

STATE OF FLORIDA
COMMISSION ON HUMAN RELATIONS

JOAO DANIEL FONSECA,

EEOC Case No. N/A

Petitioner,

FCHR Case No. 2018-03102

v.

DOAH Case No. 18-5521

DUFFY'S OF COCONUT CREEK, INC.,

FCHR Order No. 19-028

Respondent.

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

Preliminary Matters

On October 20, 2017, Petitioner Joao Daniel Fonseca filed a complaint of discrimination pursuant to the Florida Civil Rights Act of 1992, Sections 760.01 - 760.11, Florida Statutes (2017), alleging that Respondent Duffy's of Coconut Creek, Inc. committed an unlawful public accommodation practice against Petitioner on the basis of national origin, by denying him service.

The allegations set forth in the complaint were investigated, and, on September 18, 2018, the Executive Director issued a determination finding that there was no reasonable cause to believe that an unlawful public accommodation practice had occurred.

On October 17, 2018, Petitioner filed a Petition for Relief from an Unlawful Public Accommodation Practice, and the case was transmitted to the Division of Administrative Hearings for the conduct of a formal proceeding.

An evidentiary hearing was held via video teleconference in Lauderdale Lakes and Tallahassee, Florida, on December 20, 2018, before Administrative Law Judge Robert E. Meale.

Judge Meale issued a Recommended Order of dismissal, dated February 5, 2019.

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 party filed exceptions to the Administrative Law Judge's Recommended Order.

Dismissal

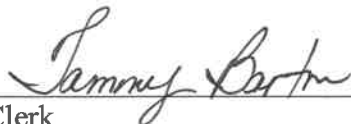
The Petition for Relief and Complaint of Discrimination are DISMISSED with prejudice.

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 23 day of April, 2019.
FOR THE FLORIDA COMMISSION ON HUMAN RELATIONS:

Commissioner Rebecca Steele, Panel Chairperson;
Commissioner Jay Pichard; and
Commissioner Tony Jenkins (absent, did not vote)

Filed this 23 day of April, 2019,
in Tallahassee, Florida.



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

Copies furnished to:

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Robert E. Meale, Administrative Law Judge, DOAH

Sarah Stewart, Legal Advisor for Commission Panel

I HEREBY CERTIFY that a copy of the foregoing has been mailed to the above listed addressees this 23 day of April, 2019.

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