

STATE OF INDIANA
INDIANA CIVIL RIGHTS COMMISSION

JAMAL L. SMITH, in his official) Docket No.: HOha11020079
capacity as EXECUTIVE DIRECTOR of the) HUD No.: 05-11-0714-8
INDIANA CIVIL RIGHTS COMMISSION)
Complainant,)
vs.)
AIM MANAGEMENT,)
Respondent.)

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

On August 8, 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



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To be served by first class mail on the following:

Jeff and Julie Stuckey
3126 Soldiers Home Road
West Lafayette, IN 47906

Aim Management
c/o Delia Santoyo, Office Manager
1502 Schuyler Avenue
Lafayette, IN 47904

LAW OFFICES OF PEARLMAN, CHOSNEK & HOPSON, PC
BY: Jacqueline Chosnek, Esq.
Attorneys for Respondent Aim Management
316 Ferry Street
P.O. Box 708
Lafayette, IN 47902

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

1 STATE OF INDIANA
INDIANA CIVIL RIGHTS COMMISSION

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3 JAMAL L. SMITH, in his official) Docket No.: HOha11020079
4 capacity as EXECUTIVE DIRECTOR of the) HUD No.: 05-11-0714-8
5 INDIANA CIVIL RIGHTS COMMISSION)
6 Complainant,)
7 vs.)
8 AIM MANAGEMENT,)
9 Respondent.)

10
11 **PROPOSED FINDINGS OF FACT, CONCLUSIONS OF LAW
AND ORDER**

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13 On August 8, 2013, Complainant, Jamal L. Smith, in his official
14 capacity as Executive Director of the State of Indiana Civil Rights
15 Commission ("ICRC"), by counsel, and Respondent, AIM Management, Inc., by
16 counsel, filed their JOINT MOTION TO DISMISS ("Motion").

17 Having carefully considered the foregoing and being duly advised in the
18 premises, the undersigned Administrative Law Judge for the Indiana Civil
19 Rights Commission ("ICRC") proposes that the ICRC enter the following
20 findings of fact, conclusions of law, and order.

21 **FINDINGS OF FACT**

- 22 1. This proceeding involves a complaint of discrimination against
23 the Respondent for its failure to provide a reasonable accommodation
24 for a child's disability. (Notice of Finding, 6/28/2011).
25 2. The parties have reached a private settlement agreement.
26 3. The parties are satisfied with the terms of the settlement
27 agreement.
28 4. There is no evidence of fraud, coercion, duress, or any other
reason not to approve of the requested dismissal.
5. Any Conclusion of Law that should have been deemed a Finding of
Fact is hereby adopted as such.

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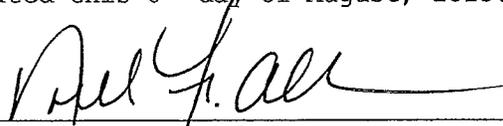
CONCLUSIONS OF LAW

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 complaint is **DISMISSED**, with prejudice.

Dated this 8TH day of August, 2013.



Noell F. Allen
Administrative Law Judge

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