

STATE OF INDIANA
CIVIL RIGHTS COMMISSION

DOCKET NO. HOha10040168
HUD NO. 05-10-0948-8

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

Complainant,

v.

SERENITY HOUSE, INC.;

Respondent.

FILE DATED

AUG 27 2010

Indiana State Civil Rights Commission

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

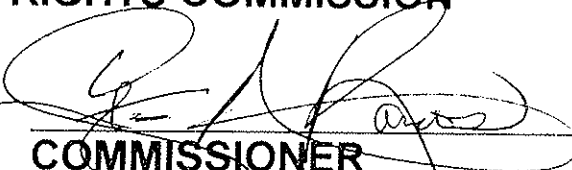
On July 15, 2010, Robert D. Lange, Administrative Law Judge ("ALJ") for the Indiana Civil Rights Commission ("ICRC"), entered his Proposed Findings Of Fact, Conclusions Of Law, And Order ("the proposed decision").

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:

Joe W. Mayes
c/o Michael L. Becker Adult Detention Center
501 East Court Avenue
Jeffersonville, IN 47130

Serenity House, Inc.
c/o Richard McFarland, Executive Director
208 Sunset Avenue
Clarksville, IN 471

Michael T. Forsee, Esq.
Attorney for Respondent Serenity House, Inc.
408 East Court Avenue
Jeffersonville, IN 47130

and to be personally served on the following:

Jamal Smith, Executive Director
Indiana Civil Rights Commission
Indiana Government Center North
100 North Senate Avenue, Room N103
Indianapolis, IN 46204-2255

Frederick S. Bremer, Esq.; Staff Attorney
Indiana Civil Rights Commission
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FILE DATED

JUL 15 2010

Indiana State Civil Rights Commission

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

On July 13, 2010, Respondent – Serenity House, Inc. (“Serenity”) - 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 June 16, 2010, the 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 Serenity had committed a violation of the Indiana

Fair Housing Act, IC 22-9.5 ("the IFHA") by denying a housing opportunity to Complainant Joe W Mayes ("Mayes") as had been alleged in the complaint Mayes had filed with the ICRC on April 19, 2010. See COMPLAINT OF DISCRIMINATION (April 19, 2010) ("COMPLAINT").

2. Serenity has denied Mayes' allegations of unlawful discrimination. ANSWER TO QUESTIONNAIRE (May 17, 2010).

3. The NOTICE was filed within 20 days of his receipt of the NOTICE AND CHARGE.

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).

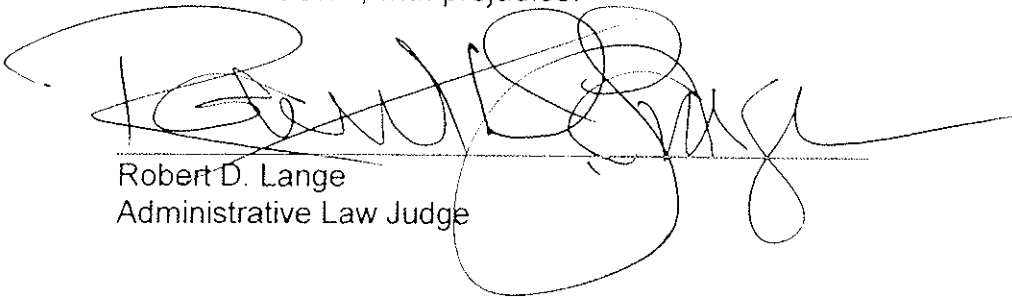
6. Administrative review of this proposed decision may be obtained by the filing of a writing identifying with reasonable particularity each basis of each objection within 15 days after service of this proposed decision. IC 4-21.5-3-29(d).

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

ORDER

1. Mayes' complaint, as amended, is **DISMISSED**, with prejudice.
2. The NOTICE AND CHARGE is **DISMISSED**, with prejudice.

Dated: 15 July 2010



Robert D. Lange
Administrative Law Judge

To be served by first class mail this 15th day of July, 2010 on the following parties and attorneys of record:

Joe W. Mayes
c/o Michael L. Becker Adult Detention Center
501 East Court Avenue
Jeffersonville, IN 47130

Serenity House, Inc.
c/o Richard McFarland, Executive Director
208 Sunset Avenue
Clarksville, IN 471

Michael T. Forsee, Esq.
Attorney for Respondent Serenity House, Inc.
408 East Court Avenue
Jeffersonville, IN 47130

and to be personally served this 15th day of July, 2010 on the following:

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