

State of Wisconsin



Labor and Industry Review Commission

Jonathan Valentin,
Complainant

Octapharma OPI,
Respondent

ERD Case No. CR202402541

Public Accommodation Decision¹

Dated and Mailed:

December 11, 2025

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

By the Commission:

/s/

Michael H. Gillick, Chairperson

/s/

Georgia E. Maxwell, Commissioner

/s/

Marilyn Townsend, Commissioner

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

Procedural Posture

This case is before the commission to consider the complainant's allegation that the respondent discriminated against him based upon his race and national origin, in violation of the Wisconsin Public Accommodation and Amusement Law (hereinafter "WPAAL"). On May 22, 2025, an equal rights officer for the Equal Rights Division of the Department of Workforce Development issued an initial determination finding no probable cause to believe discrimination occurred. The complainant appealed and the matter was certified to hearing before an administrative law judge. However, prior to any hearing being held, the respondent filed a motion to dismiss for lack of jurisdiction. On September 3, 2025, the administrative law judge issued a decision granting the respondent's motion and dismissing the complaint. The complainant filed a timely petition for commission review of that decision.

The commission has considered the petition and the positions of the parties and has reviewed the information that was before the administrative law judge. Based on its review, the commission agrees with the decision of the administrative law judge, and adopts the findings and conclusions in that decision as its own.

Memorandum Opinion

The question presented in this appeal is whether the respondent's business, a plasma donation center, is a "public place of accommodation or amusement" that is covered by the WPAAL. In his petition for review the complainant argues, among other things, that the plasma center provides a service that is essential to the continuing operation of the business and, further, that the statute applies to all clinics and hospitals. The commission has considered the complainant's arguments, but does not find them persuasive. The commission has previously held that a plasma center is not a "public place of accommodation or amusement," within the meaning of the WPAAL. *Ponick v. Community Bio Resources*, ERD Case No. 200100934 (LIRC Aug. 30, 2001). Unlike a health care clinic where members of the public can receive health care services for pay, a plasma center does not provide services to the general public for pay. To the contrary, the plasma center is open only to those donors who meet the respondent's screening requirements and who are, in turn, compensated by the respondent for their donations. Any "services" the plasma center provides are not services to the public but, rather, are services provided to other businesses.² Because the commission agrees with the administrative law judge that the respondent is not a public place of accommodation or amusement, within the meaning of the WPAAL, the dismissal of the complaint is affirmed.

NOTE: The complainant's petition includes a request for a variety of records, including, but not limited to, "any donation, donation screening, donation

² The business purpose of the plasma center at issue is to procure plasma for further manufacture into pharmaceutical products. (See Respondent's Motion to Dismiss for Lack of Subject Matter Jurisdiction and Memorandum of Law in Support, p. 2).

vital checks and donation deferral records,” which the complainant indicates he wants to see “before the closing of this investigation.” However, the commission has no access to the respondent’s business records, nor does it perform an independent investigation into the facts of the case. Rather, the commission’s role is to review the decision that was issued by the administrative law judge based upon the information or evidence the administrative law judge had before him.

cc: Atty. Corey J. Triggs