

STATE OF INDIANA  
CIVIL RIGHTS COMMISSION

DOCKET NO. HOra05120604  
HUD NO. 05-06-0323-8

MINDY DICKERSON,  
Complainant,

vs.

FRENTZ APARTMENTS; OLYNGER  
MANAGEMENT CORPORATION; and  
CONNIE NORRIS, APARTMENT  
MANAGER;

Respondents.

FILE DATED

AUG 25 2006

Indiana State Civil Rights Commission

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

On August 3, 2006, 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

  
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COMMISSIONER

Dated: 25 August 2006

STATE OF INDIANA  
CIVIL RIGHTS COMMISSION

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OLYNGER MANAGEMENT  
CORPORATION; and CONNIE  
NORRIS, APARTMENT  
MANAGER;

Respondents.

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

On July 18, 2006, Respondent Olynger Management Corporation ("Olynger") filed its Notice Of Election ("NOTICE"), a NOTICE to which no other party has responded.

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. The complaint filed by Complainant, Mindy Dickerson ("Dickerson"), as amended, alleges that Dickerson was evicted from Frentz Apartments, a complex managed by Olynger, because of race in violation of the Indiana Fair Housing Act, IC 22-9.5 ("the IFHA"). COMPLAINT OF DISCRIMINATION (November 17, 2005), AMENDMENT TO COMPLAINT OF DISCRIMINATION (January 19, 2006).

2. Olynger denied Dickerson's claims of unlawful discrimination. ANSWER (December 27, 2005).
3. On June 19, 2006, the Deputy Director of the ICRC issued her NOTICE OF FINDING AND CHARGE, finding reasonable cause to believe that a violation of the IFHA had occurred.
4. Olynger filed their notice of election to have this matter heard in court. NOTICE.
5. It appears that the NOTICE was timely filed.
6. Any Conclusion Of Law that should have been deemed a Finding Of Fact is hereby adopted as such.

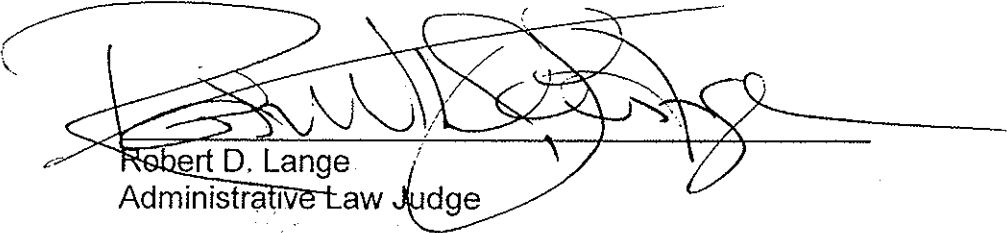
### **CONCLUSIONS OF LAW**

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 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 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 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. Dickerson's complaint, as amended, is **DISMISSED**, with prejudice.

Dated: 03 August 2006



Robert D. Lange  
Administrative Law Judge

To be served by first class mail this 3rd day of August, 2006 on the following parties and attorneys of record:

Mindy Dickerson  
8877 North Hillham Road South  
French Lick, IN 47432

Frentz Apartments  
c/o Manager  
4201 North Second Street  
Dubois, IN 47527

Olynger Management Corporation  
c/o Chief Executive Officer  
P.O. Box 220  
Gas City, IN 46933-0220

ICE MILLER LLP  
BY: Jennifer A. Thomas  
Attorneys for Respondent Olynger Management Corporation  
One American Square, Suite 3100  
Indianapolis, IN 46282

Connie Norris, Manager  
Frentz Apartments  
Olynger Management Corporation  
P.O. Box 220  
Gas City, IN 46933-0220

and to be personally served this 3rd day of August, 2006 on the following:

Indiana Civil Rights Commission  
c/o The Honorable Gregory Kellam Scott, Director  
Indiana Government Center North  
100 North Senate Avenue, Room N103  
Indianapolis, IN 46204-2255

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