

**STATE OF INDIANA
INDIANA CIVIL RIGHTS COMMISSION**

GREGORY L. WILSON, SR., in his official
capacity as EXECUTIVE DIRECTOR of the
INDIANA CIVIL RIGHTS COMMISSION,
Complainant,

vs.

GOODWIN PLAZA APARTMENTS/
TRIANGLE ASSOCIATES LLC.
Respondent.

ICRC NO.: HOsh18080483

HUD No.: 05-18-2956-8

DATE FILED

APR 24 2019

ICRC
COMMISSION

FINAL ORDER

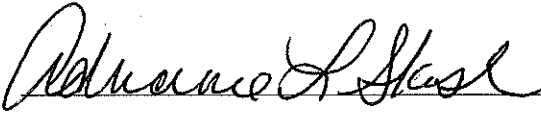
On March 29, 2019, Hon. Caroline A. Stephens Ryker, Administrative Law Judge ("ALJ") for the Indiana Civil Rights Commission ("ICRC") issued her Initial Findings of Fact, Conclusions of Law, and Order ("Order"). The parties had opportunity to object to the Order; neither party objected. With no objection or intent to review on record, the Commission shall affirm the Order. IC 4-21.5-3-29(c). After consideration of the record in this matter and the Order,

THE COMMISSION HEREBY ORDERS:

1. The findings of fact and conclusions of law as stated in the Order, a copy of which is attached hereto, are incorporated herein by reference. IC 4-21.5-3-28(g)(2)
2. The Order is AFFIRMED under IC 4-21.5-3-29 and hereby becomes the Final Order disposing of the proceedings. IC 4-21.5-3-27(a)

Either party to a dispute filed under IC 22-9 may, not more than thirty (30) days after the date of receipt of the Commission's final appealable order, appeal to the court of appeals under the same terms, conditions, and standards that govern appeals in ordinary civil actions. IC 22-9-8-1.

ORDERED by the Commission the majority vote of 5 Commissioners on April 22nd, 2019

 Adrienne Slash, Chair

Certificate of Service

Served this 24 day of April in 2019 by United States Mail on the following:

Arnetta Rose
601 W. St. Clair Street, Apt. 371
Indianapolis, IN 46202

Triangle Associates, LLC
1712 N. Meridian Street, Suite 300
Indianapolis, IN 46202

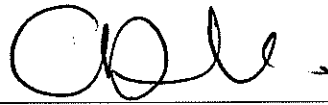
Donald S. Smith
RILEY BENNETT EGLOFF LLP
141 E. Washington Street
Fourth Floor
Indianapolis, IN 46204

Goodwin Plaza Apartments
601 W. St. Clair Street
Suite/Apt. 108
Indianapolis, IN 46202

and personally served on the following attorney of record:

Jordan Burton, Esq.; Staff Counsel
Indiana Civil Rights Commission
Indiana Government Center North
100 North Senate Avenue, Room N300
Indianapolis, IN 46204-2255
Telephone: (317)232-2631
Fax: (317)232-6580
Jburton1@icrc.in.gov

Gregory L. Wilson, Sr., Executive Director
Indiana Civil Rights Commission
Indiana Government Center North
100 North Senate Avenue, Room N300
Indianapolis, IN 46204-2255

A handwritten signature in black ink, consisting of a large capital 'A' followed by a cursive 'E' and 'R'.

Docket Clerk,
Anehitā Eromosele

**STATE OF INDIANA
INDIANA CIVIL RIGHTS COMMISSION**

GREGORY L. WILSON, SR., in his official
capacity as EXECUTIVE DIRECTOR of the
INDIANA CIVIL RIGHTS COMMISSION,

Complainant,

vs.

GOODWIN PLAZA APARTMENTS/
TRIANGLE ASSOCIATES LLC.

Respondent.

ICRC NO.: H0sh18080483

HUD No.: 05-18-2956-8

DATE FILED

MAR 29 2019

OFFICE OF THE
ADMINISTRATIVE JUDGE

INITIAL FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

On March 19, 2019, Respondent Goodwin Plaza Apartments/ Triangle Associates, LLC, by counsel, filed with the Indiana Civil Rights Commission (“Commission”) a “Notice of Election” pursuant to the Indiana Fair Housing Act (“IFHA”), Ind. Code § 22-9.5-6-12, (“IFHA Election”). Complainant, Director Gregory L. Wilson, Sr., has not filed a response. Having carefully considered the foregoing and being duly advised in the premises, the undersigned Administrative Law Judge for the Indiana Civil Rights Commission **HEREBY** issues the following initial findings of fact, conclusions of law, and order:

FINDINGS OF FACT

1. Arnetta Rose (“Aggrieved Party”) filed a Complaint of Discrimination with the ICRC on August 24, 2018, naming the Respondent and alleging unlawful housing discrimination on the basis of sex.
2. On March 8, 2019, the Indiana Civil Rights Commission issued – and on the same served – a Notice of Finding and Issuance of Charge, finding “reasonable cause” to believe a discriminatory practice occurred.
3. Respondent received the Notice of Finding and Issuance of Charge on March 14, 2019, and Respondent’s counsel received the Notice of Finding and Issuance of Charge on March 11, 2019.
4. On March 19, 2019, approximately eleven (11) days after the date the Notice of Election and Charge was signed, Respondent filed its notice of election, which Respondent served on the

Aggrieved Party, the ICRC's Director, the ICRC's Deputy Director, the Docket Clerk, and the assigned ICRC Staff Attorney.

