

EXHIBIT 101

Email

From: Plaintiff | To: The FCHR
4/10/2019
8:00 AM EST

Makere v Allstate

FCHR: 2019-19238 | EEOC: 15D-2019-00685
USFLMD: 3:20-cv-00905-MMH-LLL

{marked}

[entire document]

Williams, DarLinda

From: justice.actuarial@gmail.com
Sent: Wednesday, April 10, 2019 8:00 AM
To: FCHR Website Email
Subject: Complaint | Employment Discrimination | Makere v Allstate
Attachments: EEOC-Form-5.pdf; 0a_Complaint_001_Employment.pdf

Good Morning FCHR,

May you please investigate my employment discrimination complaint against Allstate Insurance Company?

Thank you,

Elias Makere, Complainant
904.294.0026 | justice.actuarial@gmail.com
3709 San Pablo Rd. S. #701
Jacksonville, FL 32224

EXHIBIT 102

Charge of Employment Discrimination (Timestamped)

From: Plaintiff | To: The FCHR

4/10/2019

2:35 PM EST

Makere v Allstate

FCHR: 2019-19238 | EEOC: 15D-2019-00685

USFLMD: 3:20-cv-00905-MMH-LLL

{marked}

[first page only]

Rule 56(c) (1) (A)

Elias Makere, Complainant
3709 San Pablo Rd. S #701
Jacksonville, FL 32224

Phone: 904.294.0026
Fax:
Email: justice.actuarial@gmail.com

MAKERE
V
ALLSTATE

COMPLAINT ATTACHMENT

Employment Discrimination (Race, Sex, Retaliation)

Here is the attachment to the employment discrimination complaint.

Petitioner: Elias Makere
Dates: November 2013 – July 2018
Race: Black
Sex: Male
Retaliation: Yes



RECEIVED
FLORIDA COMMISSION ON
HUMAN RELATIONS
2019 APR 10 PM 2:35

EXHIBIT 111

Notice of Appearance
From: Non-Party | To: The FCHR
5/3/2019

Makere v Allstate

FCHR: 2017-01432 | EEOC: n/a

{marked}

[entire document]



NOTICE OF APPEARANCE OF COUNSEL

CLIENT NAME:

Elias Makere

FCHR CASE NO#



2017-01432



Please enter my appearance as attorney of record for the above-named client.

Dated: 05/3/19

/s/ Jerry Girley

Jerry Girley
Attorney at Law
The Girley Law Firm, P.A.
Florida Bar No. 35771
125 East Marks Street
Orlando, FL 32803
Tel: 407-540-9866
Fax: 407-540-9867
phyllis@thegirleylawfirm.com

EXHIBIT 201

Charge of Discrimination
(race **and** sex)

From: Plaintiff
To: State Agency (FCHR)
6/30/2017

Makere v Allstate

FCHR: 2017-01432 | EEOC: n/a

{marked}

(first page only)

201701432

RACIAL DISCRIMINATION | ALLSTATE CORPORATION | FLORIDA | 6/30/2017

Elias Makere, ASA

Phone

Fax

Email inquiry.allstate@gmail.com

Allstate

EMPLOYMENT DISCRIMINATION

Racial Discrimination, Sex Discrimination

This document introduces the racial discrimination of a former Allstate employee. The discrimination involved racist dolls, epithets, hostility, ostracism, discrimination of terms/conditions/compensation, and termination. I am looking for justice, an examination of the facts, and an eradication of Allstate's racial discrimination.

RECEIVED
U.S. DISTRICT COURT
MIDDLE DISTRICT
FLORIDA
2017 JUN 30 PM 12:32

EXHIBIT 202

Position Statement

Defendant Acknowledging that Race and Sex Formed the Basis
of Plaintiff's Initial Charge

From: Defendant
To: State Agency (FCHR)
9/8/2017

Makere v Allstate

FCHR: 2017-01432 | EEOC: n/a

{marked}

(first & last page only)



Charmaine Neal
Lead Consultant
Workforce Relations Team
Human Resources

September 8, 2017

Alicia Maxwell
Employment Investigator
Florida Commission on Human Relations
4075 Esplanade Way, Room 110
Tallahassee, FL 32399

Re: Charge No.: FCHR 201701432
Complainant: Elias Makere
Respondent: Allstate Insurance Company

Investigator Maxwell,

This letter sets forth the position of Respondent, Allstate Insurance Company ("Allstate"), regarding the above-referenced charge of discrimination. I am serving as the contact person; therefore, please address all communications to my attention.

The facts set forth in this letter are based upon a preliminary investigation of the circumstances of the allegations against Allstate.¹ It is Allstate's policy not to discriminate with regard to race, sex, age, national origin, sexual orientation, gender identity/gender expression, citizenship, disability, and status as a veteran with a disability or veteran of the Vietnam Era (Exhibit 1-Policy Guide). As outlined below, the allegations of discrimination based upon race and sex discrimination from Elias Makere (hereinafter "Ms. Makere" or "Complainant") are without merit.

FACTS

State of Illinois
County of Cook

AFFIDAVIT TO AUTHENTICATE DOCUMENTS

1. TRUE AND CORRECT COPIES

I (We) Charmaine NEAL
(Names(s) of custodian(s) of record(s))
HR LEAD CONSULTANT
(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 Allstate Insurance Company
(Name of Respondent or Entity Keeping Documents)
HUMAN RESOURCES
(Name of Sections(s) or Division(s) Maintaining Records(s))

Charmaine Neal
(Signature of Custodian(s))

Sworn to and subscribed before me this

8th day of August, 20 17

Jennifer M. Duchon
(Notary Public)

My Commission Expires: December 17, 2017



2. ACCURACY OF ORIGINAL DOCUMENTS

I (We) Charmaine NEAL
(Names(s) of persons generating documents or person(s) familiar with events reflected in documents)
HR LEAD CONSULTANT
(Title(s) of such person(s))

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

Charmaine Neal
(Signature of Originator(s))

Sworn to and subscribed before me this

8th day of August, 20 17

Jennifer M. Duchon
(Notary Public)

My Commission Expires: December 17, 2017



EXHIBIT 203

Defendant's Termination Rationale
(ie, Defendant fired Plaintiff "solely" for failing an exam)

From: Defendant | To: State Agency (FCHR)
9/8/17

Makere v Allstate

FCHR: 2017-01432 | EEOC: n/a

{marked}

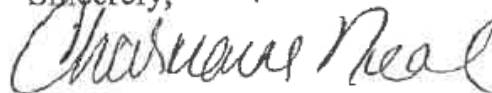
Complainant was terminated solely because he failed to pass his ASA exam and as a result, he became ineligible to maintain his status in the Allstate Financial Actuarial Career Program (ACP).

Lastly, Complainant's allegation that more African-American actuarial employees were involuntarily terminated is without merit. Complainant was the only employee that Respondent terminated in his department between 2014 and 2016.

CONCLUSION

Complainant's charge of discrimination based upon race without merit. Accordingly, Respondent requests that this Charge be dismissed in its entirety. Should you have any additional questions, please do not hesitate to contact me at (847) 402-7367.

Sincerely,



Charmaine Neal
Human Resources Lead Consultant

Attachments

Page 4 of 4

EXHIBIT 204

Notice of Determination
State Agency Affirming that Race and Sex Formed the Bases
of Plaintiff's Complaint against Defendant

From: State Agency (FCHR)
To: Plaintiff/Defendant
12/15/2017

Makere v Allstate

FCHR: 2017-01432 | EEOC: n/a

{marked}



Rick Scott
Governor

State of Florida
Florida Commission on Human Relations

An Equal Opportunity Employer • Affirmative Action Employer

4075 Esplanade Way • Room 110 • Tallahassee, Florida 32399-7020
(850) 488-7082 / FAX: (850) 487-1007

<http://fchr.state.fl.us>

United in One Goal: Equal Opportunity and Mutual Respect



Rebecca Steele
Chair
Michelle Wilson
Executive Director

FCHR No. 201701432

Mr. Elias Makere
3709 San Pable Road S., #701
Jacksonville, FL 32224

COMPLAINANT

Allstate Corporation
c/o Ms. Charmaine Neal, HR-Workforce Relations Lead Consultant
2775 Sanders Rd. F5
Northbrook, IL 60062

RESPONDENT

DETERMINATION: NO REASONABLE CAUSE

Complainant filed a complaint of discrimination alleging that Respondent violated the Florida Civil Rights Act of 1992. The Florida Commission on Human Relations has completed its investigation of this matter.

Complainant worked for Respondent as an Actuary. Complainant alleged that Respondent discriminated against him based on his race and sex. However, the investigation did not support Complainant's allegations. The investigation did not reveal enough evidence to establish that Complainant reported discriminatory harassment to Respondent. Complainant alleged that Respondent graded his required exams so that he would fail as an excuse to terminate him based on his race. However, the investigation revealed that the required exams were administered and graded anonymously by "The Society of Actuaries" and not Respondent. Therefore, the Respondent could not have been responsible for Complainant failing his exams. Complainant was terminated for failing his exam and not securing a non-actuarial position. The investigation did not reveal evidence of discrimination.

On the basis of the report from the Commission's Office of Employment Investigations and recommendation from the Commission's Office of General Counsel, pursuant to the authority delegated to me as Executive Director of the Florida Commission on Human Relations, I have determined that no reasonable cause exists to believe that an unlawful practice occurred.

Michelle Wilson

Dated: Dec. 15, 2017

EXHIBIT 205

Plaintiff's First Attempt to Add Charges of Lethal Retaliation/etc
7/19/2018

Florida
Division of Administrative Hearings
18-0373

Makere v Allstate

FCHR: 2017-01432/2019-19238

{pertinent parts only}

1st Page, 8th Page
Rule 56(c) (1) (A)

**STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS**

ELIAS MAKERE,

)

Petitioner,

)

)

Case No. 18-0373

vs.

)

2017-01432

)

ALLSTATE CORPORATION,

)

Respondent

)

**PETITIONER’S MOTION FOR LEAVE
TO SUPPLEMENT PETITION FOR RELIEF**

The Petitioner, ELIAS MAKERE (“Petitioner”), on this 19th day of July, 2018, respectfully moves this Court to grant him leave to supplement his Petition for Relief.

Key Points:

- | | |
|----------------|---|
| A.) Precedence | The DOAH has previously ruled on similar motions |
| B.) Basis | The additions are based on events that occurred after this case’s inception |

Table of Contents:

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Supplement to Petition	Page 6

5. THE ALLEGED VIOLATION OCCURRED BECAUSE OF:

Race. Sex. Retaliation.

