

JAN 22 2016

INDIANA STATE
CIVIL RIGHTS COMMISSION

STATE OF INDIANA
INDIANA CIVIL RIGHTS COMMISSION

Jamal L. Smith, in his official capacity as
Executive Director of the Indiana Civil Rights
Commission,

Complainant,

vs.

Buckingham Property Management/Governor Square
Apartments,

Respondent.

) Docket No.: HOfs15050325

) 05-15-0845-8

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

On **December 08, 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”).

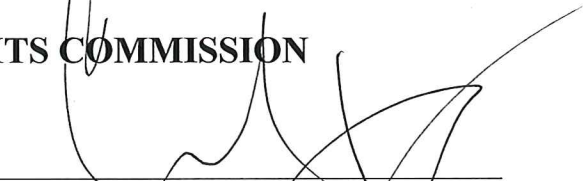
No objections have been filed to the ICRC’s adoption of the proposed decision.

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.

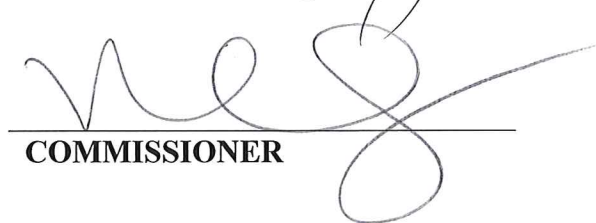
Any party aggrieved by the ICRC’s decision may seek judicial review with the Indiana Court of Appeals within thirty days following the date of notification of such decision.

INDIANA CIVIL RIGHTS COMMISSION


COMMISSIONER


COMMISSIONER


COMMISSIONER


COMMISSIONER

January 22, 2016

To be served by Certified Mail on the following parties:

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

Frederick S. Bremer, Esq.; Staff Counsel
Indiana Civil Rights Commission
Indiana Government Center North
100 North Senate Ave, Room N103
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DEC 08 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,

vs.

BUCKINGHAM PROPERTY
MANAGEMENT/GOVERNOR SQUARE
APARTMENTS

Respondents.

) Docket No.: HOfs15050325

) HUD No.: 05-15-0845-8

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

On December 1, 2015, Respondent, Buckingham Property Management/Governor Square Apartments (“Respondents”) filed their Notice of Election (“NOTICE”).

Having carefully considered the foregoing and being duly advised in the premises, the undersigned Administrative Law Judge (“ALJ”) 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. Rajeevalochana Rangaswamy filed the Complaint of Discrimination on May 1, 2015 naming the Respondents, alleging unlawful discrimination because of national origin and familial status in violation of the Indiana Fair Housing Act, IC 22-9.5 (“the IFHA”).

2. On November 17, 2015, the ICRC’s Executive Director, Jamal L. Smith, issued his Notice of Finding and Issuance of Charge, finding reasonable cause to believe a violation of the IFHA had occurred.

3. On December 1, 2015, Respondents filed their NOTICE. Respondent filed the NOTICE within twenty (20) days of receipt of the Notice of Finding and Issuance of Charge.

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

CONCLUSIONS OF LAW

1. Under the IFHA, a complainant, a respondent, or an aggrieved person may elect to have the claims asserted in a reasonable cause finding decided in a civil action. IC 22-9.5-6-12(a).

2. Such an election must be made within twenty (20) days after receipt by the electing party of the reasonable cause finding. IC 22-9.5-6-12(a).

3. The election in the NOTICE was made in a timely manner.

4. Housing Rule 7.9(a) of the ICRC provides, in material part, as follows:

If ... the respondent ... makes a timely election to have the claims asserted in the charge asserted in a civil action under IC 22-9.5-6-12, the administrative law judge shall dismiss the proceeding.

910 IAC 2-7-9(a).

5. This complaint must be dismissed under 910 IAC 2-7-9(a).

6. 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).

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

ORDER

1. The Initial Pre-Hearing Conference scheduled for January 12, 2016 is CANCELLED.

2. The Complaint of Discrimination is **DISMISSED**, with prejudice.

Dated this 8th day of December, 2015



Hon. Noel F. Allen
Administrative Law Judge
Indiana Civil Rights Commission
Indiana Government Center North
100 North Senate Avenue, Room N103

Indianapolis, IN 46204-2255
Debbie Rincones-Chavez, Admin Asst.
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Served by United States Mail on the following:

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

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