

JAN 28 2014

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.

DAN ESTES and ACTION PROPERTIES,

Respondent.

) Docket No.: HOha13071317

) HUD No.: 05-13-1129-8

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

On December 20, 2013, 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").

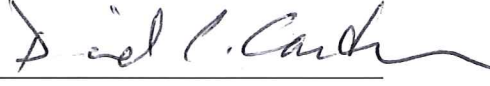
No objections have been filed to the ICRC's adoption of the proposed decision.

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

Dated this 24th day of January, 2014

To be served by Certified Mail upon the following parties:

Shalanda Jackson
222 S 33rd St
South Bend, IN 46615

Dan Estes
Action Properties
2917 Mishawaka Act
South Bend, IN 46615

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

Frederick S. Bremer, Esq.
Staff Counsel
Indiana Government Center North
Indiana Civil Rights Commission
100 N. Senate Avenue, Room N103
Indianapolis, IN 46204

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

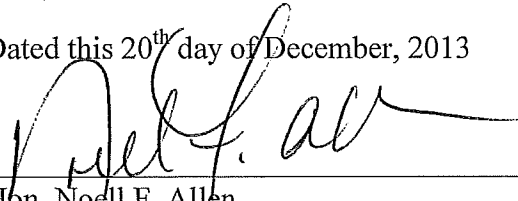
CONCLUSIONS OF LAW

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 20th day of December, 2013



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

To be served by first class mail upon the following parties:

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South Bend, IN 46615

Dan Estes
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