

EXHIBIT 1 TO DEFENDANT'S NOTICE OF REMOVAL

STATE OF NORTH CAROLINA

File No. 09 CV 30758

Mecklenburg County

RECEIVED

In The General Court Of Justice
District Superior Court Division

Name Of Plaintiff: Ana Ligia Mateo
Address: 6729 Fairview Road, Suite E
City, State, Zip: Charlotte NC 28210

JAN 05 2010

GENERAL COUNSEL CIVIL SUMMONS

ALIAS AND PLURIES SUMMONS

VERSUS
Name Of Defendant(s): Charlotte- Mecklenburg County Board of Education
and Charlotte-Mecklenburg Board of Education

Date Original Summons Issued: Received
Date(s) Subsequent Summons(es) Issued: JAN 5 2010
G.S. 1A-1, Rules 3, 4
Charlotte-Meck Schools H.R. Records

To Each Of The Defendant(s) Named Below:

Name And Address Of Defendant 1: Charlotte-Mecklenburg County Board of Education
Attn: Peter Gorman, Superintendent
1609 Alleghany Street
Charlotte NC 28208

Name And Address Of Defendant 2: Charlotte-Mecklenburg Board of Education
Attn: Peter Gorman, Superintendent
1609 Alleghany Street
Charlotte NC 28208

A Civil Action Has Been Commenced Against You!

You are notified to appear and answer the complaint of the plaintiff as follows:

- 1. Serve a copy of your written answer to the complaint upon the plaintiff or plaintiff's attorney within thirty (30) days after you have been served.
2. File the original of the written answer with the Clerk of Superior Court of the county named above.

If you fail to answer the complaint, the plaintiff will apply to the Court for the relief demanded in the complaint.

Name And Address Of Plaintiff's Attorney (If None, Address Of Plaintiff): Tamara W. Brooks, Esq.
Brooks Law Office
6729 Fairview Road, Suite E
Charlotte NC 28210

Date Issued: 12-31-09
Time: 1:50
Signature: [Handwritten Signature]
Deputy CSC Assistant CSC Clerk Of Superior Court

ENDORSEMENT
This Summons was originally issued on the date indicated above and returned not served. At the request of the plaintiff, the time within which this Summons must be served is extended sixty (60) days.

Date Of Endorsement
Time
Signature
Deputy CSC Assistant CSC Clerk Of Superior Court

NOTE TO PARTIES: Many counties have MANDATORY ARBITRATION programs in which most cases where the amount in controversy is \$15,000 or less are heard by an arbitrator before a trial.

FILED

DEC 31 PM 1:52

STATE OF NORTH CAROLINA IN THE GENERAL COURT OF JUSTICE
MECKLENBURG COUNTY, C.S.C. SUPERIOR COURT DIVISION
MECKLENBURG COUNTY 09-CVS-30758

ANA LIGIA MATEO,

Plaintiff,

v.

CHARLOTTE-MECKLENBURG COUNTY
BOARD OF EDUCATION also known as
CHARLOTTE-MECKLENBURG SCHOOLS
and CHARLOTTE-MECKLENBURG BOARD
OF EDUCATION,

Defendant.

COMPLAINT

(Jury Trial Demanded)

The Plaintiff, Ana Ligia Mateo, by and through counsel, complaining of Defendant, alleges and says as follows:

JURISDICTIONAL STATEMENT AND PARTIES

1. Plaintiff, Ana Ligia Mateo (hereinafter also referred to as "Plaintiff" and/or "Mateo"), is and was at all pertinent times a citizen of the United States and a resident of Charlotte, Mecklenburg County, North Carolina.

2. Defendant, Charlotte-Mecklenburg County Board of Education is a municipal, public entity, properly recognized, sanctioned, and regulated by the laws of the state of North Carolina, operating a public school system in Charlotte, Mecklenburg County, North Carolina. Defendant Charlotte-Mecklenburg County Board of Education is authorized by law to sue and be sued in its

corporate name and has waived its governmental immunity to this action through the purchase of a liability insurance policy.

3. Defendant, Charlotte-Mecklenburg County Board of Education is also known as Charlotte Mecklenburg Schools and/or Charlotte-Mecklenburg Board of Education (hereinafter referred to as "Defendant CMS")

4. This court has jurisdiction over the subject matter of this Complaint as Plaintiff is alleging a violation of her rights under Title VII of the Civil Rights Act of 1964, as amended, 42 USC § § 2000e *et seq.* and under state law.

