

**STATE OF INDIANA
CIVIL RIGHTS COMMISSION**

**DOCKET NO. HOra09120447
HUD NO. 05-10-0408-8**

CATONYA COLLIER,
Complainant,

FILE DATED

JUN 24 2011

v.

Indiana State Civil Rights Commission,

LISA EYTCHESON,
Respondent.


FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

On June 2, 2011, 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 June 2011

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

Catonya Collier
92 Central Avenue
Logansport, IN 46947

Lisa Eytcheson
1508 Arrowhead Drive
Rochester, IN 46975

BURKE LAW OFFICE
BY: Alan Denis Burke, Esq.
Attorneys for Respondent Lisa Eytcheson
113 East Tenth Street
Rochester, IN 46975

and to be personally served on the following attorney:

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

CATONYA COLLIER,
Complainant,

v.

LISA EYTCHESON,
Respondent.

FILE DATED

JUN 02 2011

Indiana State Civil Rights Commission

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

On May 26, 2011, Respondent Lisa Eytcheson ("Eytcheson"), filed her 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 March 22, 2011, the Director of the ICRC issued his NOTICE OF REVERSAL ("NOTICE "). The NOTICE found reasonable cause to believe that the Eytcheson had committed a violation of the Indiana Fair Housing Act, IC 22-9.5 ("the IFHA") by refusing to rent a house to Complainant Catonya Collier ("Collier") because of race. See HOUSING DISCRIMINATION COMPLAINT (December 28, 2009) ("COMPLAINT").
2. Eytcheson has denied the allegations of unlawful discrimination. ANSWER (January 15, 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

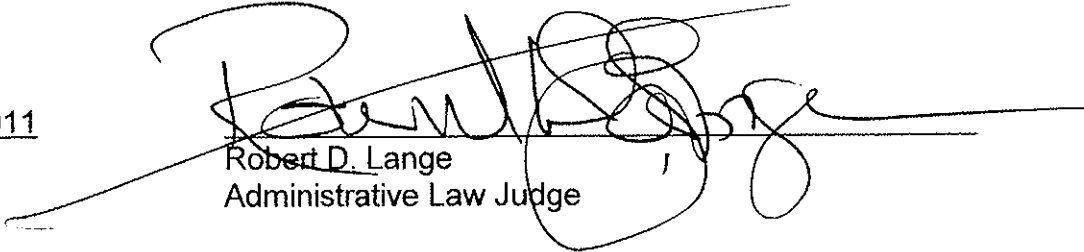
1. Under the IFHA, a complainant, a respondent, or an aggrieved person may elect to have the claims asserted in a reasonable cause finding decided in a civil action. IC 22-9.5-6-12(a).
2. Such an election must be made within 20 days after receipt by the electing party of the reasonable cause finding. 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. Collier's COMPLAINT is **DISMISSED**, with prejudice.

2. The Initial Pre-Hearing Conference that had been scheduled for June 13, 2011 is **CANCELLED**.

Dated: 02 June 2011



Robert D. Lange
Administrative Law Judge

To be served by first class mail this 2nd day of June, 2011 on the following parties and attorneys of record:

Catonya Collier
92 Central Avenue
Logansport, IN 46947

Lisa Eytcheson
1508 Arrowhead Drive
Rochester, IN 46975

BURKE LAW OFFICE
BY: Alan Denis Burke, Esq.
Attorneys for Respondent Lisa Eytcheson
113 East Tenth Street
Rochester, IN 46975

and to be personally served this 2nd day of June, 2011 on the following attorney:

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

and to be served by electronic mail this 2nd day of June, 2011 on the following:

Indiana Civil Rights Commission
c/o Jamal L. Smith, Executive Director