

**STATE OF INDIANA
INDIANA CIVIL RIGHTS COMMISSION**

STEVE ELIAS,

Complainant,

vs.

KILROY'S BAR AND GRILL,

Respondent.

ICRC No.: PAha17071197

DATE FILED

JUN 24 2019

ICRC
COMMISSION

FINAL ORDER

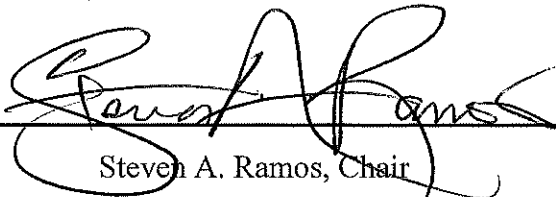
On May 24, 2019, Hon. Caroline A. Stephens Ryker, Administrative Law Judge ("ALJ") for the Indiana Civil Rights Commission ("ICRC") issued her Initial Findings of Fact, Conclusions of Law, and Order ("Order"). The Parties had opportunity to object to the Order; neither Party objected. With no objection or intent to review on record, the Commission shall affirm the Order. IC 4-21.5-3-29. After consideration of the record in this matter and the Order,

THE COMMISSION HEREBY ORDERS:

1. The findings of fact and conclusions of law as stated in the Order, a copy of which is attached hereto, are incorporated herein by reference. IC 4-21.5-3-28(g)(2).
2. The Order is AFFIRMED under IC 4-21.5-3-29 and hereby becomes the Final Order disposing of the proceedings. IC 4-21.5-3-27(a).

Either party to a dispute filed under IC 22-9 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.

ORDERED by the Commission majority vote of
4 Commissioners on June 21, 2019


Steven A. Ramos, Chair

Indiana Civil Rights Commission

Certificate of Service

Served by Certified Mail on the Following on this 24 day of June, 2019

Steve Elias
P O Box 56332
Sherman Oaks CA 91413

David Hamilton
Assistant General Manager
Kilroy's Bar and Grill
201 South Meridian Street
Indianapolis IN 46225

David Hamilton
831 Broad Ripple Ave.
Indianapolis, IN 46220

Daniel W. Glavin
O'NEILL MCFADDEN & WLETT LLP
833 W. Lincoln Highway, Suite 410W
Schererville, IN 46375
Telephone: (219)322-0450
dglavin@omwlegal.com


Robert J. Dignam W. Glavin
O'NEILL MCFADDEN & WLETT LLP
833 W. Lincoln Highway, Suite 410W
Schererville, IN 46375
Telephone: (219)322-0450
rdignam@omwlegal.com

and personally served on the following:

Frederick Bremer, Esq.; Staff Counsel
Indiana Civil Rights Commission
Indiana Government Center North
100 North Senate Avenue, Room N300
Indianapolis, IN 46204-2255
Telephone: (317)232-2634
Fax: (317)232-6580
fbremer@icrc.in.gov

Jordan D. Burton, Esq.; ICRC Staff Attorney
Indiana Civil Rights Commission
Indiana Government Center North
100 North Senate Avenue, Room N300
Indianapolis, IN 46204-2255
Telephone: (317)232-2631
Fax: (317)232-6580
JBurton1@icrc.in.gov

Naa Adoley Azu
ADR & Compliance Director
Indiana Civil Rights Commission
100 North Senate Avenue, Room N300
Indianapolis, IN 46204
nazu@icrc.in.gov



Docket Clerk

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ICRC NO.: PAha17071197

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MAY 24 2019

OFFICE OF THE
ADMINISTRATIVE JUDGE

INITIAL FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

On May 21, 2019, Steve Elias ("Complainant") and Kilroy's Bar and Grill ("Respondent") (collectively referred to herein as "the Parties") filed their Joint Motion to Dismiss ("Motion"). 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") issues the following initial findings of fact, conclusions of law, and order.

