

STATE OF FLORIDA
COMMISSION ON HUMAN RELATIONS

ALBERT BALZANTI,

Petitioner,

v.

SHARED SOLUTIONS AND SERVICES,
INC. / ARROW ELECTRONICS,

Respondent.

EEOC Case No. NONE

FCHR Case No. 2012-02431

DOAH Case No. 13-0814

FCHR Order No. 13-045

**FINAL ORDER DISMISSING PETITION FOR
RELIEF FROM AN UNLAWFUL EMPLOYMENT PRACTICE**

This matter is before the Commission for consideration of the Recommended Order of Dismissal, dated April 12, 2013, issued in the above-styled matter by Administrative Law Judge Robert E. Meale.

Findings of Fact and Conclusions of Law

Judge Meale's order reflects that the matter was before him on Respondent's Motion to Relinquish Jurisdiction and Memorandum of Law. Judge Meale's order reflects that Respondent contends that the case should be dismissed because Petitioner executed a release that released the claim set forth in the Petition for Relief, and that Petitioner contends that Petitioner should not be held to the release because Petitioner was not aware of the discriminatory act until after the termination of his employment. Judge Meale's order recommends that the Commission enter an order dismissing the Petition for Relief because "the [r]elease precludes Petitioner's prosecution of this proceeding."

We note that in a case in which the Administrative Law Judge concluded that the Division of Administrative Hearings "has no authority to interpret, enforce, or nullify a private contract," a Commission panel stated, "If as suggested by [Keeley v. Millers Super Value Store, FCHR Order No. 03-057 (July 24, 2003)] and [McShane v. Brevard County Sheriff's Office, FCHR Order No. 03-040 (July 3, 2003)]...the Commission is without jurisdiction to enforce settlement agreements entered into in cases brought pursuant to the Florida Civil Rights Act of 1992, in our view, it would logically follow that the Commission is without jurisdiction to determine the validity of those agreements." Howard v. Colomer, USA, FCHR Order No. 06-084 (September 18, 2006); accord, Bovea v. Mercantile Commercebank, FCHR Order No. 09-089 (September 22, 2009).

We adopt the Administrative Law Judge's findings as to the execution and content of the release agreement and conclude that the Complaint of Discrimination and Petition for Relief be dismissed with prejudice.

Exceptions

Neither of the parties filed exceptions to the Administrative Law Judge's Recommended Order of Dismissal.

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

DONE AND ORDERED this 19th day of June, 2013.
FOR THE FLORIDA COMMISSION ON HUMAN RELATIONS:

Commissioner Gilbert M. Singer, Panel Chairperson;
Commissioner Onelia Fajardo-Garcia; and
Commissioner Michell Long

Filed this 19th day of June, 2013,
in Tallahassee, Florida.

/s/
Violet Crawford, Clerk
Commission on Human Relations
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Robert E. Meale, 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 19th day of June, 2013.

By: _____/s/
Clerk of the Commission
Florida Commission on Human Relations