

JAN 22 2016

INDIANA STATE
CIVIL RIGHTS COMMISSION

STATE OF INDIANA
INDIANA CIVIL RIGHTS COMMISSION

Jamal L. Smith, in his official capacity as
Executive Director of the Indiana Civil Rights
Commission,

Complainant,

vs.

United Cerebral Palsy of the Wabash Valley,
Respondent.

) Docket No.: HOha15060431

) 05-15-0973-8

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

On **December 16, 2015**, Hon. Noell F. Allen Administrative Law Judge (“ALJ”) for the Indiana Civil Rights Commission (“ICRC”) entered her Proposed Findings of Fact, Conclusions of Law, And Order (“the proposed decision”).

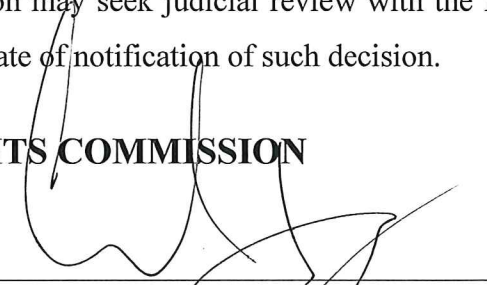
No objections have been filed to the ICRC’s adoption of the proposed decision.

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.


Any party aggrieved by the ICRC’s decision may seek judicial review with the Indiana Court of Appeals within thirty days following the date of notification of such decision.

INDIANA CIVIL RIGHTS COMMISSION


COMMISSIONER


COMMISSIONER


COMMISSIONER


COMMISSIONER

January 22, 2016

To be served by Certified Mail on the following parties:

Jacob Garcia
5477 Village Green Court
Apt K
Terre Haute, IN 47803

David P. Friedrich
Wilkinson, Goeller, Modesitt, Wilkinson & Drummy, LLP
333 Ohio Street
Terre Haute, IN 47803

CERTIFIED MAIL: 9214 8901 0661 5400 0078 2679 29

Susie Thompson
United Cerebral Palsy of Wabash Valley
1400 Hulman Street
Terre Haute, IN 47802-2536

CERTIFIED MAIL: 9214 8901 0661 5400 0078 2683 46

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

Frederick S. Bremer, Esq.; Staff Counsel
Indiana Civil Rights Commission
Indiana Government Center North
100 North Senate Ave, Room N103
Indianapolis, IN 46204-2255

Sent via email to:
Lightofheaven0@gmail.com

DEC 16 2015

INDIANA STATE
CIVIL RIGHTS COMMISSION

STATE OF INDIANA
INDIANA CIVIL RIGHTS COMMISSION

JAMAL L. SMITH, in his official capacity
as EXECUTIVE DIRECTOR OF THE INDIANA CIVIL
RIGHTS COMMISSION

Complainant,

vs.

UNITED CEREBRAL PALSY of the WABASH VALLEY,

Respondent.

) Docket No.: HOha15060431

) HUD No.: 05-15-0973-8

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

On December 1, 2015, Respondent, United Cerebral Palsy of the Wabash Valley ("UCP") 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. Jacob Garcia filed the Complaint of Discrimination on June 10, 2015, naming the UCP, alleging unlawful discrimination because of disability in violation of the Indiana Fair Housing Act, IC 22-9.5 ("the IFHA").

2. On November 9, 2015, the ICRC's Executive Director, Jamal L. Smith, issued his Notice of Finding and Issuance of Charge ("Notice"), finding reasonable cause to believe a violation of the IFHA had occurred.

3. UCP received the Notice on November 12, 2015.

4. UCP sent, via certified mail, its Notice of Election to the ICRC on December 1, 2015. While the ICRC did not receive the certified mail, the ALJ finds the delivery to the ICRC to be proper.

5. UCP filed the NOTICE within twenty (20) days of receipt of the Notice of Finding and Issuance of Charge.

6. 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 twenty (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).

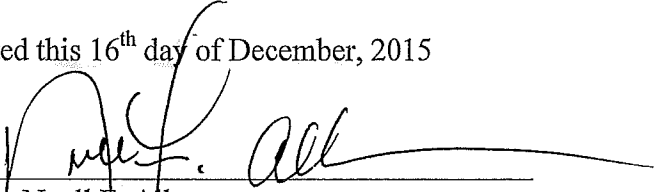
6. Administrative review of this proposed decision may be obtained by the filing of a writing identifying with reasonable particularity each basis of each objection within fifteen (15) days after service of this proposed decision. IC 4-21.5-3-29(d).

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

ORDER

1. The Complaint of Discrimination is **DISMISSED**, with prejudice.

Dated this 16th day of December, 2015


Hon. Noell F. Allen
Administrative Law Judge
Indiana Civil Rights Commission
Indiana Government Center North
100 North Senate Avenue, Room N103
Indianapolis, IN 46204-2255
Debbie Rincones-Chavez, Admin Asst.
317/234-6358

Served by United States Mail on the following:

David P. Friedrich
Wilkinson, Goeller, Modesitt, Wilkinson, & Drummy, LLP
333 Ohio Street
Terre Haute, IN 47807

Susie Thompson
United Cerebral Palsy of Wabash Valley
1400 Hulman Street
Terre Haute, IN 47802-2536

Jacob Garcia
5477 Village Green Court, Apt. K
Terre Haute, IN 47803

Hand delivered on the following attorney of record:

Frederick S. Bremer, Esq.; Staff Counsel
Indiana Civil Rights Commission
Indiana Government Center North
100 North Senate Avenue, Room N103
Indianapolis, IN 46204-2255

Sent via email to:
Lightofheaven0@gmail.com