

FORM C
INFORMATION/ DOCUMENT REQUEST

FCHR No. 201600910

1. What is the corporate legal name of your company or agency?

2. Describe your business operations or agency functions.

3. Submit a statement that thoroughly addresses your position regarding the events alleged by Complainant. Provide a direct response to each allegation as stated on the complaint. Include any additional information and explanation you consider relevant to the complaint.

4. Provide sworn statements or affidavits from the officials who were responsible for the actions taken which led to this complaint, explaining why they deemed the action necessary. Send sworn statements from other individuals who can verify the facts in support of your position.

5. Send copies of appropriate sections of written rules, policies and procedures or portions of policy manuals or employee handbooks which relate to the issues raised in the complaint. Provide an explanation for any unwritten policies or established practices which apply to the issue.

State of _____
County of _____

FORM D
AFFIDAVIT TO AUTHENTICATE DOCUMENTS

1. TRUE AND CORRECT COPIES

I (We)

JOAN HOYOS
(Names(s) of custodian(s) of record(s))

(Title(s) of such person(s))

after being duly sworn, hereby attest that the attached documents are true and correct copies of the originals maintained by

M. COLOMBIA BAKERY LLC
(Name of Respondent or Entity Keeping Documents)

(Name of Sections(s) or Division(s) Maintaining Records(s))

[Signature]
(Signature of Custodian(s))

Sworn to and Subscribed before me this

____ day of _____, 20____

(Notary Public)

My Commission Expires: _____

2. ACCURACY OF ORIGINAL DOCUMENTS

(I) We

JOAN HOYOS
(Names(s) of persons generating documents or person(s) familiar with events reflected in documents)

(Title(s) of such person(s))

after being duly sworn hereby attest that the originals of the attached documents accurately reflect the events recorded on them.

[Signature]
(Signature of Originator(s))

Sworn to and subscribed before me this

____ day of _____, 20____

(Notary Public)

My Commission Expires: _____

FORM C ANSWERS
INFORMATION/ DOCUMENT REQUEST.
FCHR No 201600910

1. Mi Colombia Bakery Inc.
2. Mi Colombia Bakery Inc is a Latin fast food restaurant. Located at 1427 Alton Rd, Miami Beach FL 33139. It serves food from 2pm until 4am in the morning. Its main customers are the ones who go out at night and come and eat before or after partying. Our main business is very late at night. We served burgers, fries, hotdogs, quesadillas, tacos, arepas, maicitos. We do not sell alcohol or beer.
3. Mi Colombia bakery Inc. has been open for over 9 years. And it has had never had a complaint for discrimination before. Serving Food not only to the community of the City of Miami Beach but also to all visitors that come year around to visit South Florida. Mi Colombia Bakery Inc do not tolerates discrimination of employment on the basis of race, color, religion, sex, national origin, age, handicap or marital status. Or refuses accommodations or service to any person on the basis of race, color, creed, sex, national origin, or physical disability. Mi Colombia bakery Inc. was shocked at the alleged events of the complaint. Mi Colombia bakery is committed on treating everyone, employees and customers alike, with dignity and respect. The alleged actions of this complaint do not mirror the mission of Mi Colombia Bakery Inc.

This letter responds to the complaint of discrimination filed on March 1, 2016 by Frantz Leger. Mi Colombia Bakery Inc. thorough investigation confirms that there is no evidence to support his allegations of discrimination in any form. Therefore, Mi Colombia Bakery Inc respectfully requests that the Charge be dismissed in its entirety.

Before addressing the substantive issues rose in the complaint of Discrimination, some preliminary items should be highlighted. First, the information provided below is based on Mi Colombia Bakery Inc 's current understanding of the available evidence. Mi Colombia Bakery Inc reserves the right to submit additional relevant information, should any be revealed during its continuing investigation of this matter.

Second, Mi Colombia Bakery Inc's submission of information during the course of the Comission's investigation in no way constitutes a waiver of any available defenses or objections that it may seek to raise at a later time in this or any other proceeding.

