



FILED:
April 16,
2024

**STATE OF INDIANA
OFFICE OF ADMINISTRATIVE LAW PROCEEDINGS**

Gregory L. Wilson, Sr. in his official capacity as Executive Director of the Indiana Civil Rights Commission, De'Andre McDade, and DeSean Bartlett, Complainant, V. Rafayru Investments, LLC and Prestige 1 Realty, LLC, Respondents.	Administrative Cause No.: ICRC-2206-001061 Underlying Agency Action No.: HOra22020034 05-22-4906-8
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FINAL FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

PROCEDURAL HISTORY & JURISDICTION

The Commission of the Indiana Civil Rights Commission ("ICRC") has subject matter jurisdiction over housing discrimination complaints based on race and sex that are filed under the Indiana Fair Housing Act ("IFHA") and the Indiana Civil Rights Law ("ICRL"). IND. CODE § 22-9-1-2; IND. CODE § 22-9-1-6; IND. CODE § 22-9.5-4-1; IND. CODE § 22-9.5-5. On June 2, 2022, the ICRC, after conducting a neutral investigation, made a reasonable cause and probable cause finding on De'Andre McDade and DeSean Bartlett's January 3, 2022, complaint that alleged Respondents violated the Indiana Fair Housing Act ("IFHA") and the Indiana Civil Rights Law ("ICRL") by discriminating against De'Andre McDade and DeSean Bartlett in the protected area of housing on the basis of race and sex. When a finding of cause is made under the IFHA and ICRL, pursuant to the Commission's June 19, 2020, Finding of Necessity, the Office of Administrative Law Proceedings ("OALP") shall appoint an Administrative Law Judge ("ALJ") to preside over the matter and to conduct a hearing. IND. CODE § 22-9-1-6; IND. CODE § 22-9.5-6-14; IND. CODE § 4-15-10.5-12; IND. CODE § 4-15-10.5-13.

ISSUE

Is Complainant's Withdrawal of Complaint against Prestige 1 Realty, LLC ("Motion") effective in dismissing this matter?

FINDINGS OF FACT

1. The Motion was filed on April 15, 2024.

2. As represented in the Motion, the Parties have reached a settlement as to the claim against Respondent Prestige 1 Realty, LLC. As a result, Complainant requests that this matter be dismissed as to Respondent Prestige 1 Realty, LLC.
3. The Motion was served on all Parties after a Notice of Hearing was issued on February 26, 2024.
4. There is no evidence of fraud, coercion, duress, or any other reason not to grant the requested dismissal.
5. Any Conclusion of Law that should have been deemed a Finding of Fact is hereby adopted as such, and this Order's statement of Procedural History is incorporated into these Findings of Fact.

CONCLUSIONS OF LAW

1. The Commission has jurisdiction over the subject matter and the Parties. IND. CODE § 22-9-1-2; IND. CODE § 22-9-1-3; IND. CODE § 22-9.5-5-5.
2. A Complainant can withdraw an ICRC complaint by filing a Notice of Withdrawal with the Commission. 910 IAC 1-2-6.
3. A Notice of Withdrawal is a written statement made by the Complainant in which the Complainant requests that the matter be closed. *Id.* The Notice of Withdrawal must be served to all Parties. *Id.*
4. If a hearing has been set, then the majority of the Commission must agree to the withdrawal before the withdrawal is effective in closing the matter. *Id.*
5. Complainant filed Complainant's Motion after the setting of a hearing in this matter, and Complainant's Motion complies with 910 IAC 1-2-6.
6. The majority of the Commission agreed to Complainant's Motion.
7. Accordingly, this matter is dismissed against Respondent Prestige 1 Realty, LLC, and pursuant to IC 4-21.5-3-29 and the Commission's Order, this Order is automatically affirmed as a Final Order disposing of the proceedings. IND. CODE § 4-21.5-3-27(a).
8. Any Finding of Fact that should have been deemed a Conclusion of Law is hereby adopted as such, and this Order's Statement of Jurisdiction is incorporated into these Conclusions of Law.

DECISION

Having duly considered the above, the undersigned Administrative Law Judge ("ALJ") for the Office of Administrative Law Proceedings ("OALP") hereby orders as follows:

1. Complainant's Motion is GRANTED.
2. De'Andre McDade and DeSean Bartlett's January 3, 2022, Complaint is DISMISSED, with prejudice against Prestige 1 Realty, LLC.

3. Either Party to a dispute filed under IC 22-9.5 or 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. IND. CODE § 22-9-8-1; IND. CODE § 22-9.5-11-1.

SO ORDERED: April 16, 2024

LaKeshia Triggs

Hon. LaKeshia Triggs, Administrative Law Judge
Indiana Office of Administrative Law Proceedings
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Indianapolis, IN 46204
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Distribution List:

Complainant, De'Andre McDade and DeSean Bartlett served by US Mail at 13325 White Granite Dr., Unit 1100, Fishers, IN 46038

ICRC Staff Attorney, Frederick Bremer served by email at fbremer@icrc.in.gov

Respondent, Prestige 1 Realty, LLC served by email at jasmine@berkshirlawllc.com

Respondent, Rafayru Investments, LLC, served by email at aquiles@premierglobalbrokers.com

Chair Slash of the Indiana Civil Rights Commission – ultimate authority and served at docketclerk@icrc.in.gov