

STATE OF INDIANA
CIVIL RIGHTS COMMISSION

DOCKET NO. HOra05060350
HUD NO. 05-05-1041-8

CHRISTINE D. CDE BACA, in her
official capacity as Deputy Director
of the Indiana Civil Rights Commission,
and JOHN W. BRAGG, PRESIDENT;
BUILT ON FOUNDATION, INC.;
Complainants,

FILE DATED

AUG 2 2006

Indiana State Civil Rights Commission

vs.

ALAN CASAR, MAYOR of MUNCIE;
CHARLES E. WEATHERLY, EXECUTIVE
DIRECTOR, MUNCIE HOUSING
AUTHORITY; and ALIZA McNEILL,
CHAIRPERSON, MUNCIE HOUSING
AUTHORITY COMMISSIONERS;
Respondents.

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

On June 15, 2006, 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.

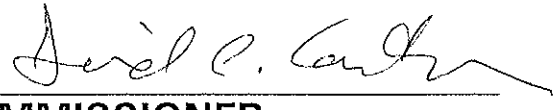
Having carefully considered the foregoing and being duly advised in the premises, the ICRC hereby adopts as its own the findings of fact, conclusions of law, and order

proposed by the ALJ in the proposed decision, a copy of which is attached hereto and incorporated herein by reference.

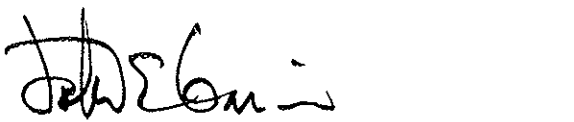
INDIANA CIVIL RIGHTS COMMISSION




COMMISSIONER



COMMISSIONER



COMMISSIONER



COMMISSIONER

Dated: 25 August 2006

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

John W. Bragg, President
Built On Foundation, Inc.
709 Newport Road
Fort Worth, TX 76120

BROOKE MAWHORR
BY: Douglas K. Mawhorr, Esq.
Attorneys for Complainant John W. Bragg, President; Built On Foundation, Inc.
P.O. Box 1071
112 East Gilbert Street
Muncie, IN 47308-1071

Alan Casar, Mayor of Muncie
City of Muncie
300 North High Street
Muncie, IN 47305

Charles A. Weatherly, Executive Director; Muncie Housing Authority
409 East First Street
Muncie, IN 47302

Aliza McNeill, Chairperson; Muncie Housing Authority Commissioners
1906 East Willard Street
Muncie, IN 47302

DeFUR VORAN LLP
BY: Shawn A. Neal, Esq.
Attorneys for Housing Authority of Muncie
201 East Jackson Street, Suite 400
Muncie, IN 47305-2847

and to be personally served on the following:

Christine D. Cde Baca, in her official capacity as Deputy Director of the Indiana Civil
Rights Commission
Indiana Civil Rights Commission
Indiana Government Center North
100 North Senate Avenue, Room N103
Indianapolis, IN 46204-2255

Frederick S. Bremer, Esq.; Staff Attorney
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BUILT ON FOUNDATION, INC.;
Complainants,

FILE DATED

JUN 1 2006

Indiana State Civil Rights Commission

vs.

ALAN CASAR, MAYOR of MUNCIE;
CHARLES E. WEATHERLY, EXECUTIVE
DIRECTOR, MUNCIE HOUSING
AUTHORITY; and ALIZA McNEILL,
CHAIRPERSON, MUNCIE HOUSING
AUTHORITY COMMISSIONERS;
Respondents.

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

On June 7, 2006, Complainant John W. Bragg, President; Built On Foundation, Inc. ("Bragg") filed his Notice Of Election ("NOTICE"), a NOTICE to which no other party has 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. Bragg filed this complaint on June 21, 2005, alleging that Respondents discriminated against him because of race in violation of the Indiana Fair Housing Act, IC 22-9.5 ("the IFHA") by requiring different terms and conditions of him than were required of White contractors with respect to a contract for the development of low income housing. HOUSING DISCRIMINATION COMPLAINT (June 21, 2005), NOTICE OF FINDING AND CHARGE (May 15, 2006).
2. Respondents denied Bragg's claim of unlawful discrimination. NOTICE OF FINDING AND CHARGE (May 15, 2006).
3. On May 15, 2006, the Deputy Director of the ICRC issued her NOTICE OF FINDING AND CHARGE, finding reasonable cause to find that a violation of the IFHA had occurred.
4. It is unlikely that Bragg received the NOTICE OF FINDING AND CHARGE before May 18, 2006.
5. Bragg filed his notice of election to have this matter heard in court on June 7, 2006. NOTICE.
6. Any Conclusion Of Law that should have been deemed a Finding Of Fact is hereby adopted as such.

CONCLUSIONS OF LAW

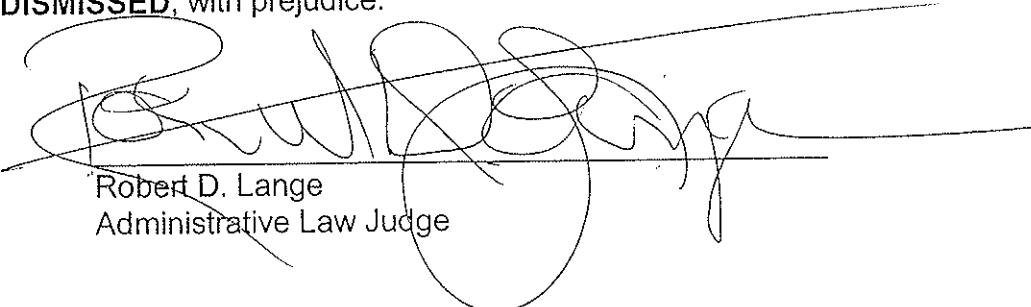
1. Under the IFHA, a complainant, a respondent, or an aggrieved person may elect to have the claims asserted in a reasonable cause finding decided in a civil action. IC 22-9.5-6-12(a).
2. Such an election must be made within 20 days after receipt by the electing party of the reasonable cause finding. 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. Bragg's complaint is **DISMISSED**, with prejudice.

Dated: 15 June 2006


Robert D. Lange
Administrative Law Judge

To be served by first class mail this 15th day of June, 2006 on the following parties and attorneys of record:

John W. Bragg, President
Built On Foundation, Inc.
709 Newport Road
Fort Worth, TX 76120

BROOKE MAWHORR
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BY: Shawn A. Neal, Esq.
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and to be personally served this 15th day of June, 2006 on the following:

Christine D. Cde Baca, in her official capacity as Deputy Director of the Indiana Civil
Rights Commission
Indiana Civil Rights Commission
Indiana Government Center North
100 North Senate Avenue, Room N103
Indianapolis, IN 46204-2255

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