

**STATE OF INDIANA  
INDIANA CIVIL RIGHTS COMMISSION**

DESMOND BOWMAN,

Complainant,

vs.

TIKI BOB'S NIGHTCLUB,

Respondent.

ICRC No.: PAra16071298

DATE FILED

**SEP 23 2019**

ICRC  
COMMISSION

**FINAL ORDER**

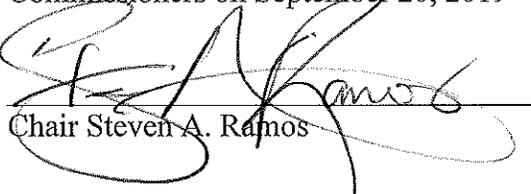
On September 11, 2019, Hon. Caroline A. Stephens Ryker, Administrative Law Judge ("ALJ") for the Indiana Civil Rights Commission ("ICRC") issued her Initial Findings of Fact, Conclusions of Law, and Order ("Order"). The Parties have waived their right to object to the Order. With no objection or intent to review on record, the Commission shall affirm the Order. IC 4-21.5-3-29(c). 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(g)(2).
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.

ORDERED by the Commission the majority vote of 5  
Commissioners on September 20, 2019

  
Chair Steven A. Ramos

Certificate of Service

Served this 23 day of September by Certified Mail on the following:

Desmond Bowman  
3813 Biscayne Road  
Indianapolis, IN 46226  
Certified Mail #: **9214 8901 0661 5400 0142 7277 31**

Tiki Bob's Nightclub  
231 South Meridian Street  
Indianapolis, IN 46225  
Certified Mail #: **9214 8901 0661 5400 0142 7277 62**

Candace Bankovich  
Lewis Wagner, LLP  
Suite 200  
501 Indiana Avenue  
Indianapolis, IN 46202  
cbankovich@lewiswagner.com  
Certified Mail #: **9214 8901 0661 5400 0142 7278 16**

Celia M. Pauli  
Lewis Wagner, LLP  
Suite 200  
501 Indiana Avenue  
Indianapolis, IN 46202  
cpauli@lewiswagner.com  
Certified Mail #: **9214 8901 0661 5400 0142 7278 54**

and personally served on the following:

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](mailto:fbremer@icrc.in.gov)

The Indiana Civil Rights Commission  
Chair Steven A. Ramos  
c/o ICRC Docket Clerk, Anehitia Eromosele  
100 North Senate Avenue, Room N300  
Indianapolis, IN 46204-2255



Docket Clerk, Anehitia Eromosele

**STATE OF INDIANA  
INDIANA CIVIL RIGHTS COMMISSION**

DESMOND BOWMAN,

Complainant,

vs.

TIKI BOB'S NIGHTCLUB,

Respondent.

ICRC No.: PAra16071298

DATE FILED

SEP 11 2019

OFFICE OF THE  
ADMINISTRATIVE JUDGE

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

On August 30, 2019, Executive Director Gregory L. Wilson, Sr. ("Complainant"), by counsel, and Tiki Bob's Nightclub ("Respondent"), by counsel, (collectively referred to herein as "the Parties") filed with the undersigned Administrative Law Judge ("ALJ") for the Indiana Civil Rights Commission ("ICRC") their Joint Motion to Dismiss and Waiver of Objections Period ("Motion").

Having carefully considered the foregoing and being duly advised in the premises, the undersigned ALJ for the ICRC issues the following initial findings of fact, conclusions of law, and order.

**FINDINGS OF FACT**

1. The Aggrieved Party filed a Complaint of Discrimination with the ICRC on July 8, 2016 against Respondent, alleging unlawful public accommodation discrimination on the basis of disability in a violation of the Indiana Civil Rights Law, Ind. Code 22-9 ("the ICRL").
2. On January 9, 2017, the ICRC issued a Notice of Finding and Charge, finding probable cause to believe a violation of the ICRL had occurred.
3. In the Parties' August 30, 2019 Motion, Complainant and Respondent requested, in writing, that the complaint be dismissed because the Parties have reached a settlement.
4. The Parties also waived the 15 day period to object to an Initial Order by the ALJ under the Indiana Administrative Orders and Procedures Act.
5. The Parties jointly filed their Motion after a Hearing had been scheduled.

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. 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. However, the Parties may, "...may waive any right conferred..." to them by the Indiana Administrative Orders and Procedures Act, including the fifteen (15) day appeal period. IC 4-21.5-2-2. The Parties' waiver is effective.

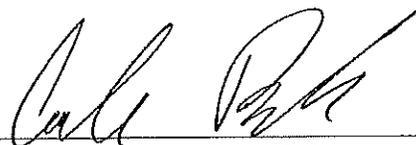
5. Accordingly, the ALJ dismisses the complaint, subject to the approval of the majority of the Commission.

6. 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 and Waiver of Objection Period is **GRANTED**.
2. Complainant's Complaint of Discrimination is **DISMISSED**, with prejudice.
3. All previously set deadlines, conferences, and hearings are hereby **VACATED**.

SO ORDERED this 11<sup>th</sup> day of September, 2019



---

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

Certificate of Service

Served this 11 day of September by Certified Mail on the following:

Desmond Bowman  
3813 Biscayne Road  
Indianapolis, IN 46226  
Certified Mail #

**9214 8901 0661 5400 0142 3537 63**

Tiki Bob's Nightclub  
231 South Meridian Street  
Indianapolis, IN 46225  
Certified Mail #

**9214 8901 0661 5400 0142 3543 95**

Candace Bankovich  
Celia M. Pauli  
Lewis Wagner, LLP  
Suite 200  
501 Indiana Avenue  
Indianapolis, IN 46202  
cbankovich@lewiswagner.com  
cpauli@lewiswagner.com  
Certified Mail #

**9214 8901 0661 5400 0142 3538 79**

and personally served on the following:

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](mailto:fbremer@icrc.in.gov)

The Indiana Civil Rights Commission  
Chair Steven A. Ramos  
c/o ICRC Docket Clerk, Anehita Eromosele  
100 North Senate Avenue, Room N300  
Indianapolis, IN 46204-2255



Docket Clerk, Anehita Eromosele