

STATE OF INDIANA  
CIVIL RIGHTS COMMISSION

DOCKET NO. HOha07120616  
HUD NO. 05-08-0358-8

JENNY EDWARDS BEACH b/n/f JULIE  
EVANS,

Complainant,

FILE DATED

AUG 22 2008

Indiana State Civil Rights Commission

v.

CONCORD SQUARE APARTMENTS,

Respondent.

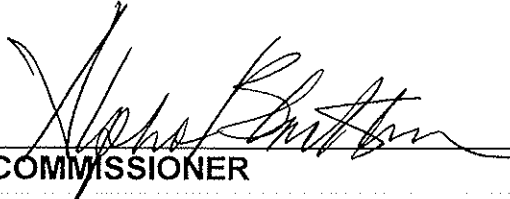
**FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER**

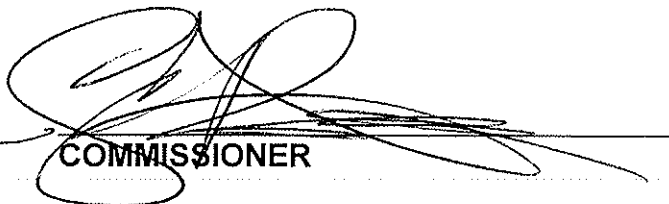
On July 17, 2008, Robert D. Lange, Administrative Law Judge ("ALJ") for the Indiana Civil Rights Commission ("ICRC"), entered his Proposed Findings Of Fact, Conclusions Of Law, And Order ("the proposed decision").

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: 22 August 2008

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

Jenny Edwards Beach b/n/f Julie Evans  
281 Bielby Road  
Lawrenceburg, IN 47025

Concord Square Apartments  
c/o Jerome Goodman, President  
Rose Chance, Inc.  
114 Concord Square  
Lawrenceburg, IN 47025

RUDOLPH, FINE, PORTER & JOHNSON, LLP  
BY: Stacy K. Harris, Esq.  
Attorneys for Respondent Concord Square Apartments  
221 N.W. Fifth Street  
P.O. Box 1507  
Evansville, IN 47706-1507

and to be personally served on the following:

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

STATE OF INDIANA  
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JUL 17 2008

CONCORD SQUARE APARTMENTS,

Indiana State Civil Rights Commission

Respondent.

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

On July 8, 2008, Respondent – Concord Square Apartments (“CSA”) - 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. Complainant. Jenny Edwards Beach b/n/f Julie Evans (“Beach”) filed this complaint on December 20, 2007, alleging that CSA discriminated against Beach because of disability by refusing to lease an apartment to her in violation of the Indiana

Fair Housing Act, IC 22-9.5 ("the IFHA"). COMPLAINT OF DISCRIMINATION  
(December 20, 2007).

2. CSA denied that it refused to rent to Beach because of disability. ANSWER (May 21, 2007).
3. On June 24, 2008, the ICRC's Acting Deputy Director found reasonable cause to believe that a violation of the IFHA had occurred. NOTICE OF FINDING AND ISSUANCE OF CHARGE OF DISCRIMINATION (June 24, 2008).
4. On July 8, 2008, CSA filed its 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**

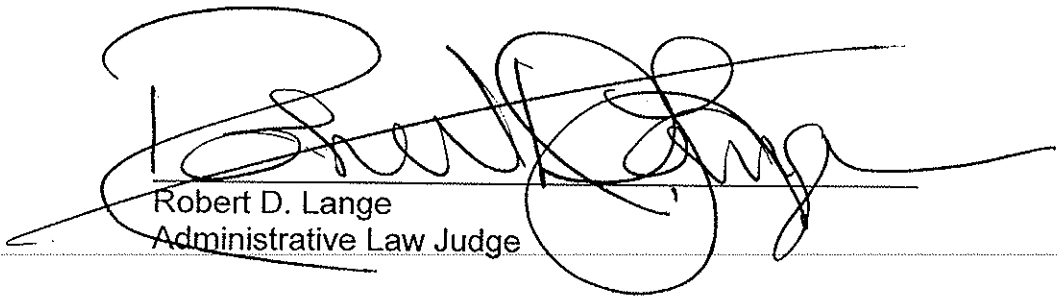
1. Under the IFHA, a complainant, a respondent, or an aggrieved person may elect to have the claims asserted in a reasonable cause finding decided in a civil action. IC 22-9.5-6-12(a).
2. Such an election must be made within 20 days after receipt by the electing party of the reasonable cause finding. 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. Beach's complaint is **DISMISSED**, with prejudice.

Dated: 17 July 2008



Robert D. Lange  
Administrative Law Judge

To be served by first class mail this 17<sup>th</sup> day of July, 2008 on the following parties and attorneys of record:

Jenny Edwards Beach b/n/f Julie Evans  
281 Bielby Road  
Lawrenceburg, IN 47025

Concord Square Apartments  
c/o Jerome Goodman, President  
Rose Chance, Inc.  
114 Concord Square  
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RUDOLPH, FINE, PORTER & JOHNSON, LLP

BY: Stacy K. Harris, Esq.  
Attorneys for Respondent Concord Square Apartments  
221 N.W. Fifth Street  
P.O. Box 1507  
Evansville, IN 47706-1507

and to be personally served this 17<sup>th</sup> day of July, 2008 on the following:

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

Indiana Civil Rights Commission  
c/o The Honorable Tony A. Kirkland, Executive Director  
Indiana Government Center North  
100 North Senate Avenue, Room N103  
Indianapolis, IN 46204-2255