

STATE OF INDIANA
CIVIL RIGHTS COMMISSION

DOCKET NO. HOra05120605
HUD NO. 05-06-0322-8

JESSICA (HIGGINBOTTOM) HUGHES,
Complainant,

vs.

FILE DATED

WILLIAMSBURG ON THE LAKE, and
WILLIAMSBURG APARTMENTS, LP d/b/a
WILLIAMSBURG ON THE LAKE;

MAY 18 2007

Indiana State Civil Rights Commission

Respondents.


FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

On April 20, 2007, 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: 18 May 2007

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

Jessica (Higginbottom) Hughes
1836 East Southern Manor Drive
Terre Haute, IN 47802

Williamsburg on The Lake
c/o Manager
100 Williamsburg Drive
Evansville, IN 47718

Williamsburg Apartments, LP d/b/a Williamsburg on the Lake
c/o Chief Executive Officer
1996 South Kirk Road, Suite 320
Geneva, IL 60134

UNGARETTI & HARRIS LLP
BY: Brian V. Alcala, Esq.
Attorneys for Respondents Williamsburg on The Lake and Williamsburg Apartments, LP
d/b/a Williamsburg on the Lake
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WILHITE & ASSOCIATES
BY: Jeffrey A. Wilhite, Esq.
Attorneys for Respondents Williamsburg on The Lake and Williamsburg Apartments, LP
d/b/a Williamsburg on the Lake
One Mulberry Place
P.O. Box 1315
Evansville, IN 47706-1315

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

Frederick S. Bremer, Esq.; Staff Attorney
Indiana Civil Rights Commission
Attorney for Complainant Jessica (Higginbottom) Hughes
Indiana Government Center North
100 North Senate Avenue, Room N103
Indianapolis, IN 46204-2255

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WILLIAMSBURG ON THE LAKE;

Respondents.

FILE DATED

APR 20 2007

Indiana State Civil Rights Commission

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

On April 18, 2007, Respondents – Williamsburg on The Lake and Williamsburg Apartments, LP d/b/a Williamsburg on the Lake (collectively “Respondents”) - filed their 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. Complainant. Jessica (Higginbottom) Hughes (“Hughes”) filed this complaint on November 22, 2005, alleging that Respondents evicted her from her apartment because

of her association with a Black man in violation of the Indiana Fair Housing Act, IC 22-9.5 ("the IFHA"). HOUSING DISCRIMINATION COMPLAINT (November 22, 2005).

2. Respondents denied committing a violation of the IFHA, claiming that she was evicted as the result of various violations of the lease. RESPONDENT'S ANSWER (December 30, 2005).

3. On March 29, 2007, the ICRC's Deputy Director issued a Notice Of Finding, finding reasonable cause to believe that a violation of the IFHA had occurred. NOTICE OF FINDING (March 29, 2007).

4. On April 18, 2007, Respondents filed their 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 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 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. Hughes' complaint is **DISMISSED**, with prejudice.
2. The Initial Pre-Hearing Conference that had been scheduled for June 4, 2007 is **CANCELLED**.

Dated: 20 April 2007



Robert D. Lange
Administrative Law Judge

To be served by first class mail this 20th day of April, 2007 on the following parties and attorneys of record:

Jessica (Higginbottom) Hughes
1836 East Southern Manor Drive
Terre Haute, IN 47802

Williamsburg on The Lake
c/o Manager
100 Williamsburg Drive
Evansville, IN 47718

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Evansville, IN 47706-1315

and to be personally served this 20th day of April, 2007 on the following:

Frederick S. Bremer, Esq.; Staff Attorney

Indiana Civil Rights Commission

Attorney for Complainant Jessica (Higginbottom) Hughes

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Indianapolis, IN 46204-2255

Indiana Civil Rights Commission

c/o The Honorable Gregory Kellam Scott, Esq.; Director

Indiana Government Center North

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