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As explained in more detail below, On July 2, 2015 very late at night 2:25:17AM Mr Frantz Leger came to the restaurant and walked to the counter and made an order for Take out. He was greet by the employee who took his order and a few minutes later his food was ready to go. Mr Frantz Leger took the order and left the Restaurant. On July 3 2015 a call was received letting us know what they said the receipt contain and requesting to talked with Kissila. Kissila was shocked and follow restaurant policies after a talking with the person who called her. She let her manager know what had occurred because that night she wasn't working . On her next shift July 7 2015 Kissila resigned the job because she didn't feel good by the called received. As soon the information was received, an investigation was followed with restaurant policies. Cameras surveillance were checked during that time and no altercation was seen while the transaction was happening or after. Transactions on the POS were checked which the system lets you see and the receipt doesn't show the allegation. Then the employee was interview and transaction history checked to see other anomalies but no findings with the person who took the order and she denied what was written on the receipt. when the transaction was reopen the word was not written. A response was made to know exactly what had happened and no response was received. Then when the letter from the lawyer was received. First it was being sent to another location with the same name. Mi Colombia Bakery Inc requested to see the original receipt on multiple occasions and the response was that they will call later for a conference call which was never received.

Before addressing the substantive issues rose in the complaint of Discrimination, some preliminary items should be highlighted. the information provided below is based on the current understanding of the available evidence. The Florida statute, chapter 760 states It is against the law to refuse accommodations or service to any person on the basis of race, color, creed, sex, national origin, or physical disability. Mi Colombia bakery never refused accommodation or service to Mr Frantz leger who was a repeated customer. Mr Frantz Leger states that he was called a "nigger". The employee never called Mr Frantz Leger a nigger. When the camera surveillance were checked it was a regular interaction between employee and customer. Mi Colombia Bakery Inc does not understand why the complaint its file 8 months later knowing that the cameras were there to corroborate Mr Frantz Leger complaint. Unfortunately most video surveillance for restaurant only record up to 90 days. Mr Frantz Leger states he was refer as a nigger in writing in " multiple occasions" when he refers to only ONE receipt. Mr Frantz Leger indicates that he was sitting at the table and that he was the only person seated. This statement doesn't make sense because he made an order at the counter for take out. When people sit at a table that number of the table appears on the receipt. and on the receipt we

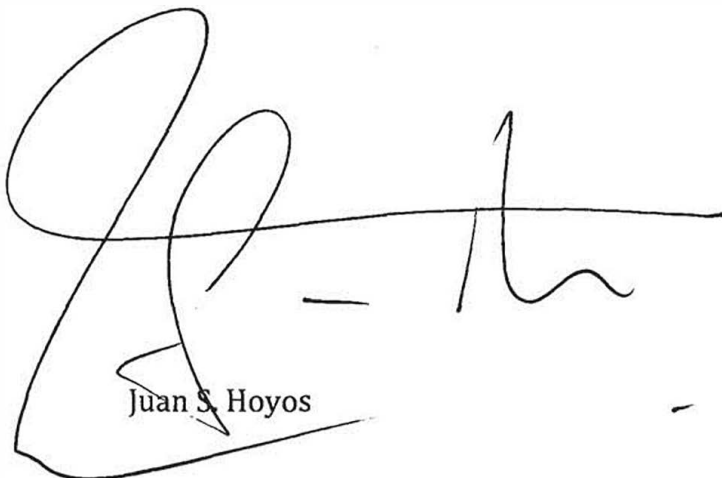
FCHR No 201600910

don't see the table number. At Mi Colombia Bakery Inc orders are taken at the counter or over the phone and are asked for a name or telephone number to locate the customer. Or at the table where no other information is required, but the table number. After exhaustive investigation There could be only one possibility that when the employee ask for the name and because there is always loud music and a restaurant is a fast pace environment **maybe she was typing his last name Legger or what she understood and the system autocorrected it and spelled the word (Legger- nigger).** But this is could be a system mistake that doesn't mean that Mi Colombia Bakery Inc discriminate Mr Frantz Leger or refuse accomadation or service. Mi Colombia Bakery Inc strongly denies the complaint and maintains that there is no evidence to support the allegations that it has violated the Florida Civil Rights Act of 1992 ("FCRA") 760.08 Discrimination in places of public accommodation. All persons are entitled to the full and equal enjoyment of the goods, services, facilities, privileges, advantages, and accommodations of any place of public accommodation without discrimination or segregation on the ground of race, color, national origin, sex, pregnancy, handicap, familial status, or religion.

In conclusion Mi Colombia Bakery Inc is Shocked and appalled. We are committed to treating everyone, employees and customers alike, with dignity and respect. There are several sound reasons to support the commission dismissal of this complaint of Discrimination.

Should you need any additional information, please do not hesitate to contact me.

