

STATE OF INDIANA
CIVIL RIGHTS COMMISSION

FILE DATED

JAN 27 2006

JOSEPH and MASAKO SANTOS,
Complainants,

Indiana State Civil Rights Commission

vs.

DOCKET NO. HOha04050234
HUD NO. 05-05-0732-8

PRECISION PROPERTIES, LLC;
PAUL PRIMAVERA &
ASSOCIATES, INC; and BENNETT
BUILT, INC.;

Respondents.

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

On November 3, 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.

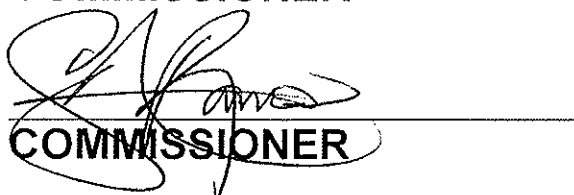
Having carefully considered the foregoing and being duly advised in the premises, the ICRC hereby adopts as its own the findings of fact, conclusions of law, and order proposed by the ALJ in the proposed decision, a copy of which is attached hereto and incorporated herein by reference.

INDIANA CIVIL RIGHTS COMMISSION


COMMISSIONER


COMMISSIONER


COMMISSIONER


COMMISSIONER

27 JANUARY 2006/20
Dated: ~~16~~ December 2005

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

Joseph and Masako Santos
1108 Doebrook Drive
New Albany, IN 47150

Precision Properties, LLC
c/o Chief Executive Officer
1684 Colonial Drive
New Albany, IN 47150

KIGHTLINGER & GRAY, LLP
BY: William E. Smith, III, Esq.
Attorneys for Respondent Precision Properties, LLC
One Commerce Square
4106 Charlestown Road
New Albany, IN 47150

Paul Primavera & Associates, Inc.
c/o Chief Executive Officer
Box 123
Corydon, IN 47112

Bennett Built, Inc.
c/o Chief Executive Officer
P.O. Box 391
Floyd Knobs, IN 47119

APPLEGATE & FIFER
BY: C. Gregory Fifer, Esq.
Attorneys for Respondents Paul Primavera & Associates, Inc. and Bennett Built, Inc.
131 East Court Avenue, Suite 101
Post Office Box 1418
Jeffersonville, IN 47131-1418

and to be personally served on the following:

Michael C. Healy, Esq.; Staff Counsel
Indiana Civil Rights Commission
Attorney for Complainants Joseph and Masako Santos
Indiana Government Center North
100 North Senate Avenue, Room N103
Indianapolis, IN 46204-2255

STATE OF INDIANA
CIVIL RIGHTS COMMISSION

FILE DATED

NOV 03 2005

Indiana State Civil Rights Commission

JOSEPH and MASAKO SANTOS,
Complainants,

vs.

DOCKET NO. HOha04050234
HUD NO. 05-05-0732-8

PRECISION PROPERTIES, LLC;
PAUL PRIMAVERA &
ASSOCIATES, INC; and BENNETT
BUILT, INC.;

Respondents.

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

On August 22, 2005, Respondents Paul Primavera & Associates, Inc. ("PPA") and Bennett Built, Inc. ("BBI") filed their Notice Of Respondents' Election To Have Claims Asserted In Notice Of Finding Decided In A Civil Action ("NOTICE 1"). On August 29, 2005, Respondent Precision Properties, Inc. ("PPI") filed its Notice Of Election ("NOTICE 2").

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. Complainants filed this complaint on May 10, 2004, alleging that they were subjected to unlawful housing discrimination under the Indiana Fair Housing Act, IC 22-9.5-1 ("the IFHA"), because Respondents designed and constructed an inaccessible multi-family dwelling and failed to grant them reasonable accommodations and modifications. HOUSING DISCRIMINATION COMPLAINT (May 10, 2004).
2. Respondents denied committing a violation of the IFHA. NOTICE OF FINDING (July 27, 2005).
3. On July 27, 2005, the ICRC's Deputy Director issued a Notice Of Finding, finding reasonable cause to believe that a violation of the IFHA had occurred. NOTICE OF FINDING (July 27, 2004). This Notice was not served on counsel for PPA and BBI at his then current address. NOTICE OF FINDING, page 3.
4. On August 22, 2005, PPA and BBI filed NOTICE 1. NOTICE.
5. Any Conclusion Of Law that should have been deemed a Finding Of Fact is hereby adopted as such.

