

STATE OF FLORIDA  
COMMISSION ON HUMAN RELATIONS

SERGEY P. SHASHELEV,

EEOC Case No. 15D201400714

Petitioner,

FCHR Case No. 2014-01133

v.

DOAH Case No. 15-2543

CIRQUE DU SOLEIL,

FCHR Order No. 17-026

Respondent.

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**FINAL ORDER DISMISSING PETITION FOR  
RELIEF FROM AN UNLAWFUL EMPLOYMENT PRACTICE  
AND GRANTING MOTION OF PETITIONER'S QUALIFIED  
REPRESENTATIVE TO WITHDRAW**

Preliminary Matters

Petitioner Sergey P. Shashelev 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 Cirque Du Soleil committed an unlawful employment practice on the basis of Petitioner's age (DOB: 10-10-60) and disability by terminating Petitioner from employment.

The allegations set forth in the complaint were investigated, and, on March 30, 2015, 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 in Orlando, Florida, on February 2 and 3 and March 2, 2016, before Administrative Law Judge J. Bruce Culpepper.

Judge Culpepper issued a Recommended Order of dismissal, dated October 11, 2016.

Petitioner filed an "Amended Petitioner's Emergency Motion" on or about November 16, 2016, making several requests of the Commission, and the Commission issued an "Order on 'Amended Petitioner's Emergency Motion,'" FCHR Order No. 17-003, on January 5, 2017. This Order established that the parties would have 15 days from the date of the Order to file exceptions to the Recommended Order.

On January 18, 2017, two days prior to the deadline for filing exceptions to the Recommended Order, Petitioner's Qualified Representative filed a "Motion to Withdraw as Petitioner's Qualified Representative."

The Commission panel designated below considered the record of this matter and determined the action to be taken on the pending motion of Petitioner's Qualified Representative and 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

In response to the "Amended Petitioner's Emergency Motion," the Commission issued an "Order on 'Amended Petitioner's Emergency Motion,'" FCHR Order No. 17-003, dated January 5, 2017, directing that exceptions to the Recommended Order were to be filed with the Commission within 15 days of the date of the Order. Fifteen days from January 5, 2017, is January 20, 2017.

As of close-of-business on January 20, 2017, neither of the parties had filed exceptions to the Administrative Law Judge's Recommended Order.

Motion to Withdraw as Petitioner's Qualified Representative

Petitioner's Qualified Representative, Jamison Jessup, filed a "Motion to Withdraw as Petitioner's Qualified Representative," on January 18, 2017.

No response to this motion has been received from either Petitioner or Respondent.

No request for enlargement of time to file exceptions or request for continuance of proceedings has been received from Petitioner as a result of this filing.

The motion represents that Petitioner was informed that the motion was going to be filed.

The "Motion to Withdraw as Petitioner's Qualified Representative," filed by Jamison Jessup on January 18, 2017, is GRANTED.

Dismissal

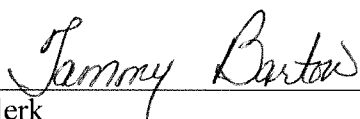
The Petition for Relief and Complaint of Discrimination are DISMISSED with prejudice.

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 30 day of March, 2017.  
FOR THE FLORIDA COMMISSION ON HUMAN RELATIONS:

Commissioner Tony Jenkins, Panel Chairperson;  
Commissioner Jay Pichard; and  
Commissioner Sandra Turner

Filed this 30 day of March, 2017,  
in Tallahassee, Florida.

  
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Clerk  
Commission on Human Relations  
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J. Bruce Culpepper, 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 30 day of March, 2017.

By: Jimmy Barton  
Clerk of the Commission  
Florida Commission on Human Relations