

**STATE OF INDIANA  
CIVIL RIGHTS COMMISSION**

**DOCKET NO. HOha09020052  
HUD NO. 05-09-0587-8**

**FILE DATED**

AUG 28 2009

**ROBBIE DARDEN, and VANESSA A. REINSTATLER;**  
Indiana State Civil Rights Commission,  
**Complainants,**

**v.**

**HIGHLAND SPRINGS SOUTH HOMEOWNERS ASSOCIATION,  
INC.; BILL DAILEY; GREG CHRISTENSON; JUDI CORBIT; JIM  
MILLER; JEFF AUGUSTINOVICZ; AMANDA FRONEK; SELENA  
MOORE; GEOFF FLINN; TODD HANCOCK; KEN FRONEK;  
KEITH BRENNAN; JOE DAVIS; DAN JUSTUS; and JIM  
HENDERSON;**

**Respondents.**

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

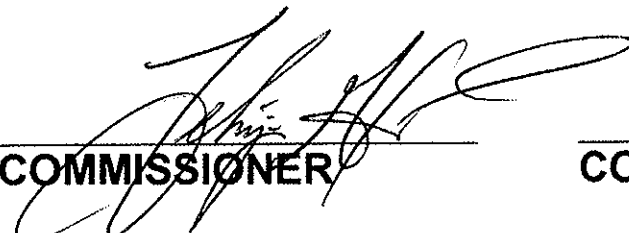
On May 15, 2009, Robert D. Lange, Administrative Law Judge ("ALJ") for the Indiana Civil Rights Commission ("ICRC"), entered his Proposed Findings Of Fact, Conclusions Of Law, And Order ("the proposed decision").

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



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**COMMISSIONER**



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**COMMISSIONER**



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**COMMISSIONER**



\_\_\_\_\_  
**COMMISSIONER**

Dated: 28 August 2009

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

Robbie Darden and Vanessa A. Reinstatler  
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Highland Springs South Homeowners Association, Inc.  
c/o Rhonda Wilson Mickler, President.  
9778 Mirafiel Lane  
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Jim Henderson  
6062 Black Hawk Station  
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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

STATE OF INDIANA  
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ROBBIE DARDEN, and VANESSA A. REINSTATLER;  
**FILE DATED** Complainants,

v.

MAY 15 2009

HIGHLAND SPRINGS SOUTH HOMEOWNERS ASSOCIATION,  
INC.; BILL DAILEY; GREG CHRISTENSON; JUDI CORBIT; JIM  
MILLER; JEFF AUGUSTINOVICZ; AMANDA FRONEK; SELENA  
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KEITH BRENNAN; JOE DAVIS; DAN JUSTUS; and JIM  
HENDERSON;

Respondents.

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

On May 12, 2009, Respondent Bill Dailey ("Dailey") filed his Notice Of Election ("Dailey NOTICE"). On May 14, 2009, Respondent Todd Hancock filed his Notice Of Election ("Hancock 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. Complainant Robbie Darden ("Darden") filed this complaint on February 6, 2009 naming Respondent as "Jim Miller, President, Highland Springs Homeowners

Association” and alleging that the denial of her request to modify her home was unlawful discrimination because of disability in violation of the Indiana Fair Housing Act, IC 22-9.5 (“the IFHA”). HOUSING DISCRIMINATION COMPLAINT (February 6, 2009).

2. On March 26, 2009, the ICRC’s Deputy Director issued her NOTICE OF FINDING AND ISSUANCE OF CHARGE, finding reasonable cause to believe a violation of the IFHA had occurred. NOTICE OF FINDING AND ISSUANCE OF CHARGE (March 26, 2009).

3. On April 2, 2009, Darden amended her complaint to add Vanessa A. Reinstatler as a complainant and change Respondent’s name to “Highland Springs South Homeowner’s Association, Inc.”. AMENDMENT TO COMPLAINT OF DISCRIMINATION (April 2, 2009).

4. On April 21, 2009, Darden amended her complaint again, this time adding the 14 individuals listed in the caption. AMENDMENT TO COMPLAINT OF DISCRIMINATION (April 21, 2009) (“the second amendment”).

5. Notice of the amendment was sent on April 22, 2009. NOTICE OF AMENDMENT (April 22, 2009).

6. It is not clear, on this record when Dailey received the reasonable cause finding; however, it can be no sooner than when he received the second amendment.

7. The Dailey NOTICE was filed within 20 days of his receipt of the reasonable cause finding.

8. 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).

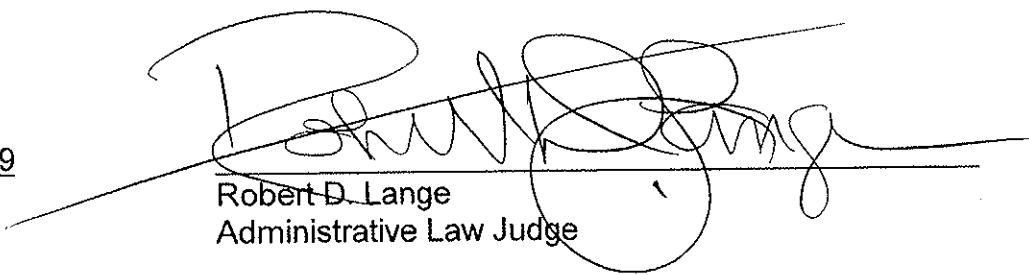
2. Such an election must be made within 20 days after receipt by the electing party of the reasonable cause finding. IC 22-9.5-6-12(a).
3. The election in the Dailey NOTICE was made in a timely manner.
4. Housing Rule 7.9(a) of the ICRC provides, in material part, as follows:  
(If ... the respondent ... 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.

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## ORDER

1. The Initial Pre-Hearing Conference that had been scheduled for Monday, June 22, 2009 is **CANCELLED**.
2. The complaint, as amended, is **DISMISSED**, with prejudice.

Dated: 15 May 2009

  
Robert D. Lange  
Administrative Law Judge

To be served by first class mail this 15th day of May, 2009 on the following parties and attorneys of record:

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and to be personally served this 15<sup>th</sup> day of May, 2009 on the following:

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

Indiana Civil Rights Commission  
c/o Tony A. Kirkland, Executive Director  
Indiana Government Center North  
100 North Senate Avenue, Room N103  
Indianapolis, IN 46204-225