

JAN. 28 2014

STATE OF INDIANA
INDIANA CIVIL RIGHTS COMMISSION

INDIANA STATE
CIVIL RIGHTS COMMISSION

JAMAL L. SMITH, in his official capacity as EXECUTIVE
DIRECTOR, STATE OF INDIANA, CIVIL RIGHTS
COMMISSION,

Complainant,

vs.

GRANITE MANAGEMENT, LLC,

Respondent.

) Docket No.: HOha13011696

) HUD No.: 05-13-0370-8

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

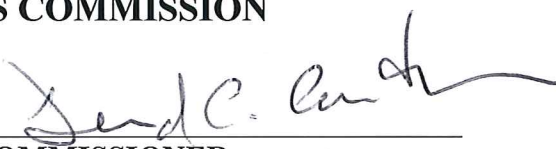
On December 9, 2013, Noell F. Allen Administrative Law Judge (“ALJ”) for the Indiana Civil Rights Commission (“ICRC”) entered her Proposed Findings of Fact, Conclusions of Law, And Order (“the proposed decision”).

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.

INDIANA CIVIL RIGHTS COMMISSION


COMMISSIONER


COMMISSIONER


COMMISSIONER


COMMISSIONER

Dated this 24th day of January, 2014

To be served by Certified Mail upon the following parties:

Roberto Fasquelle
105 E. State Street, Apt. 11
Lafayette, IN 47906

Granite Management
20 N. Salisbury Street, Suite A
West Lafayette, IN 47906

KAHN, DEES, DONOVAN & KAHN, LLP
BY: Jeffrey W. Ahlers
501 Main Street, Suite 305
P.O. Box 3646
Evansville, IN 47735-3646

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

FILE DATED

DEC 09 2013

INDIANA STATE
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JAMAL L. SMITH, in his official capacity as EXECUTIVE
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vs.

GRANITE MANAGEMENT, LLC,

Respondent.

) Docket No.: HOha13011696

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

On April 9, 2013, Respondent, Granite Management, LLC (“Respondent”) 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. Roberto Fasquelle filed the Complaint of Discrimination on January 24, 2013 naming the Respondent, Granite Management, LLC, alleging unlawful discrimination because of disability in violation of the Indiana Fair Housing Act, IC 22-9.5 (“the IFHA”). COMPLAINT OF DISCRIMINATION (January 24, 2013).
2. On March 21, 2013, the ICRC’s Executive Director, Akia Haynes, issued her NOTICE OF FINDING AND ISSUANCE OF CHARGE, finding reasonable cause to believe a violation

of the IFHA had occurred. NOTICE OF FINDING AND ISSUANCE OF CHARGE (March 21, 2013).

3. Respondent filed the NOTICE within twenty (20) days of receipt of the Notice of Finding.
4. On November 26, 2013, the Judge for Tippecanoe Superior Court dismissed this matter.
5. Any Conclusion of Law that should have been deemed a Finding of Fact is hereby adopted as such.

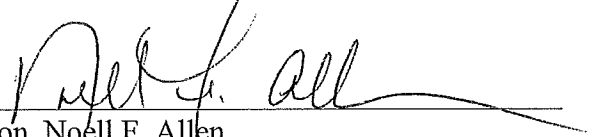
CONCLUSIONS OF LAW

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. The parties agreed to waive the opportunity for administrative review of this proposed decision.
8. 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 9th day of December, 2013



Hon. Noell F. Allen
Administrative Law Judge
Indiana Civil Rights Commission

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

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West Lafayette, IN 47906

KAHN, DEES, DONOVAN & KAHN, LLP
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