

OCT 25 2013

INDIANA STATE  
CIVIL RIGHTS COMMISSION

**STATE OF INDIANA  
INDIANA CIVIL RIGHTS COMMISSION**

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

Complainant,

vs.

JOYCE A. MELLING, TRUSTEE,  
Respondent.

) Docket No.: HOfs11080502

) HUD No.: 05-11-1364-8

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

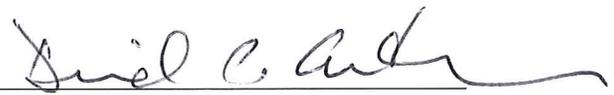
On September 24, 2013, Noell F. Allen, Administrative Law Judge ("ALJ") for the Indiana Civil Rights Commission ("ICRC") entered her Proposed Findings Of Fact, Conclusions Of Law, And Order ("the proposed decision").

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

To be served by first class mail on the following parties and attorney of record:

Lloyd D. Tate  
5059 Whitewater Avenue  
Richmond, IN 47374

Joyce A. Melling, Trustee  
P.O. Box 2190  
Richmond, IN 47374

Joyce A. Melling, Trustee  
2809 Cheryl Street  
Matlacha, FL 33993

BURTON & SIMKIN  
BY: Donald L. Simkin, Esq.  
Attorneys for Respondent Joyce A. Melling, Trustee  
25 North Seventh Street  
Richmond, IN 47374

BARNES & THORNBURG LLP  
BY: John R. Maley, Esq.  
Attorneys for Respondent Joyce A. Melling, Trustee  
1313 Merchants Bank Building  
11 South Meridian Street  
Indianapolis, IN 46204

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

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

On September 20, 2013, Complainant, Jamal L. Smith, in his official capacity as Executive Director, State of Indiana, Civil Rights Commission, and Respondent, Joyce A. Melling, 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. Lloyd Tate filed a complaint with the ICRC against the Respondent alleging discrimination on the basis of race, sex, and familial status when the Respondent did not rent to the Tate family. HOUSING DISCRIMINATION COMPLAINT (August 18, 2011).
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.

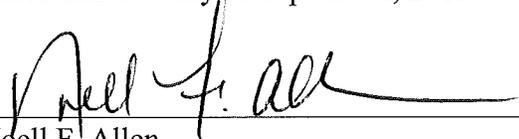
3. Administrative review of this proposed decision may be obtained by the filing of a writing identifying with reasonable particularity each basis of each objection within fifteen (15) days after service of this proposed decision. IC 4-21.5-3-29(d).

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. The Pre-Hearing Conference scheduled for Tuesday, September 24, 2013 is **CANCELLED**.
3. The complaint of discrimination filed is **DISMISSED**, with prejudice.

Dated this 24<sup>th</sup> day of September, 2013



Noell F. Allen  
Administrative Law Judge  
Indiana Civil Rights Commission

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