6. ADDRESS AND LOCATION OF THE PROPERTY IN QUESTION (OR IF NO PROPERTY IS INVOLVED, THE CITY AND STATE WHERE THE DISCRIMINATION OCCURRED):

Jacksonville, FL
Jacksonville Beach, FL
Online (ie, the World Wide Web)

7. THE FOLLOWING IS A BRIEF AND CONCISE STATEMENT OF THE FACTS REGARDING THE ALLEGED VIOLATIONS:

EVENT 310 "Extended Retaliation"

The Respondent commissioned a non-party to harass and defame the Petitioner. It was done in retaliation for the civil suit.

- Please see Exhibit A for more details.
- Please see Exhibit B for evidence.

EVENT 311 "Lethal Retaliation"

The Petitioner suspects that the Respondent commissioned a non-party to lethally attack the Petitioner. The attack was done in retaliation for the civil suit.

- Please see Exhibit C for more details.
- Please see Exhibit D for evidence.

Important Note: Both events followed the same pattern of (1) a communicated threat; followed up by (2) an unlawful act.

Additional Note: The Respondent's actions in EVENT 310 enhanced the nexus for EVENT 311.

8. THE MOST RECENT DATE ON WHICH THE ALLEGED DISCRIMINATION OCCURRED:

June 25, 2018

9. THE ACTS ALLEGED IN THIS COMPLAINT, IF PROVEN, MAY CONSTITUTE A VIOLATION OF THE FOLLOWING:

§760.10	Employment Discrimination
§836	Defamation
§782.07	Manslaughter (Attempted)

EXHIBIT 206

Verified Civil Complaint
Ku Klux Klan Act of 1871
(42 USC §1983)

Makere v Early

US District Court, Florida, Northern District
4:21-cv-00096-MW-MAF

[complaint only (excludes exhibits)]

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA
TALLAHASSEE DIVISION

ELIAS MAKERE, FSA, MAAA
(Plaintiff)

- against -

HON. E. GARY EARLY, ALJ
(Defendant)

VERIFIED CIVIL COMPLAINT (AMENDED)

42 USC §1983; 42 USC §1985
December 31, 2021

JURY TRIAL DEMANDED

《 》

Deep in the chambers of a state agency, a man cried foul of a corporation's conduct. With due speed, the agency transmitted both of his fundamental sounds to a nearby hearing officer.

An officer, however, with corrupted hearing. An officer, however, who insisted that only one sound was made; eschewing the second for the echoed, stereotyped tales of his fathers.

))

*His perjurious actions were not sound. For they ran afoul of **the man** - and **the grounds** that constituted **the land** which his **forefathers found**.*

《 》

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ABBREVIATIONS

ALJ	Administrative Law Judge
DOAH	Division of Administrative Hearings (Florida)
FCHR	Florida Commission on Human Relations
FS	Florida Statute (2020)
USFLND	US District Court, Florida, Northern District

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA, TALLAHASSEE DIVISION

ELIAS MAKERE, FSA, MAAA	)	
Plaintiff,	)	
	)	
vs.	)	Case No (LT): 4:21-cv-00096
	)	Division: (4) Tallahassee
HON. E. GARY EARLY, ALJ	)	
	)	Jury Trial Demanded
Defendant,	)	☒ Yes ☐ No

AMENDED VERIFIED COMPLAINT

COMES NOW, Plaintiff, Elias Makere on this 31st day of December 2021 and hereby sues Defendant, the Honorable E. Gary Early, and states the following:

I. NATURE OF THE CLAIM

1. This action is brought under 42 USC §1983 (*Ku Klux Klan Act of 1871* ("§1983")) and 42 USC §1985 ("§1985"), to redress Defendant's unlawful conduct towards Plaintiff (also see 28 USC §1331, §1343, and §1367). Unlawful conduct that infringed on Plaintiff's constitutional rights (1st, 5th, and 14th amendments, etc.).

II. JURISDICTION: AMOUNT

2. Pursuant to 28 USC §2201 and §2202, Plaintiff seeks declaratory relief, injunctive relief, and damages in excess of thirty thousand dollars (\$30,000) - exclusive of interest, costs, and attorney fees (also see 42 USC §1988, Rule 54 Fed. R. Civ. P.).

III. JURISDICTION: PARTIES

3. At all times material hereto, Plaintiff was a resident of Jacksonville, FL (Duval County).

4. Upon information and belief, Defendant - at all times material hereto - worked and lived in-or-around Tallahassee, FL (Leon County). Furthermore, Defendant was an administrative law judge (see §120.65 FS) for Florida's Division of Administrative Hearings. A state agency for the territory's executive branch of government (§20.22(2)(f) FS).

IV. JURISDICTION: VENUE

5. Some of Defendant's unlawful conduct was committed within the jurisdiction of this Court. Thus, pursuant to 28 USC §1331 FS (and §1391), this venue is correct.

V. STATUTORY PREREQUISITES

6. It appears that no administrative remedies need to be exhausted before initiating this lawsuit. Indeed, DOAH does not have a formal grievance procedure for addressing unlawful conduct of its officers. Thus, the matter before this Honorable Court is ripe for adjudication.

VI. STATEMENT OF THE FACTS

7. Plaintiff fell into Defendant's grasp by virtue of a lawsuit that he filed against a private corporation. A brief review of that case is important for contextualizing Defendant's conduct.

Originating Lawsuit (State Agency, *Makere v Allstate*)

8. On June 30, 2017, Plaintiff filed an employment discrimination complaint with the FCHR. Pursuant to §760.11(1), he alleged that his former employer (Allstate Insurance Company) had violated his civil rights on the basis of race **and** sex (see **Exhibit A**).
9. On September 8, 2017, Allstate denied **both** allegations (see **Exhibit B**). Stating that it fired Plaintiff for a legitimate reason. Specifically, because he had failed an actuarial exam (see **Exhibit C**):

"Complainant was terminated solely because he failed his [FSA] exam."

- Allstate Insurance Company, 9/8/17

10. On December 15, 2017, the FCHR concluded its investigation. Notably affirming that race and sex were the basis of Plaintiff's complaint (see Exhibit D).
11. On January 19, 2018, Plaintiff filed his Petition for Relief with the FCHR. Just as in his original charge, he listed only race and sex as the protected characteristics for his complaint (see Exhibit E). Thus, pursuant to §760.11(7) FS and §120.569 FS, the FCHR transmitted it to DOAH.
12. After a series of irregularities (authority breaches, deposition sit-ins, recusals, etc.), Defendant became the administrative hearing officer over Plaintiff's case (circa November 13, 2018).
13. Despite the procedural incongruities, the facts continued to develop in Plaintiff's favor; heavily. Facts which included - but were not limited to:
- a. Unwanted date requests; racist dolls, racist characterizations;
 - b. Cursing at Plaintiff for buying a condolence card;
 - c. Death threats; smear campaigns; lethal attacks.
14. Importantly, Allstate made it known that many of its *other* employees had also failed exams. Yet, Allstate never fired any of them. This was the '**smoking gun**' for proving that Allstate's reason for terminating Plaintiff's employment was a pretext.

15. Moreover, at the hearing, three other revelations were cementing:

a. Allstate granted the **work-from-home** privilege to its *other* employees. An accommodation it denied to Plaintiff on countless occasions.

b. Allstate **made Plaintiff pay \$1,025** for an actuarial exam fee; a payment it never required any of its *other* employees to make.

c. Allstate paid Plaintiff an **annual salary that was significantly lower** than his similarly situated comparators.

16. These core facts rendered Plaintiff's lawsuit (against Allstate) a textbook case of employment discrimination. One which - unfortunately - ran counter to widespread propaganda (as foretold by the Ku Klux Klan itself; and its progenies).

17. Faced with these probative facts, **Defendant went on the attack.**

Defendant's Unlawful Conduct: (A) Spoliation of Evidence

18. On November 30, 2018, during the moments in which the payment disparity was being revealed (see ¶15b, *supra*), Defendant ordered Plaintiff to cease questioning.

19. After the hearing - around January 9, 2019 - Plaintiff asked Defendant for a redress of the cessation order (citing due process). He further detailed the importance of the requested testimony/revelation.

20. Two days later (January 11, 2019), Plaintiff received a copy of the hearing transcript. It was missing one page (and one page only). That crucial page was the one that contained testimony on the payment disparity (¶15b) - and Defendant's cessation order.

a. It is important to note that prior to this date, Plaintiff had never requested a hearing transcript on his case.

i. Plaintiff suspects that Defendant knew this, and was preying on Plaintiff's novice (Plaintiff was *pro se*).

21. Given these circumstances - and upon Plaintiff's information/belief - **Defendant willfully and knowingly hid material evidence.**

Defendant's Unlawful Conduct: (B) Perjury

22. Defendant took it one step further, though, by making a wholesale removal of Plaintiff's sex discrimination charge.

23. On April 19, 2019, Defendant entered his Recommended Order ("RO").

24. The first page of the document had a section titled "Statement of the Issue". Where Defendant excluded Plaintiff's sex discrimination charge (see Exhibit F).

25. The second page had a section titled "Preliminary Statement". Where Defendant continued to exclude Plaintiff's sex discrimination charge. This time, however, Defendant made the fateful declaration that Defendant never complained of sex discrimination prior to the DOAH proceedings (see ¶11, *supra*) (see Exhibit G).

"[Plaintiff], also for the first identifiable time, alleged that Allstate, and in particular [Plaintiff's manager], engaged in sexually provocative and inappropriate behaviors, which [Plaintiff] alleged to be "sexual harassment and discrimination""

- The Honorable E. Gary Early, ALJ | 4/18/19 | Florida

26. Defendant repeated that highlighted line (ie, "for the first identifiable time") several more times throughout his authored RO.

27. **The statement, of course, was false.**

28. Plaintiff did charge Allstate with sex discrimination.

a. He did so in his original charge (6/30/17, see ¶8);

b. Allstate acknowledged the sex basis (9/8/17, ¶9); and

c. The FCHR explicitly ruled on the basis of sex
(12/15/17, ¶10)

29. Nevertheless, the force and effect of Defendant's statement
made the FCHR change its tune - and obstruct justice.

30. On June 27, 2019, the FCHR issued its Final Order ("FO").

In which it listed race as the only protected
characteristic in Plaintiff's complaint (see Exhibit H);
and adopted Defendant's ruling.

31. Defendant's lie had its intended effect.

32. Now, it is important to recognize that Defendant knew he
was lying.

Defendant's Knowledge of the Truth

33. Prior to authoring his RO, Defendant deliberately
acknowledged that the sex discrimination charge was in
Plaintiff's originating complaint.

34. On February 6, 2019, Allstate moved Defendant to take
official recognition of the FCHR's Determination (under
§90.201 FS).^{1/}

35. That state-issued Determination letter read, in pertinent part, as follows (highlights added):

"Complainant worked for Respondent as an Actuary. Complainant alleged that Respondent discriminated against him based on his race and sex."

- The FCHR | 12/15/17 | Florida

36. On February 18, 2019, Defendant granted the motion. Thereby cementing - unequivocally - that he **knew** that Plaintiff charged Allstate with sex discrimination. He said the following (highlights added).

