

**STATE OF INDIANA
INDIANA CIVIL RIGHTS COMMISSION**

SAMUEL EVENS,

Complainant,

vs.

LAMB MECHANICAL (ED. JAY
LAMB/WILSON),

Respondent.

ICRC NO.: EMha18010010

DATE FILED
FEB 21 2020

ICRC
COMMISSION

FINAL ORDER

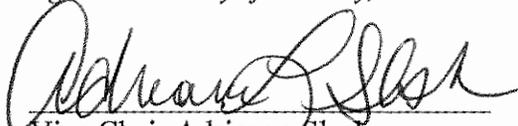
On January 10, 2020, Hon. Caroline A. Stephens Ryker, Administrative Law Judge ("ALJ") for the Indiana Civil Rights Commission ("ICRC") issued her Initial Findings of Fact, Conclusions of Law, and Order ("Order"). The parties had opportunity to object to the Order; neither party objected. With no objection or intent to review on record, the Commission shall affirm the Order. IC 4-21.5-3-29. After consideration of the record in this matter and the Order,

THE COMMISSION HEREBY ORDERS:

1. The findings of fact and conclusions of law as stated in the Order, a copy of which is attached hereto, are incorporated herein by reference. IC 4-21.5-3-28.
2. The Order is AFFIRMED under IC 4-21.5-3-29 and hereby becomes the Final Order disposing of the proceedings. IC 4-21.5-3-27(a).

Either party to a dispute filed under IC 22-9 may, not more than thirty (30) days after the date of receipt of the Commission's final appealable order, appeal to the court of appeals under the same terms, conditions, and standards that govern appeals in ordinary civil actions. IC 22-9-8-1.

SO ORDERED by the majority vote of 4 Commissioners on February 21, 2020
Signed this 21st day of February, 2020


Vice Chair Adrienne Slash

Certificate of Service

Served this 21st day of February, 2020 by United States Mail on the following:

Samuel Evens
595 Northfield Road
Plainfield, IN 46168
Certified #: 9214 8901 0661 5400 0148 4799 17

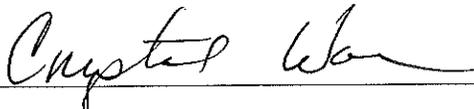
Lamb Mechanical (Ed. Jay Lamb/Wilson)
7210 North Georgetown Road
Indianapolis, IN 46268
Certified #: 9214 8901 0661 5400 0148 4799 48

Attorney R. Lee Money
310 West Main Street
Greenwood, IN 46142
Certified #: 9214 8901 0661 5400 0148 4799 62

Donald S. Smith
Katie R. Osborne
RILEY BENNETT EGLOFF LLP
500 N. Meridian Street, Suite 550
Indianapolis, IN 46204
Telephone: (317)636-8000
dsmith@rbelaw.com
Kosborne@rbelaw.com
Certified #: 9214 8901 0661 5400 0148 4800 05

and personally served on the following attorney of record:

Frederick S. Bremer, Esq.; ICRC Staff Attorney
Indiana Civil Rights Commission
Indiana Government Center North
100 North Senate Avenue, Room N300
Indianapolis, IN 46204-2255
Telephone: (317)232-2634
Fax: (317)232-6580
fbremer@icrc.in.gov



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DATE FILED

JAN 10 2020

OFFICE OF THE
ADMINISTRATIVE JUDGE

INITIAL FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

On January 8, 2020, Respondent and Complainant, by counsel, (collectively referred to herein as “the Parties”), filed a Joint Motion to Dismiss with the undersigned Administrative Law Judge (“ALJ”) for the Indiana Civil Rights Commission (“ICRC”). Having carefully considered the foregoing and being duly advised in the premises, the undersigned ALJ for the ICRC proposes that the Commission enter the following findings of fact, conclusions of law, and order.

FINDINGS OF FACT

1. On January 8, 2018, Complainant filed a Complaint of Discrimination with the ICRC against Respondent, alleging unlawful employment discrimination on the basis of disability in violation of the Indiana Civil Rights Law, Ind. Code 22-9 (“the ICRL”).
2. On May 20, 2019, the ICRC issued a Notice of Finding in which the ICRC found that probable cause existed to believe a violation of the ICRL had occurred as alleged.
3. In the Parties’ January 8, 2020 Joint Motion to Dismiss, Complainant and Respondent requested, in writing, that the complaint be dismissed because the Parties have reached a settlement.
4. The Parties jointly filed their Motion after a Hearing had been scheduled.
5. The Parties attached the executed settlement agreement to their Joint Motion to Dismiss.
6. There is no evidence of fraud, coercion, duress, or any other reason not to grant the requested dismissal.
7. Any Conclusion of Law that should have been deemed a Finding of Fact is hereby adopted as such.

CONCLUSIONS OF LAW

1. The Commission has jurisdiction over the subject matter and the Parties.
2. Because a Hearing was scheduled, a majority of the Commission must consent in writing to the requested withdrawal. 910 IAC 1-2-6.
3. Accordingly, the ALJ dismisses the complaint, subject to the approval of the majority of the Commission.
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. Complainant's Complaint of Discrimination is **DISMISSED**, with prejudice.
3. All previously set deadlines, conferences, and hearings are hereby **VACATED**.

Administrative Review

Before this Initial Findings of Fact, Conclusions of Law, and Order can become a final order in this proceeding pursuant to Indiana Code 4-21.5-3-29, administrative review may be obtained by parties not in default by the filing of a writing that identifies with reasonable particularity the basis for each objection **within fifteen (15) days after the service of this Initial Findings of Fact, Conclusions of Law, and Order**. IND. CODE § 4-21.5-3-29(d). Subject to Indiana Code 4-21.5-3-1, the filing of a document in proceedings before the Commission can be completed by mail, personal service, fax, or electronic mail to:

Docket Clerk
C/o the Indiana Civil Rights Commission
100 North Senate Avenue, Room N300
Indianapolis, IN 46204
Fax: (317) 232-2600
Email: docketclerk@icrc.in.gov

A party shall serve copies of any filed item on all parties. IND. CODE § 4-21.5-3-17(c).

Contact Information

The name, official title, and mailing address of the Presiding Officer and a telephone number through which information concerning schedules and procedures may be obtained, is included below. **However, all *ex parte* contacts –direct or indirect communications regarding any issue in the pending proceeding without notice and opportunity for all parties to**

participate in the communication – are forbidden by law. Repeat: a party shall serve copies of any filed item on **all parties**. IC 4-21.5-3-17(c). The attached Certificate of Service includes the names and mailing addresses of all known parties and other persons to whom notice is being given. IC 4-21.5-3-18(d)(1).

SO ORDERED this 10th day of January, 2020



Hon. Caroline A. Stephens Ryker
Administrative Law Judge
Indiana Civil Rights Commission
100 North Senate Avenue, Room N300
Indianapolis, IN 46204-2255
Anehita Eromosele, Docket Clerk
317/234-6358

Certificate of Service

Served this 10th day of January, 2020 by United States Mail on the following:

Samuel Evens
595 Northfield Road
Plainfield, IN 46168
Certified #: 9214 8901 0661 5400 0146 8468 41

Lamb Mechanical (Ed. Jay Lamb/Wilson)
7210 North Georgetown Road
Indianapolis, IN 46268
Certified #: 9214 8901 0661 5400 0146 8469 02

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310 West Main Street
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