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

CONCLUSIONS OF LAW

1. Article 2 of Title 910 of the Indiana Administrative Code "...provides the ICRC's interpretation of the coverage and application of IC 22-9.5..." and contains guidance on making an election under the Indiana Fair Housing Act. 910 IAC 2-1-1; 910 IAC 2-6-6(h).

2. "A complainant, a respondent, or an aggrieved person on whose behalf the complaint was filed may elect to have the claims asserted in a finding of reasonable cause decided in a civil action. . ." Ind. Code § 22-9.5-6-12. According to the Notice of Finding and Issuance of Charge, "reasonable cause" was found; therefore, an opportunity to elect out of the administrative forum existed on a claim brought under the Indiana Fair Housing Act.

3. "The notice of the election must be filed with the docket clerk of the ICRC and serviced on the director, the respondent, and the aggrieved persons on whose behalf the complaint was filed." 910 IAC 2-6-6(h)(2).

4. "If the complainant, the respondent, or the aggrieved person on whose behalf a complaint was filed makes a timely election to have the claims asserted in the charge decided in a civil action under IC 22-9.5-6-12, the administrative law judge shall dismiss the administrative proceeding." 910 IAC 2-7-9(a).

5. An election must be made under the IFHA within "twenty (20) days after the date of receipt by the electing person..." Ind. Code § 22-9.5-6-12(b). If the electing person is the ICRC Director, then an election under the IFHA must be made within "twenty (20) days after the date the finding of reasonable cause was issued." *Id.*

6. Respondent's IFHA Election was timely filed and effective such that the Commission shall dismiss the administrative proceeding.

7. No finding of "probable cause" was made so the Indiana Civil Rights Law's provisions concerning elections are not applicable.

8. Administrative review of this initial decision may be obtained by filing objections with the Commission that state with reasonable particularity each basis for each objection within 15 days after service of this initial decision. Ind. Code § 4-21.5-3-29(d). Filings can be made with

the Docket Clerk of the Indiana Civil Rights Commission by email, fax, or by mail at the following:

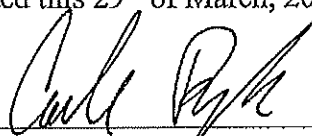
**Docket Clerk
c/o Indiana Civil Rights Commission
100 North Senate Avenue, N300
Indianapolis, IN 46204
Fax: 317-232-6580
Email: aneromosele@icrc.in.gov**

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

ORDER

1. The administrative proceedings on ICRC NO. H0sh18080483 are **DISMISSED**, with prejudice. 910 IAC 2-7-9(a).
2. All proceedings scheduled by the Administrative Law Judge are hereby **VACATED**.
3. This order becomes a final order disposing of the proceedings immediately upon affirmation by the Commission. Ind. Code § 4-21.5-3-29.

Dated this 29th of March, 2019



Hon. Caroline A. Stephens Ryker
Administrative Law Judge
Indiana Civil Rights Commission
100 North Senate Avenue, Room N300
Indianapolis, IN 46204-2255
Anehita Eromosele, Docket Clerk
317/234-6358

Certificate of Service

Served this 29 day of March in 2019 by United States Mail on the following:

Arnetta Rose
601 W. St. Clair Street, Apt. 371
Indianapolis, IN 46202

Triangle Associates, LLC
1712 N. Meridian Street, Suite 300
Indianapolis, IN 46202

Donald S. Smith
RILEY BENNETT EGLOFF LLP
141 E. Washington Street
Fourth Floor
Indianapolis, IN 46204

Goodwin Plaza Apartments
601 W. St. Clair Street
Suite/Apt. 108
Indianapolis, IN 46202

and personally served on the following attorney of record:

Jordan Burton, Esq.; Staff Counsel
Indiana Civil Rights Commission
Indiana Government Center North
100 North Senate Avenue, Room N300
Indianapolis, IN 46204-2255
Telephone: (317)232-2631
Fax: (317)232-6580
Jburton1@icrc.in.gov

Gregory L. Wilson, Sr., Executive Director
Indiana Civil Rights Commission
Indiana Government Center North
100 North Senate Avenue, Room N300
Indianapolis, IN 46204-2255



Docket Clerk,
Anehit Eromosele