

STATE OF INDIANA
CIVIL RIGHTS COMMISSION

DOCKET NO. HOra05020092
HUD NO. 05-05-0609-8

NORMA S. MAYS, and KARLA I. MAYS;
Complainants,

vs.

OAK LAKE APARTMENTS at
CROOKED CREEK; and PAYNE ROAD
ASSOCIATES;

Respondents.

FILE DATED

MAR 24 2006

Indiana State Civil Rights Commission



FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER



On February 16, 2005, 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 March 2006

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

Norma S. Mays
Karla S. Mays
P.O. Box 531061
Indianapolis, IN 48253

Oak Lake Apartments at Crooked Creek
c/o Kelly Murdock
3855 Oak Lake Circle
Indianapolis, IN 48253

Payne Road Associates
c/o Chief Executive Officer
10401 North Meridian Street
Indianapolis, IN 46290

WOODEN & McLAUGHLIN, LLP
BY: Andrew C. Charnstrom, Esq.
Attorneys for Respondents Oak Lake Apartments at Crooked Creek and Payne Road
Associates
One Indiana Square, Suite 1800
Indianapolis, IN 46204-4208

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

Michael C. Healy, Esq.; Staff Counsel
Indiana Civil Rights Commission
Attorney for Complainants Norma S. Mays and Karla I. Mays
Indiana Government Center North
100 North Senate Avenue, Room N103
Indianapolis, IN 46204-2255

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FILE DATED

FEB 16 2006

Indiana State Civil Rights Commission

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

On February 1,3 2006, Respondents – Oak Lake Apartments at Crooked Creek (“Oak Lake”); and Payne Road Associates - filed their Notice Of Election (“NOTICE”), a NOTICE to which Complainants, Norma S. Mays and Karla I. Mays (“the Mayses”), have not responded.

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. The Mayses filed this complaint on February 3, 2005, alleging that Oak Lake discriminated against them because of race in violation of the Indiana Fair Housing Act, IC 22-9.5 (“the IFHA”). COMPLAINT OF DISCRIMINATION (February 3, 2005).
2. Oak Creek denied the Mayses' claims of unlawful discrimination. APPEARANCE AND ANSWER (March 1, 2005).

3. The Mayses later amended their COMPLAINT to add respondent Payne Road Associates. AMENDMENT TO COMPLAINT OF DISCRIMINATION (April 7, 2005).
4. On January 25, 2006, the Director of the ICRC issued his NOTICE OF FINDING, finding reasonable cause to find that a violation of the IFHA had occurred.
5. Respondents filed their notice of election to have this matter heard in court on February 13, 2006. NOTICE.
6. Any Conclusion Of Law that should have been deemed a Finding Of Fact is hereby adopted as such.

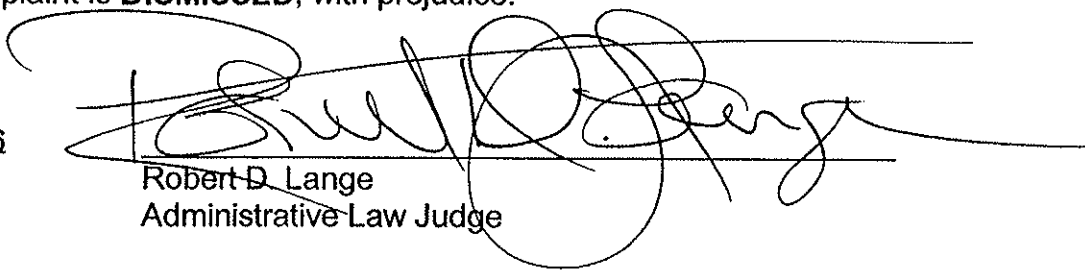
CONCLUSIONS OF LAW

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 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. The Mayses' complaint is **DISMISSED**, with prejudice.

Dated: 16 February 2006



Robert D. Lange
Administrative Law Judge

To be served by first class mail this 16th day of February, 2006 on the following parties and attorneys of record:

Norma S. Mays
Karla S. Mays
P.O. Box 531061
Indianapolis, IN 48253

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c/o Kelly Murdock
3855 Oak Lake Circle
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BY: Andrew C. Charnstrom, Esq.
Attorneys for Respondents Oak Lake Apartments at Crooked Creek and Payne Road Associates
One Indiana Square, Suite 1800
Indianapolis, IN 46204-4208

and to be personally served this 16th day of February, 2006 on the following:

Michael C. Healy, Esq.; Staff Counsel
Indiana Civil Rights Commission
Attorney for Complainants Norma S. Mays and Karla I. Mays
Indiana Government Center North
100 North Senate Avenue, Room N103
Indianapolis, IN 46204-2255

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