"[Allstate's] Motion for Official Recognition requests that official recognition be taken of the Notice of Determination: No Reasonable Cause, and of the Determination: No Reasonable Cause, both of which were issued by the Florida Commission on Human Relations on December 15, 2017. Those documents provided the point of entry to [Plaintiff] for this proceeding."

- The Honorable E. Gary Early, ALJ | February 18, 2019 |
Florida

37. Thus, Defendant's repeated "statements" to the contrary were a known lie (a massive lie - in fact).

38. A lie that impacted the outcome of Plaintiff's lawsuit against Allstate. A case which sought monetary damages (among other things). A case which - due to Defendant's

misconduct - continues to this day (in federal court: 3:20-cv-00905 USFLMD).

Defendant's Corruption and Conspiratorial Bane

39. Defendant enlisted others to help effectuate his illegalities. He did this in two ways (bribing state officials; bribing federal officials).

40. First, Defendant took advantage of state infirmities by bequeathing the FCHR in exchange for violating Plaintiff's constitutional rights.

41. §760.06(4) FS empowers the FCHR to accept gifts and bequests to "help finance its activities". In September 2019, Plaintiff asked the FCHR whether it could accept a respondent's gifts/bequests during an active case. The agency answered with an "emphatic yes" (highlights added)

(Exhibit I):

"the [FCHR] has the power to accept gifts, bequests, grants, or other payments, public or private, to help finance its activities... There are no limitations in the text of the statute... There is no applicable case law suggesting that the Commission cannot accept bequests during the investigation of a claim ... Given that the answer to Petitioner's question of law on whether the Commission can accept gifts during the investigation phase of a claim is such an emphatic yes, there is no doubt to resolve"

- FCHR | Order 19-065 | 12/10/19

42.Plus, in past Annual Reports (§760.06(11) FS), the FCHR has labeled these public/private sources of bribery as "stakeholders".

a.Upon information & belief, Defendant is one such stakeholder.

b.More directly - based upon information & belief - Defendant gave the FCHR (a Tallahassee-based agency) something of value in exchange for violating Plaintiff's constitutional rights.

43.Secondly, Defendant furthered his assault on Plaintiff's constitutional rights by bribing federal officials.

a.Defendant has exhibited a devotion to the unconstitutional rituals of the Ku Klux Klan. Namely, the Klan's practice of subverting the constitutional rights of black people (and black men in particular). In the instant case, Defendant accomplished that by: (a) **destroying evidence** (§18-21); (b) **committing perjury** (§22-38); and (c) **bribing state officers** (§39-42).

44.To be federally specific - and based upon information/belief - Defendant gave Magistrate Judge Martin Fitzpatrick (another Tallahassee judge) something of value in exchange for alienating Plaintiff's 1st Amendment Rights. In April 2021, Mr. Fitzpatrick followed

through by *sua sponte* dismissing this case; doing so without the requisite authority. Fitzpatrick, however, was not the only person that Defendant infected with invidious discrimination.

45. Defendant also bequested Chief Judge Mark Walker (another Tallahassee judge) with something of value in exchange for violating Plaintiff's 1st Amendment Rights - based upon information & belief. In April 2021, Mr. Walker followed suit by rubber-stamping Mr. Fitzpatrick's unauthorized dismissal.

46. Yesterday, on December 30, 2021, the 11th Circuit vacated the dismissal. Doing so because Fitzpatrick/Walker lacked authority.

47. The constant thread between all of these corrupted acts is: (a) Defendant himself; (b) anti-black devotion; (c) illegality; (d) subversion of the constitution; and (e) breaches of authority.

VII. ULTIMATE FACTS

48. Defendant broke the law in his quest to deny Plaintiff relief. Defendant:

- a. **hid evidence** (see ¶18-21);
- b. **committed perjury** (see ¶22-38); and
- c. bequested/**bribed others** to further his crimes (¶39-47).

49. Defendant was not performing a judicial function when he scanned/photocopied the case's transcript.

50. Defendant did not have authority to determine whether Plaintiff charged Allstate with race/sex discrimination; only the FCHR had such subject matter jurisdiction.

- a. Dating back to 1999 (at least), none of DOAH's judges (ie, Defendant's peers) have ever said that they had power to change the basis of an FCHR complaint. Instead, they have repeatedly said the opposite: that they have no jurisdiction over the basis of a civil rights complaint (ie, only the FCHR does).

51. Thereafter, Defendant rallied his companions-of-the-cloth to ratify his lies & obstructions. Altogether, Defendant violated Plaintiff's 1st, 5th, 7th, and 14th amendment rights (plus their Florida equivalents).^{2/} His companions, among others, were Martin Fitzpatrick (another Tallahassee judge) and Mark Walker (another Tallahassee-based judge).

VIII. LEGAL APPLICATION

COUNT I: 1ST AMENDMENT RIGHT TO LEGAL PROTECTION | 42 USC §1983

52. Plaintiff hereby restates and realleges each and every factual allegation contained in Section VII (Paragraphs 7 through 47).

53. Defendant's unlawful actions (individually and in total) abridged Plaintiff's right to petition the State of Florida for a redress of his grievances against Allstate Insurance Company.

54. While acting under the color of state law (§120.569 FS, §120.65 FS), Defendant denied Plaintiff access to the state's court system (see §760.11(7) FS). An act that violated Plaintiff's First Amendment right (1st Amendment - *access to courts*).

55. Defendant did so via **evidence destruction** (§843 FS, §918 FS), **perjury** (§837.06 FS), and **bribery** (§838 FS).

COUNT II: 5TH AMENDMENT RIGHT TO DUE PROCESS | 42 USC §1983

56. Plaintiff hereby restates and realleges each and every factual allegation contained in Section VII (Paragraphs 7 through 47).

57. Defendant's unlawful actions (individually and in total) abridged Plaintiff's right to due process. It is well settled that a violation of due process occurs when an

agency excludes/removes a legal basis from a claimant's discrimination charge.

58. Thus, while acting as a state hearing officer (§120.569 FS, §120.65), Defendant violated Plaintiff's constitutional rights (5th Amendment US Constitution) by criminally removing the sex discrimination basis from his complaint.

COUNT III: 7TH AMENDMENT RIGHT TO TRIAL-BY-JURY | 42 USC §1983

59. Plaintiff hereby restates and realleges each and every factual allegation contained in Section VII (Paragraphs 7 through 47).

60. Defendant's unlawful actions (individually and in total) abridged Plaintiff's right to a trial-by-jury on the matters litigated.

61. While acting as the administrative law judge on Plaintiff's underlying discrimination case (ie, under the '*color of state law*' - §120.569 FS, §120.65 FS) - Defendant prevented Plaintiff from receiving a trial by jury.

a. Such a trial is guaranteed by the US Constitution (7th Amendment) as well as the FL Constitution (Art. I §22).

62. Pursuant to §760.11(7), Plaintiff had a statutory avenue to a jury trial in Florida. *But for* Defendant's illegalities (§18-47), Plaintiff would have enjoyed that constitutional guarantee.

COUNT IV: FOURTEENTH AMENDMENT RIGHT TO EQUAL PROTECTION | 42

USC §1983

63. Plaintiff hereby restates and realleges each and every factual allegation contained in Section VII (Paragraphs 7 through 47).

64. Defendant's unlawful actions (individually and in total) abridged Plaintiff's right to a fair trial on the matters litigated.

65. While acting as the administrative law judge on Plaintiff's case (ie, under the '*color of state law*' - §120.569 FS, §120.65 FS) - Defendant discriminatorily prevented Plaintiff from attaining the legal protections that Florida afforded other similarly-situated people.

66. Defendant did so when he (a) **suppressed crucial evidence** (§18-21); (b) **perjured himself** (§22-38); and (c) **bribed officials** (§39-47).

67. As such, Defendant violated Plaintiff's constitutional rights to the "equal protection of [§760.11 FS]" (14th Amendment US Constitution).

COUNT V: SUPREMACY CLAUSE | 42 USC §1983

68. Plaintiff hereby restates and realleges each and every factual allegation contained in Section VII (Paragraphs 7 through 47).

69. Defendant's unlawful actions (individually and in total) breached Article VI Section 2 of the US Constitution (ie, the "Supremacy Clause"). He did so when he usurped the federal government's power to protect Plaintiff from 1st, 5th, 7th, and 14th amendment violations.

COUNT VI: PERJURY

70. Plaintiff hereby restates and realleges paragraphs 22 through 38.

71. Defendant - infused with the power bestowed upon him by statute - broke the law (§837.06 FS) **by making a false statement of material fact**. He sold his falsehood to another state agency - which was acting in its official capacity (§22-32).

72. That agency (the FCHR) bought his lie; and thereby cemented Defendant's violation of Plaintiff's constitutional rights (1st Amendment - *access to the court*; 5th Amendment - *due process*; 7th Amendment - *jury trials*; 14th Amendment - *equal protection*; Art. VI §2 - *supremacy clause*).

COUNT VII: DEPRIVATION OF RIGHTS | §1985

73. Plaintiff hereby restates and realleges each and every factual allegation contained in Section VI (Paragraphs 7 through 47).

74. Defendant unleashed his repertoire when he deprived Plaintiff of a full & fair opportunity to litigate his underlying case in Florida. Conduct which included - among other things - **evidence destruction** (§18-21), **perjury** (§22-38), and **bribery** (§39-47).

75. In his illegal trek, Defendant has enlisted state officials (§40-42) as well as federal ones (ie, Mr. Fitzpatrick and Mr. Walker) (§43-47) to further his bidding. Bidding which has (a) obstructed the legal process (§48-51); and (b) violated constitutional law (§51).

JUDICIAL IMMUNITY

76. The Doctrine of Judicial Immunity does not attach to this case for several fundamental reasons.

77. First, Defendant was not performing a judicial act. The evidence destruction that he committed while scanning the trial transcript was an administrative task which DOAH's clerical employees could have done. In fact, Florida statutorily prescribes transcript management to be conducted by non-judges (§27.0061 FS, §28.13 FS, §120.65 FS, 28-106.104(3) FAC, 28-106.214(1) FAC).

78. Secondly, the matters that Defendant forced himself onto were outside of his jurisdiction. It is well-settled that the FCHR has sole jurisdiction over determining the subject matter of a discrimination complaint (ie, whether a complaint alleges, race, sex, etc.).

79. Third, and perhaps most importantly, Defendant broke the law (§843/§918 FS - *obstruction*; §837.06 FS - *perjury*; §838 FS - *bribery*). Judicial Immunity does not cover legal violations.^{3/}

INDIVIDUAL CAPACITY

80. Defendant is being sued in his individual capacity only. His misconduct & illegalities do not compute back to the state. This is the case because Florida expressly prohibited his actions (ie, evidence destruction, perjury, bribery).

