

**STATE OF INDIANA  
INDIANA CIVIL RIGHTS COMMISSION**

THOMAS JORDAN,  
Complainant,  
vs.  
8 SECONDS SALOON,  
Respondent.

ICRC NO.: PAha19040234

DATE FILED

**OCT 21 2019**

ICRC  
COMMISSION

**FINAL ORDER**

On September 19, 2019, Hon. Caroline A. Stephens Ryker, Administrative Law Judge ("ALJ") for the Indiana Civil Rights Commission ("ICRC") issued her Initial Findings of Fact, Conclusions of Law, and Order ("Order"). The Parties had opportunity to object to the Order, and neither Complainant nor Respondent objected. IC 4-21.5-3-29. After due consideration of the complete record in this matter, the Commission adopts the following and HEREBY Orders:

**THE COMMISSION HEREBY ORDERS:**

1. The findings of fact and conclusions of law as stated in the Order, a copy of which is attached hereto, are incorporated herein by reference. IC 4-21.5-3-28(g)(2).
2. The Order is AFFIRMED under IC 4-21.5-3-29 and hereby becomes the Final Order disposing of the proceedings. IC 4-21.5-3-27(a).

Either party to a dispute filed under 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. IC 22-9-8-1.

ORDERED by the Commission majority vote of 5 Commissioners on this

18 day of October, 2019

  
Chair Steven A. Ramos  
Indiana Civil Rights Commission

Certificate of Service

Served this 21 day of October by United States Mail on the following:

Thomas Jordan  
926 N. Dearborn Street  
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Bill Stamper  
General Manager  
8 Seconds Saloon  
111 N. Lynhurst Drive  
Indianapolis, IN 46224  
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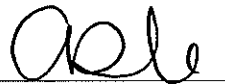
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Doneisha Posey, ICRC Staff Attorney  
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Docket Clerk,  
Anehta Eromosele

**STATE OF INDIANA  
INDIANA CIVIL RIGHTS COMMISSION**

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DATE FILED

SEP 16 2019

OFFICE OF THE  
ADMINISTRATIVE JUDGE

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

On September 11, 2019, Thomas Jordan (“Complainant”) filed “Complainant’s Motion to Dismiss Complaint with Prejudice” (“Motion”), and on September 13, 2019, 8 Seconds Salon (“Respondent”) filed its Motion, “No Objection to Complainant’s Motion to Dismiss Complaint with Prejudice.” 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”) issues the following initial findings of fact, conclusions of law, and order.

**FINDINGS OF FACT**

1. Complainant filed a Complaint of Discrimination with the ICRC on April 23, 2019 naming Respondent and alleging unlawful discrimination on the basis of disability with respect to a public accommodation in violation of the Indiana Civil Rights Law, Ind. Code 22-9 (“the ICRL”).
2. On August 19, 2019, the ICRC issued a Notice of Finding, finding probable cause to believe a violation of the ICRL had occurred.
3. The Parties have reached a settlement agreement, and accordingly, Complainant is moving for the matter’s dismissal, to which Respondent has no objection.
4. Complainant filed the Motion before a date for a Hearing was set.
5. There is no evidence of fraud, coercion, duress, or any other reason not to grant the requested dismissal.
6. Any Conclusion of Law that should have been deemed a Finding of Fact is hereby adopted as such.

### CONCLUSIONS OF LAW

1. The Commission has jurisdiction over the subject matter and the Parties.
2. The Parties did not file a "consent agreement" that requires the approval and signature of a majority of the Commissioners and that is enforceable as a final order. IC 22-9-1-6(o); 910 IAC 1-3-4.
3. If a Hearing date has been set prior to a request to withdraw or dismiss a complaint, then the complaint may only be withdrawn with the written consent of the majority of the Commission. 910 IAC 1-2-6. As no Hearing date was set in this matter, the complaint may be withdrawn without the consent of the Commission.
4. Accordingly, the "...[c]omplaint may be withdrawn at the discretion of the Complainant." *Id.*
5. Any Finding of Fact that should have been deemed a Conclusion of Law is hereby adopted as such.

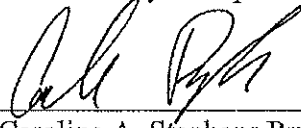
### ORDER

1. Complainant's Motion to Dismiss Complaint with Prejudice is **GRANTED**.
2. Thomas Jordan's Complaint of Discrimination is **DISMISSED**, with prejudice.
3. All previously set deadlines, conferences, and hearings are hereby **VACATED**.
4. Administrative review of these Initial Findings of Fact, Conclusions of Law, and Order may be obtained by parties not in default by the filing of a writing identifying with reasonable particularity each basis of each objection within fifteen (15) days after service of this decision, IC 4-21.5-3-29(d). Subject to IC 4-21.5-3-1, the filing of a document in proceedings before the ICRC can be completed by mail, personal service, fax, or electronic mail to:

Docket Clerk  
c/o Indiana Civil Rights Commission  
100 North Senate Avenue, N300  
Indianapolis, IN 46204  
Fax: 317-232-6580  
Email: [aneromosele@icrc.in.gov](mailto:aneromosele@icrc.in.gov)

A party shall serve copies of any filed item on all parties. IC 4-21.5-3-17(c). This order becomes the final order disposing of the proceedings immediately upon affirmation under IC 4-21.5-3-29. IC 4-21.5-3-27(a). The Commission shall review this Order at the next public Commission Meeting scheduled after the expiration of the fifteen (15) day objection period.

Dated this 16<sup>th</sup> day of September, 2019



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Hon. Caroline A. Stephens Ryker  
Administrative Law Judge  
Indiana Civil Rights Commission  
100 North Senate Avenue, Room N300  
Indianapolis, IN 46204-2255  
*Anehita Eromosele, Docket Clerk*  
317/234-6358

Certificate of Service

Served this 16 day of September by United States Mail on the following:

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Docket Clerk,  
Anehitia Eromosele