

STATE OF INDIANA
CIVIL RIGHTS COMMISSION

DOCKET NO. HOno11050184
HUD NO. 05-11-0915-8

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

v.

GENE CARTER, ROBERT C. CARTER, SYLVIA J. CARTER, and
THE CARTER BUILDING; FILE DATED
Respondents.

SEP 23 2011

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

On August 31, 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: 23 September 2011

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

Rana Salmaan
6365 Hollingsworth
Indianapolis, IN 46268

Gene Carter
265 North Third Street
Zionsville, IN 46077

Robert C. Carter
265 North Third Street
Zionsville, IN 46077

Sylvia J. Carter
265 North Third Street
Zionsville, IN 46077

The Carter Building
c/o Manager
265 North Third Street
Zionsville, IN 46077

Michael J. Andreoli, Esq.
Attorney for Respondents Robert C. Carter, Sylvia J. Carter and The Carter Building
1393 West Oak Street
Zionsville, IN 46077-1839

and to be personally served this 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

STATE OF INDIANA
CIVIL RIGHTS COMMISSION

DOCKET NO. HOno11050184
HUD NO. 05-11-0915-8

FILE DATED

AUG 31 2011

JAMAL SMITH, in his official capacity as Indiana State Civil Rights Commission EXECUTIVE
DIRECTOR of the INDIANA CIVIL RIGHTS COMMISSION;
Complainant,

v.

GENE CARTER, ROBERT C. CARTER, SYLVIA J. CARTER, and
THE CARTER BUILDING;
Respondents.

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

On August 26, 2011, Respondents Robert C. Carter, Sylvia J. Carter, and The Carter Building (collectively "the Carters"), filed their 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. On August 10, 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 Respondents had committed a violation of the Indiana Fair Housing Act, IC 22-9.5 ("the IFHA") by terminating the lease of Complainant

Rana Salmaan ("Salmaan") because of national origin. See HOUSING DISCRIMINATION COMPLAINT (May 2, 2011) ("COMPLAINT")

2. The Carters have denied the allegations of unlawful discrimination.
RESPONDENTS' ANSWER TO NOTICE OF FINDING AND ISSUANCE OF CHARGE (August 26, 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.

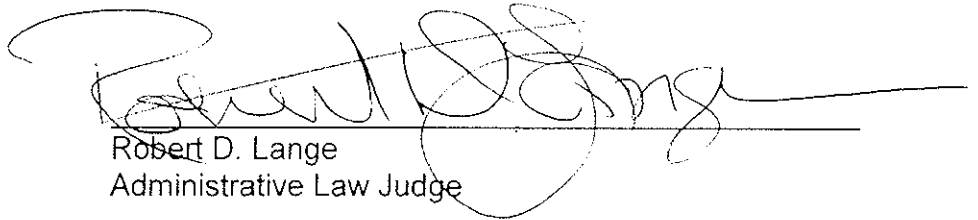
CONCLUSIONS OF LAW

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

Dated: 31 August 2011



Robert D. Lange
Administrative Law Judge

To be served by first class mail this 31st day of August, 2011 on the following parties and attorneys of record:

Rana Salmaan
6365 Hollingsworth
Indianapolis, IN 46268

Gene Carter
265 North Third Street
Noblesville, IN 46077

Robert C. Carter
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Attorney for Respondents Robert C. Carter, Sylvia J. Carter and The Carter Building
1393 West Oak Street
Zionsville, IN 46077-1839

and to be personally served this 31st day of August, 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 31st day of August, 2011 on the following:

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