5. Venue is proper as the alleged unlawful acts were committed within Mecklenburg County, North Carolina.

6. At all times herein mentioned, Defendant was an employer within the meaning of Title VII of the Civil Rights Act of 1964, 42 USC § 2000e *et seq.* and under state law, having fifteen (15) or more employees, and as such was prohibited from discriminating or retaliating in employment on the basis of national origin or race.

7. On or about September 24, 2008, Plaintiff filed a charge of discrimination with the Charlotte District Office of the U.S. Equal Employment Opportunity Commission, EEOC Charge No. 430-2008-04832, alleging discrimination based on national origin. A copy of Plaintiff's charge of discrimination is attached and incorporated by reference hereto as "Exhibit A."

8. Plaintiff's charge of discrimination was filed with the Equal Employment Opportunity Commission within one hundred eighty (180) days after the alleged unlawful employment practices occurred, satisfying the requirements of 42 USC § 2000 e-5 (b) and (e).

9. On June 24, 2009, the Equal Employment Opportunity Commission issued a Letter of Determination to Plaintiff in the matter of EEOC Charge No.: 430-2008-04832, stating in

relevant part that “Evidence obtained during the investigation supports Charging Party’s discrimination allegation. The investigation revealed through witness testimony that Charging Party was told she could not speak Spanish because of her National Origin, Hispanic. Therefore, there is reasonable cause to believe that a violation of Title VII has occurred”. A copy of the EEOC’s Letter of Determination is attached and is incorporated by reference hereto as “Exhibit B.”

10. On October 7, 2009, the Equal Employment Opportunity Commission issued a notice of Right to Sue to Plaintiff in the matter of EEOC Charge No.: 430-2008-04832, which was received within ninety (90) days of the filing of this action. A copy of the EEOC’s Letter of Determination is attached and is incorporated by reference hereto as “Exhibit C.”

11. Plaintiff has complied with all jurisdictional and procedural requirements of Title VII before initiating this proceeding.

STATEMENT OF FACTS

12. The allegations contained in paragraphs 1-11 of the Complaint are re-alleged and incorporated by reference as though fully set forth herein.

13. Plaintiff’s race and/or national origin is Hispanic / Nicaraguan. Plaintiff is bilingual, with the ability to speak English and Spanish fluently. At all times relevant to this Complaint, Defendant CMS knew, and has known Plaintiff’s national origin, race and ability to speak English and Spanish fluently. More importantly, Defendant’s agents, in supervisory and lateral positions to Plaintiff have known of Plaintiff’s race, national origin and ability to speak English and Spanish fluently.

14. Defendant CMS hired Plaintiff as a Spanish Bilingual Secretary during August, 2006, to work at Devonshire Elementary School in Charlotte, Mecklenburg County, North Carolina.

15. Devonshire Elementary School has a high population of Spanish-speaking parents, and Plaintiff's job duties included but were not limited to translating for and assisting Spanish-speaking parents.

16. At all times while employed with Defendant CMS, Plaintiff has met the reasonable expectations of her employer for the position held by her. Throughout her employment with Defendant, Plaintiff received various verbal accolades related to her employment up and until she complained of discrimination and retaliation with her managers, Human Resources Department and the Equal Employment Opportunity Commission (hereinafter also referred to as the EEOC).

17. Plaintiff also received a merit increase during the course of her employment with Defendant, further indicative and supportive of her status as a good employee.

18. On or about July 1, 2008, Suzanna Gimenez (white female) began working at Devonshire Elementary School as the school's new principal.

19. On or about September 2008, Suzanna Gimenez announced in a staff meeting that she would no longer allow Spanish to be spoken to parents by any of the faculty or staff at Devonshire Elementary School.

20. During the September, 2008 meeting, Defendant, by and through Ms. Gimenez, further instructed that Plaintiff and other bilingual staff members would no longer be permitted to speak Spanish or to translate for parents.

21. In September 2008, Plaintiff and other Hispanic faculty and staff greeted one another in Spanish during Plaintiff's lunch break. During this exchange, Assistant Principal, Kimberly

Vaughn (African-American female) approached Plaintiff and instructed her to speak in English only.

