

STATE OF FLORIDA  
COMMISSION ON HUMAN RELATIONS

JAVIER F. RIVADENEIRA,

Petitioner,

FCHR Case No. 2017-00808

v.

DOAH Case No. 17-5510

WALMART,

FCHR Order No. 18-041

Respondent.

---

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

Preliminary Matters

Petitioner Javier F. Rivadeneira filed a complaint of discrimination pursuant to the Florida Civil Rights Act of 1992, Sections 509.092 and 760.01 - 760.11, Florida Statutes (2016), alleging that Respondent Walmart committed an unlawful public accommodations practice by harassing and discriminating against Petitioner on the bases of Petitioner's national origin (Hispanic), color (not specified in complaint) and disability, in conjunction with a visit by Petitioner to Respondent's store.

The allegations set forth in the complaint were investigated, and, on September 15, 2017, the Executive Director issued a 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 by video teleconference at sites in Tampa and Tallahassee, Florida, on March 9, 2018, before Administrative Law Judge J. Bruce Culpepper.

Judge Culpepper issued a Recommended Order of dismissal, dated July 10, 2018.

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 14 day of September, 2018.  
FOR THE FLORIDA COMMISSION ON HUMAN RELATIONS:

Commissioner Tony Jenkins, Panel Chairperson;  
Commissioner Donna Elam; and  
Commissioner Mario Garza

Filed this 14 day of September, 2018,  
in Tallahassee, Florida.



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

Copies furnished to:

Javier F. Rivadeneira  
43 South Adams Street  
Beverly Hills, FL 34465

Javier F. Rivadeneira  
6141 Bayside Key Drive  
Tampa, FL 33615

Walmart  
c/o Alva Cross Crawford, Esq.  
Littler Mendelson, P.C.  
2301 McGee Street, Ste. 800  
Kansas City, MO 64108

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 14 day of September, 2018.

By: Tommy Carter  
Clerk of the Commission  
Florida Commission on Human Relations