

FILE DATED

FEB 27 2015

INDIANA STATE
CIVIL RIGHTS COMMISSION

STATE OF INDIANA
INDIANA CIVIL RIGHTS COMMISSION

JAMAL L. SMITH, in his official capacity as
EXECUTIVE DIRECTOR of the INDIANA CIVIL
RIGHTS COMMISSION,

Complainant,

vs.

PEDCOR MANAGEMENT,

Respondent.

) ICRC No.: HOha14090702

) HUD No.: 05-14-1546-8

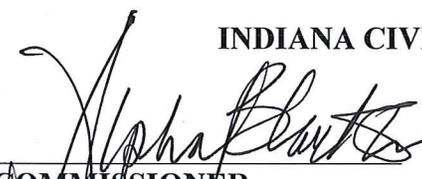
FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

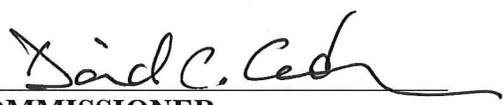
On January 29, 2015, Hon. Noell F. Allen Administrative Law Judge (“ALJ”) for the Indiana Civil Rights Commission (“ICRC”) entered her Proposed Findings of Fact, Conclusions of Law, And Order (“the proposed decision”).

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

February 27, 2014

Served by United States Mail on the following:

Tracy Jones
4816 Pebble Way East, Apt. J
Indianapolis, IN 46268

Lakes of Georgetown Apartments
6335 Sandyside Dr. S.
Indianapolis, IN 46268

Michele E. Cooley
Pedcor Management Corp.
One Pedcor Square
770 3rd Ave. SW
Carmel, IN 46032

and to be personally served on the following attorney of record:

Fred S. Bremer, Esq.; Staff Counsel
Indiana Civil Rights Commission
Indiana Government Center North
100 North Senate Avenue, Room N103
Indianapolis, IN 46204-2255

**STATE OF INDIANA
INDIANA CIVIL RIGHTS COMMISSION**

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RIGHTS COMMISSION,

Complainant,

vs.

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) ICRC No.: HOha14090702

) HUD No.: 05-14-1546-8

) **FILE DATED**

) **JAN 29 2015**

) INDIANA STATE
) CIVIL RIGHTS COMMISSION

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

On December 11, 2014, Respondent, Pedcor Management Corporation (“Pedcor”), 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. Tracy Jones filed the Complaint of Discrimination on September 5, 2014 naming the Respondent, Pedcor, alleging unlawful discrimination because of disability in violation of the Indiana Fair Housing Act, IC 22-9.5 (“the IFHA”). COMPLAINT OF DISCRIMINATION (September 5, 2014).
2. On December 3, 2014, the ICRC’s Executive Director, Jamal L. Smith, issued his NOTICE OF FINDING AND ISSUANCE OF CHARGE, finding reasonable cause to believe a violation of the IFHA had occurred.
3. Respondent filed the NOTICE within twenty (20) days of receipt of the Notice of Finding.

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

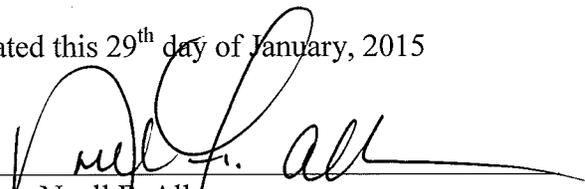
CONCLUSIONS OF LAW

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 twenty (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 fifteen (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 Complaint of Discrimination is **DISMISSED**, with prejudice.

Dated this 29th day of January, 2015



Hon. Noell F. Allen
Administrative Law Judge
Indiana Civil Rights Commission

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