22. After the September 2008 meeting, a group of Spanish-speaking parents approached Plaintiff as she was exiting her motor vehicle. The parents spoke to Plaintiff in Spanish and asked if it were true that Plaintiff could no longer translate in English for them. Plaintiff responded in Spanish to the group and confirmed the new rule. During this exchange, Ms. Vaughn approached Plaintiff and instructed her to stop speaking Spanish to the parents. Ms. Vaughn further advised Plaintiff that it looked like Plaintiff had teamed up with Spanish parents instead of the Devonshire Elementary School staff, and advised that "it did not look right".

23. During September 2008, there were multiple occasions in which a Spanish-speaking parent would ask Plaintiff school-related questions in Spanish. Plaintiff would respond in English to these questions. Many of the parents, however, could not understand Plaintiff's English response. Plaintiff would try to speak Spanish briefly so parents could understand. On these occasions, Financial Secretary, Alicia Jones (African-American female) would instruct Plaintiff to speak English only.

24. During September 2008, Ms. Jones would sit next to Plaintiff and instruct Plaintiff to speak English only when a Spanish-speaking parent would call over the telephone.

25. During September 2008, many Spanish-speaking parents began to ask questions or had issues and would request Plaintiff to translate for them as she had done previously in the course and scope of her employment. Plaintiff nonetheless was instructed by Ms. Gimenez and her agents that she could not translate or speak Spanish.

26. During September 2008, a Spanish-speaking parent came to the school crying and stating in Spanish that someone at the school had placed a stick in her seven-year-old son's buttocks.

Plaintiff asked Ms. Gimenez if she could translate for the parent. Ms. Gimenez refused and told the parent her seven-year-old son could translate. The parent continued to cry and eventually left without having her issue resolved because she could not understand the Ms. Gimenez's responses.

27. On or about September 16th, a Spanish-speaking parent approached Plaintiff while crying. The parent asked Plaintiff in Spanish why she [the parent] was no longer allowed at Devonshire Elementary School. The parent spoke limited English. Plaintiff attempted to respond in English. However, the parent did not understand. Plaintiff responded to the parent in Spanish that she did not know why, but advised she would try to find out for her.

28. During this exchange, Ms. Vaughn approached Plaintiff and instructed her to stop speaking Spanish. Plaintiff explained the parent's question to Ms. Vaughn. Ms. Vaughn responded that the parent knew why she was no longer allowed in the building. The parent continued to cry. Ms. Gimenez then approached Plaintiff and screamed at Plaintiff that she could not speak Spanish to any parents. Plaintiff responded to Ms. Gimenez by asking her not to speak to her that manner or tone. Ms. Gimenez instructed Plaintiff to wait for her in a nearby conference room.

29. As Plaintiff waited in the conference room, Ms. Vaughn and Ms. Jones approached Plaintiff. Ms. Vaughn told Plaintiff she knew Plaintiff empathized with the Hispanic parents because Plaintiff "crossed the border just like them".

30. Plaintiff advised Ms. Vaughn that this was untrue. She also advised Ms. Vaughn that she believed Ms. Vaughn, Ms. Jones and Ms. Gimenez had violated her civil rights. In response, Ms. Vaughn advised Plaintiff that she could lose her job. She also advised that she knew Plaintiff needed a job because Plaintiff had children.

31. During this meeting, Ms. Gimenez told Plaintiff she had been hired to make Devonshire Elementary School a better place and she believed Plaintiff was getting in her way. She advised that she believed Plaintiff was conspiring with Hispanic parents against her and the school.

32. Ms. Gimenez further advised Plaintiff that she believed her problems with the Hispanic parents at Devonshire Elementary School were Plaintiff's fault.

33. Ms. Gimenez further advised Plaintiff that she could either follow her policy of no Spanish speaking or she could leave.

34. Plaintiff advised Ms. Gimenez that she was going to go downtown to Human Resources and file a complaint. To which, Ms. Gimenez told Plaintiff she could go to Human Resources. Ms. Gimenez further advised Plaintiff that she would be "making a fool" of herself if she continued to complain.

35. Plaintiff met with Human Resources Representative, Paula Rinnix (African-American female) to file a complaint. Ms. Rinnix advised Plaintiff that she would investigate the matter and contact her back.

36. Ms. Rinnix contacted Plaintiff that same day and advised Ms. Gimenez would not change her mind about the No Spanish Policy. Ms. Rinnix further advised Plaintiff that Ms. Gimenez would not allow Plaintiff to come back to Devonshire Elementary School unless Plaintiff signed documentation related to the No Spanish Policy.

