

**STATE OF INDIANA
CIVIL RIGHTS COMMISSION**

DOCKET NO. PAr06080313

TONI HARRIS,
Complainant,

FILE DATED

v.

MAY 22 2009

Indiana State Civil Rights Commission

**GOODYEAR & PHILLIPS
CORPORATION, and
CHUCK GOODYEAR;**
Respondents.

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

On April 17, 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



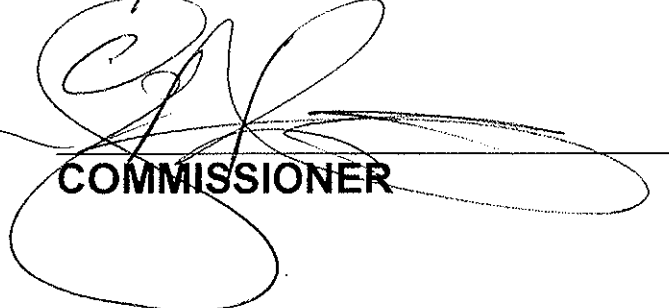
COMMISSIONER



COMMISSIONER



COMMISSIONER



COMMISSIONER

Dated: 22 May 2009

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

Toni Harris
P.O. Box 78002
Indianapolis, IN 46278

Goodyear & Phillips Corporation
c/o Chief Executive Officer
6540 Chester W. Drive
Indianapolis, IN 46220

Chuck Goodyear
6540 Chester W. Drive
Indianapolis, IN 46220

MANDEL POLLACK & HORN, P.C.
BY: Caren L. Pollack, Esq.
Attorneys for Respondents Goodyear & Phillips Corporation and Chuck Goodyear
704 Adams Street
Suite F
Carmel, IN 46032

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

Michael C. Healy, Esq.; Staff Counsel
Indiana Civil Rights Commission
Attorney for Complainant Toni Harris
Indiana Government Center North
100 North Senate Avenue, Room N103
Indianapolis, IN 46204-2255

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GOODYEAR & PHILLIPS
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CHUCK GOODYEAR;
Respondents.

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

On April 16, 2009, Complainant, Toni Harris ("Harris"), and Respondents Goodyear & Phillips Corporation and Chuck Goodyear (collectively "Respondents"), all by counsel, filed their Stipulation To Dismiss.

Having carefully considered the foregoing and being duly advised in the premises, the undersigned Administrative Law Judge 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. Harris' complaint alleges that on July 31 of 2006, she was denied equal access to a Shell service station in Indianapolis because of race. COMPLAINT OF DISCRIMINATION (August 7, 2006).

2. Respondents deny Harris' claim of unlawful discrimination. ANSWER (August 29, 2006).
3. The Stipulation is expressly motivated by settlement.
4. There is no evidence of fraud, coercion, duress, or any other reason not to approve of the requested dismissal.
5. Any Conclusion Of Law that should have been deemed a Finding Of Fact is hereby adopted as such.

CONCLUSIONS OF LAW

1. The ICRC has jurisdiction over the subject matter and the parties.
2. Settlement is a favored resolution and should be encouraged.
3. 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).
4. Any Finding Of Fact that should have been deemed a Conclusion Of Law is hereby adopted as such.

ORDER

1. The parties' Stipulation To Dismiss is **GRANTED**
2. Harris' complaint is **DISMISSED**, with prejudice.

Dated: 17 April 2009


Robert D. Lange
Administrative Law Judge

To be served by first class mail this 17th day of April, 2009 on the following parties and attorneys of record:

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Indianapolis, IN 46278

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MANDEL POLLACK & HORN, P.C.
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and to be personally served this 17th day of April, 2009 on the following:

Michael C. Healy, Esq.; Staff Counsel
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