81. It has been well-established: no one sitting in Defendant's proverbial seat would have been authorized to commit such acts.

82. It must also be stressed: the public never relied on Defendant to commit the acts for which he is being sued.

a. The people of Florida never conferred special power upon Defendant to manage trial transcripts (§18-21). Moreover, the people prohibited him from **destroying evidence** (§843/§918 FS).

b. The people of Florida never conferred special power upon Defendant to decide what the basis of a discrimination charge is (§22-38). Moreover, the people prohibited him from **committing perjury** (§837.06 FS).

c. Lastly, the people of Florida never conferred special power upon Defendant to bribe federal officials (§43-47). Moreover, the people prohibited him from **committing bribery** altogether (§838 FS).

83. Since the people never granted Defendant the power to commit such acts, the people cannot be held responsible for resolving them.

DAMAGES

84. As a direct and proximate result of said acts, Plaintiff has suffered - and continues to suffer - financial loss and loss of earning capacity. Plus, he has suffered (and continues to suffer) mental anguish, distress, pain, great expense, inconvenience, professional damage and other pecuniary and nonpecuniary losses.

85. As a further result of Defendant's constitutional breaches, Plaintiff has incurred legal fees and will continue to incur legal fees.

RESERVATION OF RIGHTS

86. Defendant's unlawful acts and discriminatory patterns demonstrate a disdain for Plaintiff's rights; thereby justifying an award of punitive damages at trial. Upon an evidentiary showing and hearing, Plaintiff reserves the right to amend his pleadings to assert a claim for punitive damages against Defendant (as well as to add other defendants - ¶44, ¶45).

87. Plaintiff may retain attorneys to represent him in prosecuting this action and if so will be obligated to pay them a reasonable fee for their services.

a. Pursuant to 42 USC §1988, Plaintiff is entitled to request that the Court allow him to recover his reasonable attorney's fees incurred in successfully prosecuting this cause, should he retain an attorney.

REQUEST FOR JURY TRIAL

88. Pursuant to the 7th Amendment of the US Constitution (also see Rule 38(b) Fed. R. Civ. P., Rule 81(c) Fed. R. Civ. P.), Plaintiff respectfully asks that this Court grant him a trial by jury on all issues so triable.

REQUEST FOR RELIEF

89. WHEREFORE Plaintiff respectfully requests that this Court enter judgment in favor of Plaintiff and against Defendant on all claims herein, and enter an Order providing the following relief:

- b. Declaring that Defendant violated §1983;
- c. Declaring that Defendant violated §1985;
- d. Enjoining Defendant from committing further violations of §1983;
- e. Enjoining Defendant from committing further violations of §1985;
- f. Awarding Plaintiff compensatory damages (back pay, front pay, including interest, lost fringe benefits, etc.) which Defendant's unlawful acts precluded him from obtaining.
- g. Awarding Plaintiff the cost of this action, together with reasonable attorney's fees (if any).
- h. Awarding Plaintiff pre-judgment interest.
- i. Awarding Plaintiff punitive damages; and
- j. Awarding such other and further relief as is just, equitable, proper, and sound.

(())

Dated this 31st day of December 2021.

Respectfully submitted,



/s/ Elias Makere

ELIAS MAKERE, FSA, MAAA,

Plaintiff

3709 San Pablo Rd. S # 701

Jacksonville, FL 32224

P: (904) 294-0026

E:

justice.actuarial@gmail.com

W: TextBookDiscrimination.com

Get **Booked Up** on Justice!

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 31st day of December 2021, I filed the foregoing with the Clerk of Courts by mailing it (via FedEx) to United States Courthouse; 111 N. Adams St, Ste 322; Tallahassee, FL; 32301.

CERTIFICATE OF GOOD FAITH

I HEREBY CERTIFY that pursuant to Rule 11 Fed. R. Civ. P. the foregoing: (1) has been submitted in good faith; (2) is supported by existing law; (3) is supported by indisputable evidence (and will likely be compounded with further evidence); and (4) the complaint otherwise complies with the requirements of Rule 11.

/s/ Elias Makere

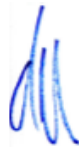


Verification Under Oath Pursuant to 28 USC §1746

I declare under penalty of perjury that the foregoing is true and correct. Moreover, the ultimate, material facts laid out above come from publicly available sources. Thus, they are not subject to dispute because *"they are capable of accurate and ready determination by resort to sources whose accuracy cannot be questioned"*. Some of the other facts are based on information and belief. These two elements come from my own personal observation, knowledge, and experience – coupled with circumstantial evidence of the matter.

Executed on this 31st day of December 2021.

UNITED STATES OF AMERICA



12/31/2021

Elias Makere, Plaintiff/Affiant

Endnotes:

^{1/} in the administrative realm, "official recognition" = "judicial notice"

^{2/} please see Art. I §5 (1st), Art. I §9 (5th), Art. I §22 (7th), and Art. I. §9 (14th), respectively

^{3/} additional note: judicial immunity does not confer on declaratory relief (§2) (see Genentech v Eli Lilly, 998 F. 2d at 936)

Electronic Copy (text-searchable, hyperlinked):

[TextBookDiscrimination.com/Files/USFLND/20000096_AAC_20211231_123954.pdf](https://www.TextBookDiscrimination.com/Files/USFLND/20000096_AAC_20211231_123954.pdf)
[TextBookDiscrimination.com/Info/Misc/ALJPerjury/Complaint-Amended](https://www.TextBookDiscrimination.com/Info/Misc/ALJPerjury/Complaint-Amended)

Video:

https://youtu.be/LkfFHLyqg_g

EXHIBIT 207

FCHR Final Order
19-044
Makere v Allstate
6/27/2019
Florida

State Agency's Unconstitutional Exclusion of Sex Discrimination Charge
Ratification of Judge Edward Gary Early's Perjury

Makere v Allstate

FCHR: 2017-01432 | EEOC: n/a

{marked}

(first page only)

STATE OF FLORIDA
COMMISSION ON HUMAN RELATIONS

ELIAS MAKERE,

EEOC Case No. None

Petitioner,

FCHR Case No. 2017-01432

v.

DOAH Case No. 18-0373

ALLSTATE INSURANCE COMPANY

FCHR Order No. 19-044

Respondent.

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

Preliminary Matters

Petitioner Elias Makere filed a complaint of discrimination pursuant to the Florida Civil Rights Act of 1992, Sections 760.01 - 760.11, Florida Statutes (2016), alleging that Respondent, Allstate Insurance Company, committed unlawful employment practices by harassing and terminating Petitioner on the basis of Petitioner's race (Black). Petitioner also alleged that Respondent unlawfully retaliated against Petitioner.

Lastly, as stated in the Conclusions of Law section of this Final Order, we have adopted the Administrative Law Judge's conclusions of law.

In Exception Eight of Petitioner's Exceptions to Conclusions of Law, Petitioner excepts to the Administrative Law Judge permitting Respondent to raise "defenses" not raised during the Commission's investigation. We note, however, that proceedings at the Division of Administrative Hearings are *de novo*, and that the manner in which the Commission conducted its investigation is not an issue before the Division of Administrative Hearings, since the proceedings at the Division of Administrative Hearings are *de novo*. See Section 120.57(1)(k), Florida Statutes (2018).

Petitioner's exceptions (paragraphs 1 through 4 of the Preliminary Statement, exceptions one through eight contained in Exceptions to Findings of Fact, exceptions one through three and exceptions five through eight contained in Exceptions to Conclusions of Law, and the single paragraph of the Conclusion) are rejected.

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 27 day of June, 2019.
FOR THE FLORIDA COMMISSION ON HUMAN RELATIONS:

Commissioner Latanya Peterson, Panel Chairperson;
Commissioner Donna Elam (not present and did not participate); and
Commissioner Gilbert Singer

Filed this 27 day of June, 2019,
in Tallahassee, Florida.


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

EXHIBIT 208

Photo
August 14, 2019

Plaintiff Receiving his FSA (final actuarial credential)

[entire document]



'A Picture Says a Thousand Words'. This one says the following:

Allstate tripped then fired the black guy for falling in front of his destination - which he later got to - but rewarded his non-black peers for not even coming close.

EXHIBIT 209

Exam Progress
Defendant's Replacement Hires
(Bowland, Mirisola)
11/12/2023

Makere v Allstate

FCHR: 2019-19238 | EEOC: 15D-2019-00685
USFLMD: 3:20-cv-00905-MMH-LLL

{marked}

[entire document]

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Mirisola

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American Society of Enrolled Actuaries

Canadian Institute of Actuaries

Casualty Actuarial Society

Conference of Consulting Actuaries

EXHIBIT 210

Email

From: EEOC | To: Plaintiff

Date Sent: Tuesday, March 9, 2021

EEOC Form 161

Right-to-Sue Letter

Makere v Allstate

FCHR: 2019-19238 | EEOC: 15D-2019-00685

USFLMD: 3:20-cv-00905-MMH-LLL

*please see "*Plaintiff's Memorandum of Law Regarding Equitable Tolling*" {#74}
(≈ 11/8/21)

From: Ina Depaz <INA.DEPAZ@EEOC.GOV>
Sent: Tuesday, March 9, 2021 2:05 PM
To: justice.actuarial@gmail.com;
Subject: RTS

Good afternoon,

Per your request, enclosed please find RTS.

Thank you,

Ina

EXHIBIT 211

FCHR Final Order

19-065

In Re: Makere

12/10/2019

Florida

Corrupt Allowance of Bequests During Active Investigations

{marked}

(pages 1 through 3 only)

Electronic Copies:

HTML: TextBookDiscrimination.com/Info/Misc/FCHRBribery/FirstDecision

PDF: TextBookDiscrimination.com/Files/FCHR/FO_19065.pdf

STATE OF FLORIDA
COMMISSION ON HUMAN RELATIONS

IN RE:

SEPTEMBER 11, 2019 PETITION FOR
DECLARATORY STATEMENT

ELIAS MAKERE,

FCHR Order No. 19-065

Petitioner

FINAL ORDER DENYING PETITION FOR DECLARATORY STATEMENT

Preliminary Matters

On September 11, 2019, Petitioner Elias Makere filed a Petition for Declaratory Statement with the Florida Commission on Human Relations ("Commission"). Notice of the Petition was published in the *Florida Administrative Register*, Volume 45, Number 179, September 13, 2019. The Commission has not received a petition to intervene in this action from any other person. The Commission did not receive any comments on the matter. No hearing on the Petition was requested and none was held.

The Commission undertook action to resolve the Petition for Declaratory Statement at a duly noticed public hearing on December 10, 2019.

