

**STATE OF INDIANA
CIVIL RIGHTS COMMISSION**

**DOCKET NO. HOha11100678
HUD NO. 05-12-0413-8**

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

Complainant,

v.

KAROLINE SILKE,

Respondent.

FILE DATED

MAY 23 2012

INDIANA CIVIL RIGHTS COMMISSION

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

On May 10, 2012, Respondent, Karoline Silke ("Silke") filed her 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. Katherine N. Dunnican and Grady Dunnican ("the Dunnicans") filed this complaint on January 24, 2012 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, 2012).

2. Silke denied that she committed unlawful discrimination. ANSWER (February 8, 2012).
3. On April 27, 2012, the ICRC's Director issued his 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 (April 27, 2012).
4. The NOTICE was filed within 20 days of his receipt of the reasonable cause finding.
5. Any Conclusion Of Law that should have been deemed a Finding Of Fact is hereby adopted as such.

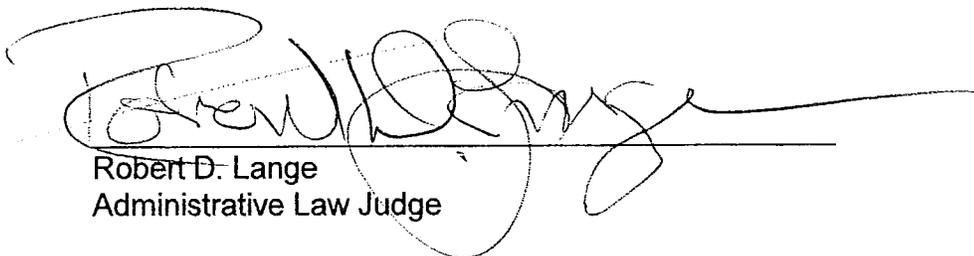
CONCLUSIONS OF LAW

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 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. The complaint is **DISMISSED**, with prejudice.

Dated: 23 May 2012



Robert D. Lange
Administrative Law Judge

To be served by first class mail this 23rd day of May, 2012 on the following parties and attorneys of record:

Katherine N. Dunnican
Grady Dunnican, Jr.
3930 Erie Cove Apt. D
Avon, IN 46123

CIABANU LAW, PC
BY: Andrea Ciabonu, Esq.
Attorneys for Complainants Katherine N. Dunnican and Grady Duncan, Jr.
9000 Keystone Crossing Suite 600
Indianapolis, IN 46240

Karoline Silke
3722 North Kitley Avenue
Indianapolis, IN 46226

and to be personally served this 23rd day of May, 2012 on the following:

Frederick S. Bremer, Esq.; Staff Attorney
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 23rd day of May, 2012 on the following:

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