

JAN 22 2016

STATE OF INDIANA  
INDIANA CIVIL RIGHTS COMMISSION

INDIANA STATE  
CIVIL RIGHTS COMMISSION

Jamal L. Smith, in his official capacity as  
Executive Director of the Indiana Civil Rights  
Commission,

Complainant,

vs.

United Cerebral Palsy of the Wabash Valley,  
Respondent.

) Docket No.: HOha15060430

) 05-15-1081-8

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

On **December 16, 2015**, Hon. 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.

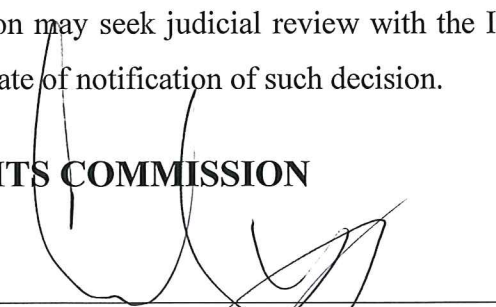
Having carefully considered the foregoing and being duly advised in the premises, the ICRC hereby adopts as its own the findings of fact, conclusions of law, and order proposed by the ALJ in the proposed decision, a copy of which is attached hereto and incorporated herein by reference.

Any party aggrieved by the ICRC’s decision may seek judicial review with the Indiana Court of Appeals within thirty days following the date of notification of such decision.

**INDIANA CIVIL RIGHTS COMMISSION**



COMMISSIONER



COMMISSIONER



COMMISSIONER



COMMISSIONER

**January 22, 2016**

To be served by Certified Mail on the following parties:

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

Frederick S. Bremer, Esq.; Staff Counsel  
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DEC 10 2015

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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.

UNITED CEREBRAL PALSY of the WABASH VALLEY,

Respondent.

) Docket No.: HOha15060430

) HUD No.: 05-15-1081-8

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

On December 1, 2015, Respondent, United Cerebral Palsy of the Wabash Valley (“UCP”) 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. Joshua Garcia filed the Complaint of Discrimination on June 10, 2015, naming UCP, alleging unlawful discrimination because of disability in violation of the Indiana Fair Housing Act, IC 22-9.5 (“the IFHA”).

2. On November 9, 2015, the ICRC’s Executive Director, Jamal L. Smith, issued his Notice of Finding and Issuance of Charge (“Notice”), finding reasonable cause to believe a violation of the IFHA had occurred.

3. UCP received the Notice on November 12, 2015.

4. UCP sent, via certified mail, its Notice of Election to the ICRC on December 1, 2015. While the ICRC did not receive the certified mail, the ALJ finds the delivery to the ICRC to be proper.

5. UCP filed the NOTICE within twenty (20) days of receipt of the Notice of Finding and Issuance of Charge.

6. 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).

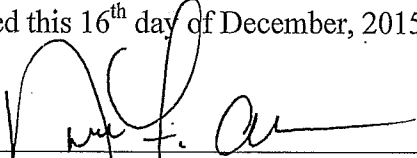
6. Administrative review of this proposed decision may be obtained by the filing of a writing identifying with reasonable particularity each basis of each objection within fifteen (15) days after service of this proposed decision. IC 4-21.5-3-29(d).

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 16<sup>th</sup> day of December, 2015



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Hon. Noell F. Allen  
Administrative Law Judge  
Indiana Civil Rights Commission  
Indiana Government Center North  
100 North Senate Avenue, Room N103  
Indianapolis, IN 46204-2255  
*Debbie Rincones-Chavez, Admin Asst.*  
317/234-6358

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