Sincerely,



Juan S. Hoyos

Monchies
LOS PERROS
BEST HOT DOGS & BURGERS
AROUND

Reopened Transaction

Close Date: Jul 02, 2015 07:59:59

Date: May 27, 2016 02:30:45

Table:

TableTransId: 6029970

TransId: 6031492

Server: KISSILA, Sebastian

Current Term: lpcst2

Start Date: Jul 02, 2015 02:25:17

Headcount: 1

Playt Code:

Pin :

| | | |
|---|---------------------|-------|
| 2 | Burger 305 (Porkys) | 19.98 |
| 1 | French Fries | 3.75 |
| | Extra Cheddar | |

Subtotal 23.73

tax 2.14

Total 25.87

Cash 25.87

Balance 0.00

Order#:

Please Remember

TIP IS NOT INCLUDED

**FLORIDA LAW
PROHIBITS**

DISCRIMINATION

BASED ON:

RACE, COLOR, RELIGION, SEX, NATIONAL ORIGIN,
DISABILITY, AGE, PREGNANCY OR MARITAL STATUS.

WHAT IS COVERED UNDER THE LAW:

- EMPLOYMENT
- PUBLIC ACCOMMODATIONS
- RETALIATION AFTER FILING A CLAIM
- STATE EMPLOYEE WHISTLE-BLOWER RETALIATION

*If you feel that you have been discriminated against,
visit our web site or call us!*

**FLORIDA COMMISSION ON
HUMAN RELATIONS**

4075 Esplanade Way, Suite 110
Tallahassee, Florida 32399
<http://FCHR.state.fl.us>

Phone: (850) 488-7082
Voice Messaging 1-800-342-8170

**LA LEY DE LA FLORIDA
PROHIBE**

DISCRIMINACIÓN

BASADA EN:

RAZA, COLOR, RELIGIÓN, SEXO, ORIGEN NACIONAL,
INCAPACIDAD, EDAD, EMBARAZO, O ESTADO CIVIL.

LO QUE ESTÁ CUBIERTO BAJO LA LEY:

- EMPLEO
- LUGARES DE ACOMODO PÚBLICO
- ACCIÓN VENGATIVE DESPUES
DE PRESENTAR UNA QUEJA
- ACCIÓN VENGATIVA EN CONTRA DE PRESENTAR UNA QUEJA
BAJO LALEY DE "SOPLAÓN" (WHISTLE-BLOWER)

*¡Si usted siente que ha sido discriminado,
visite nuestra página web o llámenos!*

**LA COMISIÓN DE RELACIONES
HUMANAS DE LA FLORIDA**

4075 Esplanade Way, Suite 110
Tallahassee, Florida 32399
<http://FCHR.state.fl.us>

Teléfono: (850) 488-7082
Correo de Voz: 1-800-342-8170

Nondiscrimination/Anti-Harassment Policy and Complaint Procedure

OBJECTIVE

Mi Colombia Bakery Inc is committed to a work in an environment in which all individuals are treated with respect and dignity. Each individual has the right to work in a professional atmosphere that promotes equal employment opportunities and prohibits unlawful discriminatory practices, including harassment. Therefore, Mi Colombia Bakery Inc expects that all relationships among persons in the restaurant will be business-like and free of bias, prejudice and harassment.

Mi Colombia Bakery Inc has developed this policy to ensure that all its employees can work in an environment free from unlawful harassment, discrimination and retaliation. Mi Colombia Bakery Inc will make every reasonable effort to ensure that all concerned are familiar with these policies and are aware that any complaint in violation of such policies will be investigated and resolved appropriately.

Any employee who has questions or concerns about these policies should talk with the manager.

These policies should not, and may not, be used as a basis for excluding or separating individuals of a particular gender, or any other protected characteristic, from participating in business or work-related social activities or discussions. In other words, no one should make the mistake of engaging in discrimination or exclusion to avoid allegations of harassment. The law and the policies of Mi Colombia Bakery Inc prohibit disparate treatment on the basis of sex or any other protected characteristic, with regard to terms, conditions, privileges and perquisites of employment. The prohibitions against harassment, discrimination and

retaliation are intended to complement and further those policies, not to form the basis of an exception to them.

Equal employment opportunity

It is the policy of Mi Colombia Bakery Inc to ensure equal employment opportunity without discrimination or harassment on the basis of race, color, religion, sex, sexual orientation, gender identity or expression, age, disability, marital status, citizenship, genetic information, or any other characteristic protected by law. Mi Colombia Bakery Inc prohibits any such discrimination or harassment.

Retaliation

Mi Colombia Bakery Inc encourages reporting of all perceived incidents of discrimination or harassment. It is the policy of Mi Colombia Bakery Inc to promptly and thoroughly investigate such reports. Mi Colombia Bakery Inc prohibits retaliation against any individual who reports discrimination or harassment or participates in an investigation of such reports.