37. Plaintiff advised Ms. Rinnix she did not believe the policy was fair. She requested to be transferred to another school. Ms. Rinnix advised Plaintiff she would not be transferred.

38. Shortly thereafter, Plaintiff filed a complaint with School Superintendent, Peter Gorman (Caucasian male). Mr. Gorman and/or his representative advised Plaintiff to meet with the

Director of Human Resources to file her complaint.

39. Shortly thereafter, Plaintiff was instructed to attend a meeting in which the Defendant's Chief Human Resources Officer, Maurice Ambler (African-American male), Ms. Rinnix and an attorney for Defendant were in attendance. The group advised Plaintiff that Ms. Gimenez would not accept her back at Devonshire Elementary School. They further advised that Ms. Gimenez would accept Plaintiff's resignation.

40. During the meeting, Plaintiff advised that she did not resign from her position and further had no intention of resigning. She again requested to be placed at another school. The group advised that Plaintiff could not return to Devonshire Elementary School and would have to re-apply for a position at another school. The group advised Plaintiff to go to Human Resources in that same building and apply for a different position.

41. Plaintiff did as the group instructed and was later informed by Human Resources that they had no positions available for her. Consequently, Plaintiff's employment was effectively terminated by the Defendant on or about September 24, 2008.

42. Plaintiff was subject to a hostile work environment that created a high degree of emotional stress and anguish for Plaintiff.

43. Moreover, at all times, Defendant knew and should have known such illegal and inappropriate behavior toward Plaintiff and Defendant's refusal to take necessary and proper corrective measures created emotional stress and anguish for Plaintiff.

FIRST CAUSE OF ACTION: Violation of Title VII

43. The allegations contained in paragraphs 1-42 of the Complaint are re-alleged and incorporated by reference as though fully set forth herein.

44. Defendant discriminated against Plaintiff on the basis of her national origin and race through verbal attacks, threats, disparate treatment, harassment, unfair job demands, unwarranted disciplinary actions and refusal to address the discrimination, although it had the obligation, opportunity, and means to do so.

45. Defendant created stress and otherwise adversely treated Plaintiff, all in violation of Title VII of the Civil Rights Act of 1964, as amended.

46. As a direct and proximate result of Defendant's actions, Plaintiff suffered compensatory damages including, but not limited to damages to her future career and livelihood, lost wages, lost fringe benefits and other benefits in an amount in excess of \$100,000.00, for which Defendant is liable.

SECOND CAUSE OF ACTION: Title VII Retaliation

47. The allegations contained in paragraphs 1-46 of the Complaint are re-alleged and incorporated by reference as though fully set forth herein.

48. Defendant retaliated against Plaintiff because she complained and continued to complain about discriminatory employment practices pursuant to Title VII of the Civil Rights Act of 1964, as amended.

49. Defendant unfairly criticized, harassed, disciplined and verbally attacked and ultimately terminated Plaintiff based upon the fact that Plaintiff complained and continued to complain about actions she reasonably believed constituted violations of Title VII of the Civil Rights Act

of 1964.

50. As a direct and proximate result of Defendant's actions, Plaintiff has suffered compensatory damages including, but not limited to, damages to her future career and livelihood, lost wages, lost fringe benefits, and other benefits in an amount in excess of \$100,000.00 for which Defendant is liable.

THIRD CAUSE OF ACTION: Negligent Supervision of an Employee

51. The allegations contained in paragraph 1-50 of the Complaint are re-alleged and incorporated by reference as though fully set forth herein.

52. The actions and conduct of the aforementioned managers, as well as other managers not necessarily named in this complaint, were tolerated, condoned, and/or ratified by Defendant when Defendant knew or should have known such actions were in violation of Plaintiff's federally- and state-protected rights and were inflicting stress and anxiety upon Plaintiff.

53. Defendant knew or should have known unless it intervened to protect Plaintiff and adequately supervise, prohibit, control, regulate, discipline, and/or otherwise penalize the conduct and actions of its employees, including but not limited to actions of Ms. Gimenez, Ms. Rinnix and Ms. Vaughn among others, that it would be violating Plaintiff's federally and state-protected rights and subjecting Plaintiff to undue emotional stress and turmoil.

54. Defendant is liable for its failure to properly supervise, prohibit, control, regulate, discipline, and/or otherwise penalize the conduct and action of its employees, and as a direct result, Plaintiff has suffered pecuniary losses including lost wages, benefits, and employment opportunities for

which Defendant is liable in an amount in excess of \$10,000.00.