Petitioner states that he has "well-founded uncertainty" as to whether the Florida Commission on Human Relations can accept gifts/bequests during the investigative phase of his case under Florida Statutes 760.06(4). This scenario – where someone questions a statutory right – is precisely the scenario that the declaratory statement process is designed to cure. See *Rosekrantz v. Feit*, 81 So. 3d 526 (Fla. 3rd DCA 2012). "*The purpose of a declaratory statement is to resolve a controversy or answer questions concerning the applicability of statutes which an administrative agency enforces, adopts, or enters*". *Citizens of the State ex rel. Office of Public Counsel v. Florida Public Service Commission*, 164 So.3d 58, 59 (Fla. 1st DCA 2015).

Petitioner concludes his September 11, 2019 petition, stating,

"Petitioner respectfully requests a declaration on whether the applicable section of Florida Statutes – 760.06(4) – allows Respondent in his case to give the Agency (FCHR) gifts/bequests/etc. during the investigative phase of Petitioner's (his) complaint."

Comments

The Commission has not received any comments subsequent to the filing of the Notice of Petition in the Florida Administrative Register.

Conclusions of Law

The Florida Administrative Procedure Act states, “any substantially affected person may seek a declaratory statement regarding an agency’s opinion as to the applicability of a statutory provision, or of any rule or order of the agency, as it applies to the petitioner’s particular set of circumstances.” Section 120.565(1), Florida Statutes (2019). It also states, “the petition seeking a declaratory statement shall state with particularity the petitioner’s set of circumstances and shall specify the statutory provision, rule, or order that the petitioner believes may apply to the set of circumstances.” Section 120.565(2), Florida Statutes (2019). When acting on the petition, the agency may rely on the statements of fact set out in the petition without taking any position with regard to the validity of the facts. See Florida Administrative Code, R. 28-105.003.

A declaratory statement is a device for resolving controversies, questions, or doubts regarding the applicability of statutes, rules, and orders within the agency’s authority to a petitioner’s circumstances. See Florida Administrative Code, R. 28-105.001. Use of this device, however, is for a particular purpose and is to be used for that limited purpose.

To grant a declaratory statement petition, there need be a live case or controversy on the interpretation of a statute to meet the requirements for standing. There must be applicable law in doubt – doubt which is not present in this petition. Under the Florida Civil Rights Act of 1992, the Commission has the power to accept gifts, bequests, grants, or other payments, public or private, to help finance its activities. Section 760.06(4), Florida Statutes (2019). There are no limitations in the text of the statute, nor is there cabining language in other applicable areas of law suggesting alternative interpretations aside from the plain text. Acceptance of funding for the agency from public and private sources was not a driving force for the Florida legislature crafting this statute; therefore, there was not robust debate within the legislative history on the Commission’s powers suggesting possible limitations on receiving gifts. Under standard theories of statutory interpretation, the Commission is to assume that the legislature intended to exclude language creating time-based exceptions.

Additionally, Petitioner claims uncertainty as to the motivations of the investigative branch of this agency. Petitioner questions the permissibility of bequest submissions, which could create the appearance of impropriety for receiving financial support from Petitioner or Respondent in his case. Assuming that such bequests were received at any point – although the Commission has no knowledge that any bequests were received during the investigation of this case – Petitioner would still lack the statutory support suggesting doubt over when the Commission can accept gifts. There is no applicable case law suggesting that the Commission cannot accept bequests during the investigation of a claim, nor is there any textual support that such a hypothetical scenario would be barred by the governing statute.

Declaratory statements are not to be issued addressing hypothetical questions lacking a fact-specific case or controversy. Federation of Mobile Home Owners v. Dep't of Business Regulation, et. al., 479 So. 2d 252, 253 (Fla. 2nd DCA 1985). There need be a showing beyond that of curiosity to suggest there be an actual present practical need for a declaratory statement. Id. at 254. Although the Administrative Procedure Act broadens public access to agency activities, there still need be a fact-specific inquiry addressing ambiguity over interpretation of an existing statute for Petitioner to meet the standing requirements to grant a declaratory statement petition. Fla. Home Builders Assoc. v. Dep't of Labor & Employment Sec., 412 So. 2d 351, 352 (1982). Given that the answer to Petitioner's question of law on whether the Commission can accept gifts during the investigation phase of a claim is such an emphatic yes, there is no doubt to resolve, no controversy to address. Absent such ambiguity, accordingly, the Commission must deny the petition for declaratory statement.

Denial of Petition

The Petition for Declaratory Statement is DENIED, because Petitioner does not meet the prerequisite requirements of standing. For the Commission to rule on a petition for declaratory statement, there must be a 'live case or controversy' in the specific question of law seeking relief. The statute in question and its accompanying relevant case law do not indicate more than one interpretation of the provision in question; therefore, Petitioner lacks standing to bring such declaratory statement given this lack of legal ambiguity to be resolved. Accordingly, the Petition for Declaratory Statement on the question of the Commission accepting gifts/bequests during an investigation is DENIED.

Petitioner has 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 10, day of December,
2019 FOR THE FLORIDA COMMISSION ON HUMAN
RELATIONS

Commissioner Tony Jenkins, Panel Chairperson;
Commissioner Mario Garza; and
Commissioner Rebecca Steele

EXHIBIT 301

Notice of Receipt of Charge of Employment Discrimination
From: The FCHR | To: Plaintiff
5/1/2019

Makere v Allstate

FCHR: 2019-19238 | EEOC: 15D-2019-00685
USFLMD: 3:20-cv-00905-MMH-LLL

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[first page only]
Rule 56(c) (1) (A)



Ron DeSantis
Governor

State of Florida Florida Commission on Human Relations

An Equal Opportunity Employer • Affirmative Action Employer

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<http://fchr.state.fl.us>

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Tony Jenkins
Chair
Michelle Wilson
Executive Director

NOTICE OF RECEIPT OF COMPLAINT

May 1, 2019

Mr. Elias Makere
3709 San Pablo Rd. S.
#701
Jacksonville, FL 32224

Re: FCHR No. 201919238
EEOC No. 15D201900685
Makere, Elias v. Allstate Benefits

Dear Mr. Makere:

The Commission has received your complaint of employment discrimination and has assigned the above referenced charge numbers. The Commission will provide a copy of your charge and notice of charge to the Respondent simultaneously with this notice. We will make every attempt to investigate your claim within 180 days and if we exceed that time limit, we will notify you by letter of your options.

You filed your charge under one or more of the following laws: (a) The Florida Civil Rights Act of 1992, as amended (Chapter 760, Florida Statutes); (b) Title VII of the Civil Rights Act of 1964, as amended; (c) The Age Discrimination in Employment Act (ADEA); and/or (d) The Americans with Disabilities Act (ADA).

In accordance with our procedures, we have dual – filed your charge with the U.S. Equal Employment Opportunity Commission. Section 1601.76 of EEOC regulations entitles you to request a Substantial Weight Review of this Commission's final findings. To obtain this review, you must notify the EEOC in writing within fifteen (15) days of your receipt of this Commission's final findings in your case. You are not required to make a request for review at this time.

COMMISSIONERS

Dr. Donna Elam
Port Richey

Mario Garza
Lakewood Ranch

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Latanya Peterson, Vice Chair
Fleming Island

Jay Pichard
Tallahassee

Gilbert Singer
Tampa

Rebecca Steele
Jacksonville

EXHIBIT 302

Request for Rebuttal

From: The FCHR | To: Plaintiff

7/25/2019

showing that the FCHR **knew** Plaintiff was *pro se* for this action
(ie, compare with [Exhibit 111](#) - the dates, the case numbers)

Makere v Allstate

FCHR: 2019-19238 | EEOC: 15D-2019-00685

USFLMD: 3:20-cv-00905-MMH-LLL

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[first page only]

Rule 56(c) (1) (A)



Ron DeSantis
Governor

State of Florida Florida Commission on Human Relations

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Tony Jenkins
Chair
Michelle Wilson
Executive Director

July 25, 2019

Mr. Elias Makere
3709 San Pablo Rd. S.
#701
Jacksonville, FL 32224

Makere v. Allstate Benefits

FCHR No. 201919238 EEOC No. 15D201900685

Dear Mr. Makere:

Attached is a copy of the Respondent's Position Statement (response) to your Charge of Discrimination. Please review this statement carefully. If you disagree with Respondent's statements, please write a rebuttal explaining what you disagree with and explain why you disagree. You may construct your written rebuttal in whatever format you feel comfortable with. In addition to your rebuttal, examples of information that could help your case are witness statements or documents (emails, memos, reprimands, etc.) proving that Respondent is trying to cover up discrimination. Witness statements and documents are not a required part of your rebuttal, but you should provide them if they are available to you. If you have any witnesses who can provide information about your case, please have this person complete the attached affidavit and have the form notarized. If you have witnesses but are unable to obtain a written statement from them, please provide their name, contact information, and what information they can provide to support your case.

Your rebuttal is due on or before August 9, 2019.

If the requested information is not received by this date, a recommendation will be made based on the available information. Your cooperation is essential in enabling the Commission to make a fair and impartial determination. Please contact me if you need further assistance.

Sincerely,

Alicia Maxwell

Alicia Maxwell
Investigative Specialist
850-907-6803
Alicia.Maxwell@fchr.myflorida.com

COMMISSIONERS

Dr. Donna Elam
Port Richey

Mario Garza
Lakewood Ranch

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Lake Mary

Al McCambry
Lynn Haven

Latanya Peterson, Vice Chair
Fleming Island

Jay Pichard
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Gilbert Singer
Tampa

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Jacksonville

EXHIBIT 303

Email

From: The FCHR | To: Plaintiff

7/25/2019

showing that the FCHR **knew** Plaintiff was *pro se* for this action
(ie, compare with [Exhibit 111](#) - the dates, the case numbers)

Makere v Allstate

FCHR: 2019-19238 | EEOC: 15D-2019-00685

USFLMD: 3:20-cv-00905-MMH-LLL

{marked}

[entire document]

MA

Thu 7/25/2019 9:54 PM

Maxwell, Alicia <Alicia.Maxwell@fchr.myflorida.com>

19238 Elias Makere v. Allstate Benefits Rebuttal Request

To justice.actuarial@gmail.com

You replied to this message on 7/25/2019 10:41 PM.
This message was sent with High importance.



19238-Burden of Proof CP.pdf
109 KB



Position Statement.pdf
305 KB



1

2

3

4

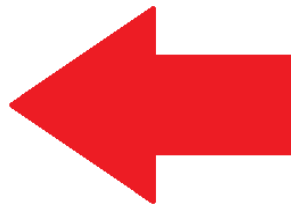
5

6

The above-referenced case has been assigned to me for investigation. Enclosed is Respondent's position statement and our letter requesting for you rebuttal.

Thank you,

Alicia Maxwell
Employment Investigator
Florida Commission on Human Relations
4075 Esplanade Way, Room 110
Tallahassee, FL 32399
Phone: 850-907-6803
Fax: 850-487-1007



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Correspondence made or received in connection with the transaction of official business by a state agency, unless exempt or made confidential by law, is considered a public record and may be subject to disclosure upon request.

