

December 18, 2015

To be served by Certified Mail on the following parties:

Tonya Akers
5918 Westlake Apt. D
Indianapolis, IN 46224

CERTIFIED MAIL: 9214 8901 0661 5400 0076 2065 86

Jennifer Ginn
Park Regency Apts.
8851 Colby Blvd.
Indianapolis, IN 46268

CERTIFIED MAIL: 9214 8901 0661 5400 0076 2068 90

Urban Park Regency, LP
445 N. Wells St., #200
Chicago, IL 60610

CERTIFIED MAIL: 9214 8901 0661 5400 0076 2088 01

Cynthia Ball, Attorney
Landman Beatty Lawyers, LLP
9100 Keystone Ste. #870
Indianapolis, IN 46240

CERTIFIED MAIL: 9214 8901 0661 5400 0076 2079 10

Michael A. Blickman
Charles E. Bush
ICE MILLER LLP
One American Square
Suite 2900
Indianapolis, IN 46282-0200

CERTIFIED MAIL: 9214 8901 0661 5400 0076 2091 05

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

Michael C. Healy, Esq.; Staff Counsel
Indiana Civil Rights Commission
Indiana Government Center North
100 North Senate Ave, Room N103
Indianapolis, IN 46204-2255

OCT 13 2015

INDIANA STATE
CIVIL RIGHTS COMMISSION

STATE OF INDIANA
INDIANA CIVIL RIGHTS COMMISSION

JAMAL L. SMITH, in his official capacity as
EXECUTIVE DIRECTOR of the
INDIANA CIVIL RIGHTS COMMISSION

Complainant,

vs.

PARK REGENCY APARTMENTS and URBAN
PARK REGENCY, LP

Respondents.

) Docket No.: HOra15010025

) HUD No.: 05-15-0405-8

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

On September 23, 2015, Respondents, Park Regency Apartments and Urban Park Regency, LP, ("Respondents"), filed its Notice of Election ("NOTICE").

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. Tonya Akers filed the Complaint of Discrimination on January 12, 2015 naming the Respondents, alleging unlawful discrimination on the basis of race in violation of the Indiana Fair Housing Act, IC 22-9.5 ("the IFHA"). COMPLAINT OF DISCRIMINATION (January 12, 2015).
2. On September 1, 2015, the ICRC's Executive Director, Jamal L. Smith, issued his NOTICE OF FINDING AND ISSUANCE OF CHARGE, finding reasonable cause to believe a violation of the IFHA had occurred.
3. Respondents filed the NOTICE within twenty (20) days of receipt of the Notice of Finding.

4. Any Conclusion of Law that should have been deemed a Finding of Fact is hereby adopted as such.

CONCLUSIONS OF LAW

1. Under the IFHA, a complainant, a respondent, or an aggrieved person may elect to have the claims asserted in a reasonable cause finding decided in a civil action. IC 22-9.5-6-12(a).
2. Such an election must be made within twenty (20) days after receipt by the electing party of the reasonable cause finding. IC 22-9.5-6-12(a).
3. The election in the NOTICE was made in a timely manner.
4. Housing Rule 7.9(a) of the ICRC provides, in material part, as follows:
If ... the respondent ... makes a timely election to have the claims asserted in the charge asserted in a civil action under IC 22-9.5-6-12, the administrative law judge shall dismiss the proceeding.
910 IAC 2-7-9(a).
5. This complaint must be dismissed under 910 IAC 2-7-9(a).
6. 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).
7. Any Finding of Fact that should have been deemed a Conclusion of Law is hereby adopted as such.

ORDER

1. The Complaint of Discrimination is **DISMISSED**, with prejudice.

Dated this 13th day of October, 2015



Hon. Noell F. Allen
Administrative Law Judge
Indiana Civil Rights Commission

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Jennifer Ginn
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8851 Colby Blvd.
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Landman Beatty Lawyers, LLP
9100 Keystone Ste. # 870
Indianapolis, IN 46240

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