

STATE OF INDIANA
CIVIL RIGHTS COMMISSION

DOCKET NO. HOha11050272
HUD NO. 05-11-1104-8

JAMAL SMITH, in his official capacity as
EXECUTIVE DIRECTOR of the INDIANA
CIVIL RIGHTS COMMISSION;

Complainant,

FILE DATED

NOV 18 2011

v.

Indiana State Civil Rights Commission

STALLARD & ASSOCIATES, INC.;

Respondent.

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

On October 11, 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: 18 November 2011

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

Paula Glover
109 South Goyer Road,
Apartment #36
Kokomo, IN 46902

Stallard & Associates, Inc.
c/o James Meyerchick
2425 North Meridian Street
Indianapolis, IN 46208

CLARK QUINN MOSES SCOTT & GRAHN, LLP
BY: Michael P. Maxwell, Esq.
Attorneys for Respondent Stallard & Associates, Inc.
320 North Meridian Street, Suite 1100
Indianapolis, IN 46204

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

Michael C. Healy, Esq.; Staff Counsel
Indiana Civil Rights Commission
Indiana Government Center North
100 North Senate Avenue, Room N103
Indianapolis, IN 46204-2255

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FILE DATED

OCT 11 2011

Indiana State Civil Rights Commission

v.

STALLARD & ASSOCIATES, INC.;

Respondent.

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

On October 4, 2011, Respondent – Stallard & Associates, Inc. (“Stallard”), filed its Notice Of Election To Have Claims Decided In A Civil Action (“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. On September 16, 2011, the Director of the ICRC issued his NOTICE OF FINDING AND ISSUANCE OF CHARGE (“NOTICE AND CHARGE”). The NOTICE AND CHARGE found reasonable cause to believe that Stallard had committed a violation of the Indiana Fair Housing Act, IC 22-9.5 (“the IFHA”) by failing to engage in an interactive process with respect to a pen for the service animals of Paula Glover (“Glover”), a tenant

in the apartment community. See COMPLAINT OF DISCRIMINATION (June 1, 2011) ("COMPLAINT")

2. Stallard has denied the allegations of unlawful discrimination. ANSWER (June 15, 2011).

3. The NOTICE was filed within 20 days of his receipt of the reasonable cause finding.

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 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).

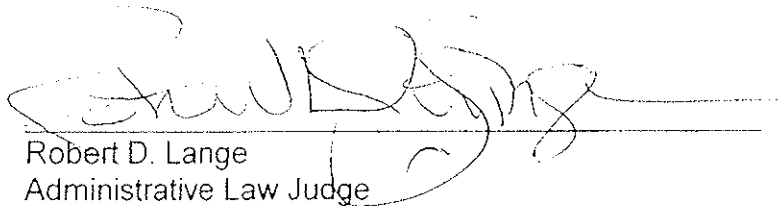
6. Administrative review of this proposed decision may be obtained by the filing of a writing identifying with reasonable particularity each basis of each objection within 15 days after service of this proposed decision. IC 4-21.5-3-29(d).

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

ORDER

1. Glover's COMPLAINT is **DISMISSED**, with prejudice.
2. The NOTICE AND CHARGE is **DISMISSED**, with prejudice.

Dated: 11 October 2011



Robert D. Lange
Administrative Law Judge

To be served by first class mail this 11th day of October, 2011 on the following parties and attorneys of record:

Paula Glover
109 South Goyer Road,
Apartment #36
Kokomo, IN 46902

Stallard & Associates, Inc.
c/o James Meyerchick
2425 North Meridian Street
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CLARK QUINN MOSES SCOTT & GRAHN, LLP
BY: Michael P. Maxwell, Esq.
Attorneys for Respondent Stallard & Associates, Inc.
320 North Meridian Street, Suite 1100
Indianapolis, IN 46204

and to be personally served this 11th day of October, 2011 on the following attorney of record:

Michael C. Healy, Esq.; Staff Counsel
Indiana Civil Rights Commission
Indiana Government Center North
100 North Senate Avenue, Room N103
Indianapolis, IN 46204-2255

and to be served by electronic mail this 11th day of October, 2011 on the following:

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