

STATE OF INDIANA
CIVIL RIGHTS COMMISSION

DOCKET NO. HOno10050217
HUD NO. 05-10-1097-8

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

Complainant,

v.

FREEDOM MORTGAGE – CORPORATE OFFICE,
Respondent.

FILE DATED

AUG 27 2010

Indiana State Civil Rights Commission

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

On July 27, 2010, 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: 27 August 2010

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

Juan Hernandez
8203 Braeburn Terrace
Indianapolis, IN 46241

Freedom Mortgage – Corporate Office.
c/o Aimee R. Eller, Esq., Associate Counsel
PO Box 8001
Fishers, IN 47034-8001

WOODEN & McLAUGHLIN LLP
BY: Gregory P. Kult, Esq.
Attorneys for Respondent Freedom Mortgage – Corporate Office
One Indiana Square Suite 1800
Indianapolis, IN 46204-4208

and to be personally served on the following:

Jamal Smith, Director
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Indiana Government Center North
100 North Senate Avenue, Room N103
Indianapolis, IN 46204-2255

Frederick S. Bremer, Esq.; Staff Attorney
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FREEDOM MORTGAGE – CORPORATE OFFICE,
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**PROPOSED FINDINGS OF FACT, CONCLUSIONS OF LAW,
AND ORDER**

FILE DATED

JUL 27 2010

Indiana State Civil Rights Commission

On July 15, 2010, Respondent, Freedom Mortgage – Corporate Office
("Freedom"), 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 June 30, 2010, 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 Freedom had committed a violation of the
Indiana Fair Housing Act, IC 22-9.5 ("the IFHA") by refusing to enter into a home loan with
Complainant Juan Hernandez ("Hernandez") and his wife because of national origin. See
HOUSING DISCRIMINATION COMPLAINT (May 24, 2010) ("COMPLAINT").

2. Freedom has denied the allegations of unlawful discrimination. ANSWER (June 6, 2010).
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.

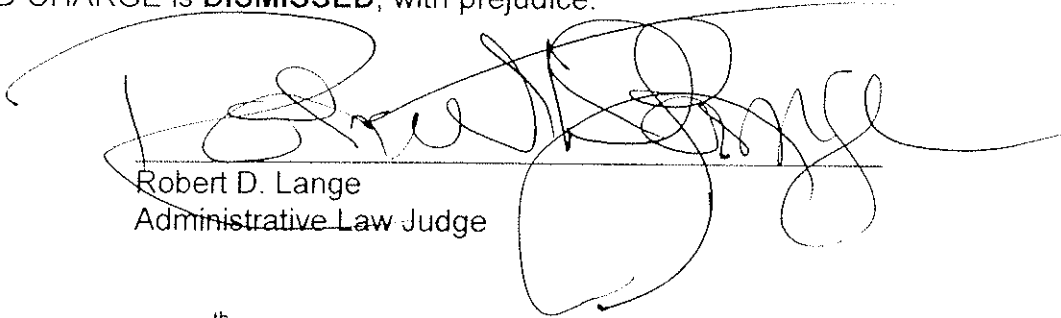
CONCLUSIONS OF LAW

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. Hernandez's complaint is **DISMISSED**, with prejudice.
2. The NOTICE AND CHARGE is **DISMISSED**, with prejudice.

Dated: 27 July 2010



Robert D. Lange
Administrative Law Judge

To be served by first class mail this 27th day of July, 2010 on the following parties and attorneys of record:

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Indianapolis, IN 46241

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and to be personally served this 27th day of July, 2010 on the following:

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