

STATE OF INDIANA
CIVIL RIGHTS COMMISSION

DOCKET NO. HOra09040132
HUD NO. 05-09-1025-8

TIFFANY M. CORNWELL,
Complainant,

v.

LARRY COPELAND, REAL ESTATE
AGENT; JERRY TANSELLE,
MANAGER; ROBERT COWAN,
REAL ESTATE AGENT; and TALK 2
TUCKER REALTORS/ F.C. TUCKER
COMPANY;

Respondents.

FILE DATED

AUG 28 2009

Indiana State Civil Rights Commission

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

On July 23, 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


COMMISSIONER


COMMISSIONER


COMMISSIONER


COMMISSIONER

Dated: 28 August 2009

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

Tiffany M. Cornwell
6062 Southbay Drive
Indianapolis, IN 46250

HACKMAN HULETT & CRACRAFT LLP
BY: Anthony S. Ridolfo, Jr., Esq.
Attorneys for Respondents
111 Monument Circle, Suite 3500
Indianapolis, IN 46204-2030

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

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FILE DATED

JUL 23 2009

Indiana State Civil Rights Commission

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

On July 21, 2009, Respondents - Larry Copeland, Real Estate Agent ("Copeland"); Jerry Tanselle, Manager; Robert Cowan, Real Estate Agent ("Cowan"); and Talk 2 Tucker Realtors/ F.C. Tucker Company (collectively "Respondents") filed their Notice Of Election ("ELECTION").

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 Tiffany M. Cornwell ("Cornwell") filed this complaint against Respondents on April 28, 2009, alleging that Respondents denied her the opportunity to

rent a house because of race and/or familial status in violation of the Indiana Fair Housing Act, IC 22-9.5 ("the IFHA"). HOUSING DISCRIMINATION COMPLAINT (April 28, 2009).

2. Respondents denied that they denied Cornwell a housing opportunity in violation of the IFHA. ANSWER (June 1, 2009).

3. On June 25, 2009, the ICRC's Deputy Director found reasonable cause to believe a violation of the IFHA had occurred. NOTICE OF FINDING AND ISSUANCE OF CHARGE (June 25, 2009) ("FINDING").

4. Copeland, Cowan, and counsel for Respondents all received the FINDING on July 1, 2009.

5. The ELECTION was filed within 20 days of his receipt of the FINDING.

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(a).

3. The ELECTION 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).

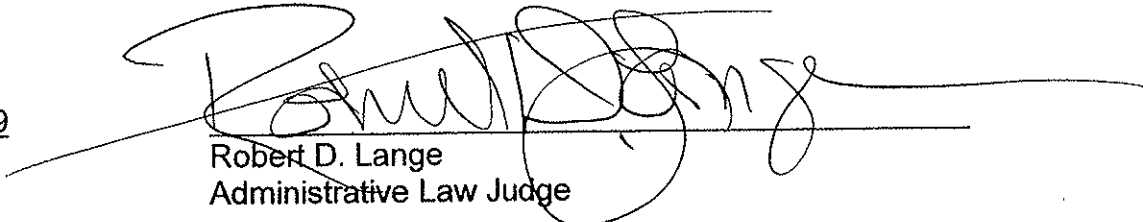
6. Administrative review of this proposed decision may be obtained by the filing of a writing identifying with reasonable particularity each basis of each objection within 15 days after service of this proposed decision. IC 4-21.5-3-29(d).

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

ORDER

1. The COMPLAINT, as amended, is **DISMISSED**, with prejudice.

Dated: 23 July 2009



Robert D. Lange
Administrative Law Judge

To be served by first class mail this 23rd day of July, 2009 on the following parties and attorneys of record:

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Jerry Tanselle, Manager
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Indianapolis, IN 46032

Robert Cowan, Real Estate Agent
Talk 2 Tuckers/ F.C. Tucker Company
1119 Keystone Way
Indianapolis, IN 46032

Talk 2 Tuckers/ F.C. Tucker Company
c/o Chief Executive Officer
1119 Keystone Way
Indianapolis, IN 46032

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and to be personally served this 23rd day of July, 2009 on the following:

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