

STATE OF INDIANA  
CIVIL RIGHTS COMMISSION

DOCKET NO. HOha10010024  
HUD NO. 05-19-0709-8

JAMAL SMITH, in his official capacity as DIRECTOR  
of the INDIANA CIVIL RIGHTS COMMISSION;  
Complainant,

FILE DATED

JUL 23 2010

Indiana State Civil Rights Commission

v.

JEFFERSONVILLE HOUSING AUTHORITY,  
Respondent.


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

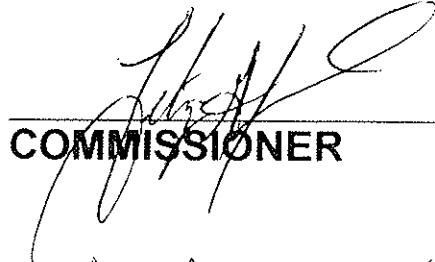
On June 18, 2010, Robert D. Lange, Administrative Law Judge ("ALJ") for the Indiana Civil Rights Commission ("ICRC"), entered his Proposed Findings Of Fact, Conclusions Of Law, And Order ("the proposed decision").

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: 23 July 2010

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

Kenya Jamilah  
1809 Greentree Boulevard Apt. 151  
Clarksville, IN 47129

Jeffersonville Housing Authority  
c/o Phillip B. Bates, Executive Director  
205 Eastern Boulevard  
Jeffersonville, IN 47130

NORRIS CHOPLIN & SCHROEDER, LLP  
BY: Bruce L. Kamplain, Esq.  
Attorneys for Respondent Jeffersonville Housing Authority  
101 West Ohio Street  
Ninth Floor  
Indianapolis, IN 46204-4213

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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JAMAL SMITH, in his official capacity as DIRECTOR  
of the INDIANA CIVIL RIGHTS COMMISSION;

Complainant,

FILE DATED

JUN 18 2010

v.

Indiana State Civil Rights Commission

JEFFERSONVILLE HOUSING AUTHORITY,

Respondent.

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

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On June 15, 2010, Respondent, Jeffersonville Housing Authority ("JHA"), filed its 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. On May 18, 2010, the then Director of the ICRC issued his NOTICE OF FINDING AND ISSUANCE OF CHARGE ("NOTICE AND CHARGE"). The NOTICE AND CHARGE found reasonable cause to believe that the JHA had committed a violation of the Indiana Fair Housing Act, IC 22-9.5 ("the IFHA") by failing to make a reasonable accommodation for the disability of the minor child of Complainant Kenya Jamilah ("Jamilah") as had been

alleged in the complaint Jamilah had filed with the ICRC on January 15, 2010. See COMPLAINT OF DISCRIMINATION (January 15, 2010) ("COMPLAINT").

2. The JHA has denied the allegations of unlawful discrimination. ANSWER (February 22, 2010).

3. The NOTICE was filed within 20 days of his receipt of the reasonable cause finding.

4. 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(a).

3. The election in the NOTICE was made in a timely manner.

4. Housing Rule 7.9(a) of the ICRC provides, in material part, as follows:

(If ... the respondent ... 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).

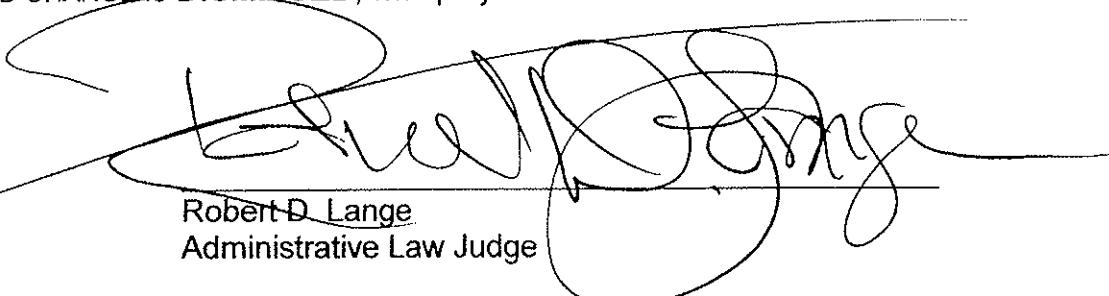
6. Administrative review of this proposed decision may be obtained by the filing of a writing identifying with reasonable particularity each basis of each objection within 15 days after service of this proposed decision. IC 4-21.5-3-29(d).

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

## ORDER

1. The Initial Pre-Hearing Conference that had been scheduled for Monday, July 19, 2010 is **CANCELLED**.
2. Jamilah's complaint, as amended, is **DISMISSED**, with prejudice.
3. The NOTICE AND CHARGE is **DISMISSED**, with prejudice.

Dated: 18 June 2010



Robert D. Lange  
Administrative Law Judge

To be served by first class mail this 18<sup>th</sup> day of June, 2010 on the following parties and attorneys of record:

Kenya Jamilah  
1809 Greentree Boulevard Apt. 151  
Clarksville, IN 47129

Jeffersonville Housing Authority  
c/o Phillip B. Bates, Executive Director  
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NORRIS CHOPLIN & SCHROEDER, LLP  
BY: Bruce L. Kamplain, Esq.  
Attorneys for Respondent Jeffersonville Housing Authority  
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and to be personally served this 18<sup>th</sup> day of June, 2010 on the following:

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Michael C. Healy, Esq.; Staff Counsel  
Indiana Civil Rights Commission  
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