

STATE OF FLORIDA
COMMISSION ON HUMAN RELATIONS

XIANSHU ZHANG,

EEOC Case No. NONE

Petitioner,

FCHR Case No. 2016-00497

v.

DOAH Case No. 16-2820

DEPARTMENT OF HEALTH,

FCHR Order No. 17-053

Respondent.

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

Preliminary Matters

Petitioner Xianshu Zhang filed an amended charge of employment discrimination pursuant to the Florida Civil Rights Act of 1992, Sections 760.01 - 760.11, Florida Statutes (2015), alleging that Respondent Department of Health committed unlawful employment practices on the basis of Petitioner's national origin (Chinese) by failing to provide a massage therapist license application in Mandarin Chinese, by charging Petitioner with fraudulent misrepresentations on her application for a massage therapist license, and by failing to dismiss an administrative complaint against Petitioner.

The allegations set forth in the complaint were investigated, and, on April 20, 2016, 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 February 16, 2017, before Administrative Law Judge Garnett W. Chisenhall.

Judge Chisenhall issued a Recommended Order of dismissal, dated May 9, 2017.

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

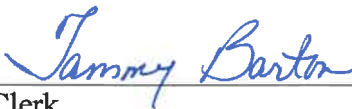
The Petition for Relief and Amended Charge of Employment Discrimination are DISMISSED with prejudice.

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 3 day of August, 2017.
FOR THE FLORIDA COMMISSION ON HUMAN RELATIONS:

Commissioner Rebecca Steele, Panel Chairperson;
Commissioner Derick Daniel; and
Commissioner Sandra Turner

Filed this 3 day of August, 2017,
in Tallahassee, Florida.



Clerk
Commission on Human Relations
4075 Esplanade Way, Room 110
Tallahassee, FL 32399
(850) 488-7082

Copies furnished to:

Xianshu Zhang
c/o Jamison Jessup, Qualified Representative
2955 Enterprise Road, Suite B
DeBary, FL 32713

Department of Health
c/o Michael J. Williams, Esq.
Assistant General Counsel
4052 Bald Cypress Way, Bin A-02
Tallahassee, FL 32399

Garnett W. Chisenhall, 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 3 day of August, 2017.

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