Sexual harassment

Sexual harassment constitutes discrimination and is illegal under federal, state and local laws. For the purposes of this policy, "sexual harassment" is defined, as in the Equal Employment Opportunity Commission Guidelines, as unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when, for example: a) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, b) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or c) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

Title VII of the Civil Rights Act of 1964 recognizes two types of sexual harassment: a) quid pro quo and b) hostile work

environment. Sexual harassment may include a range of subtle and not-so-subtle behaviors and may involve individuals of the same or different gender. Depending on the circumstances, these behaviors may include unwanted sexual advances or requests for sexual favors; sexual jokes and innuendo; verbal abuse of a sexual nature; commentary about an individual's body, sexual prowess or sexual deficiencies; leering, whistling or touching; insulting or obscene comments or gestures; display in the workplace of sexually suggestive objects or pictures; and other physical, verbal or visual conduct of a sexual nature.

Harassment

Harassment on the basis of any other protected characteristic is also strictly prohibited. Under this policy, harassment is verbal, written or physical conduct that denigrates or shows hostility or aversion toward an individual because of his or her race, color, religion, sex, sexual orientation, gender identity or expression, national origin, age, disability, marital status, citizenship, genetic information, or any other characteristic protected by law, or that of his or her relatives, friends or associates, and that: a) has the purpose or effect of creating an intimidating, hostile or offensive work environment, b) has the purpose or effect of unreasonably interfering with an individual's work performance, or c) otherwise adversely affects an individual's employment opportunities.

Harassing conduct includes epithets, slurs or negative stereotyping; threatening, intimidating or hostile acts; denigrating jokes; and written or graphic material that denigrates or shows hostility or aversion toward an individual or group that is placed on walls or elsewhere on the employer's premises or circulated in the workplace, on company time or using company equipment by e-mail, phone (including voice messages), text messages, social networking sites or other means.

Individuals and Conduct Covered

These policies apply to all applicants and employees, whether related to conduct engaged in by fellow employees or by someone not directly connected to Mi Colombia Bakery Inc (e.g., an outside vendor, consultant or customer).

Conduct prohibited by these policies is unacceptable in the workplace and in any work-related setting outside the workplace, such as during business trips, business meetings and business-related social events.

Reporting an Incident of Harassment, Discrimination or Retaliation

Mi Colombia Bakery Inc encourages reporting of all perceived incidents of discrimination, harassment or retaliation, regardless of the offender's identity or position. Individuals who believe that they have been the victim of such conduct should discuss their concerns with their immediate supervisor.

See the complaint procedure described below.

In addition Mi Colombia Bakery Inc encourages individuals who believe they are being subjected to such conduct to promptly advise the offender that his or her behavior is unwelcome and to request that it be discontinued. Often this action alone will resolve the problem. Mi Colombia Bakery Inc recognizes, however, that an individual may prefer to pursue the matter through complaint procedures.

Complaint Procedure

Individuals who believe they have been the victims of conduct prohibited by this policy or believe they have witnessed such conduct should discuss their concerns with their immediate supervisor.

Mi Colombia Bakery Inc encourages the prompt reporting of complaints or concerns so that rapid and constructive action can be taken before relationships become irreparably strained. Therefore, while no fixed reporting period has been established, early reporting and intervention have proven to

be the most effective method of resolving actual or perceived incidents of harassment.

Any reported allegations of harassment, discrimination or retaliation will be investigated promptly. The investigation may include individual interviews with the parties involved and, where necessary, with individuals who may have observed the alleged conduct or may have other relevant knowledge.

Confidentiality will be maintained throughout the investigatory process to the extent consistent with adequate investigation and appropriate corrective action.

Retaliation against an individual for reporting harassment or discrimination or for participating in an investigation of a claim of harassment or discrimination is a serious violation of this policy and, like harassment or discrimination itself, will be subject to disciplinary action. Acts of retaliation should be reported immediately and will be promptly investigated and addressed.

Misconduct constituting harassment, discrimination or retaliation will be dealt with appropriately. Responsive action may include, for example, training, referral to counseling or disciplinary action such as a warning, reprimand, withholding of a promotion or pay increase, reassignment, temporary suspension without pay, or termination, as Mi Colombia Bakery Inc believes appropriate under the circumstances. If a party to a complaint does not agree with its resolution, that party may appeal to Mi Colombia Bakery Inc's executive director.

False and malicious complaints of harassment, discrimination or retaliation (as opposed to complaints that, even if erroneous, are made in good faith) may be the subject of appropriate disciplinary action.