

STATE OF FLORIDA
COMMISSION ON HUMAN RELATIONS

JUAN MONSALVO,

EEOC Case No. 510201402982

Petitioner,

FCHR Case No. 2014-00819

v.

DOAH Case No. 14-4935

KEKE'S BREAKFAST CAFE,

FCHR Order No. 15-031

Respondent.

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

Preliminary Matters

Petitioner Juan Monsalvo filed a complaint of discrimination pursuant to the Florida Civil Rights Act of 1992, Sections 760.01 - 760.11, Florida Statutes (2013), alleging that Respondent KeKe's Breakfast Cafe committed an unlawful employment practice on the basis of Petitioner's national origin (Mexican) by enforcing an English-only rule in the workplace resulting in Petitioner's constructive discharge.

The allegations set forth in the complaint were investigated, and, on September 19, 2014, the Executive Director issued a determination finding that there was no reasonable cause to believe that an unlawful employment practice had occurred.

Petitioner filed a Petition for Relief from an Unlawful Employment 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 at sites in Orlando and Tallahassee, Florida, on January 13, 2015, before Administrative Law Judge Linzie F. Bogan.

Judge Bogan issued a Recommended Order of dismissal, dated March 20, 2015.

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 21 day of May, 2015.
FOR THE FLORIDA COMMISSION ON HUMAN RELATIONS:

Commissioner Michael Keller, Panel Chairperson;
Commissioner Onelia Fajardo-Garcia; and
Commissioner J. Jeff Graber

Filed this 21 day of May, 2015,
in Tallahassee, Florida.


Clerk
Commission on Human Relations
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Linzie F. Bogan, 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 26 day of May, 2015.

By: 
Clerk of the Commission
Florida Commission on Human Relations