

**STATE OF INDIANA  
INDIANA CIVIL RIGHTS COMMISSION**

JEFFREY TURNER,

Complainant,

vs.

MERCEDES-BENZ OF LAFAYETTE AND  
MIKE RAISOR AUTO GROUP,  
Respondent.

ICRC NO.: EMra17101314

EEOC.: 24F-2018-00072C

DATE FILED

DEC 23 2019

ICRC  
COMMISSION

**FINAL ORDER**

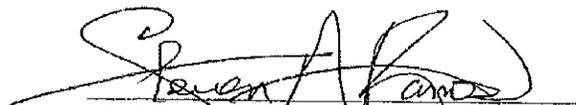
On October 28, 2019, Hon. Caroline A. Stephens Ryker, the Administrative Law Judge ("ALJ") for the Indiana Civil Rights Commission ("ICRC") issued her Initial Findings of Fact, Conclusions of Law, and Order ("Order"). The Parties had opportunity to object to the Order, and neither Party objected to the Order. IC 4-21.5-3-29. After due consideration of the complete record in this matter, the Commission adopts the following and HEREBY Orders:

**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 majority vote of  
\_\_\_\_\_ 5 \_\_\_\_\_ Commissioners on December 20, 2020

  
Chair Steven A. Ramos  
Indiana Civil Rights Commission  
100 North Senate Avenue, Room N300  
Indianapolis, IN 46204-2255

Certificate of Service

Served this 23rd day of December in 2019 by United States  
Mail on the following:

Jeffrey Turner  
8902 Bergeson Drive  
Indianapolis, IN 46278  
Certified Mail #: 9214 8901 0661 5400 0146 1102 70

LEE COSSELL & CROWLEY, LLP  
Faith E. Alvarez, Esq.  
Nathaniel Lee  
151 North Delaware Street #1500  
Indianapolis, IN 46204  
[falvarez@nleelaw.com](mailto:falvarez@nleelaw.com)  
[nlee@nleelaw.com](mailto:nlee@nleelaw.com)  
Certified Mail #:

Mercedes-Benz of Lafayette  
Mike Raisor Auto Group  
2911 East Main Street  
Lafayette, IN 47904  
[aroyer@raisor.com](mailto:aroyer@raisor.com)  
Certified Mail #: 9214 8901 0661 5400 0146 1103 62

Dana E. Stutzman  
Mary K. Liffrig  
HALL, RENDER, KILLIAN, HEATH & LYMAN, P.C.  
500 N. Meridian Street, Suite 400  
Indianapolis, IN 46204  
(317) 633-4884  
[dstutzman@hallrender.com](mailto:dstutzman@hallrender.com)  
[mliffrig@hallrender.com](mailto:mliffrig@hallrender.com)  
Certified Mail #: 9214 8901 0661 5400 0146 1104 30

and personally served on the following:

Jordan D. Burton, Esq.; Staff Counsel  
Indiana Civil Rights Commission  
Indiana Government Center North  
100 North Senate Avenue, Room N300  
Indianapolis, IN 46204-2255  
Telephone: (317)232-2631  
Fax: (317)232-6580  
[JBurton1@icrc.in.gov](mailto:JBurton1@icrc.in.gov)



**STATE OF INDIANA  
INDIANA CIVIL RIGHTS COMMISSION**

JEFFREY TURNER,

Complainant,

vs.

MERCEDES-BENZ OF LAFAYETTE AND  
MIKE RAISOR AUTO GROUP,

Respondent.

ICRC NO.: EMra17101314

EEOC.: 24F-2018-00072C

DATE FILED

OCT 28 2019

OFFICE OF THE  
ADMINISTRATIVE JUDGE

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

On October 24, 2019, Respondent and Complainant (collectively “the Parties”) jointly filed their Joint Update to Administrative Law Judge (“Update”) with the presiding Administrative Law Judge (“ALJ”) for the Indiana Civil Rights Commission (“ICRC”), Hon. Caroline A. Stephens Ryker. In their Update, the Parties represented that Complainant has filed his claim in federal court, and they asserted that the ICRC no longer has jurisdiction over the above captioned matter.

Having carefully considered all of the foregoing and being duly advised in the premises, the undersigned ALJ proposes that the ICRC enter the following findings of fact, conclusions of law, and order.

