

STATE OF INDIANA  
CIVIL RIGHTS COMMISSION

DOCKET NO. PAr05090497

DAVID MIMS,  
Complainant,

vs.

MOTEL 6,  
Respondent.

FILE DATED

JUN 22 2007

Indiana State Civil Rights Commission


FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

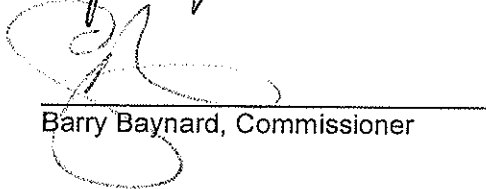
On May 9, 2007, Robert D. Lange, Administrative Law Judge ("ALJ") for the Indiana Civil Rights Commission ("ICRC"), entered his Proposed Findings Of Fact, Conclusions Of Law, And Order ("the proposed decision").

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.

INDIANA CIVIL RIGHTS COMMISSION

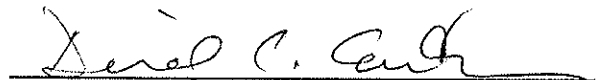
  
Alpha Blackburn, Chairperson

  
Barry Baynard, Commissioner

John E. Garcia, Commissioner

  
Steven Ramos, Commissioner

Dated: 22 June 2007

  
David C. Carter, Vice-Chairperson

  
Tehiji G. Crenshaw, Commissioner

  
Charles D. Gidney, Commissioner

To be served by first class mail on the following parties and attorneys of record:

David Mims  
109 Deerpath Lane  
Newbury Park, CA 91320

Motel 6  
c/o Manager  
2808 South Reed Road  
Kokomo, IN 46902

LEWIS WAGNER LLP  
BY: Stephanie L. Cassman, Esq. and Richard P. Shultz, Esq.  
Attorneys for Respondent Motel 6  
501 Indiana Avenue, Suite 200  
Indianapolis, IN 46202

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

Joshua S. Brewster, Esq.; Staff Attorney  
Indiana Civil Rights Commission  
Attorney for Complainant David Mims  
Indiana Government Center North  
100 North Senate Avenue, Room N103  
Indianapolis, IN 46204-2255

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DAVID MIMS,  
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MAY 09 2007

Indiana State Civil Rights Commission

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

On May 7, 2007, Complainant, David Mims ("Mims"), filed Complainant's Motion To Dismiss, a motion to which Respondent, Motel 6, has not responded.

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. Mims' complaint alleges that, in June of 2005, he was denied equal access to a public accommodation because of race in violation of the Indiana Civil Rights Law, IC 22-9. ("the ICRL"). COMPLAINT OF DISCRIMINATION (September 19, 2005).
2. Motel 6 disputes Mims' claims of unlawful discrimination.
3. Mims' Motion is expressly motivated by a settlement.

4. There is no evidence of fraud, coercion, duress, or any other reason not to approve the stipulated dismissal.
5. Any Conclusion Of Law that should have been deemed a Finding Of Fact is hereby adopted as such.

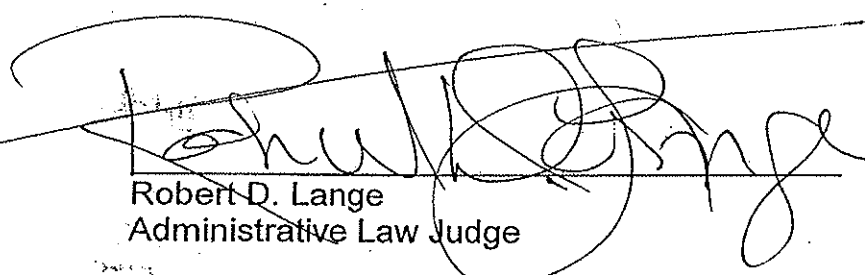
### CONCLUSIONS OF LAW

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 specifying with reasonable particularity each basis for 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. Complainant's Motion To Dismiss is **GRANTED**.
2. Mims' complaint is **DISMISSED**, with prejudice.

Dated: 09 May 2007



Robert D. Lange  
Administrative Law Judge

To be served by first class mail this 9<sup>th</sup> day of May, 2007 on the following parties and attorneys of record:

David Mims  
109 Deerpath Lane  
Newbury Park, CA 91320

Motel 6  
c/o Manager  
2808 South Reed Road  
Kokomo, IN 46902

LEWIS WAGNER LLP  
BY: Stephanie L. Cassman, Esq. and Richard P. Shoultz, Esq.  
Attorneys for Respondent Motel 6  
501 Indiana Avenue, Suite 200  
Indianapolis, IN 46202

and to be personally served this 9<sup>th</sup> day of May, 2007 on the following:

Joshua S. Brewster, Esq.; Staff Attorney  
Indiana Civil Rights Commission  
Attorney for Complainant David Mims  
Indiana Government Center North  
100 North Senate Avenue, Room N103  
Indianapolis, IN 46204-2255

Indiana Civil Rights Commission  
c/o The Honorable Gregory Kellam Scott, Esq.; Director  
Indiana Government Center North  
100 North Senate Avenue, Room N103  
Indianapolis, IN 46204-2255