

STATE OF INDIANA  
CIVIL RIGHTS COMMISSION

DOCKET NO. HOra06030082  
HUD NO. 05-06-0608-8

TALITHA CUNNINGHAM,  
Complainant,

FILE DATED

VS.

JAN 26 2007

LAFAYETTE HOUSING AUTHORITY,  
Respondent.

Indiana State Civil Rights Commission

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

On December 13, 2006, 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: 26 January 2007

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

Talitha Cunningham  
4416 South University Avenue, Apt. A  
Chicago, IL 60653

Lafayette Housing Authority  
c/o Edie Pierce-Thomas, Executive Director  
100 Executive Drive, Suite J  
P.O. Box 6687  
Lafayette, IN 47903

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

Joshua Brewster, Esq.; Staff Attorney  
Indiana Civil Rights Commission  
Attorney for Complainant Talitha Cunningham  
Indiana Government Center North  
100 North Senate Avenue, Room N103  
Indianapolis, IN 46204-2255

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TALITHA CUNNINGHAM,

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vs.

LAFAYETTE HOUSING AUTHORITY,  
Respondent.

FILE DATED

DEC 13 2006

Indiana State Civil Rights Commission

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

On December 12, 2006, Complainant, Talitha Cunningham ("Cunningham"), filed her Motion To Dismiss, a motion to which Respondent, Lafayette Housing Authority ("LHA"), has not responded.

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. Cunningham's complaint alleges that LHA discriminated against her in the terms and conditions of her housing because of race in violation of the Indiana Fair Housing Act, IC 22-9.5. ("the IFHA"). COMPLAINT OF DISCRIMINATION (March 2, 2006).
2. LHA disputed Cunningham's claim of unlawful discrimination. ANSWER (March 16, 2006).

3. Cunningham's Motion is expressly motivated by a settlement.
4. There is no evidence of fraud, coercion, duress, or any other reason not to approve the stipulated dismissal.
5. Any Conclusion Of Law that should have been deemed a Finding Of Fact is hereby adopted as such.

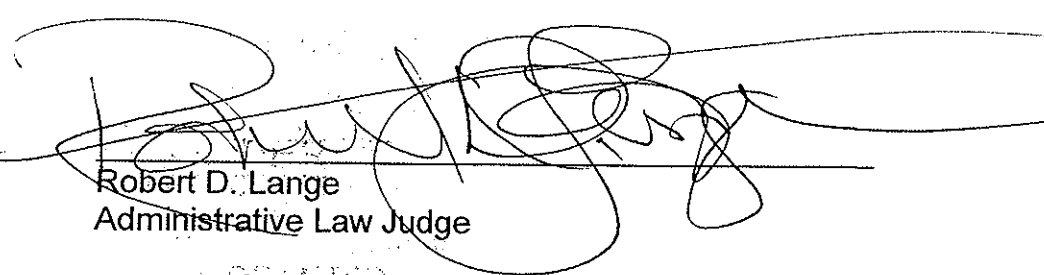
### CONCLUSIONS OF LAW

1. The ICRC has jurisdiction over the subject matter and the parties.
2. Settlement is a favored resolution and should be encouraged.
3. 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 fifteen (15) days after service of this proposed decision. IC 4-21.5-3-29(d).
4. Any Finding Of Fact that should have been deemed a Conclusion Of Law is hereby adopted as such.

### ORDER

1. Cunningham's Motion To Dismiss is **GRANTED**.
2. The Initial Pre-Hearing Conference is **CANCELLED**.
3. The complaint is **DISMISSED**, with prejudice.

Dated: 13 December 2006

  
Robert D. Lange  
Administrative Law Judge

To be served by first class mail this 13<sup>th</sup> day of December, 2006 on the following parties and attorneys of record:

Talitha Cunningham  
4416 South University Avenue, Apt. A  
Chicago, IL 60653

Lafayette Housing Authority  
c/o Edie Pierce-Thomas, Executive Director  
100 Executive Drive, Suite J  
P.O. Box 6687  
Lafayette, IN 47903

WITHERED CORRIGAN & BURNS  
BY: Jerome S. Withered, Esq.  
Attorneys for Respondent Lafayette Housing Authority  
8 North 3<sup>rd</sup> Street, Suite 401  
PO Box 499  
Lafayette, IN 47902-0499

and to be personally served this 13<sup>th</sup> day of December, 2006 on the following:

Joshua Brewster, Esq.; Staff Attorney  
Indiana Civil Rights Commission  
Attorney for Complainant Talitha Cunningham  
Indiana Government Center North  
100 North Senate Avenue, Room N103  
Indianapolis, IN 46204-2255

Indiana Civil Rights Commission  
c/o The Honorable Gregory Kellam Scott, Esq.; Director  
Indiana Government Center North  
100 North Senate Avenue, Room N103  
Indianapolis, IN 46204-2255