**FINDINGS OF FACT**

1. On October 24, 2017, Complainant file his complaint with the Indiana Civil Rights Commission in which Complainant alleged that Respondent discriminated against Complainant in employment on the basis of race.
2. After a neutral investigation, the ICRC issued a Notice of Finding on May 20, 2019 in which the ICRC found that probable cause existed with respect to Complainant’s October 24, 2017 complaint.
3. On October 24, 2019, Complainant and Respondent, by their respective attorneys of record, notified the undersigned ALJ that Complainant has “...filed a lawsuit in federal court, the subject of which includes allegations made in [Complainant’s] ICRC Complaint.” (Update at 1.)

4. Any conclusion of law that should have been deemed a finding of fact is hereby adopted as such.

#### CONCLUSIONS OF LAW

1. According to Indiana Code 22-9-1-6(q), “[u]pon notice that a complaint is the subject of an action in a federal court, the commission shall immediately cease investigation of the complaint and may not conduct hearings or issue findings of fact or orders concerning that complaint.”
2. The Commission has been notified by the Parties’ October 24, 2019 Update that this matter is pending in federal court.
3. Accordingly, the Commission must dismiss Complainant’s October 24, 2017 complaint.
4. Any finding of fact that should have been deemed a conclusion of law is hereby adopted as such.

#### ORDER

1. Jeffrey Turner’s October 24, 2017 complaint is hereby DISMISSED, with prejudice.

*This order becomes a final order disposing of the proceedings immediately upon affirmation under Indiana Code 4-21.5-3-29. IND. CODE § 4-21.5-3-27(a).*

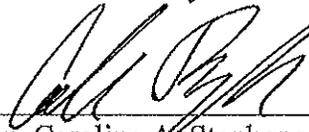
#### ADMINISTRATIVE REVIEW

This Order is not final until confirmed by the Commission. IND. CODE § 4-21.5-3-29. Administrative review may be obtained by Parties not in default by the filing of a writing that identifies with reasonable particularity the basis for each objection **within fifteen (15) days after the service of this Order**. IND. CODE § 4-21.5-3-29(d). Subject to Indiana Code 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 the Indiana Civil Rights Commission  
100 North Senate Avenue, Room N300  
Indianapolis, IN 46204  
Fax: (317) 232-6580  
Email: [anermosele@icrc.in.gov](mailto:anermosele@icrc.in.gov)

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

Dated this 28<sup>th</sup> day of October, 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 28 day of October by United States Mail on the following:

Jeffrey Turner  
8902 Bergeson Drive  
Indianapolis, IN 46278  
Certified Mail #:  
**9214 8901 0661 5400 0144 1458 85**

LEE COSSELL & CROWLEY, LLP  
Faith E. Alvarez, Esq.  
Nathaniel Lee  
151 North Delaware Street #1500  
Indianapolis, IN 46204  
[falvarez@nleelaw.com](mailto:falvarez@nleelaw.com)  
[nlee@nleelaw.com](mailto:nlee@nleelaw.com)  
Certified Mail #:  
**9214 8901 0661 5400 0144 1461 34**

Mercedes-Benz of Lafayette  
Mike Raisor Auto Group  
2911 East Main Street  
Lafayette, IN 47904  
[aroyer@raisor.com](mailto:aroyer@raisor.com)  
Certified Mail #:  
**9214 8901 0661 5400 0144 1462 33**

Dana E. Stutzman  
Mary K. Liffrig  
HALL, RENDER, KILLIAN, HEATH & LYMAN, P.C.  
500 N. Meridian Street, Suite 400  
Indianapolis, IN 46204  
(317) 633-4884  
[dstutzman@hallrender.com](mailto:dstutzman@hallrender.com)  
[mliffrig@hallrender.com](mailto:mliffrig@hallrender.com)  
Certified Mail #:  
**9214 8901 0661 5400 0144 1463 32**

and personally served on the following:

Jordan D. Burton, Esq.; Staff Counsel  
Indiana Civil Rights Commission  
Indiana Government Center North  
100 North Senate Avenue, Room N300  
Indianapolis, IN 46204-2255  
Telephone: (317)232-2631  
Fax: (317)232-6580  
[JBurton1@icrc.in.gov](mailto:JBurton1@icrc.in.gov)



Docket Clerk, Anechita Eromosele