

**STATE OF MICHIGAN  
CIVIL RIGHTS COMMISSION**

MICHIGAN DEPARTMENT OF CIVIL RIGHTS  
ex rel Elizabeth Douglas, o.b.o. Emily Douglas, a minor  
Claimant,

Case No. 367063

v.

CHARLY O's PIZZERIA and CHARLES ONCINA  
Respondent.

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**ORDER**

At a meeting of the Michigan Civil Rights Commission  
Held in Benton Harbor, Michigan on the 14<sup>th</sup> day of December 2009

In accordance with the rules and the Michigan Civil Rights Commission, a Hearing Referee heard proofs and arguments and made proposed findings of fact and recommendations regarding the issues involved in this case. Commissioner Jared I. Rodriguez, has issued an Opinion, adopted by a unanimous vote of the Commission. That Opinion, shall be made part of this Order. The Commission therefore makes the following Findings of Fact and Conclusions of Law:

**FINDING OF FACT**

1. The claimant is a resident of the State of Michigan.
2. The respondent is a Michigan LLC and the owner of the restaurant.
3. The claimant began employment with the respondent in August 2006 and worked as an employee of the respondent's restaurant.

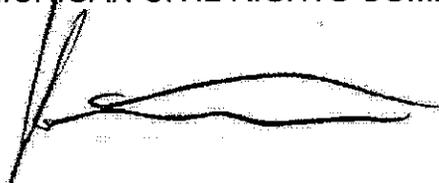
4. The claimant is a female protected from unlawful discrimination under the Elliott-Larsen Civil Rights Act.
5. On December 8, 2006 the claimant filed a report with the Montmorency County Sheriff Department alleging that she was sexually harassed by Charles Orcina while at work on November 29, 2006.
6. On December 8, 2006 the claimant terminated her employment with the respondent.

#### **CONCLUSIONS OF LAW**

1. The claimant meets the definition of a covered individual on the basis of sex as established under the Elliott-Larsen Civil Rights Act.
2. The evidence supports a finding that unlawful discrimination has not been established by a preponderance of the evidence.
3. Both the claimant and respondent were provided the opportunity to submit exceptions to the referee's findings to the commission and to request oral argument before the commission.
4. Both sides mutually agreed to waive oral arguments before the commission and to rely on the record and their closing briefs.
5. Therefore the referee's report as to findings of fact and conclusions of law has been accepted by the commission as factual and correct.
6. For the reasons stated above there was no violation by the respondent of the Elliott-Larsen Civil Rights Act.

**WHEREFORE IT IS HEREBY ORDERED** that the Claimant's complaint under the Elliott-Larsen Civil Rights Act is dismissed.

MICHIGAN CIVIL RIGHTS COMMISSION

A handwritten signature in black ink, appearing to read 'Kelvin W. Scott', is written over a horizontal line.

Kelvin W. Scott, Director

Dated: January 25, 2010

**NOTICE OF RIGHT TO APPEAL**

You are hereby notified of your right to appeal within thirty (30) days to the Circuit Court of the State of Michigan having jurisdiction as provided by law.

MCLA 37.2606