EXHIBIT 304

Notice of Appeal

From: Plaintiff | To: The FCHR

7/24/2019

showing that Plaintiff had resumed *pro se* for the conclusion of his first charge
(ie, compare with [Exhibit 111](#) - the dates, the case numbers)

Makere v Allstate

FCHR: 2017-01432 | EEOC: n/a

{marked}

[first page only]

Rule 56(c) (1) (A)

**STATE OF FLORIDA
FLORIDA COMMISSION ON HUMAN RELATIONS**

ELIAS MAKERE,	)	
Petitioner/Appellant,	)	FCHR Case No. 2017-01432
	)	FCHR Order No. 19-044
vs.	)	DOAH Case No. 18-000373
	)	
ALLSTATE CORPORATION,	)	
Respondent/Appellee	)	

PETITIONER'S NOTICE OF APPEAL OF AGENCY FINAL ORDER

PLEASE TAKE NOTICE that Petitioner/Appellant, ELIAS MAKERE, on this 24th day of July 2019, respectfully appeals to the First District Court of Appeals, the following order:

#	Title	Date Rendered
1	Final Order Dismissing Petition for Relief from an Unlawful Employment Practice	6/27/2019

Nature of appealed order = Administrative Action

A conformed copy of which is attached in accordance with Rules 9.030(b)(1)(c) Fla. R. App. P.. Likewise, a Certificate of Civil Indigency is attached pursuant to Rule 9.430(a) Fla. R. App. P.

[Please see **Order #1** and **Appendix A**, respectively]

Respectfully submitted,

ELIAS MAKERE

s/ Elias Makere Pro Se

3709 San Pablo Rd. S # 701

Jacksonville, FL 32224

Tel: (904) 294-0026

E-mail: justice.actuarial@gmail.com



EXHIBIT 305

Email

From: Plaintiff | To: The FCHR
5/26/2020

Showing Plaintiff Request his *Election of Rights* form
(which was previously promised by the FCHR - see [Exhibit 111](#))
for the purpose of proceeding to a "formal trial"

60Y-5.006(5) FAC

Makere v Allstate

FCHR: 2019-19238 | EEOC: 15D-2019-00685
USFLMD: 3:20-cv-00905-MMH-LLL

{marked}

[entire document]

Tue 5/26/2020 10:01 AM

justice.actuarial@gmail.com

Election of Rights Form (?) | 2019-19238 | Makere v Allstate

To 'Maxwell, Alicia'

Cc 'Barton, Tammy'

Hello FCHR,

May you please send me the **Election of Rights Form?**

The 180-day investigation window ended several months ago. So, pursuant to §760 Florida Statutes, I would like to proceed with a formal trial. I think I need this form to get started.

Please let me know if you have any questions.

Thank you,

Elias Makere, Petitioner

FCHR Case No.: 2019-19238

904.294.0026 | justice.actuarial@gmail.com

3709 San Pablo Rd. S. #701

Jacksonville, FL 32224

Note: This is a legal case. Please respect the confidentiality of all witnesses.

EXHIBIT 306

Amended Notice of Determination
From: The FCHR | To: Plaintiff/Defendant
6/1/2020

showing the FCHR admit that Plaintiff never had an attorney for this action

Makere v Allstate

FCHR: 2019-19238 | EEOC: 15D-2019-00685
USFLMD: 3:20-cv-00905-MMH-LLL

{marked}

[first page only]
Rule 56(c) (1) (A)



Ron DeSantis
Governor

State of Florida
Florida Commission on Human Relations
An Equal Opportunity Employer • Affirmative Action Employer

4075 Esplanade Way • Room 110 • Tallahassee, Florida 32399-7020
(850) 488-7082 / FAX: (850) 487-1007
<http://fchr.state.fl.us>

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Latanya Peterson
Chair
Michelle Wilson
Executive Director

FCHR No. 201919238
EEOC No. 15D201900685

Mr. Elias Makere
3709 San Pablo Rd. S. #701
Jacksonville, FL 32224

COMPLAINANT

Allstate Benefits
c/o Heather A. Johnson, Esquire
Littler Mendelson, P.C.
2301 McGee St, 8th Floor
Kansas City, MO 64108

RESPONDENT

AMENDED DETERMINATION: NO REASONABLE CAUSE

Note: The Florida Commission on Human Relations issued in this matter a "Determination: No Reasonable Cause" and "Notice of Determination: No Reasonable Cause" on October 18, 2019. However, the documents were addressed and mailed to Complainant's legal representative in a former matter. As a result, the Commission is issuing this "Amended Determination: No Reasonable Cause" and "Amended Notice of Determination: No Reasonable Cause" addressed directly to Complainant at his mailing address on record. No other changes were made to the "Determination: No Reasonable Cause" or "Notice of Determination: No Reasonable Cause" issued on October 18, 2019.

Complainant filed a complaint of discrimination alleging that Respondent violated the Florida Civil Rights Act of 1992. The Florida Commission on Human Relations has completed its investigation of this matter.

Complainant worked for Respondent, an insurance company, as an actuarial associate. Complainant alleged that he was subjected to disparate treatment, harassment, and retaliation based on his race, color, and sex. Assuming Complainant can prove a prima facie case, these claims still fail. The facts and claims are identical to FCHR case number 201701432. In FCHR case number 201701432, FCHR issued a Determination of No Cause. Complainant then filed case number 2018-0373 with the Department of Administrative Hearings and an Order of Dismissal was issued. Furthermore, the claims alleged are based on events that took place in 2016. Thus, these claims are untimely. FCHR reaches this Determination of No Cause without reviewing the case on its merits.

COMMISSIONERS

Dr. Donna Elam
Port Richey

Mario Garza
Lakewood Ranch

Al McCambry
Lynn Haven

Latanya Peterson, Chair
Fleming Island

Jay Pichard
Tallahassee

Gilbert Singer
Tampa

EXHIBIT 307

Emails

From: Plaintiff | To: The FCHR
5/27/2020; 5/29/2020

Makere v Allstate

FCHR: 2019-19238 | EEOC: 15D-2019-00685
USFLMD: 3:20-cv-00905-MMH-LLL

{marked}

[entire document]

Wed 5/27/2020 6:01 PM

justice.actuarial@gmail.com

RE: 201919238 Makere v. Allstate Benefits

To 'Barton, Tammy'; 'Costilla, Cheyanne'; 'Gorsica, Stanley'

Cc 'Merritt, Alisha'; 'Maxwell, Alicia'; mary.smith@fchr.myflorida.com; 'Hernandez Mejia, Victor'

Hello FCHR,

Here is information to help re-affirm Error #1 (*infra*).

On April 11, 2019, I informed you that I did not have an attorney.
Your employee, Ms. Mary Smith, called me about my complaint (2019-19238).
The first question she asked me was whether I had an attorney.
I replied that I did not have an attorney.
Additional note: Mr. Victor Hernandez was also on the line.

To reiterate: I never had an attorney for this case (2019-19238).

Sending late information to the wrong person constitutes a severe violation of the essential requirements of law (see Belgrave v Hughes Supply, FCHR Order No. 05-088, FCHR Case No. 23-03854, July 12, 2005). You've said so yourself:

"[this Tribunal] did not comply with the essential requirements of law in that the notice [did not] appear to have been sent to [Petitioner's] address of record"
"[this Tribunal] inexplicably mailed [its notice] to [a different address]"

- FCHR, July 12, 2005, Order 05-088

My address has never changed.

To reiterate: you "inexplicably" mailed the supposed notice to the wrong address/person.

May you please send me the **Election of Rights** form for this case (2019-19238)?

Thank you,

Elias Makere, Civil Litigant

FCHR Case No.: 2019-19238

904.294.0026 | justice.actuarial@gmail.com

3709 San Pablo Rd. S. #701

Fri 5/29/2020 1:43 PM

justice.actuarial@gmail.com

RE: 201919238 Makere v. Allstate Benefits id=fchr4075:a19238

To 'Wilson, Michelle'

Cc 'Barton, Tammy'; 'Costilla, Cheyanne'; 'Gorsica, Stanley'; 'Maxwell, Alicia'; 'Merritt, Alisha'

Hello FCHR,

Here is some legal precedence to help resolve this discrepancy.

LATE NOTICES ARE NULL & VOID

- A. see Woodham v BCBSFL, 829 So. 2d 891 Fla. 2002
- B. see your own order
 - (1) (FCHR Order 04-122, Bowers v Big Red Waste, Inc. | FCHR Case No. 21-03344)

Context: You sent a **late notice** to the **wrong person**.

The Supreme Court renders the determination in such a supposed notification **Null & Void** (*supra*).

I hope that helps.

So, may you please send me the **Election of Rights** form today?

Thank you,

Elias Makere, Civil Litigant

FCHR Case No.: 2019-19238

904.294.0026 | justice.actuarial@gmail.com

3709 San Pablo Rd. S. #701

Jacksonville, FL 32224

Note: This is a legal case. Please respect the confidentiality of all witnesses.

EXHIBIT 308

Complaint Cover Sheet
From: Plaintiff | To: State Court
6/30/2020

Florida
Duval County
(4th Judicial Circuit Court)
16-2020-CA-003770-XXXX-MA

Makere v Allstate

FCHR: 2019-19238 | EEOC: 15D-2019-00685
USFLMD: 3:20-cv-00905-MMH-LLL

{marked}

[first page only]
Rule 56(c) (1) (A)

Filing # 109635335 E-Filed 06/30/2020 09:17:11 PM

FORM 1.997. CIVIL COVER SHEET

The civil cover sheet and the information contained in it neither replace nor supplement the filing and service of pleadings or other documents as required by law. This form must be filed by the plaintiff or petitioner with the Clerk of Court for the purpose of reporting data pursuant to section 25.075, Florida Statutes. (See instructions for completion.)

I. CASE STYLE

IN THE CIRCUIT COURT OF THE FOURTH JUDICIAL CIRCUIT,
IN AND FOR DUVAL COUNTY, FLORIDA

Case No.: _____
Judge: _____

Elias Makere, FSA
Plaintiff
vs.
Allstate Insurance Company
Defendant

II. AMOUNT OF CLAIM

Please indicate the estimated amount of the claim rounded to the nearest dollar \$30,001

III. TYPE OF CASE (If the case fits more than one type of case, select the most definitive category.) If the most descriptive label is a subcategory (is indented under a broader category), place an x on both the main category and subcategory lines.

