

STATE OF FLORIDA
COMMISSION ON HUMAN RELATIONS

FILED
08 MAY -8 AM 10:18
DIVISION OF
ADMINISTRATIVE
HEARINGS

JOSE M. GANDIA,

Petitioner,

FCHR Case No. 2007-00907

v.

DOAH Case No. 07-4147

WALT DISNEY WORLD,

FCHR Order No. 08-028

Respondent.

**FINAL ORDER DISMISSING PETITION FOR
RELIEF FROM AN UNLAWFUL PUBLIC ACCOMMODATIONS PRACTICE**

Preliminary Matters

Petitioner Jose M. Gandia filed a complaint of discrimination pursuant to the Florida Civil Rights Act of 1992, Sections 509.092 and 760.01 - 760.11, Florida Statutes (2005), alleging that Respondent Walt Disney World committed an unlawful public accommodations practice when its security officials allegedly "accosted" Petitioner for taking photographs in the Magic Kingdom at Walt Disney World. The complaint was based on race and National Origin in that it alleges that Petitioner was told by Respondent's security personnel that he "resembled a Middle-Eastern 9/11 terrorist."

The allegations set forth in the complaint were investigated, and, on August 30, 2007, the Executive Director issued his determination finding that there was no reasonable cause to believe that an unlawful public accommodations practice had occurred.

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

An evidentiary hearing was held in Orlando, Florida, on November 20, 2007, before Administrative Law Judge Jeff B. Clark.

Judge Clark issued a Recommended Order of dismissal, dated March 13, 2008.

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

Dismissal

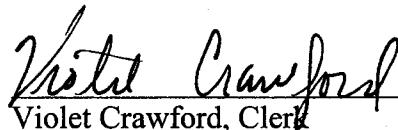
The Petition for Relief and Complaint of Discrimination are DISMISSED with prejudice.

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 6th day of May, 2008.
FOR THE FLORIDA COMMISSION ON HUMAN RELATIONS:

Commissioner Donna Elam, Panel Chairperson;
Commissioner Anice R. Prosser; and
Commissioner Gilbert M. Singer

Filed this 6th day of May, 2008,
in Tallahassee, Florida.



Violet Crawford, Clerk

Commission on Human Relations
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Jeff B. Clark, 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 6th day of May, 2008.

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