CONCLUSIONS OF LAW

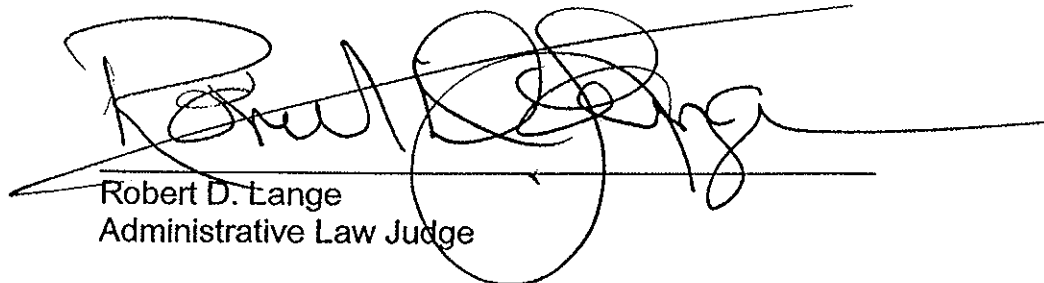
1. Under the IFHA, a complainant, a respondent, or an aggrieved person may elect to have the claims asserted in a reasonable cause finding decided in a civil action. IC 22-9.5-6-12(a).
2. Such an election must be made within 20 days after receipt by the electing party of the reasonable cause finding.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

Dated: 03 November 2005


Robert D. Lange
Administrative Law Judge

To be served by first class mail this 3rd day of November, 2005 on the following parties and attorneys of record:

Joseph and Masako Santos
1108 Doebrook Drive
New Albany, IN 47150

Precision Properties, LLC
c/o Chief Executive Officer
1684 Colonial Drive
New Albany, IN 47150

KIGHTLINGER & GRAY, LLP
BY: William E. Smith, III, Esq.
Attorneys for Respondent Precision Properties, LLC
One Commerce Square
4106 Charlestown Road
New Albany, IN 47150

Paul Primavera & Associates, Inc.
c/o Chief Executive Officer
Box 123
Corydon, IN 47112

Bennett Built, Inc.
c/o Chief Executive Officer
P.O. Box 391
Floyd Knobs, IN 47119

APPLEGATE & FIFER
BY: C. Gregory Fifer, Esq.
Attorneys for Respondents Paul Primavera & Associates, Inc. and Bennett Built, Inc.
131 East Court Avenue, Suite 101
Post Office Box 1418
Jeffersonville, IN 47131-1418

and to be personally served this 3rd day of November, 2005 on the following:

Michael C. Healy, Esq.; Staff Counsel
Indiana Civil Rights Commission
Attorney for Complainants Joseph and Masako Santos
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

STATE OF INDIANA
CIVIL RIGHTS COMMISSION

FILE DATED

JAN 27 2006

Indiana State Civil Rights Commission

FAIR HOUSING COUNCIL,
Complainant,

vs.

DOCKET NO. HOha04050234
HUD NO. 05-04-732-8

**PRECISION PROPERTIES, LLC;
PAUL PRIMAVERA & ASSOCIATES,
INC.; and BENNETT BUILT, INC.;**
Respondents.

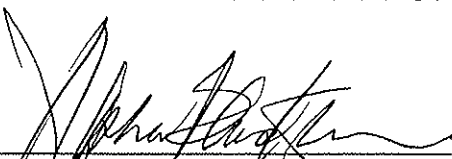
FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

On December 1, 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 attorneys of record:

Kentucky Fair Housing Council
c/o Anthony J. Baize, Executive Director
436 South 7th Street, Suite 201
Louisville, KY 40203

Precision Properties, LLC
c/o Chief Executive Officer
1684 Colonial Drive
New Albany, IN 47150

KIGHTLINGER & GRAY
BY: William E. Smith, III, Esq.
Attorneys for Respondent Precision Properties, Inc.
4106 Charlestown Road
New Albany, IN 47150

Paul Primavera & Associates, Inc.
c/o Chief Executive Officer
Box 123
Corydon, IN 47112

Bennett Built, Inc.
c/o Chief Executive Officer
P.O. Box 391
Floyds Knobs, IN 47119

APPLEGATE MULL & FIFER
BY: C. Gregory Fifer, Esq.
Attorneys for Respondents Paul Primavera & Associates and Bennett Built, Inc.
131 East Court Avenue, Suite 101
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Jeffersonville, IN 47131-1418

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

Joshua Brewster, Esq.; Staff Attorney
Indiana Civil Rights Commission
Attorney for Complainant Kentucky Fair Housing Council
Indiana Government Center North
100 North Senate Avenue, Room N103
Indianapolis, IN 46204-2255

STATE OF INDIANA
CIVIL RIGHTS COMMISSION

FILE DATED

DEC 01 2005

Indiana State Civil Rights Commission

FAIR HOUSING COUNCIL,
Complainant,

vs.

