

FEB 27 2015

INDIANA STATE
CIVIL RIGHTS COMMISSION

STATE OF INDIANA
INDIANA CIVIL RIGHTS COMMISSION

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

Complainant,

vs.

GARDEN CITY TRAILER PARK and JIM
BOHUNSKY

Respondents.

ICRC Docket No.: HOra14090734

ICRC Docket No.: HOra14090733

HUD Docket No.: 05-14-1611-8

HUD Docket No.: 05-15-1610-8

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

On February 2, 2015, Hon. 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”).

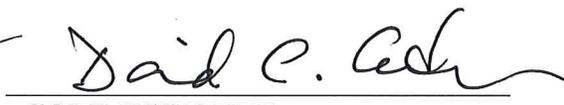
No objections have been filed to the ICRC’s adoption of the proposed decision.

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

February 27, 2014

Served by United States Mail on the following:

LaDonda Maxey
Nickolas Morris
309 Greenlee Dr.
Indianapolis, IN 46234

CIOBANU LAW, P.C
Attn: Andrea L. Ciobanu and Amy C. McCool
One College Park
8910 Purdue Rd., Suite 240
Indianapolis, IN 46268

Garden City Traylor Park
Attn: Jim Bohunsky
4911 Rockville Rd.
Indianapolis, IN 46224

DONAHOE IRVIN PC
Attn: Alan J. Irvin
111 North Rangeline Road
Carmel, IN 46032

and to be personally served on the following attorney of record:

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

INDIANA STATE
CIVIL RIGHTS COMMISSION

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

Complainant,

vs.

GARDEN CITY TRAILER PARK and JIM
BOHUNSKY

Respondents.

ICRC Docket No.: HOra14090734

ICRC Docket No.: HOra14090733

HUD Docket No.: 05-14-1611-8

HUD Docket No.: 05-15-1610-8

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

On January 23, 2015, Respondents, Garden City Trailer Park and Jim Bohunsky (“Respondents”), filed its Notice of Election (“NOTICE”) for the above captioned docket numbers.

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. On September 17, 2014, LaDonda Maxey and Nickolas Morris filed a complaint with the Commission against Garden City Trailer Park and Jim Bohunsky (“Respondent”) alleging discrimination on the basis of race and gender in violation of the Indiana Fair Housing Act (Ind. Code § 22-9.5, *et seq.*), the Indiana Civil Rights Law (Ind. Code § 22-9, *et seq.*) and Title VIII of the Civil Rights Act of 1968 (42 U.S.C. § 3601, *et seq.*). NOTICE OF FINDING and ISSUANCE OF CHARGE (January 12, 2015).

2. On January 12, 2015, the ICRC's Executive Director, Jamal L. Smith, issued his NOTICE OF FINDING AND ISSUANCE OF CHARGE, finding reasonable cause to believe a violation of the IFHA had occurred.

3. Respondent filed the NOTICE within twenty (20) days of receipt of the Notice of Finding.

4. 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).

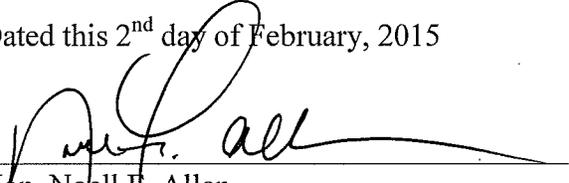
7. Any Finding of Fact that should have been deemed a Conclusion of Law is hereby adopted as such.

ORDER

1. The Complaint of Discrimination is **DISMISSED**, with prejudice.

2. The Initial Pre-Hearing Conference scheduled for February 18, 2015 is hereby **CANCELLED.**

Dated this 2nd day of February, 2015


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

Served by United States Mail on the following:

LaDonda Maxey
Nickolas Morris
309 Greenlee Dr.
Indianapolis, IN 46234

CIOBANU LAW, P.C
Attn: Andrea L. Ciobanu and Amy C. McCool
One College Park
8910 Purdue Rd., Suite 240
Indianapolis, IN 46268

Garden City Traylor Park
Attn: Jim Bohunsky
4911 Rockville Rd.
Indianapolis, IN 46224

DONAHOE IRVIN PC
Attn: Alan J. Irvin
111 North Rangeline Road
Carmel, IN 46032

and to be personally served on the following attorney of record:

Michael C. Healy, Esq.; Staff Counsel
Indiana Civil Rights Commission
Indiana Government Center North
100 North Senate Avenue, Room N103
Indianapolis, IN 46204-2255