FINDINGS OF FACT

1. Complainant filed a Complaint of Discrimination with the ICRC on July 28, 2017 naming the Respondent and alleging unlawful discrimination on the basis of disability with respect to a public accommodation in violation of the Indiana Civil Rights Law, Ind. Code 22-9 ("the ICRL").
2. On March 16, 2018, the ICRC issued a Notice of Finding, finding probable cause to believe a violation of the ICRL had occurred.
3. The Parties reached a settlement agreement and have moved for the matter's dismissal.
4. The Parties jointly filed the Motion before a Hearing on the record had begun; however, a Hearing date had been set prior to the Motion being filed.
5. There is no evidence of fraud, coercion, duress, or any other reason not to grant the requested dismissal.
6. Any Conclusion of Law that should have been deemed a Finding of Fact is hereby adopted as such.

CONCLUSIONS OF LAW

1. The Commission has jurisdiction over the subject matter and the Parties.
2. The Parties did not file a “consent agreement” that requires the approval and signature of a majority of the Commissioners and that is enforceable as a final order. IC 22-9-1-6(o); 910 IAC 1-3-4.
3. In accordance with the Indiana Administrative Code, a Complaint may only be withdrawn with the consent of the majority of the Commission, made in writing, if a Hearing date has been set prior to the filing of the withdrawal. 910 IAC 1-2-6.
4. Accordingly, the ALJ shall allow the withdrawal of the Complaint, to be reviewed by the Commission at the next regularly scheduled Commission meeting.
5. Any Finding of Fact that should have been deemed a Conclusion of Law is hereby adopted as such.

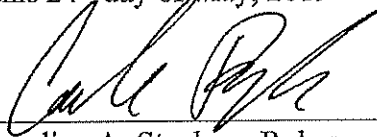
ORDER

1. The Parties’ Motion is **GRANTED**.
2. Steve Elias’ Complaint of Discrimination is **DISMISSED**, with prejudice.
3. All previously set deadlines, conferences, and hearings are hereby **VACATED**.
4. This order becomes the final order disposing of the proceedings immediately upon affirmation under IC 4-21.5-3-29. IC 4-21.5-3-27(a). The Commission shall review this Order at the next public Commission Meeting. Administrative review of these Findings of Fact, Conclusions of Law, and Order may be obtained by parties not in default by the filing of a writing identifying with reasonable particularity each basis of each objection within fifteen (15) days after service of this decision. IC 4-21.5-3-29(d). Subject to IC 4-21.5-3-1, the filing of a document in proceedings before the ICRC can be completed by mail, personal service, fax, or electronic mail to:

Docket Clerk
c/o Indiana Civil Rights Commission
100 North Senate Avenue, N300
Indianapolis, IN 46204
Fax: 317-232-6580 Email: aneromosele@icrc.in.gov

A party shall serve copies of any filed item on all parties. IC 4-21.5-3-17(c).

Dated this 24th day of May, 2019



Hon. Caroline A. Stephens Ryker
Administrative Law Judge
Indiana Civil Rights Commission
100 North Senate Avenue, Room N300
Indianapolis, IN 46204-2255
Anehitia Eromosele, Docket Clerk
317/234-6358

Certificate of Service

Served this 24 day of May by United States Mail on the following:

Steve Elias
P O Box 56332
Sherman Oaks CA 91413

David Hamilton
Assistant General Manager
Kilroy's Bar and Grill
201 South Meridian Street
Indianapolis IN 46225

David Hamilton
831 Broad Ripple Ave.
Indianapolis, IN 46220

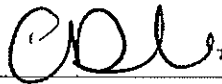
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Telephone: (219)322-0450
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Robert J. Dignam W. Glavin
O'NEILL MCFADDEN & WLETT LLP
833 W. Lincoln Highway, Suite 410W
Schererville, IN 46375
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Indiana Civil Rights Commission
Indiana Government Center North
100 North Senate Avenue, Room N300
Indianapolis, IN 46204-2255
Telephone: (317)232-2634
Fax: (317)232-6580
fbremer@icrc.in.gov

Jordan D. Burton, Esq.; ICRC Staff
Attorney
Indiana Civil Rights Commission
Indiana Government Center North
100 North Senate Avenue, Room N300
Indianapolis, IN 46204-2255
Telephone: (317)232-2631
Fax: (317)232-6580
JBurton1@icrc.in.gov



Docket Clerk,
Anehitia Eromosele