

YVONNE M. TROXELL,  
Complainant,

v.

STAR HOMES, INC. d/b/a  
GARDEN HOME REALTY,  
Respondent.

FILE DATED

AUG 27 2010

Indiana State Civil Rights Commission

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

On July 9, 2010, 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: 27 August 2010

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

Yvonne M. Troxell  
1734 Nelson Avenue  
Indianapolis, IN 46203

Star Homes, Inc. d/b/a Garden Home Realty  
c/o David Garden, Proprietor  
533 Turtle Creek South Drive, Suite 2  
Indianapolis, IN 46227

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

STATE OF INDIANA  
CIVIL RIGHTS COMMISSION

DOCKET NO. EMse08020064  
EEOC NO. 24F-2008-00181C

YVONNE M. TROXELL,  
Complainant,

v.

STAR HOMES, INC. d/b/a  
GARDEN HOME REALTY,  
Respondent.

FILE DATED

JUL 09 2010

Indiana State Civil Rights Commission

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

On June 25, 2010, H. Kim TeKolste, Esq. filed his Petition To Withdraw Appearance, a Petition to which there has been no response. On June 28, 2010, Complainant, Yvonne M. Troxell ("Troxell"), filed Complainant's Motion To Reschedule Hearing On Damages, a Motion to which Respondent – Star Homes, Inc. d/b/a Garden Homes Realty ("GHR") - has not responded.

On July 9, 2010, Troxell filed Complainant's Motion To Dismiss Complaint ("MOTION"), a MOTION that GHR does not oppose.

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. This proceeding involves Troxell's claim that she was denied equal opportunity in employment by GHR because of sex, more specifically alleging that she was

constructively discharged as the result of unlawful sexual harassment. COMPLAINT OF DISCRIMINATION (January 31, 2008).

2. GHR has denied Troxell's claim of unlawful discrimination. MOTION FOR OBJECTION (March 24, 2010). GHR's motion to dismiss claiming that it did not have enough employees to meet the statutory definition of "employer" was denied. AMENDED ORDER DENYING MOTION TO DISMISS (April 28, 2010).

3. It is unreasonable to expect that Mr. TeKolste can represent GHR adequately since GHR will not communicate with him.

4. It is not appropriate to schedule a hearing on damages since the parties have agreed to a resolution of this matter.

5. The MOTION is expressly motivated by settlement.

6. There is no evidence of fraud, coercion, duress, or any other reason not to approve of the requested dismissal.

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

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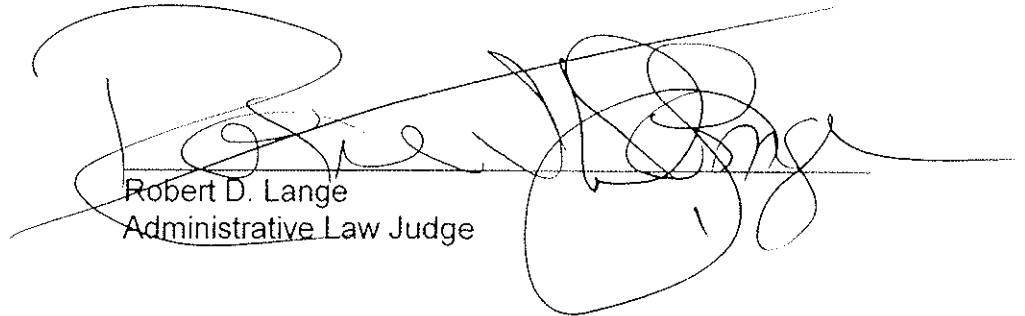
## CONCLUSIONS OF LAW

1. The ICRC has jurisdiction over the subject matter and the parties.
2. It is appropriate to allow Mr. TeKolste to withdraw his appearance.
3. It is not appropriate to schedule a hearing on damages.
4. Settlement is a favored resolution and should be encouraged.
5. 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).
6. Any Finding Of Fact that should have been deemed a Conclusion Of Law is hereby adopted as such.

## ORDER

1. Mr. TeKolste's Petition To Withdraw Appearance is **GRANTED**.
2. Complainant's Motion To Reschedule Hearing On Damages is **DENIED**.
3. Complainant's Motion To Dismiss Complaint is **GRANTED**.
4. Troxell's complaint is **DISMISSED**, with prejudice.

Dated: 09 July 2010



Robert D. Lange  
Administrative Law Judge

To be served by first class mail this 9<sup>th</sup> day of July, 2010 on the following parties and attorney:

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Yvonne M. Troxell  
1734 Nelson Avenue  
Indianapolis, IN 46203

Star Homes, Inc. d/b/a Garden Home Realty  
c/o David Garden, Proprietor  
533 Turtle Creek South Drive, Suite 2  
Indianapolis, IN 46227

H. Kim TeKolste, Esq.  
6284 Rucker Road, Suite M  
Indianapolis, IN 46220

and to be personally served this 9<sup>th</sup> day of July, 2010 on the following:

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

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