

**STATE OF INDIANA  
INDIANA CIVIL RIGHTS COMMISSION**

ASHLEY GAMMONS,  
Complainant,

vs.

EUELL ENTERPRISE CORPORATION  
D/B/A PURE PASSION,  
Respondent.

ICRC NO.: EMse19040253

EEOC No.: 24F-2019-01433

DATE FILED  
JUN 23 2020

ICRC  
COMMISSION

**FINAL ORDER**

On June 5, 2020, Hon. Caroline A. Stephens Ryker, who was the Administrative Law Judge ("ALJ") assigned to this matter, issued her Initial Findings of Fact, Conclusions of Law, and Order ("Order"). The Parties had opportunity to object to the Order; no objects were filed. With no objections or an intent to review on record, the Commission shall affirm the Orders. IC 4-21.5-3-29. After consideration of the record in this matter and the Orders, **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).
3. By way of this Order, the Commission accepts and approves the Parties' Confidential Settlement Agreement and Release of Claims, as evidenced by the Chair's signature below.

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 June 19, 2020  
*Signed this June 23, 2020*

  
Chair Adrienne L. Slash

**Certificate of Service**

Served this 23rd day of June in 2020 by Certified Mail on the following:

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100 North Senate Avenue, Room N300  
Indianapolis, IN 46204-2255



JUN 05 2020

STATE OF INDIANA  
INDIANA CIVIL RIGHTS COMMISSION

OFFICE OF THE  
ADMINISTRATIVE JUDGE

ASHLEY GAMMONS,

Complainant,

vs.

EUPELL ENTERPRISE CORPORATION

D/B/A PURE PASSION,

Respondent.

ICRC NO.: EMse19040253

EEOC No.: 24F-2019-01433

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

On June 4, 2020, Respondent and Complainant, by their respective counsels, filed their Notice of Withdrawal of Complaint (“Notice”) 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 issues the following initial findings of fact, conclusions of law, and order.

**FINDINGS OF FACT**

1. On August 19, 2019, the ICRC issued a finding of probable cause on Complainant’s April 11, 2019 complaint of discrimination.
2. On June 4, 2020, the Parties requested in writing that the complaint be dismissed because a settlement has been reached. Additionally, the Parties requested that the fifteen (15) day objection period be waived with respect to an order issued by the ALJ.
3. The Parties jointly filed the Motion after a hearing date had been set and before a hearing on the record began.
4. There is no evidence of fraud, coercion, duress, or any other reason not to grant the requested dismissal.
5. 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 date was set at the time the Parties filed their Notice, 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 objection period. IC 4-21.5-2-2. The Parties' waiver is effective.
5. Accordingly, the ALJ dismisses the complaint and accepts the Parties' settlement agreement, 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' Notice of Withdrawal of Complaint is **GRANTED**.
2. Complainant's April 11, 2019 Complaint of Discrimination is **DISMISSED**, with prejudice.
3. All previously set deadlines, conferences, and hearings are hereby **VACATED**.

### **Default**

A Party who fails to attend or participate in a prehearing conference, hearing, or other later stage of the proceeding may be held in default or have a proceeding dismissed. IC 4-21.5-3-18(d)(8); IC 4-21.5-3-24.

### **Resolution of the Matter**

**Parties must notify the Presiding Officer of a settlement.** If a hearing has not been set, the filing of a written, Notice of Withdrawal by Complainant is immediately effective in closing the matter; however, if a joint motion to dismiss or request for withdrawal is made after the case has been set for hearing, the written consent of a majority of the Commissioners must be obtained. 910 IAC 1-2-6. **Notification of a settlement will not result in the closure of the complaint or the staying of deadlines unless accompanied by a written motion for dismissal, withdrawal, or staying of deadlines.**

### **Administrative Review**

Administrative review of this initial decision may be obtained by filing objections with the Commission that state with reasonable particularity each basis for each objection within 15 days after service of this initial decision. IC 4-21.5-3-29(d). Subject to Indiana Code 4-21.5-3-1,

filings before the Commission can be made with the Docket Clerk of the Indiana Civil Rights Commission by email, by fax, by personal service, or by mail at the following:

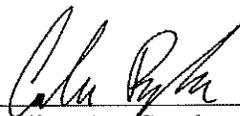
**Docket Clerk**  
**c/o Indiana Civil Rights Commission**  
**100 North Senate Avenue, N300**  
**Indianapolis, IN 46204**  
**Fax: 317-232-6580**  
**Email: [docketclerk@icrc.in.gov](mailto:docketclerk@icrc.in.gov)**

A Party shall serve copies of any filed item on all Parties. IC 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).

Dated this 5<sup>th</sup> day of June, 2020



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Hon. Caroline A. Stephens Ryker  
Administrative Law Judge  
Indiana Civil Rights Commission  
100 North Senate Avenue, Room N300  
Indianapolis, IN 46204-2255  
*Micah Benson, Docket Clerk*  
[docketclerk@icrc.in.gov](mailto:docketclerk@icrc.in.gov)  
317/234-6358

Certificate of Service

Served this 5th day of June in 2020 by United States Mail on the following:

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