- ☐ Condominium
- ☐ Contracts and indebtedness
- ☐ Eminent domain
- ☐ Auto negligence
- ☐ Negligence – other
 - ☐ Business governance
 - ☐ Business torts
 - ☐ Environmental/Toxic tort
 - ☐ Third party indemnification
 - ☐ Construction defect
 - ☐ Mass tort
 - ☐ Negligent security
 - ☐ Nursing home negligence
 - ☐ Premises liability – commercial
 - ☐ Premises liability – residential
- ☐ Products liability
- ☐ Real Property/Mortgage foreclosure
 - ☐ Commercial foreclosure
 - ☐ Homestead residential foreclosure
 - ☐ Non-homestead residential foreclosure
 - ☐ Other real property actions
- ☐ Professional malpractice
 - ☐ Malpractice – business
 - ☐ Malpractice – medical

- ☐ Malpractice – other professional
- ☒ Other
 - ☐ Antitrust/Trade Regulation
 - ☐ Business Transaction
 - ☐ Circuit Civil - Not Applicable
 - ☐ Constitutional challenge-statute or ordinance
 - ☐ Constitutional challenge-proposed amendment
 - ☐ Corporate Trusts
 - ☒ Discrimination-employment or other
 - ☐ Insurance claims
 - ☐ Intellectual property
 - ☐ Libel/Slander
 - ☐ Shareholder derivative action
 - ☐ Securities litigation
 - ☐ Trade secrets
 - ☐ Trust litigation
- ☐ County Civil
 - ☐ Small Claims up to \$8,000
 - ☐ Civil
 - ☐ Replevins
 - ☐ Evictions
 - ☐ Other civil (non-monetary)

EXHIBIT 309

FCHR Track Record of Dilatory/Obstructive Habits
Lost Federal Funding (HUD)

Florida
Leon County
(2nd Judicial Circuit Court)
2019-CA-001473

Steele v FCHR

{marked}

[fourth page only]
Rule 56(c) (1) (A)

b. HUD Review

During her interview with the CIG, Complainant stated she provided information to two FCHR Commissioners including long-range planning documents, which she obtained from the Department of Management Services and which she characterized as public records, and reports concerning staff turnover in the housing unit at FCHR. Complainant also stated that FCHR had been placed on a performance improvement plan by HUD and that she believes she was a Whistle-blower because of her knowledge of an ongoing HUD review.

As background, over the last two years, the federal Department of Housing and Urban Development (HUD) had stopped referring cases to FCHR because of FCHR's difficulty in addressing a backlog of cases and keeping permanent investigators employed. In an April 5, 2019, letter, the HUD Southeastern Regional Director, Carlos Osegueda, suspended FCHR from the HUD Fair Housing Assistance Program, highlighting several deficiencies which he characterized as: (1) staffing and workload management; (2) quality management and case processing; (3) conciliation and public interest requirements; and (4) budget and finance requirements. At an April 30, 2019, meeting with the FCHR, Mr. Osegueda expressed dissatisfaction with leadership at FCHR.

During an interview with this investigator on August 9, 2019, Complainant stated she first spoke to Commissioners sometime in the fall of 2018. Executive Director Wilson was out on extended leave from the end of October 2018 until mid-January of 2019. According to Complainant, sometime in January, Dir. Wilson asked Complainant whether she had been speaking to Commissioner Peterson. Dir. Wilson also reminded Complainant that communication with Commissioners was to go through the Executive Director, in accordance with the Governance Policy. When asked what information she provided, Complainant told this investigator she provided information on staff turnover, including certain names of individuals who left and their reasons for leaving, including that some did not like the working environment.

c. eLOCCS

Complainant also mentioned a HUD system for transferring funds called eLOCCS during her CIG interview, but provided few details. During an interview with this investigator on August 9, 2019, Complainant stated she believed Dir. Wilson used Complainant's eLOCCS password while Ms. Steele was on leave between November 14, 2017, and February 2018.

When asked by this investigator the reason for Complainant's termination, Dir. Wilson pointed to Complainant accessing the eLOCCS system. According to Dir. Wilson, on May 1, 2019, Complainant logged into the Secure Systems Network and gave Operations and Management Consultant John Godwin certain permissions which would allow him to access eLOCCS when HUD completed its validation. Complainant's actions followed a year's long suspension of FCHR's access to the secure portal, and lengthy negotiations between FCHR and HUD to restore FCHR's access. One reason given by HUD for the suspension of access was that Complainant was listed as an approving official on the account when that position should have been held by Dir. Wilson. Dir. Wilson had shared with her management team, including Complainant, in early 2019, that persons who had access to eLOCCS would change.

EXHIBIT 310

Emails

From: Plaintiff | To: The FCHR
9/14/2020

showing Plaintiff taking judicial action to cut administrative ties with the FCHR

Makere v Allstate

FCHR: 2019-19238 | EEOC: 15D-2019-00685
USFLMD: 3:20-cv-00905-MMH-LLL

{marked}

[entire document]

Mon 9/14/2020 7:02 AM

justice.actuarial@gmail.com

Petition for Writ of Prohibition | 2019-19238 | Employment Discrimination |

To 'Wilson, Michelle'; 'Barton, Tammy'

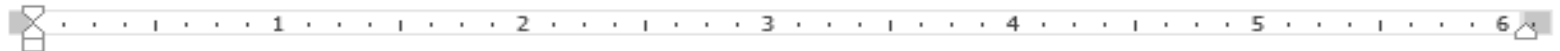
Cc 'Costilla, Cheyanne'; 'Gorsica, Stanley'



0a_Petition_001_Prohibition.pdf
212 KB



0b_Notice_001_Appendix.pdf
2 MB



Hello FCHR,

Please refrain from taking any further action in **FCHR Case No. 2019-19238** (*Makere v Allstate*, filed on April 10, 2019).

Attached is my ***Petition for Writ of Prohibition***. Which I filed in the **First District Court of Appeals** (last week). I requested this action under the authority of statutory law (§760.11), case law (see FCHR 98-1459, see DOAH 99-3576), appellate law (see Demario v Franklin Mortgage & Investment Co., Inc. 648 So. 2d 210), and a prior supreme court mandate (see Woodham v BCBSFL, 829 So. 2d 891 (Fla. 2002)). All of which say that your agency cannot act on an **employment charge of discrimination** once the **180-day** investigation period completes.

As the record shows in my case, the 180-day window ended on October 7, 2019. Yet, you continued to act, and are presumably intending to act again (by virtue of a **Final Order**).

In simple terms, I'm looking to exercise my right-to-justice in a court of competent jurisdiction. Any continued acts from you would obfuscate and interfere with that cause.

May you please refrain from taking any further action in my case.

Thank you,

Elias Makere, FSA, MAAA
 Civil Litigant
 FCHR Case No.: 2019-19238
 904.294.0026 | justice.actuarial@gmail.com
 3709 San Pablo Rd. S. #701
 Jacksonville, FL 32224

Note: This is a legal case. Please respect the confidentiality of all witnesses.

EXHIBIT 311

Notice of Administrative Dismissal
From: the FCHR | To: Plaintiff/Defendant
11/25/2020

constituting the "final agency action" to allow
Plaintiff to file a Request for a Substantial Weight Review
60Y-5.006(5)
(compare with Exhibit 305)

Makere v Allstate

FCHR: 2019-19238 | EEOC: 15D-2019-00685
USFLMD: 3:20-cv-00905-MMH-LLL

[entire document]



Ron DeSantis
Governor

State of Florida

Florida Commission on Human Relations

An Equal Opportunity Employer • Affirmative Action Employer

4075 Esplanade Way • Room 110 • Tallahassee, Florida 32399-7020

(850) 488-7082 / FAX: (850) 487-1007

<http://fchr.state.fl.us>

United in One Goal: Equal Opportunity and Mutual Respect



Mario Garza
Chair
Cheyenne Costilla
Interim
Executive Director

FCHR No. 201919238
EEOC No. 15D201900685
DOAH No. 20-3021

Elias Makere
3709 San Pablo Rd. S., #701
Jacksonville, FL 32224

COMPLAINANT

Allstate Benefits
c/o Heather A. Johnson, Esquire
Littler Mendelson, P.C.
2301 McGee St., 8th Floor
Kansas City, MO 64108

RESPONDENT

NOTICE OF DISMISSAL

Pursuant to the authority vested in me by the Florida Commission on Human Relations, I hereby issue the following notice dismissing the above-referenced complaint.

The Commission issued its Amended Determination: No Reasonable Cause on June 1, 2020. The Amended Determination: No Reasonable Cause states, "Assuming Complainant can prove a prima facie case, these claims still fail. The facts and claims are identical to FCHR case number 201701432. In FCHR case number 201701432, FCHR issued a Determination of No Cause." (Following the issuance of a Determination: No Reasonable Cause on December 15, 2017 in FCHR case number 201701432, Petitioner filed a Petition for Relief on January 19, 2018, and the case was assigned Case No. 18-0373 by the Division of Administrative Hearings. A Recommended Order was issued by the Division of Administrative Hearings on April 18, 2019. The Commission on Human Relations' Final Order Dismissing Petition for Relief from an Unlawful Employment Practice, adopting the Recommended Order's Findings of Fact and Conclusions of Law, and dismissing the Petition for Relief and complaint with prejudice, was entered on June 27, 2019). Subsequent to the issuance of the Amended Determination: No Reasonable Cause on June 1, 2020, Complainant filed a Petition for Relief on July 6, 2020. The Division of Administrative Hearings issued an Order Closing File and Relinquishing Jurisdiction on July 7, 2020, in which it is stated, "There are no disputed issues of material fact for disposition that lead to any conclusion but that, applying the doctrines of res judicata, collateral estoppel, and administrative finality, the Charge

COMMISSIONERS

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Fort Lauderdale

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Tallahassee

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Larry Hart
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Angela Primiano
Hollywood

of Discrimination and the Petition for Relief should be dismissed with prejudice." There is no jurisdiction over the complaint, subject matter, or Respondent in this matter. The Amended Determination: No Reasonable Cause stands. Rules 60Y-5.004(2) and 60Y-5.006(10), Florida Administrative Code [F.A.C.].

FOR THE FLORIDA COMMISSION ON HUMAN RELATIONS:

Cheyenne Costilla
Cheyanne Costilla, Interim Executive Director

DATED: Nov. 25, 2020

CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that a copy of the foregoing NOTICE OF DISMISSAL was filed at Tallahassee,

Florida and served upon the above-named addressees this 25th day of

November, 2020, by U.S. Mail.

BY: *Tammy Barber*
Clerk of the Commission

EXHIBIT 312

'Reality'

"*Plaintiff's Motion for Judicial Notice of... 4/10/19*) "
{#41}

Makere v Allstate

FCHR: 2019-19238 | EEOC: 15D-2019-00685
USFLMD: 3:20-cv-00905-MMH-LLL

[motion only - excluding exhibits]
Rule 56(c) (1) (A)

Exhibits 8th Page

Background: Plaintiff filed discrimination charges in a state agency
Problem: That document is not on the docket
Request: This Court takes judicial notice of the state agency charge

Rule 201 | Fed. R. Evid. | Judicial Notice

"(b) KINDS OF FACTS THAT MAY BE JUDICIALLY NOTICED. The court may judicially notice a fact that...

