

STATE OF INDIANA
CIVIL RIGHTS COMMISSION

DOCKET NO. HOha07040187
HUD NO. 05-07-0776-8

ELOISE M. MCGHEE,
Complainant,

vs.

STEPHANIE ROYER,
PROPERTY MANAGER,
HENDERSON COURT
APARTMENTS; JAMES
CURTIS, JR., SHEEHAN
PROPERTY MANAGEMENT;
and CHUCK TOWNSEND,
EXECUTIVE VICE-PRESIDENT,
HENDERSON COURT
PARTNERSHIP;

Respondents.

FILE DATED

AUG 22 2008

Indiana State Civil Rights Commission

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

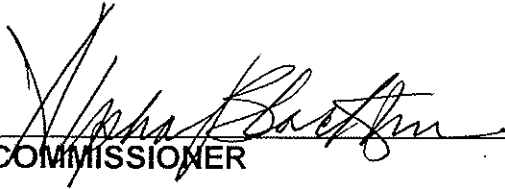
On July 17, 2008, Robert D. Lange, Administrative Law Judge ("ALJ") for the Indiana Civil Rights Commission ("ICRC"), entered his Proposed Findings Of Fact, Conclusions Of Law, And Order ("the proposed decision").

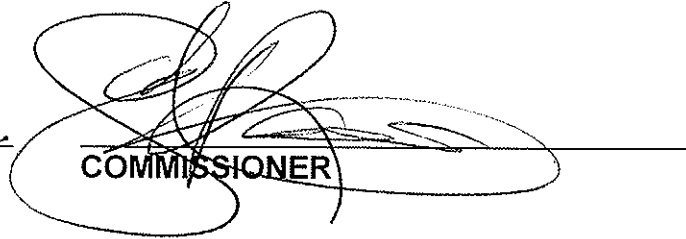
No objections have been filed to the ICRC's adoption of the proposed decision.

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

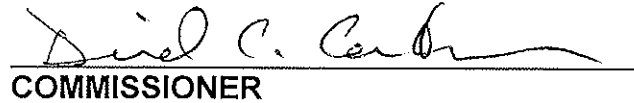
proposed by the ALJ in the proposed decision, a copy of which is attached hereto and incorporated herein by reference.

INDIANA CIVIL RIGHTS COMMISSION


COMMISSIONER


COMMISSIONER


COMMISSIONER


COMMISSIONER

Dated: 22 August 2008

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

Eloise M. McGhee
2490 Winslow Court
Bloomington, IN 47401

Marcy Wenzler, Esq.
Attorney for Complainant Eloise M. McGhee
Indiana Legal Services, Inc.
College Square, 2nd Floor
214 South College Avenue
Bloomington, IN 47404

Stephanie Royer, Property Manager, Henderson Court Apartments
2475 Winslow Court
Bloomington, IN 47404

Sheehan Property Management
c/o Chuck Townsend, President
6930 Atrium Boardwalk, Suite 100
Indianapolis, IN 46250

Chuck Townsend, Executive Vice President; Henderson Court Partnership
6930 Atrium Boardwalk, Suite 100
Indianapolis, IN 46250

and to be personally served 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

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FILE DATED

JUL 17 2008

Indiana State Civil Rights Commission

Respondents.

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

On July 9, 2008, Complainant, Eloise M. McGhee ("McGhee"), filed her Notice Of Election ("NOTICE").

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") proposes that the ICRC enter the following findings of fact, conclusions of law, and order.

FINDINGS OF FACT

1. McGhee filed this complaint against Respondents on April 18, 2007, alleging that Respondents had sought to impose unlawful conditions on her use of a service animal in violation of the Indiana Fair Housing Act, IC 22-9.5 ("the IFHA"). COMPLAINT OF DISCRIMINATION (April 18, 2007).
2. Respondents denied committing unlawful discrimination. AMENDED ANSWER (January 14, 2008).
3. On June 25, 2008, the ICRC's Acting Deputy Director issued a Notice Of Finding and a charge, finding reasonable cause to believe that a violation of the IFHA had occurred. NOTICE OF FINDING AND ISSUANCE OF CHARGE FOLLOWING REMAND (June 25, 2008).
4. On July 9, 2008, McGhee filed her Notice Of Election to have this case decided in a state court. NOTICE.
5. Any Conclusion Of Law that should have been deemed a Finding Of Fact is hereby adopted as such.

CONCLUSIONS OF LAW

1. Under the IFHA, a complainant, a respondent, or an aggrieved person may elect to have the claims asserted in a reasonable cause finding decided in a civil action. IC 22-9.5-6-12(a).
2. Such an election must be made within 20 days after receipt by the electing party of the reasonable cause finding. IC 22-9.5-6-12(b).
3. The election in the NOTICE was filed in a timely manner.
4. Housing Rule 7.9(a) of the ICRC provides, in material part, as follows:
If the complainant ... makes a timely election to have the claims asserted in

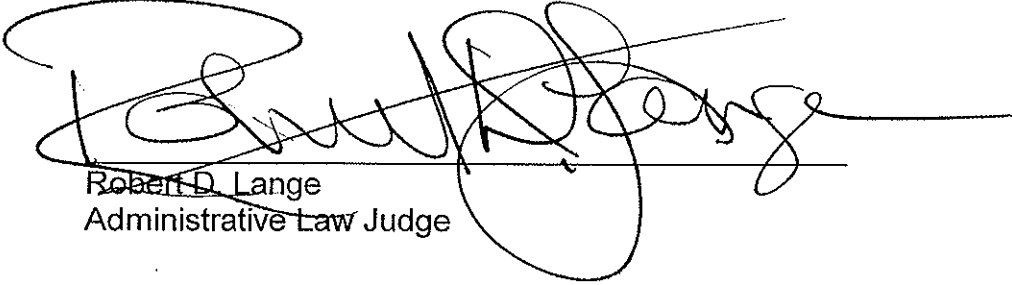
the charge asserted in a civil action under IC 22-9.5-6-12, the administrative law judge shall dismiss the proceeding.
910 IAC 2-7-9(a).

5. This complaint must be dismissed under 910 IAC 2-7-9(a).
6. Administrative review of this proposed decision may be obtained by the filing of a writing specifying with reasonable particularity each basis for each objection within 15 days after service of this proposed decision. IC 4-21.5-3-29(d).
7. Any Finding Of Fact that should have been deemed a Conclusion Of Law is hereby adopted as such.

ORDER

1. McGhee's complaint is **DISMISSED**, with prejudice.

Dated: 17 July 2008


Robert D. Lange
Administrative Law Judge

To be served by first class mail this 17th day of July, 2008 on the following parties and attorneys of record:

Eloise M. McGhee
2490 Winslow Court
Bloomington, IN 47401

Marcy Wenzler, Esq.
Attorney for Complainant Eloise M. McGhee
Indiana Legal Services, Inc.
College Square, 2nd Floor
214 South College Avenue
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Chuck Townsend, Executive Vice President; Henderson Court Partnership
6930 Atrium Boardwalk, Suite 100
Indianapolis, IN 46250

and to be personally served this 17th day of July, 2008 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 The Honorable Tony A. Kirkland, Executive Director
Indiana Government Center North
100 North Senate Avenue, Room N103
Indianapolis, IN 46204-2255