

STATE OF INDIANA
CIVIL RIGHTS COMMISSION

DOCKET NO. EMra07010038
EEOC NO. 24FA700142

BOBBY ABNEY,
Complainant,

FILE DATED

v.

NOV 20 2009

DELUXE COATINGS, INC.;
Respondent.

Indiana State Civil Rights Commission

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

On October 7, 2009, Robert D. Lange, Administrative Law Judge ("ALJ") for the Indiana Civil Rights Commission ("ICRC"), entered his Proposed Findings Of Fact, Conclusions Of Law, And Order ("the proposed decision").

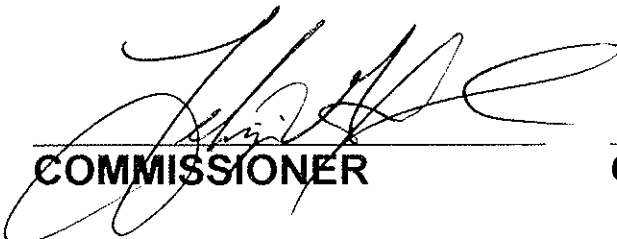
No objections have been filed to the ICRC's adoption of the proposed decision.

Having carefully considered the foregoing and being duly advised in the premises, the ICRC hereby adopts as its own the findings of fact, conclusions of law, and order proposed by the ALJ in the proposed decision, a copy of which is attached hereto and incorporated herein by reference.

INDIANA CIVIL RIGHTS COMMISSION


COMMISSIONER


COMMISSIONER


COMMISSIONER


COMMISSIONER

Dated: 20 November 2009

To be served by first class mail on the following parties and attorneys of record:

Bobby Abney
5901 Buckrill Drive
Indianapolis, IN 46237

HASKIN & LaRUE, LLP
BY :Christopher S. Wolcott, Esq.
Attorneys for Complainant Bobby Abney
255 North Alabama Street
Indianapolis, IN 46204-2131

Deluxe Coatings, Inc.
c/o Scott J. Lawler, President
13257 Britton Park Drive
Fishers, IN 46038

HALL, RENDER, KILLIAN, HEATH & LYMAN, P.C.
BY: Craig W. Wiley, Esq. and Jennifer Handel Richter, Esq.
Attorneys for Respondent Deluxe Coatings, Inc.
One American Square, Suite 2000
Box 82064
Indianapolis, IN 46282

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BOBBY ABNEY,
Complainant,

v.

DELUXE COATINGS, INC.;
Respondent.

FILE DATED

OCT 07 2009

Indiana State Civil Rights Commission

**PROPOSED FINDINGS OF FACT, CONCLUSIONS OF LAW,
AND ORDER**

On October 5, 2009, Complainant, Bobby Abney ("Abney"), and Respondent –
Deluxe Coatings, Inc. ("DCI") - filed their Joint Stipulation Of Dismissal With Prejudice.

Having carefully considered the foregoing and being duly advised in the premises,
the undersigned Administrative Law Judge for the Indiana Civil Rights Commission
("ICRC") proposes that the ICRC enter the following findings of fact, conclusions of law,
and order.

FINDINGS OF FACT

1. This proceeding involves Abney's claims that he was subjected to a hostile work environment and eventually terminated from his employment with DCI because of race. COMPLAINT OF DISCRIMINATION (January 23, 2007).
2. DCI denied Abney's claims of unlawful discrimination. ANSWER (March 22, 2007).
3. The Stipulation is expressly motivated by settlement.
4. There is no evidence of fraud, coercion, duress, or any other reason not to approve of the requested dismissal.

5. Any Conclusion Of Law that should have been deemed a Finding Of Fact is hereby adopted as such.

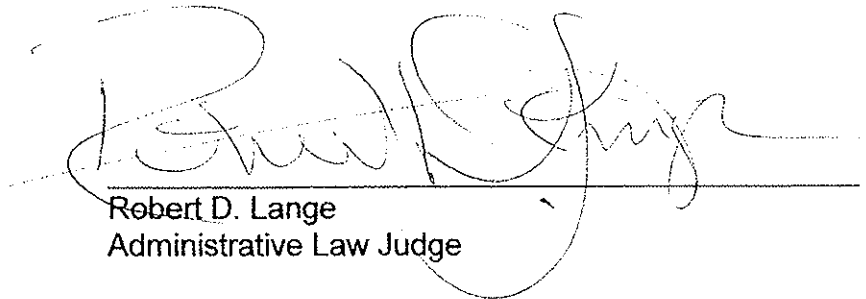
CONCLUSIONS OF LAW

1. The ICRC has jurisdiction over the subject matter and the parties.
2. Settlement is a favored resolution and should be encouraged.
3. Administrative review of this proposed decision may be obtained by the filing of a writing identifying with reasonable particularity each basis of each objection within 15 days after service of this proposed decision. IC 4-21.5-3-29(d).
4. Any Finding Of Fact that should have been deemed a Conclusion Of Law is hereby adopted as such.

ORDER

1. The parties' Joint Stipulation Of Dismissal With Prejudice is **GRANTED**.
2. Abney's complaint is **DISMISSED**, with prejudice.

Dated: 07 October 2009



Robert D. Lange
Administrative Law Judge

To be served by first class mail this 7th day of October, 2009 on the following parties and attorneys of record:

Bobby Abney
5901 Buckrill Drive
Indianapolis, IN 46237

HASKIN & LaRUE, LLP
BY :Christopher S. Wolcott, Esq.
Attorneys for Complainant Bobby Abney
255 North Alabama Street
Indianapolis, IN 46204-2131

Deluxe Coatings, Inc.
c/o Scott J. Lawler, President
13257 Britton Park Drive
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HALL, RENDER, KILLIAN, HEATH & LYMAN, P.C.
BY: Craig W. Wiley, Esq. and Jennifer Handel Richter, Esq.
Attorneys for Respondent Deluxe Coatings, Inc.
One American Square, Suite 2000
Box 82064
Indianapolis, IN 46282

and to be personally served this 7th day of October, 2009 on the following:

Indiana Civil Rights Commission
c/o Tony A. Kirkland, Executive Director
Indiana Government Center North
100 North Senate Avenue, Room NN103
Indianapolis, IN 46204-2255
