



FILED:
March 7,
2022

STATE OF INDIANA
OFFICE OF ADMINISTRATIVE LAW PROCEEDINGS

<p>Gregory L. Wilson, Sr. in his official capacity as Executive Director of the Indiana Civil Rights Commission, Jessica Ball, and Jeffery Ball, Complainants, V. Pat Roll & Roll Perfecta, Respondents.</p>	<p>Administrative Cause No.: ICRC-2202-000275 Underlying Agency Action No.: ICRC-2202-000275 ICRC-2202-000275</p>
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Subject to the Ultimate Authority of the Indiana Civil Rights Commission

RECOMMENDED FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

Pursuant to IC 4-21.5 this Recommended Order is not final and shall be presented to the ultimate authority for issuance of a final order.

JURISDICTION

The Commission of the Indiana Civil Rights Commission ("ICRC") has subject matter jurisdiction over housing discrimination complaints based on familial status that are filed under the Indiana Fair Housing Act ("IFHA"). IND. CODE § 22-9-1-2; IND. CODE § 22-9-1-6; IND. CODE § 22-9.5-4-1; IND. CODE § 22-9.5-5. When a finding of cause is made under the IFHA, pursuant to the Commission's June 19, 2020 Finding of Necessity, the Office of Administrative Law Proceedings ("OALP") shall appoint an Administrative Law Judge ("ALJ") to preside over the matter and to conduct a hearing. IND. CODE § 22-9-1-6; IND. CODE § 22-9.5-6-14; IND. CODE § 4-15-10.5-12; IND. CODE § 4-15-10.5-13.

ISSUE

Is Respondent's Notice of Election ("Notice") successful in moving this matter out of the administrative forum?

FINDINGS OF FACT

1. On February 9, 2022, the ICRC, after conducting a neutral investigation, made a reasonable cause finding on two of the allegations made by Jessica and Jeffrey Ball in their July 26, 2021 complaint that alleged Respondents violated the Indiana Fair Housing Act ("IFHA") by discriminating against them in the protected area of housing on the basis of familial status.
2. Respondents received the Notice of Finding and Issuance of Charge on February 14, 2022.

This order becomes the final order disposing of the proceedings immediately upon affirmation under Indiana Code 4-21.5-3-29. IND. CODE § 4-21.5-3-27(a).

SO ORDERED: March 7, 2022



Hon. Caroline A. Stephens Ryker, Administrative Law Judge
Indiana Office of Administrative Law Proceedings
100 North Senate Ave., Room N802
Indianapolis, IN 46204
(317) 234-6689

Distribution List:

The following distribution list includes the names and mailing addresses of all known Parties and other persons to whom notice is being given.

Gregory L. Willson, Sr.*: 100 North Senate Ave., Room N300, Indianapolis, IN 46204

Zachary Griffin*: 100 North Senate Ave., Room N300, Indianapolis, IN 46204; (317) 232-2628

Jeffrey and Jessica Ball: 26249 Cottage Ave., Elkhart, IN 46514

Roll Perfecta: Pat Roll, 119 S. Main Street, Elkhart, IN 46516

Pat Roll: 51327 Maplewood Drive, Elkhart, IN 46514

Paul Mackowski*: 201 N. Illinois St., Suite 1400, Indianapolis, IN 46204

Eric Pagnamenta*: 201 N. Illinois St., Suite 1400, Indianapolis, IN 46204

Chair Slash of the Indiana Civil Rights Commission – ultimate authority and served at
docketclerk@icrc.in.gov

**served in care of appearing attorney through ALP system at the email address on file with the Indiana Roll of Attorneys – all other service by mail.*

APPEAL RIGHTS AND ULTIMATE AUTHORITY REVIEW

You are hereby notified of your right to administrative review. If a party to this action wishes to have the ultimate authority administratively review this Recommended Order, the party requesting review must not be in default and must file written objections that:

- 1) Identify the basis of the objection with reasonable particularity; and
- 2) Are filed with the Indiana Civil Rights Commission on or before the 15th day after the date this order was issued.

Service on the Indiana Civil Rights Commission may be completed by mail or in person at 100 North Senate Ave., Room N300, Indianapolis, IN 46204, by email at docketclerk@icrc.in.gov, or by fax at (317) 232-6580. A Party shall serve copies of any filed item on all Parties. Questions can be directed to (317) 232-2600.

ULTIMATE AUTHORITY

The below information is for the Ultimate Authority's use only. Circle, check, or fill in the blanks below.

Timely objections were/were not filed to the above Recommended Order. Timely briefs on objections (if any) were/were not filed. An oral argument on objections (if any) was/was not held.

On May 20, 2022, the Indiana Civil Rights Commission decided, by the majority vote of 6 out of the 6 Commissioners present to:

1. Affirm the above Recommended Order
2. Vacate and remand the above Recommended Order as further detailed in ICRC Attachment A.
3. Issue the above Recommended Order with the modifications detailed in ICRC Attachment A.

SO ORDERED this 20th day of May, 2021.

Chair Adrienne L. Stash : x



Unless the ICRC remanded this matter to the ALJ, then THIS IS A FINAL ORDER. A Party to a dispute filed under IC 22-9 and/or IC 22-9.5 may, not more than thirty (30) days after the date of receipt of the Commission's final appealable order, appeal to the court of appeals under the same terms, conditions, and standards that govern appeals in ordinary civil actions. IC 22-9-8-1; IC 22-9.5-11-1.