

FILE DATED

AUG 27 2015

STATE OF INDIANA  
INDIANA CIVIL RIGHTS COMMISSION

INDIANA STATE  
CIVIL RIGHTS COMMISSION

JAMAL L. SMITH, in his official capacity as  
EXECUTIVE DIRECTOR of the INDIANA CIVIL  
RIGHTS COMMISSION,  
Complainant,

ICRC No.: HOfs14050376

HUD No.: 05-14-0928-8

vs.

DONALD & JACQUELINE BOYER,  
Respondents.

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

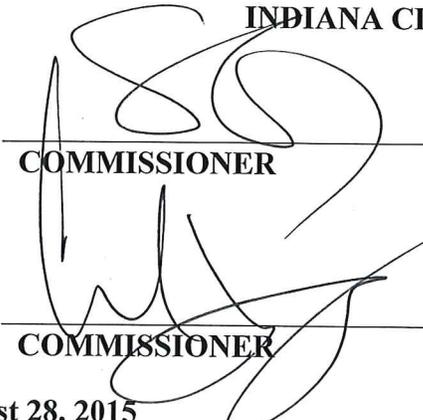
On July 28, 2015, Hon. Noell F. Allen Administrative Law Judge ("ALJ") for the Indiana Civil Rights Commission ("ICRC") entered her Proposed Findings of Fact, Conclusions of Law, And Order ("the proposed decision").

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.

Any party aggrieved by the ICRC's decision may seek judicial review with the Indiana Court of Appeals within thirty days following the date of notification of such decision.

INDIANA CIVIL RIGHTS COMMISSION

  
COMMISSIONER

  
COMMISSIONER

  
COMMISSIONER

  
COMMISSIONER

August 28, 2015

Served by United States Mail on the following:

Tiffany Northam  
27900 Woodview Dr., Apt.1  
Elkhart, IN 46517  
Certified Mail #: 9214 8901 0661 5400 0065 1540 58

Donald & Jacqueline Boyer  
11131 E Quade Avenue  
Mesa, AZ 85212  
Certified Mail #: 9214 8901 0661 5400 0065 1542 01

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

JUL 28 2015

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Complainant,

ICRC No.: HOfs14050376

HUD No.: 05-14-0928-8

vs.

DONALD & JACQUELINE BOYER,  
Respondents.

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

On July 25, 2015, Complainant, Frederick S. Bremer, Staff Counsel for the State of Indiana, Civil Rights Commission ("ICRC"), in the public interest, on behalf of Complainant, Jamal L. Smith, Executive Director of the Indiana Civil Rights Commission ("Complainant") and Donald Boyer and Jacqueline Boyer ("Respondents") filed their Joint Motion to Dismiss ("Motion").

Having carefully considered the foregoing and being duly advised in the premises, the undersigned Administrative Law Judge for the ICRC proposes that the ICRC enter the following findings of fact, conclusions of law, and order.

**FINDINGS OF FACT**

1. This case involves Tiffany Northam's claim that the Respondents made discriminatory statements demonstrating a preference for applicants without children. NOTICE OF FINDING and ISSUANCE OF CHARGE (November 17, 2014).
2. The parties have reached a private settlement agreement and wish to dismiss the complaint with prejudice.
3. The Motion is expressly motivated by settlement.

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.

### **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.

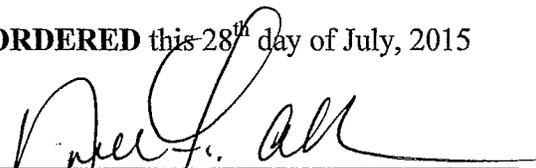
3. Administrative review of this proposed decision may be obtained by the filing of a writing identifying with reasonable particularity each basis of each objection within fifteen (15) days after service of this proposed decision. IC 4-21.5-3-29(d).

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. Ms. Northam's complaint of discrimination is **DISMISSED**, with prejudice.

**SO ORDERED** this 28<sup>th</sup> day of July, 2015

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

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