FOURTH CLAIM FOR RELIEF AGAINST DEFENDANT: Wrongful Termination in

Violation of North Carolina Public Policy

55. The allegations contained in paragraphs 1-54 of the Complaint are re-alleged and incorporated by reference as though fully set forth herein.

56. As expressed by N.C. Gen. Stat. § 143-422.2, it is the public policy of the state of North Carolina to protect and safeguard the right and opportunity of all persons to seek, obtain, and hold employment without discrimination or abridgement on account of race, religion, color, national origin, sex, age, or handicap by employers which regularly employ fifteen (15) or more employees.

57. Defendant unlawfully discharged Plaintiff from her employment for reasons including but not limited to those described above including: discrimination, harassment and disparate treatment because of her race and/or national origin all in violation of the public policy of the State of North Carolina.

58. As a direct and proximate result of Defendants' unlawful and intentional conduct, Plaintiff has suffered damages in excess of \$10,000.00, including lost wages, lost benefits, diminished reputation, mental and emotional suffering, and other incidental and consequential damages, for which Defendant is liable.

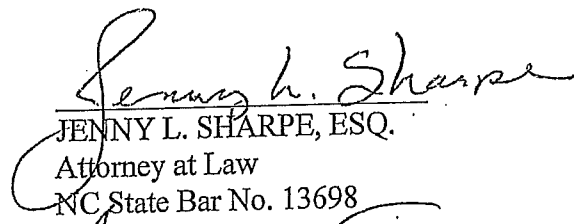
PRAYER FOR RELIEF

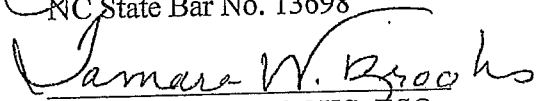
WHEREFORE, Plaintiff prays the Court as follows:

- a. That on her claim for violations of Title VII of the Civil Rights Acts of 1964, as amended for discrimination and harassment based on Plaintiff's national origin and race, Plaintiff has and recovers compensatory damages in an amount in excess of \$10,000.00 against Defendant.
- b. That on her claims for retaliation, Plaintiff has and recovers compensatory damages in an amount in excess of \$10,000.00 against Defendant.
- c. That on her claims for negligent supervision of an employee, Plaintiff has and recovers compensatory damages in an amount in excess of \$10,000.00 against Defendant.
- d. That on her claims for Wrongful Termination in violation of North Carolina Public Policy, Plaintiff has and recovers compensatory damages in an amount in excess of \$10,000.00 against Defendant.
- e. That costs and reasonable attorney's fees be taxed against Defendant pursuant to the applicable statutes.
- f. That a jury tries all issues of fact.

g. For such further and other relief as this Court deems just and proper.

This the 31 day of December, 2009.


JENNY L. SHARPE, ESQ.
Attorney at Law
NC State Bar No. 13698


TAMARA W. BROOKS, ESQ.
Attorney at Law
NC State Bar No. 24139
Attorneys for Plaintiff
6729 Fairview Road, Suite E
Charlotte, NC 28210
Office: 704.365.3873

STATE OF NORTH CAROLINA


MECKLENBURG COUNTY

VERIFICATION

Ana Ligia Mateo, being duly sworn, deposes and says:

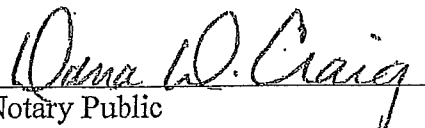
She is the Plaintiff in the foregoing civil action. That she has read the Complaint filed in this action. That the allegations contained in that document are true and are based upon her own knowledge and belief; and as to those matters and things stated in his Complaint upon information and belief, she believes them to be true.

This the 31 day of December, 2009.

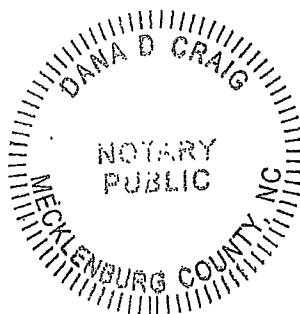


Ana L. Mateo

Sworn to and subscribed before me
this the 31 day of Dec., 2009.



Notary Public



My commission expires: 8/24/2011.

