JOSEPH ANDREWS,

EEOC Case No. NONE

Petitioner,

FCHR Case No. 21-03274

v.

DOAH Case No. 02-0133

ACCO RESTAURANTS, INC.  
d/b/a BURGER KING,

FCHR Order No. 02-035

BJS  
closed

Respondent.

FINAL ORDER DISMISSING PETITION FOR  
RELIEF FROM AN UNLAWFUL PUBLIC ACCOMMODATION PRACTICE

Preliminary Matters

Petitioner JOSEPH ANDREWS filed a complaint of discrimination pursuant to the Florida Civil Rights Act of 1992, Chapter 760, Section 509.092, Florida Statutes (1995), alleging that Respondent ACCO RESTAURANTS, INC. D/B/A BURGER KING committed an unlawful public accommodation practice on the basis of Petitioner's race (Black), by being harassed by light skinned black employees.

The allegations set forth in the complaint were investigated, and, on December 21, 2001, the Executive Director issued his determination finding that there was no reasonable cause to believe that a public accommodation practice had occurred.

Petitioner filed a Petition for Relief from an Public Accommodation Practice and the case was transmitted to the Division of Administrative Hearings for the conduct of a formal proceeding.

An evidentiary hearing was held by video teleconference on February 21, 2002, before Administrative Law Judge Barbara J. Staros. The Petitioner did not appeal and offer any evidence. The Judge held that since no evidence was submitted by the Petitioner in support of his claim that a prima Facie case had not been established.

Judge Staros issued a Recommended Order of dismissal, dated February 21, 2002.

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 13<sup>th</sup> day of September, 2002.  
FOR THE FLORIDA COMMISSION ON HUMAN RELATIONS:

Commissioner Keith Roberts, Panel Chairperson;  
Commissioner Juan Montes; and  
Commissioner Aletta Shutes

Filed this 13<sup>th</sup> day of September, 2002,  
in Tallahassee, Florida.

  
Denise Crawford, Clerk  
Commission on Human Relations  
2009 Apalachee Parkway, Suite 100  
Tallahassee, FL 32301  
(850) 488-7082

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Copies furnished to:

JOSEPH ANDREWS

945 North Liberty Street, B-102

Jacksonville, Florida 32203-1643

Ernest Vikers

Acco Restaurants, Inc.

Post Office Box 41643

Jacksonville, Florida 32203-1643

Barbara J. Staros, Administrative Law Judge, DOAH

Miles Lance, Legal Advisor for Commission Panel