(2) can be accurately and readily determined from sources whose accuracy cannot reasonably be questioned.

(f) INSTRUCTING THE JURY. In a civil case, the court must instruct the jury to accept the noticed fact as conclusive..."

Rule 402 | Fed. R. Evid. | General Admissibility of Relevant Evidence

"Relevant evidence is admissible unless [prohibited by law]"

§90.202 FS | Matters Which May Be Judicially Noticed (emphasis added)

"A court may take judicial notice of the following matters, to the extent that they are not embraced within s. 90.201:

(5) Official actions of the legislative, executive, and judicial departments of the United States and of any state, territory, or jurisdiction of the United States."

Precedence

- 5:20-cv-00332-SPC-PRL - USFLWD (12/7/20)
USFLMD recently granted a motion for judicial notice

Abbreviations

DOAH	- Division of Administrative Hearings
FAC ^{1/}	- Florida Administrative Code
FCHR	- Florida Commission on Human Relations
FS	- Florida Statute
USFLMD	- US District Court, Florida, Middle District

MOTION**I. Background History**

1. On April 10, 2019, Plaintiff sent the FCHR his employment discrimination complaint via email (please see **Exhibit A**).
2. The first attachment was EEOC Form 5.
3. The second was a document detailing his complaint. Which the FCHR received immediately; blessing it with a 2:35PM timestamp (**Exhibit B**).

II. Relevant, Adjudicative Facts

4. EVENT 310 ("*Extended Retaliation*") of Plaintiff's complaint detailed the series of attacks that a non-party individual^{2/} took out on Plaintiff. Attacks, importantly, which were committed at the behest of Defendant (see Page 47 Exh. B). Plaintiff summarized it as follows:

"In short, a non-party individual threatened and zealously harassed [Plaintiff]. [Plaintiff] long believed that [Defendant] was behind it. And now [Plaintiff] has proof"

5. EVENT 310 concluded by pointing to the corroborating "hard evidence" obtained (emails from Defendant, etc.)
6. EVENT 311 ("*Lethal Retaliation*") of Plaintiff's complaint detailed the near-fatal events that took place while he was litigating his discrimination complaint in a state administrative tribunal (DOAH).
7. Likewise, EVENT 311 concluded by mentioning the "hard evidence" that substantiated the attacks (crash report).

III. Legal Analysis

8. Acceptance of this document is two-fold.

9. First, the document will show that the state agency (ie, the FCHR) received Plaintiff's complaint on April 10, 2019.

a. Pursuant to Rule 60Y-5.001(3) FAC, the date of receipt was the date the agency *actually* received it (emphasis added):

"(3) Place and Date of Filing. A complaint may be filed at the office of the Commission. The date of filing shall be the date of actual receipt of the complaint by the Clerk or other agent of the Commission."

Thus - by virtue of its timestamp - the FCHR officially received Plaintiff's complaint at 2:35PM on April 10, 2019.

b. Moreover, Rule 60Y-5.001(5)&(6) rendered the document a complaint in-and-of-itself (emphasis added):

"(5) Form. The complaint must be in writing and shall be signed by the complainant."

(6) Contents.

(a) The complaint should contain the following information:

- 1. The name, address and telephone number of the person filing the complaint;*
- 2. The name, address and telephone number of the respondent;"*

In the instant case, Plaintiff's charge was in writing, was signed (see Page 116 Exh. B), contained his contact information (Id. Page 1), had the contact information for Defendant (Id. 116), and was acknowledged by Defendant (Id. 117).

c. Thus, the FCHR's own rules certified Plaintiff's complaint as being received on April 10, 2019.

10. Secondly, the document will provide the substantive facts & allegations behind Plaintiff's federal complaint.

- a. In terms of Plaintiff's **race** discrimination charge (42 USC §1981, 42 USC §2000e, §760.11 FS)^{3/}, it details a variety of violations (including but not limited to: "*Managerial Threats*", "*Corrupt Termination*", "*Racial Double Standards in the Actuarial Department*", "*Racist Dolls*", etc.)
- b. Secondly, in terms of Plaintiff's **sex** discrimination charge (42 USC §2000e, §760.11 FS), it describes a number of unlawful acts (including but not limited to: "*Coercion*", "*Managerial Requests for Dinner-&-a-Movie*", "*Blatant Sexual Discrimination*", etc.).
- c. Plus, in terms of Plaintiff's **retaliation** charge (42 USC §1981, 42 USC §2000e, §760.11 FS), it recounts several abuses (including but not limited to: "*Managerial Threats*", "*Physical Threats*", "*Coercion*", "*Continued Retaliation*", "*Lethal Retaliation*", etc.)

11. Plaintiff contends that these two points present a compelling reason for judicial notice because:

- (1) the document is a **public record** (please see Menominee Indian Tribe v Thompson, 161 F.3d 449 (7th Cir. 1998);
- (2) stamped, administrative complaints are "*official actions [of an executive agency]*" (please accord §90.202(5) FS); and
- (3) it is **relevant** (please see Rule 402 Fed. R. Evid.)

CONFERRAL

On February 8, 2021, Defendant told Plaintiff (via email) that it opposed this motion. Plaintiff followed up via email and phone (citing Rules 2.04(h) and 3.01(g) *Local Rules of Court - USFLMD*), but to no avail. He even stated that he was willing to rescind this motion for good cause; but that he would file by noon (today).

As of 12pm EST, Defendant has not presented Plaintiff with any reason to deny this motion.

CONCLUSION

WHEREFORE, Plaintiff respectfully asks this Honorable Court to take judicial notice of Plaintiff's Full Administrative Complaint. Plaintiff also asks this Honorable Court to await his upcoming 'Amended Complaint' (filed on-or-before 2/26/2021).

Dated this 9th day of February 2021.

Respectfully submitted,

/s/ Elias Makere

ELIAS MAKERE, FSA, MAAA, Plaintiff

3709 San Pablo Rd. S # 701

Jacksonville, FL 32224

P: (904) 294-0026

E: justice.actuarial@gmail.com

W: TextBookDiscrimination.com

Get **Booked Up** on Justice!

CERTIFICATE OF COMPLIANCE

I certify that the size and style of type used in this document is Times New Roman 14-point Font (caption) and Courier New 12-point Font (contents); thus complying with the font requirements of Local Rule 1.05(a).

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 9th day of January 2021, I electronically filed the foregoing with the Clerk of Courts by using its online filing page. I also emailed it to the attached service list.

/s/ Elias Makere

Endnotes:

^{1/} FACs are the regulations/rules that state agencies make in Florida (please see www.FLRules.org)
^{2/} Non-Party Individual = PERSON 407 (Mr. Kirk W. Higgins)

^{3/} Although, Plaintiff has not yet attached Title VII (ie 42 USC §2000e) he has been preparing to do so.

SERVICE LIST

Kimberly J. Doud, Esquire (0523771)
Heather A. Johnson, Esquire (*pro hac vice*)
Michele A. Ramos, Esquire (1008119)

E: kdoud@littler.com
E: hajohnson@littler.com
E: mramos@littler.com
P: 407.393.2900
F: 407.393.2929

Littler Mendleson, PC
111 North Orange Avenue, Suite 1750
Orlando, FL 32801-2366

(defendant's trial lawyers)

EXHIBIT 313

Email

From: Plaintiff | To: Defendant
2/8/2021

showing Plaintiff notifying Defendant of a material fact
(a material fact which debunks '*That Motion*')

Makere v Allstate

FCHR: 2019-19238 | EEOC: 15D-2019-00685
USFLMD: 3:20-cv-00905-MMH-LLL

{marked}

[entire document]



Mon 2/8/2021 4:27 PM

justice.actuarial@gmail.com

Judicial Notice (?) | 3:20-cv-00905-MMH-JRK | Makere v Allstate | Employme

To 'Doud, Kimberly'

Cc 'Ramos, Michele'; hajohnson@littler.com



Hello Allstate,

Do you have any objection to my upcoming "*Motion for Judicial Notice of Plaintiff's Full Administrative Complaint (Dated 4/10/19)*"?

I plan on filing it between **11am and 12pm tomorrow (2/8/21)**, pursuant to Rule 1 Fed.R.Civ.P., Rule 10 Fed.R.App.P, and Rules 201/301/302 Fed.R.Evid.

Plaintiff:	Elias Makere, FSA, MAAA
Defendant:	Allstate Insurance Company
Case Number:	3:20-cv-00905-MMH-JRK
Court:	US Middle District – Jacksonville Division
Type:	Employment Discrimination (\$1981 US, \$760 FS)

Document:	<i>Plaintiff's Motion for Judicial Notice of Plaintiff's Full Administrative Complaint (Dated 4/10/19)</i>
------------------	--

Purpose = (1) substantiate the filing date of Plaintiff's state charge; (2) substantiate the date of receipt of Plaintiff's discrimination charge; (3) supply factual framework surrounding discriminatory retaliation; (4) streamline federal appeal; (5) help supply the details for which the Court seeks; and more.

Please answer as soon as you can.

Note: Due to time constraints, I will follow-up with you by phone to get your answer.

Thank you,

Elias Makere, FSA, MAAA | Civil Litigant

Federal Case No.: 3:20-cv-00905-MMH-JRK

Duval Case No.: 2020-CA-003802-XXXX

FCHR Case No.: 2019-19238

904.294.0026 | justice.actuarial@gmail.com | www.TextBookDiscrimination.com

3709 San Pablo Rd. S. #701

EXHIBIT 314

Email

From: Plaintiff | To: EEOC
12/10/2020

showing Plaintiff following up to his previously mailed SWR Request

Makere v Allstate

FCHR: 2019-19238 | EEOC: 15D-2019-00685
USFLMD: 3:20-cv-00905-MMH-LLL

{marked}

[entire document]

Thu 12/10/2020 6:55 PM

justice.actuarial@gmail.com

Substantial Weight Review | 15D201900685 | Employment Discrimination | M

To info@eeoc.gov



0k_CVL_001_SWR.pdf
42 KB



0l_Request_001_SWR.pdf
214 KB

Hello EEOC,

Here's an electronic copy of my request for a Substantial Weight Review (29 CFR §1601.76).

Plaintiff:	Elias Makere, FSA, MAAA
Defendant:	Allstate Insurance Company
Case Number:	15D201900685
FEPA:	The Florida Commission on Human Relations
Type:	Employment Discrimination (§1981 US, §2000e US, §760 FS)

Document:	Petitioner's Request for a Substantial Weight Review
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Attachment #	Description
1	Cover Letter
2	Request

I already mailed the hardcopy.

Please let me know if you have any questions.

Thank you,

Elias Makere, FSA, MAAA | Civil Litigant
Federal Case No.: 3:20-cv-00905-MMH-JRK
Duval Case No.: 2020-CA-003802-XXXX
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3709 San Pablo Rd. S. #701
Jacksonville, FL 32224

Ancient Proverb: For every wrong there is a right.