FILE DATED

OCT 25 2013

# STATE OF INDIANA INDIANA CIVIL RIGHTS COMMISSION

INDIANA STATE
CIVIL RIGHTS COMMISSION

LONNIE L. JOHNSON	Docket No.: PAra12091459
Complainant,	
vs.	
HARBOR FREIGHT TOOLS USA, INC. and CENTRAL	
PURCHASING, LLC d/b/a HARBOR FREIGHT TOOLS,	
Respondents.	

## FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

On September 30, 2013, Administrative Law Judge ("ALJ") Noell F. Allen 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.

INDIANA CIVIL RIGHTS COMMISSION

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COMMISSIONER

COMMISSIONER

COMMISSIONER

Dated this 25<sup>th</sup> day of October 2013.

To be served by first class mail on the following parties:

Lonnie L. Johnson 221 Langley Avenue Indianapolis, IN 46218

Harbor Freight Tools 4200 S. East Street, Suite 12A Indianapolis, IN 46227

Harbor Freight Tools USA, Inc. By: Marc Friedman, Esq. 26541 Agoura Road Calabasas, CA 91302

OGLETREE, DEAKINS, NASH, SMOAK & STEWART, P.C. BY: Brett E. Buhl
111 Monument Circle, Suite 4600
Indianapolis, IN 46204

and to be personally served on the following attorney:

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 INDIANA CIVIL RIGHTS COMMISSION

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Complainant,	
VS.	) )
HARBOR FREIGHT TOOLS USA, INC. and CENTRAL	) )
PURCHASING, LLC d/b/a HARBOR FREIGHT TOOLS,	)
Respondents.	) ) )

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

On September 24, 2013, Complainant, Lonnie L. Johnson and Respondent, Harbor Freight Tools USA, Inc. and Central Purchasing, LLC d/b/a Harbor Freight Tools ("Respondents"), filed their Joint Motion to Dismiss ("Motion").

Having carefully considered the foregoing and being duly advised in the premises, the undersigned Administrative Law Judge 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. This case involves Johnson's claim that the Respondents denied Johnson the ability to return merchandise to its store because of Johnson's race. COMPLAINT OF DISCRIMINATION (September 10, 2012).
  - 2. The parties agreed to mediate.
  - 3. The parties have reached a private settlement agreement.
  - 4. The Motion is expressly motivated by settlement.
- 5. There is no evidence of fraud, coercion, duress, or any other reason not to approve of the requested dismissal.

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

## **CONCLUSIONS OF LAW**

- 1. The ICRC has jurisdiction over the subject matter and the parties.
- 2. Settlement is a favored resolution and should be encouraged.
- 3. 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).
- 4. Any Finding of Fact that should have been deemed a Conclusion of Law is hereby adopted as such.

#### **ORDER**

- 1. The parties' Joint Motion to Dismiss is **GRANTED**.
- 2. Johnson's complaint is **DISMISSED**, with prejudice.

Dated this 30<sup>th</sup> day of September, 2013

Noell F. Allen

Administrative Law Judge

Indiana Civil Rights Commission

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