

STATE OF INDIANA  
CIVIL RIGHTS COMMISSION

FILE DATED

JAN 27 2006

Indiana State Civil Rights Commission

DANA CRITTENDON,  
Complainant,

vs.

DOCKET NO. HOra04090463  
HUD NO. 05-04-1428-8

MARY SPRIGLER, and  
LOCKWOOD APARTMENTS;  
Respondents.

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

On November 4, 2005, 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**

  
COMMISSIONER

  
COMMISSIONER

  
COMMISSIONER

  
COMMISSIONER

Dated: 27 January 2006

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

Dana L. Crittendon  
472 Old Mill Road  
Shelbyville, KY 40056

Lockwood Apartments  
c/o Chief Executive Officer  
214 East Main Street  
New Albany, IN 47150

Mary Sprigler  
214 East Main Street  
New Albany, IN 47150

Stanley O. Faith, Esq.  
Attorney for Respondents Lockwood Apartments and Mary Sprigler  
412 East Main Street  
New Albany, IN 47150

and to be personally served on the following:

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

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**DANA CRITTENDON,**  
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vs.

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**MARY SPRIGLER, and**  
**LOCKWOOD APARTMENTS;**  
Respondents.

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

On September 15, 2005, Respondents, Mary Sprigler and Lockwood Apartments (collectively "Respondents") - filed their 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. Complainant Dana L. Crittendon ("Crittendon") filed this complaint on September 16, 2004, alleging that Respondents denied him a housing opportunity because of race in violation of the Indiana Fair Housing Act, IC 22-9.5-1 ("the IFHA"). COMPLAINT OF DISCRIMINATION (September 16, 2004).

2. On September 1, 2005, the ICRC's Director issued a Notice Of Finding, finding reasonable cause to believe that a violation of the IFHA had occurred. NOTICE OF FINDING (September 1, 2005).
3. On September 15, 2005, Respondents filed their Notice Of Election to have this case decided in a state court. NOTICE.
4. Any Conclusion Of Law that should have been deemed a Finding Of Fact is hereby adopted as such.

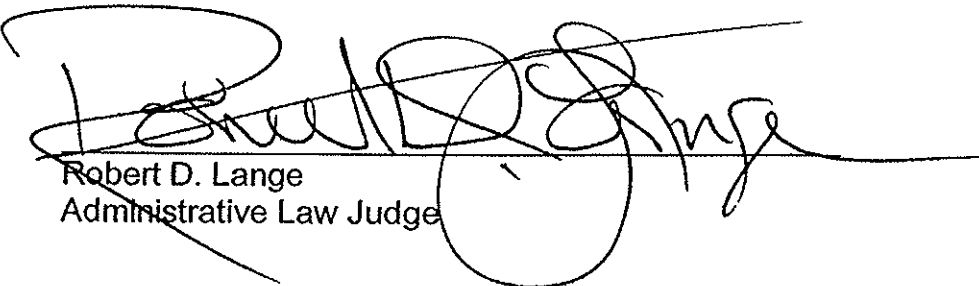
## CONCLUSIONS OF LAW

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 20 days after receipt by the electing party of the reasonable cause finding. IC 22-9.5-6-12(b).
3. The election in the NOTICE was filed 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 specifying with reasonable particularity each basis for each objection within 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. Crittendon's complaint is **DISMISSED**, with prejudice.

Dated: 04 November 2005

  
Robert D. Lange  
Administrative Law Judge

To be served by first class mail this 4th day of November, 2005 on the following parties and attorney of record:

Dana L. Crittendon  
472 Old Mill Road  
Shelbyville, KY 40056

Lockwood Apartments  
c/o Chief Executive Officer  
214 East Main Street  
New Albany, IN 47150

Mary Sprigler  
214 East Main Street  
New Albany, IN 47150

Stanley O. Faith, Esq.  
Attorney for Respondents Lockwood Apartments and Mary Sprigler  
412 East Main Street  
New Albany, IN 47150

and to be personally served this 4th day of November, 2005 on the following:

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

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