<p>CHARGE OF DISCRIMINATION</p> <p>This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.</p>	<p>Charge Presented To: Agency(ies) Charge No(s):</p> <p><input type="checkbox"/> FEPA <input checked="" type="checkbox"/> EEOC</p> <p style="text-align: right;">430-2008-04832</p>
---	---

and EEOC

State or local Agency, if any

Name (Indicate Mr., Ms., Mrs.) Ms. Ana L. Mateo	Home Phone (Incl. Area Code) (704) 287-4997	Date of Birth 06-05-1972
---	---	------------------------------------

Street Address 6016 Timmons Ct,	City, State and ZIP Code Charlotte, NC 28227
---	--

Named Is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)

Name CHARLOTTE MECKLENBURG SCHOOL	No. Employees, Members 500 or More	Phone No. (Include Area Code) (980) 343-3000
---	--	--

Street Address 701 E. Martin Luther King Jr. Blvd,	City, State and ZIP Code Charlotte, NC 28202
--	--

Name	No. Employees, Members	Phone No. (Include Area Code)

Street Address	City, State and ZIP Code

<p>DISCRIMINATION BASED ON (Check appropriate box(es).)</p> <p> <input type="checkbox"/> RACE <input type="checkbox"/> COLOR <input type="checkbox"/> SEX <input type="checkbox"/> RELIGION <input checked="" type="checkbox"/> NATIONAL ORIGIN <input type="checkbox"/> RETALIATION <input type="checkbox"/> AGE <input type="checkbox"/> DISABILITY <input type="checkbox"/> OTHER (Specify below.) </p>	<p>DATE(S) DISCRIMINATION TOOK PLACE</p> <table style="width:100%;"> <tr> <td style="text-align: center;">Earliest</td> <td style="text-align: center;">Latest</td> </tr> <tr> <td style="text-align: center;">09-09-2008</td> <td style="text-align: center;">09-24-2008</td> </tr> </table> <p><input type="checkbox"/> CONTINUING ACTION</p>	Earliest	Latest	09-09-2008	09-24-2008
Earliest	Latest				
09-09-2008	09-24-2008				

THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):

1. I was employed by the above named employer in August of 2006, as a Spanish Bilingual Secretary. On September 9, 2008, in a staff meeting I was informed by Ms. Suzanna Gimenez (white), Principal that I could not speak Spanish. The Spanish monolingual parents would come to me and Ms. Gimenez would tell me that I could not speak Spanish to them. On September 15, 2008, Ms. Gimenez, Ms. Alicia Jones (Black), Financial Secretary, and Ms. Vaughn (Black), Assistant Principal had a meeting with me and stated that I was allegedly insubordinate for speaking Spanish to the parents. Ms. Vaughn informed me that I was going to lose my job because of speaking Spanish to the parents and that she knew that I identified with the Hispanics since I crossed the border just like them. Ms. Gimenez then told me that I either work with her rules of not speaking Spanish or I leave. I informed Ms. Gimenez that I was going to complain to Human Resources. This same day I complained to Ms. Paula Rinnix, Human Resources and I requested to be moved from the school. Ms. Rinnix told me that she could not transfer me and that if Ms. Gimenez had an English only policy I needed to follow it. On September 16, 2008, I received a letter stating that they were going to accept my resignation; however, I never informed them that I was resigning.

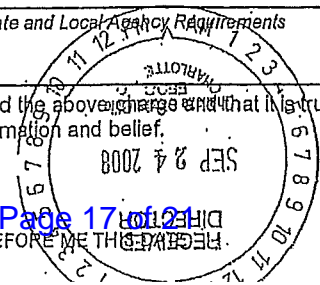
I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the above is true and correct.

NOTARY - When necessary for State and Local Agency Requirements

I swear or affirm that I have read the above charge and that I believe to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT



CHARGE OF DISCRIMINATION

This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.

Charge Presented To: Agency(ies) Charge No(s):

FEPA

EEOC

430-2008-04832

and EEOC

State or local Agency, if any

THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):

- II. Mr. Maurice Ambler, Chief Human Resources stated that I needed to follow Ms. Gimenez's rules.
- III. I believe that I was being subjected to an English Only Policy and discharged because of my National Origin, Hispanic, in violation of Title VII of the Civil Rights Act of 1964, as amended.

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

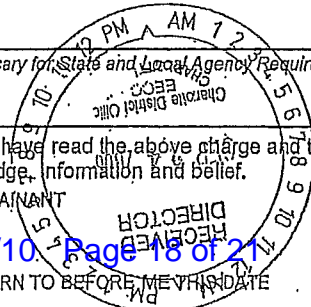
I declare under penalty of perjury that the above is true and correct.

