

STATE OF INDIANA
CIVIL RIGHTS COMMISSION

DOCKET NO. Hofs10120544
HUD NO. 05-11-0351-8

JAMAL SMITH, in his official capacity as EXECUTIVE
DIRECTOR of the INDIANA CIVIL RIGHTS COMMISSION;
Complainant,

v.

HISTORIC LANDMARK[S FOUNDATION] OF INDIANA[, INC.];
and JAMES P. MORROW;
FILE DATED
Respondents.

JUN 24 2011

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

On March 31, 2011, 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: 24 June 2011

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

Michael J. Liss
107 Elm Street
Valparaiso, IN 46383

Historic Landmark[s Foundation] of Indiana[,Inc.]
c/o Marsh Davis, President
340 West Michigan Street
Indianapolis, IN 46202

BARNES & THORNBURG LLP
BY: Jan M. Carroll, Esq.
Attorneys for Respondent Historic Landmark[s Foundation] of Indiana[,Inc.]
1313 Merchants Bank Building
11 South Meridian Street
Indianapolis, IN 46204-3535

James P. Morrow
2 South Merrivale
P.O. Box 295
Beverly Shores, IN 46301-0295

BECKMAN & BOERSMA, LLP
BY: Bethany J. Beckman, Esq.
Attorneys for Respondent James P. Morrow
720 Franklin Square, Suite B
Michigan City, IN 46360

and to be personally served on the following attorney of record:

Michael C. Healy, Esq.; Staff Counsel
Indiana Civil Rights Commission
Indiana Government Center North
100 North Senate Avenue, Room N103
Indianapolis, IN 46204-2255

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FILE DATED

Respondents.

APR 08 2011

Indiana State Civil Rights Commission

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

On April 6, 2011, Respondent Historic Landmark[s Of Indiana[, Inc].("HLFI"), filed its Notice Of Election ("NOTICE").

Having carefully considered the foregoing and being duly advised in the premises, the undersigned Administrative Law Judge ("ALJ") 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. On March 22, 2011, the Director of the ICRC issued his NOTICE OF FINDING AND ISSUANCE OF CHARGE ("NOTICE AND CHARGE"). The NOTICE AND CHARGE found reasonable cause to believe that the HLFI and/or Respondent James P. Morrow ("Morrow") had committed a violation of the Indiana Fair Housing Act, IC 22-9.5 ("the IFHA") by refusing to extend a lease with Complainant Michael J. Liss ("Liss") and his wife

because of familial status. See COMPLAINT OF DISCRIMINATION (December 10, 2010) ("COMPLAINT") and AMENDMENT TO COMPLAINT OF DISCRIMINATION (February 4, 2011) .

2. HLF I has denied the allegations of unlawful discrimination. ANSWER (January 14, 2011), as has Morrow. ANSWER (February 23, 2011).
3. The NOTICE was filed within 20 days of his receipt of the reasonable cause finding.
4. Any Conclusion Of Law that should have been deemed a Finding Of Fact is hereby adopted as such.

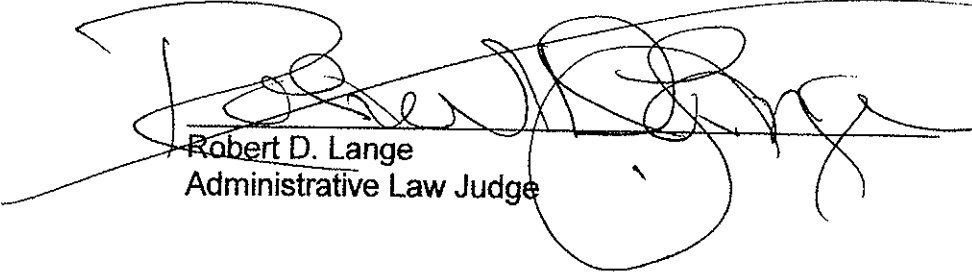
CONCLUSIONS OF LAW

1. Under the IFHA, a complainant, a respondent, or an aggrieved person may elect to have the claims asserted in a reasonable cause finding decided in a civil action. IC 22-9.5-6-12(a).
2. Such an election must be made within 20 days after receipt by the electing party of the reasonable cause finding. IC 22-9.5-6-12(a).
3. The election in the NOTICE was made in a timely manner.
4. Housing Rule 7.9(a) of the ICRC provides, in material part, as follows:
(If ... the respondent ... makes a timely election to have the claims asserted in the charge asserted in a civil action under IC 22-9.5-6-12, the administrative law judge shall dismiss the proceeding..
910 IAC 2-7-9(a).
5. This complaint must be dismissed under 910 IAC 2-7-9(a).
6. 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).
7. Any Finding Of Fact that should have been deemed a Conclusion Of Law is hereby adopted as such.

ORDER

1. Liss's COMPLAINT, as amended, is **DISMISSED**, with prejudice.
2. The NOTICE AND CHARGE is **DISMISSED**, with prejudice.
3. The Initial Pre-Hearing Conference that had been scheduled for April 18, 2011 is **CANCELLED**.

Dated: 08 April 2011



Robert D. Lange
Administrative Law Judge

To be served by first class mail this 8th day of April, 2011 on the following parties and attorneys of record:

Michael J. Liss
107 Elm Street
Valparaiso, IN 46383

Historic Landmark[s Foundation] of Indiana[,Inc.]
c/o Marsh Davis, President
340 West Michigan Street
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and to be personally served this 8th day of April, 2011 on the following attorney of record:

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Indiana Civil Rights Commission
Indiana Government Center North
100 North Senate Avenue, Room N103
Indianapolis, IN 46204-2255

and to be served by electronic mail this 8th day of April, 2011 on the following:

Indiana Civil Rights Commission
c/o Jamal L. Smith, Executive Director