

**STATE OF INDIANA
INDIANA CIVIL RIGHTS COMMISSION**

NANCY SHEPARD,

Complainant,

vs.

TOWN OF INGALLS,

Respondent.

ICRC NO.: EMrt15070493

DATE FILED

APR 23 2019

ICRC
COMMISSION

FINAL ORDER

On March 25, 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 had opportunity to object to the Order; neither party objected. 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 April 22, 2019



Adrienne Slash, Chair
Indiana Civil Rights Commission

Certificate of Service

Served this 23 day of April by United States Mail on the following:

Nancy Shephard
223 Hallowell Drive
Pendleton, IN 46065

Town Of Ingalls
P. O. Box 277
Ingalls, IN 46048

Ariel E. Schoen
Gregg H. Morelock
Brand & Morelock
6 West South Street
P. O. Box 6
Greenfield, IN 46140
aschoen@brandmorelocklaw.com

and personally served on the following attorney of record:

Frederick S. Bremer, Esq.; ICRC Staff Attorney
Indiana Civil Rights Commission
Indiana Government Center North
100 North Senate Avenue, Room N300
Indianapolis, IN 46204-2255
Telephone: (317)232-2634
Fax: (317)232-6580
fbremer@icrc.in.gov



Anehitia Eromosele, Docket Clerk

**STATE OF INDIANA
INDIANA CIVIL RIGHTS COMMISSION**

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vs.

TOWN OF INGALLS,

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ICRC NO.: EMrt15070493

DATE FILED

MAR 25 2019

OFFICE OF THE
ADMINISTRATIVE JUDGE

INITIAL FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

On March 8, 2019, Nancy Shepard (“Complainant”) and the Town of Ingalls (“Respondent”) (collectively referred to herein as “the Parties”) filed with the Indiana Civil Rights Commission (“Commission”) their Joint Stipulation of Disposition (“Motion”).

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”) issues the following initial findings of fact, conclusions of law, and order.

FINDINGS OF FACT

1. Complainant filed a Complaint of Discrimination with the ICRC on July 6, 2015 naming the Respondent and alleging unlawful discrimination based on retaliation for filing a complaint with the ICRC in violation of the Indiana Civil Rights Law, Ind. Code 22-9 (“the ICRL”).

2. On April 19, 2017, the ICRC issued a Notice of Finding, finding probable cause to believe a violation of the ICRL had occurred.

3. The Parties reached a settlement agreement and move for the matter’s dismissal.

4. The Parties jointly filed the Motion before a hearing on the record had begun.

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

6. 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 "consent agreement" requiring approval by and signature of a majority of the commissioners and enforceable as a final order. IC 22-9-1-6(o); 910 IAC 1-3-4
3. Any Finding of Fact that should have been deemed a Conclusion of Law is hereby adopted as such.

ORDER

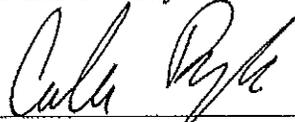
1. The Parties' Motion is **GRANTED**.
2. Nancy Shepard's Complaint of Discrimination is **DISMISSED**, with prejudice.
3. All previously set deadlines, conferences, and hearings are hereby **VACATED**.
4. This order becomes the final order disposing of the proceedings immediately upon affirmation under IC 4-21.5-3-29, IC 4-21.5-3-27(a). The Commission shall review this Order at the next public Commission Meeting.

Administrative review of these Findings of Fact, Conclusions of Law, and Order may be obtained by parties not in default by the filing of a writing identifying with reasonable particularity each basis of each objection within fifteen (15) days after service of this decision. IC 4-21.5-3-29(d). Subject to IC 4-21.5-3-1, the filing of a document in proceedings before the ICRC can be completed by mail, personal service, fax, or electronic mail to:

Docket Clerk
c/o Indiana Civil Rights Commission
100 North Senate Avenue, N300
Indianapolis, IN 46204
Fax: 317-232-6580 Email: aneromosele@icrc.in.gov

A party shall serve copies of any filed item on all parties. IC 4-21.5-3-17(c).

Dated this 25th day of March, 2019



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

Certificate of Service

Served this 25 day of March by United States Mail on the following:

Nancy Shephard
223 Hallowell Drive
Pendleton, IN 46065

Town Of Ingalls
P. O. Box 277
Ingalls, IN 46048

Ariel E. Schoen
Gregg H. Morelock
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Docket Clerk,
Anechita Bromosele