

STATE OF INDIANA
CIVIL RIGHTS COMMISSION

DOCKET NO. HOha07050228
HUD NO. 05-07-0880-8

JERRY BEAL,
Complainant,

v.

COLLEEN OLUND,
MISHAWAKA HOUSING
AUTHORITY,
Respondent.

FILE DATED

MAY 16 2008

Indiana State Civil Rights Commission

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER


On January 31, 2008, 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.

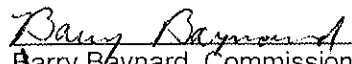
Having carefully considered the foregoing and being duly advised in the premises, the ICRC hereby adopts as its own the findings of fact, conclusions of law, and order proposed by the ALJ in the proposed decision, a copy of which is attached hereto and incorporated herein by reference.

INDIANA CIVIL RIGHTS COMMISSION

Alpha Blackburn, Chairperson



David C. Carter, Vice-Chairperson




Barry Baynard, Commissioner

Tehiji G. Crenshaw, Commissioner



John E. Garcia, Commissioner

Charles D. Gidney, Commissioner



Steven A. Ramos, Commissioner

Dated: 16 May 2008

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

Jerry Beal
PO Box 1675
Mishawaka, IN 46546-1675

Colleen Olund, Mishawaka Housing Authority
PO Box 1347
Mishawaka, IN 46546

LITCHFIELD CAVO LLP
BY: Nicholas J. Parolisi, Jr., Esq.
Attorneys for Respondent Colleen Olund, Mishawaka Housing Authority
303 West Madison Street
Suite 300
Chicago, IL 60606

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

Joshua S. Brewster, Esq.; Staff Attorney
Indiana Civil Rights Commission
Indiana Government Center North
100 North Senate Avenue, Room N103
Indianapolis, IN 46204-2255

companion animal in violation of the Indiana Fair Housing Act, IC 22-9.5 ("the IFHA"). HOUSING DISCRIMINATION COMPLAINT (May 11, 2007).

2. MHA denied that it refused to rent to Beal because of disability. RESPONDENT, THE HOUSING AUTHORITY OF THE CITY OF MISHAWAKA, INDIANA'S RESPONSE MEMORANDUM IN OPPOSITION TO THE PETITIONER'S (*sic*) HOUSING DISCRIMINATION COMPLAINT (June 23, 2007).

3. On February 19, 2008, the ICRC's Director issued a Notice Of Finding & CHARGE, finding reasonable cause to believe that a violation of the IFHA had occurred. NOTICE OF FINDING & CHARGE (February 19, 2008).

4. On March 12, 2008, MHA filed its Notice Of Election to have this case decided in a state court. NOTICE.

5. 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(b).

3. The election in the NOTICE was filed 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 specifying with reasonable particularity each basis for 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. Beal's complaint is **DISMISSED**, with prejudice.

Dated: 17 March 2008



Robert D. Lange
Administrative Law Judge

To be served by first class mail this 17th day of March, 2008 on the following parties and attorneys of record:

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PO Box 1675
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Mishawaka, IN 46546

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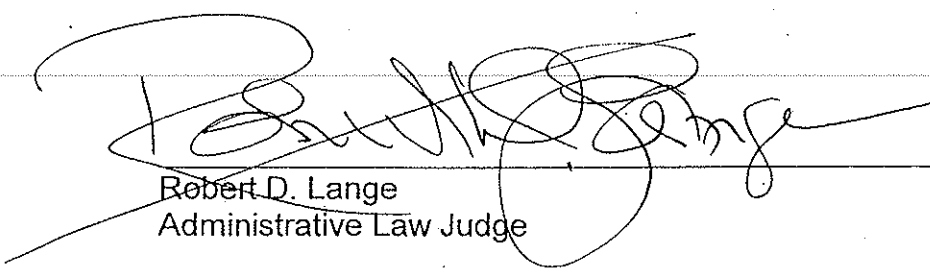
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7. Any Finding Of Fact that should have been deemed a Conclusion Of Law is hereby adopted as such.

ORDER

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Dated: 17 March 2008



Robert D. Lange
Administrative Law Judge

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Chicago, IL 60606

and to be personally served this 17th day of March, 2008 on the following:

Joshua S. Brewster, Esq.; Staff Attorney
Indiana Civil Rights Commission
Indiana Government Center North
100 North Senate Avenue, Room N103
Indianapolis, IN 46204-2255

Indiana Civil Rights Commission
c/o The Honorable Gregory Kellam Scott, Esq.; Director
Indiana Government Center North
100 North Senate Avenue, Room N103
Indianapolis, IN 46204-2255