DOCKET NO. HOha04050234
HUD NO. 05-04-732-8

**PRECISION PROPERTIES, LLC;
PAUL PRIMAVERA & ASSOCIATES,
INC.; and BENNETT BUILT, INC.;**
Respondents.

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

On November 29, 2005, for the Indiana Civil Rights Commission ("ICRC") filed its Notice Of Correction Of Record And Motion To Dismiss, a Notice and Motion to which there has been no response.

Having carefully considered the foregoing and being duly advised in the premises the undersigned Administrative Law Judge ("ALJ") for the ICRC proposes that the ICRC enter the following findings of fact, conclusions of law, and order.

FINDINGS OF FACT

1. Complainant [Kentucky] Fair Housing Council[, Inc.] filed this complaint on May 10, 2004, alleging that Joseph and Masako Santos were subjected to unlawful housing discrimination under the Indiana Fair Housing Act, IC 22-9.5-1 ("the IFHA"), because

Respondents designed and constructed an inaccessible multi-family dwelling and failed to grant them reasonable accommodations and modifications. HOUSING DISCRIMINATION COMPLAINT (May 10, 2004).

2. Respondents denied committing a violation of the IFHA. NOTICE OF FINDING (July 27, 2005).

3. On July 27, 2005, the ICRC's Deputy Director issued a Notice Of Finding, finding reasonable cause to believe that a violation of the IFHA had occurred. NOTICE OF FINDING (July 27, 2004).

4. On August 22, 2005, Respondent Paul Primavera and Associates, Inc. filed its NOTICE OF ELECTION.

5. On September 23, 2005, the ICRC filed a civil action in Floyd Circuit Court.

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 this case 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).

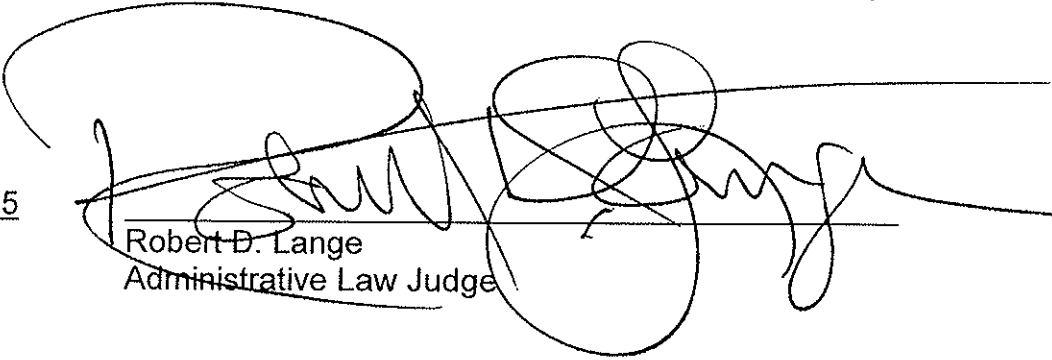
6. Administrative review of this proposed decision may be obtained by the filing of a writing specifying with reasonable particularity each basis for each objection within 15 days after service of this proposed decision. IC 4-21.5-3-29(d).

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

ORDER

1. Complainant's complaint is **DISMISSED**, with prejudice.
2. The Initial Pre-Hearing Conference that had been scheduled for December 12, 2005 is **CANCELLED**.

Dated: 01 December 2005



Robert D. Lange
Administrative Law Judge

To be served by first class mail this 1st day of December, 2005 on the following parties and attorneys of record:

Kentucky Fair Housing Council
c/o Anthony J. Baize, Executive Director
436 South 7th Street, Suite 201
Louisville, KY 40203

Precision Properties, LLC
c/o Chief Executive Officer
1684 Colonial Drive
New Albany, IN 47150

KIGHTLINGER & GRAY
BY: William E. Smith, III, Esq.
Attorneys for Respondent Precision Properties, Inc.
4106 Charlestown Road
New Albany, IN 47150

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Bennett Built, Inc.
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APPLEGATE MULL & FIFER
BY: C. Gregory Fifer, Esq.
Attorneys for Respondents Paul Primavera & Associates and Bennett Built, Inc.
131 East Court Avenue, Suite 101
Post Office Box 1418
Jeffersonville, IN 47131-1418

and to be personally served this 1st day of December, 2005 on the following:

Joshua Brewster, Esq.; Staff Attorney
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