

**STATE OF INDIANA  
INDIANA CIVIL RIGHTS COMMISSION**

GREGORY L. WILSON, SR., in his official  
capacity as EXECUTIVE DIRECTOR of the  
INDIANA CIVIL RIGHTS COMMISSION,

Complainant,

vs.

TED STAUFFER,

Respondent.

ICRC NO.: HOfs18010015

HUD No.: 05-18-0485-8

DATE FILED

**AUG 16 2019**

ICRC  
COMMISSION

**FINAL ORDER**

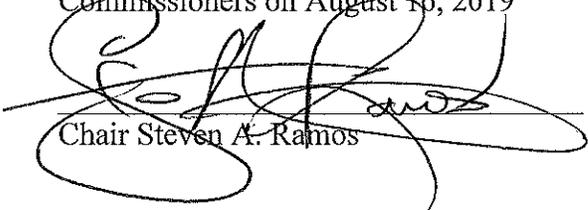
On August 16, 2019, Hon. Caroline A. Stephens Ryker, Administrative Law Judge ("ALJ") for the Indiana Civil Rights Commission ("ICRC") issued her Initial Findings of Fact, Conclusions of Law, and Order ("Order"). The Parties have waived their right to object to the Order. With no objection or intent to review on record, the Commission shall affirm the Order. IC 4-21.5-3-29(c). After consideration of the record in this matter and the Order,

**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(g)(2)
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)

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.

ORDERED by the Commission the majority vote of 4  
Commissioners on August 16, 2019

  
Chair Steven A. Ramos

**Certificate of Service**

Served this 16 day of August by United States Mail on the following:

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\_\_\_\_\_  
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OFFICE OF THE  
ADMINISTRATIVE JUDGE

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

On August 15, 2019, Executive Director Gregory L. Wilson, Sr. (“Complainant”) by counsel and Mr. Stauffer (“Respondent”) by counsel (collectively referred to herein as “the Parties”) filed with the undersigned Administrative Law Judge (“ALJ”) for the Indiana Civil Rights Commission (“ICRC”) their Joint Motion to Dismiss and Waiver of Objections Period (“Motion”).

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. The Aggrieved Party filed a Complaint of Discrimination with the ICRC on January 16, 2018 against Respondent, alleging unlawful housing discrimination on the basis of familial status in a violation of the Indiana Fair Housing Act, Ind. Code 22-9.5 (“the IHFA”).
2. On April 10, 2018, the ICRC issued a Notice of Finding and Charge, finding reasonable cause to believe a violation of the IFHA had occurred.
3. In the Parties’ August 15, 2019 Motion, Complainant and Respondent requested, in writing, that the complaint be dismissed because the Parties have reached a settlement.
4. The Parties also waived their right to appeal an Initial Order by the ALJ under the Indiana Administrative Orders and Procedures Act.
5. The Parties jointly filed their Motion after a Hearing had been conducted.

6. There is no evidence of fraud, coercion, duress, or any other reason not to grant the requested dismissal.

7. 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. The Parties did not file a "...agreement resolving the charge..." or a "consent agreement" requiring approval by and signature of a majority of the commissioners and enforceable as a final order. 910 IAC 2-7-9; IC 22-9-1-6(o); 910 IAC 1-3-4.

3. Because a hearing was conducted, a majority of the Commission must consent in writing to the requested withdrawal. 910 IAC 1-2-6.

4. 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).

5. However, the Parties may, "...may waive any right conferred..." to them by the Indiana Administrative Orders and Procedures Act, including the fifteen (15) day appeal period. IC 4-21.5-2-2. The Parties' waiver is effective.

6. Accordingly, the ALJ dismisses the complaint, subject to the approval of the majority of the Commission.

7. Additionally, subject to this Order's approval by the majority of the Commission, no further litigation is required to resolve this matter, including re-opening the record.

8. 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 and Waiver of Objection Period is **GRANTED**.

2. Complainant's Complaint of Discrimination is **DISMISSED**, with prejudice.

3. All previously set deadlines, conferences, and hearings are hereby **VACATED**.

4. Respondent's June 20, 2019 Motion to Reopening Hearing is **DENIED**.

SO ORDERED this 16<sup>th</sup> day of August, 2019



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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  
*Anehita Eromosele, Docket Clerk*  
317/234-6358

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