NOTARY - When necessary for State and Local Agency Requirements

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (month, day, year)





U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
Charlotte District Office

129 West Trade Street, Suite 400
Charlotte, NC 28202
(704) 344-6682
TTY (704) 344-6684
FAX (704) 344-6734 & 6731

Charge No. 430-2008-04832

Ms. Ana Mateo
6016 Timmons Ct
Charlotte, NC 28227

Charging Party

Charlotte Mecklenburg Schools
701 E. Martin Luther King Jr. Blvd.
Charlotte, NC 28202

Respondent

DETERMINATION

I issue the following letter of determination on the merits of this charge. Respondent is an employer within the meaning of Title VII of the Civil Rights Act of 1964, as amended and timeliness, and all other requirements for coverage have been met.

The Charging Party alleges she was not able to speak Spanish because of her National Origin, Hispanic and she was forced to resign in retaliation because of Respondent's English Only Policy, in violation of Title VII of the Civil Rights Act of 1964, as amended. Respondent denies Charging Party's allegations and states Charging Party was informed not to speak Spanish because of insubordination.

Evidence obtained during the investigation supports Charging Party's discrimination allegation. The investigation revealed through witness testimony that Charging Party was told she could not speak Spanish because of her National Origin, Hispanic. Therefore, there is reasonable cause to believe that a violation of Title VII has occurred.

Upon finding that a violation has occurred, the Commission attempts to eliminate the alleged unlawful practices by informal methods of conciliation. Therefore, the Commission now invites the parties to join with it in reaching a just resolution of the matter. The confidentiality provisions of Sections 706 and 709 of Title VII and Commission Regulations apply to information obtained during conciliation.

If Respondent declined to discuss settlement or when, for any other reason, a settlement acceptable to the Office Director is not obtained, the Director will inform the parties and advise them of the court enforcement alternatives available to aggrieved persons and the Commission. A Commission representative will contact each party in the near future to begin conciliation.



Charge Number: 430-2008-04832

Page 2 of 2

You are reminded that Federal law prohibits retaliation against persons who have exercised their right to inquire or complain about matters they believe may violate the law. Discrimination against persons who have cooperated in Commission investigations is also prohibited. These protections apply regardless of the Commission's determination on the merits of the charge.

On Behalf of the Commission:

June 24, 2009
Date

Maria J. Barnett for
Reuben Daniels
District Director
Charlotte District Office



U.S. Department of Justice

Civil Rights Division

Employment Litigation Section - PHB
950 Pennsylvania Avenue, N.W.
Washington, DC 20530
www.usdoj.gov/crt/emp/emphome.html

NOTICE OF RIGHT TO SUE WITHIN 90 DAYS

LK:KDW:mdw
DJ 170-55-134

OCT 07 2009

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Ana Mateo
6016 Timmons Court
Charlotte, NC 28227

Re: Ana Mateo v. Charlotte-Mecklenburg
Schools, EEOC No. 430-2008-04832

Dear Ms. Mateo:

It has been determined that the Department of Justice will not file suit on the above-referenced charge of discrimination that was referred to us by the Equal Employment Opportunity Commission (EEOC). This should not be taken to mean that the Department of Justice has made a judgment as to whether or not your charge is meritorious.

You are hereby notified that conciliation in this matter was unsuccessful by the EEOC. You are further notified that you have the right to institute a civil action under Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e, et seq., against the above-named respondent. If you choose to commence a civil action, such suit must be filed in the appropriate court within 90 days of your receipt of this Notice.

Therefore, you should consult an attorney of your own choosing at your earliest convenience. If you are unable to locate an attorney, you may wish to contact the EEOC, or apply to the appropriate court, since that court may appoint an attorney in appropriate circumstances under Section 706(f)(1) of Title VII, 42 U.S.C. 2000e-5(f)(1).

We are returning the files in this matter to EEOC's Charlotte District Office. If you or your attorney have any questions concerning this matter or wish to inspect the investigative file, please feel free to address your inquiry to: Reuben Daniels, Jr., District Director, EEOC, 129 West Trade St., Suite 400, Charlotte, NC 28202.

Sincerely,

Loretta King
Acting Assistant Attorney General
Civil Rights Division

By:

Karen D. Woodard
Deputy Chief
Employment Litigation Section

