

# **March 18, 2024, Agenda**

- I. Meeting convened and *quorum* established
- II. Announcement of Agenda
- III. Approval of previous meeting minutes
- IV. ICRC Directors' Report
- V. Old Business

**a. Commissioners Appointed to Appeals Report Determinations:**

- i. Melvin Lipscomb v. Meijer  
(PAra23040381)  
Appeal Date: September 29, 2023  
**Oral Argument**  
**Continued from last month**  
  
**Commissioner Tolliver**
- ii. Jeremy English v. Brookdale Senior Living, Inc.  
(EMha23080644)  
Appeal Date: January 3, 2024  
**Continued from last month**  
  
**Commissioner Harrington**
- iii. Kevin Ahern v. Cort Furniture  
Rental (EMha23060554)  
Appeal Date: January 31, 2024  
**Oral Argument**  
  
**Commissioner Harrington**

- iv. Cary Lynch v. New Albany Housing Authority (HOra23090724)  
February 3, 2024

**Commissioner Tolliver**

**b. Motions and Other Filings:**

**VI. New Business**

**a. Appointment of Commissioners to Complainants' Appeals of Director's Findings**

- i. Joseph Maher v. Charlestowne LLC & Freeman Development Corporation (HOse23080674)  
Appeal Date: February 20, 2024  
Requesting Oral Argument
  
- ii. Ashleigh Foster v. Hamilton National Title, LLC D/B/A Near North Title Group (EMra22100624)  
Appeal Date: February 21, 2024  
Requesting Oral Argument
  
- iii. Gary McElfresh v. Centennial Of Cedar Lake Townhomes Association, Inc. (HOre23110909)

Appeal Date: February 23, 2024

- iv. Carly Vanarsdall v. LD 303 Associates LP,  
Van Rooy Properties, & The Washington  
(HOha23110912)  
Appeal Date: February 28, 2024
  
- v. Jeffrey House v. G. W. Berkheimer Co., Inc.  
(EMha23030248)  
Appeal Date: February 29, 2024
  
- vi. Toniann Alvarado v. Hoosier Staffers, LLC  
(EMra22080471)  
Appeal Date: February 29, 2024  
Requesting Oral Argument
  
- vii. Vicky Newman v. Tenneco Automotive  
Operating Company, Inc.  
(EMha23070622)  
Appeal Date: March 6, 2024  
Requesting Oral Argument

*“The Chair shall appoint a Commissioner to review and rule on each appeal.” 910 IAC 1-3-2(h).*

**b. Motions and Other Filings:**

- i. Deborah Weidner o/b/o Minor Child BNF  
v. Saint Michael Catholic Church,

Brookville, Inc. d/b/a Saint Michael Catholic School Appeal of Motion To Dismiss and Motion For Oral Argument (EDse23110848)

Respondent is appealing the Chairperson of the Commissioners of the ICRC denial of the Respondent's Motion To Dismiss the Claim of the Complainant, and asks that its request for oral argument also be allowed.

In response, the ICRC, by its Deputy Director and General Counsel, submits an Amicus Curiae Brief to provide addition information for consideration on this motion, in support of the Chair's decision regarding the Respondent's original Motion.

### **c. Review of ALJ Decisions and Orders**

"The Administrative Law Judge's Order Disposing of the proceeding becomes a final order when affirmed under [IC 4-21.5-3-29]." IC 4-21.5-3-27(a). Votes Required.

- i. ICRC/Lanita Goins v. Spicewood Garden Apartment II, LP, Herron Property Management, and Hand, Inc. (HOra23080663)

Submitted to the Commission Feb. 14, 2024

The Administrative Law Judge in this matter took under consideration the Respondent's request to move this matter out of the administrative forum, a request made on

February 13, 2024. Since the Parties are not in agreement to have the claims decided in a court of law, the Notice is GRANTED in part and DENIED in part, with the Complaint Of Discrimination under the IFHA against the Respondent DISMISSED with prejudice. 910 IAC 2-7-9(a). The Notice is not effective in moving the Complaint Of Discrimination under the ICRL out of the Administrative forum, which will result in a bifurcation of these proceedings and will be addressed at the initial prehearing conference with the parties to determine their intent before a final dismissal is issued. **The objection period in this matter has closed.**

- ii. ICRC/Kristi Barajas v. Tina Harlow, Pedcor Investments-2004-LXIII LP and Pedcor Property Management Corp. (HOha23090714)

Submitted to the Commission Feb. 15, 2024

The Administrative Law Judge in this matter took under consideration the Respondent's request to move this matter out of the administrative forum, a request made on February 15, 2024. Since the Parties are not in agreement to have the claims decided in a court of law, the Notice is GRANTED in part and DENIED in part, with the Complaint Of Discrimination under the IFHA against the Respondent DISMISSED with prejudice. 910 IAC 2-7-9(a). The Notice is not effective in moving the Complaint Of Discrimination under the ICRL out of the

Administrative forum, which will result in a bifurcation of these proceedings and will be addressed at the initial prehearing conference with the parties to determine their intent before a final dismissal is issued.

**The objection period in this matter has closed.**

- iii. ICRC/Ann Marie Leichentritt v. Meritus Housing LLC, Yes! Communities, and McAvon Lakes Property, LLC (HOha23100762)

Submitted to the Commission Feb.20, 2024

The Administrative Law Judge in this matter took under consideration the Respondent's request to move this matter out of the administrative forum, a request made on February 19, 2024. Since the Parties are not in agreement to have the claims decided in a court of law, the Notice is GRANTED in part and DENIED in part, with the Complaint Of Discrimination under the IFHA against the Respondent DISMISSED with prejudice. 910 IAC 2-7-9(a). The Notice is not effective in moving the Complaint Of Discrimination under the ICRL out of the Administrative forum, which will result in a bifurcation of these proceedings and will be addressed at the initial prehearing conference with the parties to determine their intent before a final dismissal is issued.

**The objection period in this matter has closed.**

- iv. Shanita Redd, obo Minor Child M.R. v. Parkview Behavioral Health (PAra21080328)

Submitted to the Commission Mar. 4, 2024

On April 28, 2023, the Complainant, by private counsel, filed a complaint against Respondent and others in the United States District Court for the Northern District of Indiana, Case Number 1.23-CV-00179, based on the same issues before the ICRC in Complainant's August 2021 Complaint. Complainant, by ICRC Staff Attorney Fred Bremer, moved to dismiss the complaint filed in this matter, as Indiana Code Section 22-9-1-6(q) states that the minute a complaint becomes the subject of an action in federal court, all action shall immediately cease. The Administrative Law Judge grants the Complainant's Motion and DISMISSES the complaint with prejudice 910 IAC 1-3-6. **The objection period in this matter has not closed and no decision on this matter is due at this time.**

#### **d. ALJ Decisions Automatically Confirmed**

Automatically Confirmed under Commission's Order on Automatic Adoption and Approval of Certain Non-Final Decisions—No Vote Required.

- i. Rachel Morgan v. Shopper's World  
(PAha23020150)  
Submitted to the Commission Feb. 22, 2024

**VII. Meeting Dates for 2024**

**March 18, 2024**

April 15, 2024

May 20, 2024

June 17, 2024

July 15, 2024

August 19, 2024

September 16, 2024

October 21, 2024

November 18, 2024

December 16, 2024

**VIII. Election/Training/Other**

**IX. Announcements**

**X. Public Comment**

**XI. Adjournment**