

OCT 24 2014

STATE OF INDIANA  
INDIANA CIVIL RIGHTS COMMISSION

INDIANA STATE  
CIVIL RIGHTS COMMISSION

GILBERT ANGUIANO,

Complainant,

vs.

CITY OF FORT WAYNE,

Respondent.

ICRC No.: EMno13041087

EEOC No.: 24F-2013-00372

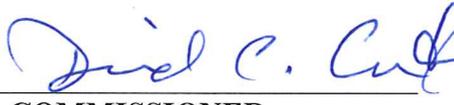
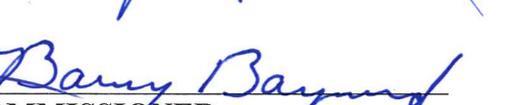
FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

On September 29, 2014, 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

So Ordered this 24<sup>th</sup> day of October 2014.

Served by Certified Mail on the following:

Gilbert Anguiano  
1530 Caribou Drive  
Fort Wayne, IN 46804                    9214 8901 0661 5400 0042 6749 20

Fort Wayne Parks and Recreation Department  
Citizen's Square  
200 East Berry Street, Suite 425  
Fort Wayne, IN 46802                    9214 8901 0661 5400 0042 6750 19

Beckman Lawson, LLP  
Attn: Gary D. Johnson and Ashley N. Hand  
201 West Wayne Street  
Fort Wayne, IN 46802                    9214 8901 0661 5400 0042 6752 93

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

Fred S. Bremer, Esq.; Staff Counsel  
Indiana Civil Rights Commission  
Indiana Government Center North  
100 North Senate Avenue, Room N103  
Indianapolis, IN 46204-2255

OCT 02 2014

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GILBERT ANGUIANO,  
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) ICRC No.: EMno13041087

) EEOC No.: 24F-2013-00372

vs.

CITY OF FORT WAYNE,

Respondent.

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

On September 25, 2014, Complainant, Gilbert Anguiano, and Respondent, City of Fort Wayne, (“Respondents”), filed their Joint Motion to Dismiss (“Motion”).

On September 29, 2014, the undersigned issued a Proposed Findings of Fact, Conclusions of Law, and Order for the full Commission’s consideration. However, the ALJ inadvertently found the parties reached a settlement thereby requesting a joint dismissal of the case. However, that is not the case. The Complainant actually withdrew his complaint with the Commission. Therefore, 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. This case involves Mr. Anguiano’s claim that Respondent denied Complainant employment because of his national origin. NOTICE OF FINDING (March 31, 2014).
2. Mr. Anguiano elected to withdraw his Complaint with the ICRC.
3. There is no evidence of fraud, coercion, duress, or any other reason not to approve of the requested dismissal.

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

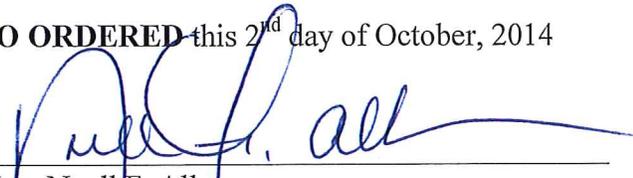
### CONCLUSIONS OF LAW

1. The ICRC has jurisdiction over the subject matter and the parties.
2. Mr. Anguiano withdrew his Complaint with Commission absolving any need for an administrative hearing.
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. Mr. Anguiano's complaint is **DISMISSED**, with prejudice.

**SO ORDERED** this 2<sup>nd</sup> day of October, 2014

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

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