



FILED:
December
16, 2025

**STATE OF INDIANA
OFFICE OF ADMINISTRATIVE LAW PROCEEDINGS**

Jose M. Evans, ICRC Litigation on behalf of Public Interest in Support of the Complainant, Complainant, V. Auburn Limited Partnership/PK Indiana GP, LLC and Indian Terrace I & II Apartments, Respondents.	Administrative Cause No.: ICRC-2503-001016 Underlying Agency Action No.: HOha 24090858 05-24-1032-8
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FINAL ORDER ON NOTICE OF WITHDRAWAL

PROCEDURAL HISTORY & JURISDICTION

The Commission of the Indiana Civil Rights Commission ("ICRC") has subject matter jurisdiction over housing discrimination complaints based on disability that are filed under the Indiana Fair Housing Act ("IFHA") and the Indiana Civil Rights Law ("ICRL"). IND. CODE § 22-9-1-2; IND. CODE § 22-9-1-6; IND. CODE § 22-9.5-4-1; IND. CODE § 22-9.5-5. On March 13, 2025, the ICRC, after conducting a neutral investigation, made a reasonable cause and probable cause finding on Mary McCalla's September 15, 2024 complaint that alleged Respondents violated the Indiana Fair Housing Act ("IFHA") and the Indiana Civil Rights Law ("ICRL") by discriminating against Mary McCalla in the protected area of housing on the basis of disability. When a finding of cause is made under the IFHA and ICRL, pursuant to the Commission's June 19, 2020 Finding of Necessity, the Office of Administrative Law Proceedings ("OALP") shall appoint an Administrative Law Judge ("ALJ") to preside over the matter and to conduct a hearing. IND. CODE § 22-9-1-6; IND. CODE § 22-9.5-6-14; IND. CODE § 4-15-10.5-12; IND. CODE § 4-15-10.5-13.

ISSUE

Is Complaint's Notice of Withdrawal effective in dismissing this matter?

FINDINGS OF FACT

1. The Motion was filed on December 10, 2025.
2. As represented in the Motion, the Parties have reached a settlement. As a result, Complainant requests that this matter be dismissed.
3. The Motion was served on all Parties before a Notice of Hearing was issued.

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

CONCLUSIONS OF LAW

1. The Commission has jurisdiction over the subject matter and the Parties. IND. CODE § 22-9-1-2; IND. CODE § 22-9-1-3; IND. CODE § 22-9.5-5-5.
2. A Complainant can withdraw an ICRC complaint by filing a Notice of Withdrawal with the Commission. 910 IAC 1-2-6.
3. A Notice of Withdrawal is a written statement made by the Complainant in which the Complainant requests that the matter be closed. *Id.* The Notice of Withdrawal must be served on all Parties. *Id.*
4. If a hearing has been set, then the majority of the Commission must agree to the withdrawal before the withdrawal is effective in closing the matter. *Id.*
5. However, if a hearing has not been set, then the Notice of Withdrawal filed by a Complainant is immediately effective in closing the matter as of the date of filing. *Id.*
6. Complainant filed Complainant's Motion prior to the setting of a hearing in this matter, and Complainant's Motion complies with 910 IAC 1-2-6.
7. Accordingly, this matter is dismissed pursuant to IND. CODE § 4-21.5-3-27(a).

DECISION

Having duly considered the above, the undersigned Administrative Law Judge ("ALJ") for the Office of Administrative Law Proceedings ("OALP") hereby orders as follows:

1. Complainant's Notice of Withdrawal is GRANTED.
2. Mary McCalla's September 15, 2024 Complaint is DISMISSED, with prejudice.
3. Either Party to a dispute filed under IC 22-9.5 or IC 22-9 may, not more than thirty (30) days after the date of receipt of this final appealable order, appeal to the court of appeals under the same terms, conditions, and standards that govern appeals in ordinary civil actions. IND. CODE § 22-9-8-1; IND. CODE § 22-9.5-11-1.

SO ORDERED: December 16, 2025

Andrew R. Bernlohr

Hon. Andrew R. Bernlohr, Administrative Law Judge
Indiana Office of Administrative Law Proceedings
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Complainant, Mary McCalla, served by US Mail at 1000 Ontario Ln, Apt. 512, Auburn, IN 46706