

**STATE OF INDIANA
CIVIL RIGHTS COMMISSION**

DOCKET NO. EMra09030100

ERIC C. BUFKIN,
Complainant,

FILE DATED

v.

FEB 16 2011

Indiana State Civil Rights Commission

**B & M CONCRETE
CONSTRUCTION
CORPORATION,**
Respondent.

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

On February 9, 2011, Complainant Eric C. Bufkin (Bufkin") and Respondent B & M Concrete Construction Corporation ("B & M") filed their Joint Stipulation Of Dismissal With Prejudice.

Having carefully considered the foregoing and being duly advised in the premises, the undersigned Administrative Law Judge 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. This proceeding began when Bufkin ("Bufkin") filed a complaint with the ICRC against B & M alleging that he had been subjected to a hostile working environment based on race in violation of the Indiana Civil Rights Law, IC 22-9-1. CHARGE OF DISCRIMINATION (July 28, 2008).

2. B & M denied that unlawful discrimination occurred. ANSWER (August 25, 2008).
3. The STIPULATION is expressly motivated by settlement.
4. There is no evidence of fraud, coercion, duress, or any other reason not to approve of the requested dismissal.
5. Any Conclusion Of Law that should have been deemed a Finding Of Fact is hereby adopted as such.

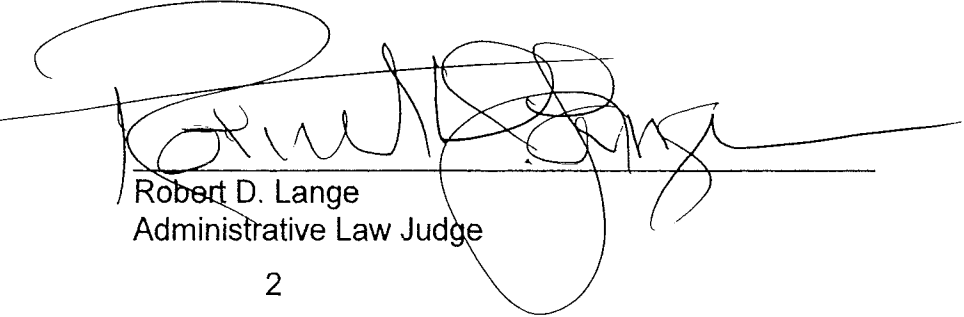
CONCLUSIONS OF LAW

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

ORDER

1. The Joint Motion Stipulation Of Dismissal With Prejudice is **GRANTED**.
2. Bufkin's complaint is **DISMISSED**, with prejudice.

Dated: 16 February 2011



Robert D. Lange
Administrative Law Judge

To be served by first class mail this 16th day of February, 2011 on the following:

Eric C. Bufkin
3213 North Riley Avenue
Indianapolis, IN 46218

ROBERTS & BISHOP
BY: Steven S. Davis, Esq.
Attorneys for Complainant Eric C. Bufkin
118 North Delaware Street
Indianapolis, IN 46204

B & M Concrete Construction Corporation
c/o Jeff Bowen, Owner
11897 Cross Country Court
Fishers, IN 46037

FROST BROWN TODD LLC
BY: Heather L. Wilson, Esq and Takeia R. Johnson, Esq.
Attorneys for Respondent B & M Concrete Construction Corporation
201 North Illinois Street, Suite 1000
Indianapolis, IN 46244-0961

and to be served by electronic mail this 16th day of February, 2011 on the following:

Indiana Civil Rights Commission
c/o Jamal L. Smith, Executive Director

**STATE OF INDIANA
CIVIL RIGHTS COMMISSION**

DOCKET NO. EMra09030100

ERIC C. BUFKIN,
Complainant,

FILE DATED

MAR 25 2011

v.

Indiana State Civil Rights Commission

**B & M CONCRETE
CONSTRUCTION
CORPORATION,**
Respondent.

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

On February 16, 2011, 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: 25 March 2011

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

Eric C. Bufkin
3213 North Riley Avenue
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