

State of Wisconsin



Labor and Industry Review Commission

John V. Bellocchio, Complainant

Best Western Inn & Suites New  
Richmond, Respondent

ERD Case No. CR202000584

Public Accommodation Decision<sup>1</sup>

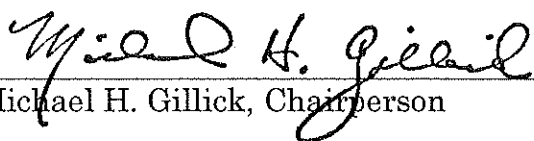
Dated and Mailed:

FEB 18 2021

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The decision of the administrative law judge is **affirmed**. Accordingly, the complainant's complaint is dismissed.

By the Commission:

  
Michael H. Gillick, Chairperson

David B. Falstad, Commissioner

  
Georgia E. Maxwell, Commissioner

<sup>1</sup> **Appeal Rights:** See the pink enclosure for the time limit and procedures for obtaining judicial review of this decision. If you seek judicial review, you **must** name the Labor and Industry Review Commission as a respondent in the petition for judicial review. Appeal rights and answers to frequently asked questions about appealing a fair employment decision to circuit court are also available on the commission's website, <http://lirc.wisconsin.gov>.

## Memorandum Opinion

On February 27, 2020, the complainant filed a complaint with the Equal Rights Division (hereinafter "Division") of the Department of Workforce Development alleging that the respondent discriminated against him in violation of the Wisconsin Public Accommodations and Amusements Law. An initial determination found probable cause to believe that discrimination occurred, and the matter was certified to a hearing on the merits before an administrative law judge. However, prior to any hearing, the parties reached a settlement agreement. One of the provisions of the settlement agreement was that the complainant would withdraw his discrimination complaint. Accordingly, on July 17, 2020, the complainant signed a Request to Withdraw, and on July 22, 2020, the administrative law judge issued an Order of Dismissal based upon the fact that the parties had reached a settlement.<sup>2</sup> The complainant has filed a petition for commission review of the administrative law judge's order.

In his petition for commission review the complainant argues that the respondent violated the terms of the settlement agreement by telling him that his service dog would need to stay on the first floor of the hotel. The complainant asks the commission to reverse the administrative law judge's decision, impose penalties on the respondent, and investigate the respondent for violation of state and local disability laws. However, the jurisdiction of the commission extends only to reviewing administrative law judges' decisions concerning the question of whether acts have been committed which violate the Wisconsin Public Accommodations and Amusements Law. The commission does not have the authority to decide what are in effect breach of contract questions regarding settlement agreements, *Gronowski v. Milwaukee County Department of Social Services*, ERD Case No. 199354558 (LIRC Apr. 13, 1998), nor can it entertain an action for enforcement of a settlement agreement signed by the parties. *King v. K-Mart*, ERD Case No. CR200103479 (LIRC Aug. 28, 2003); *Burton v. United Government Services, LLC*, ERD Case No. CR200303077 (LIRC Nov. 21, 2011). Moreover, the commission does not conduct investigations into alleged discriminatory conduct. That is a matter left to the Equal Rights Division after a complaint of discrimination has been filed. *See*, Wis. Stat. §§ 111.39(1) and (2).

Because the parties in this case voluntarily entered into a settlement agreement which provided for the withdrawal of the complaint--whereupon the complainant submitted a written request to withdraw his complaint--the administrative law judge's order dismissing the complaint is affirmed.

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<sup>2</sup> The Division's rules provide that, "Upon the filing of a request for withdrawal, the department shall dismiss the complaint by written order." Wis. Admin. Code § 218.03(7).

**STATE OF WISCONSIN  
DEPARTMENT OF WORKFORCE DEVELOPMENT  
EQUAL RIGHTS DIVISION**

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John V. Bellocchio  
179 Holt Street  
Hackensack, NJ 07601

Complainant,

v.

**ORDER OF DISMISSAL -  
SETTLEMENT  
ERD Case No. CR202000584**

Best Western Inn & Suites New Richmond  
240 Paperjack Drive  
New Richmond, WI 54017

Respondent.

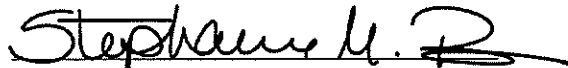
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The parties have informed the Administrative Law Judge that they have reached a settlement that provides for the dismissal of this complaint. It now appearing that this matter has been resolved between the parties, the Administrative Law Judge issues the following:

**ORDER**

That the complaint in this matter is hereby dismissed with prejudice.

Dated at Milwaukee, Wisconsin \_\_\_\_\_ July 22, 2020 \_\_\_\_\_

  
Stephanie M. Brown  
Administrative Law Judge

cc: Complainant  
Respondent

## Request to Withdraw Complaint

Authorization for this form is provided under Section 111.375, Wisconsin Statutes.

Completion of this form is voluntary. However, if you wish to file a withdrawal of a discrimination complaint with the Equal Rights Division, you must submit a written document containing the information sought by this form.

Personal information you provide may be used for secondary purposes [Privacy Law, s. 15.04(1)(m), Wisconsin Statutes].


Complainant	
First Name	<b>John</b>
Middle Name	<b>V.</b>
Last Name	<b>Bellocchio</b>
Street Address	<b>179 Holt Street</b>
City	<b>Hackensack</b>
State	<b>NJ</b>
Zip Code	<b>07601</b>

Respondent	
Respondent Name	<b>Best Western Inn &amp; Suites New Richmond</b>
Street Address	<b>240 Paperjack Drive</b>
City	<b>New Richmond</b>
State	<b>WI</b>
Zip Code	<b>54017</b>

I wish to withdraw my discrimination complaint against the above named respondent(s) filed with the:

<input checked="" type="checkbox"/> Department of Workforce Development Equal Rights Division	(ERD) Case Number <b>CR202000584</b>
<input type="checkbox"/> U.S. Equal Employment Opportunity Commission	(EEOC) Case Number
<input type="checkbox"/> City of Madison Equal Opportunities Commission	(MEOC) Case Number

I have been advised that under state, federal and local laws it is unlawful for any person to threaten, intimidate or harass me because I have filed a complaint.

Signature 	Date Signed <b>June 17, 2020</b>
<b>I make this request for the following reason(s):</b> <input type="checkbox"/> Settlement – Terms are confidential <input checked="" type="checkbox"/> Settlement – Terms not confidential <input type="checkbox"/> Complainant wishes to withdraw because <input type="checkbox"/> Complainant requests that the EEOC issue a right to sue letter so the Complainant may pursue the federal law claims in Federal Court. The EEOC Case No. is <input type="checkbox"/> Complainant requests that the EEOC investigate the federal law claims. The EEOC Case No. is	

Send Completed form to:

EQUAL RIGHTS DIVISION  
 201 E WASHINGTON AVE - ROOM A100  
 MADISON WI 53703

EQUAL RIGHTS DIVISION  
 819 N 6TH ST – Room 723  
 MILWAUKEE WI 53203

Mailing Address:  
 PO BOX 8928  
 MADISON WI 53708

Mailing Address:  
 PO BOX 7997  
 MADISON WI 53707