

2-19-03

STATE OF FLORIDA  
COMMISSION ON HUMAN RELATIONS

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ADMINISTRATIVE  
HEARINGS

VERONICA M. KING AND WALTER E.  
KING,

AT

FCHR Case No. 22-00183  
and 22-00184

Petitioners,

v.

DOAH Case No. 02-2502

JVL-CWS

LA PLAYA-DE VARADERO  
RESTAURANT,

FCHR Order No. 03-039

Respondent.

**FINAL ORDER DISMISSING PETITION FOR RELIEF  
FROM UNLAWFUL PUBLIC ACCOMMODATION DISCRIMINATION**

Preliminary Matters

Petitioners Veronica M. King and Walter E. King filed complaints of discrimination pursuant to the Florida Civil Rights Act of 1992, Sections 509.092 and 760.11, Florida Statutes (1999), alleging that Respondent La Playa-De Varadero Restaurant, committed an unlawful public accommodation practice on the basis of Petitioners' race (African-American) when Respondent denied them service.

The allegations set forth in the complaint were investigated, and, on May 14, 2002, the Executive Director issued his determination finding that there was reasonable cause to believe that an unlawful public accommodation practice had occurred.

Petitioner filed a Petition for Relief from an Unlawful 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 in Tallahassee, Florida, and Miami, Florida, on September 5, 2002, before Administrative Law Judge John G. Van Laningham.

Judge Van Laningham issued a Recommended Order of dismissal, dated February 19, 2003.

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

None of the parties filed exceptions to the Administrative Law Judge's Recommended Order.

Dismissal

The Petition for Relief and Complaints 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 3<sup>rd</sup> day of July, 2003.  
FOR THE FLORIDA COMMISSION ON HUMAN RELATIONS:

Commissioner Roosevelt Paige, Panel Chairperson;  
Commissioner Leonie Hermantin; and  
Commissioner Billy Whitefox Stall

Filed this 3<sup>rd</sup> day of July, 2003,  
in Tallahassee, Florida.



Violet Crawford, Clerk  
Commission on Human Relations  
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Copies furnished to:

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2525 Southwest Third Avenue  
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John G. Van Laningham, Administrative Law Judge, DOAH

James Mallue, Legal Advisor for Commission Panel

I HEREBY CERTIFY that a copy of the foregoing has been mailed to the above listed addressees this 3<sup>rd</sup> day of July, 2003.

By: Violet Crawford  
Clerk of the Commission  
Florida Commission on Human Relations