

DEC 18 2015

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.

Diane Craig,

Respondent.

) Docket No.: HOha15050326

) 05-15-0874-8

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

On **December 18, 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”).

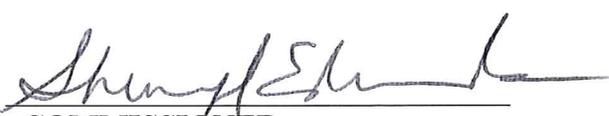
No objections have been filed to the ICRC’s adoption of the proposed decision.

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.

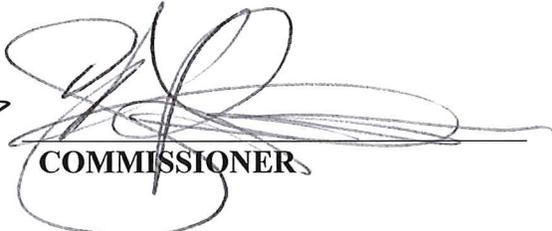
Any party aggrieved by the ICRC’s decision may seek judicial review with the Indiana Court of Appeals within thirty days following the date of notification of such decision.

INDIANA CIVIL RIGHTS COMMISSION

  
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COMMISSIONER

  
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COMMISSIONER

**December 18, 2015**

To be served by Certified Mail on the following parties:

Tammy Huntington  
3301 Andrea Ct.  
Jeffersonville, IN 47130

**CERTIFIED MAIL: 9214 8901 0661 5400 0076 2172 47**

Diane Craig  
2638 Darien Dr.  
Jeffersonville, IN 47130

**CERTIFIED MAIL: 9214 8901 0661 5400 0076 2174 69**

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  
Indianapolis, IN 46204-2255

**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.

DIANE CRAIG

Respondent.

) Docket No.: HOha15050326

) HUD No.: 05-15-0874-8

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

On October 30, 2015, Respondent, Diane Craig, filed its 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. Tammy Huntington filed the Complaint of Discrimination on May 11, 2015 naming Diane Craig, alleging unlawful discrimination on the basis of disability in violation of the Indiana Fair Housing Act, IC 22-9.5 (“the IFHA”). COMPLAINT OF DISCRIMINATION (January 12, 2015).

2. On October 6, 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. Respondents filed the NOTICE within twenty (20) days of receipt of the Notice of Finding.

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

Dated this 30<sup>th</sup> day of October, 2015



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Hon. Noel F. Allen  
Administrative Law Judge  
Indiana Civil Rights Commission

Served by United States Mail on the following:

Tammy Huntington  
3301 Andrea Ct.  
Jeffersonville, IN 47130

Diane Craig  
2638 Darien Dr.  
Jeffersonville, IN 47130

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