

JUN 03 2014

INDIANA STATE
CIVIL RIGHTS COMMISSION

STATE OF INDIANA
INDIANA CIVIL RIGHTS COMMISSION

TAMEKA K. DRAKE and BANZA TOWNSEND,

Complainants,

vs.

TRI-ENTERTAINMENT, INC, d/b/a LANDSHARKS,

Respondent.

) Docket Nos.: PAra09120429

) PAra09120430


FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

On May 21, 2014, Noell F. Allen Administrative Law Judge ("ALJ") for the Indiana Civil Rights Commission ("ICRC") entered her 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 this 30th Day of May, 2014.

Served by Certified Mail on the following:

Tameka K. Drake
6175 Bristlecone Drive
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Banza Townsend
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TRI Entertainment, Inc. d/b/a Landsharks
c/o Manager
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Bryan L. Cook, Esq.
Attorney for Respondent TRI Entertainment, Inc. d/b/a Landsharks
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and to be personally served on the following attorney of record:

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

MAY 21 2014

INDIANA STATE
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TAMEKA K. DRAKE and BANZA TOWNSEND,)	Docket Nos.: PAra09120429
)	
Complainants,)	PAra09120430
)	
vs.)	
)	
TRI-ENTERTAINMENT, INC, d/b/a LANDSHARKS,)	
)	
Respondent.)	

PROPOSED FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

On April 29, 2014, the undersigned Administrative Law Judge (“ALJ”) for the Indiana Civil Rights Commission (“ICRC”) issued her Proposed Findings of Fact, Conclusions of Law (“Proposed Order”), and Order for the Commission’s consideration. On May 16, 2014, Complainants, Tameka K. Drake and Banza Townsend, by counsel, and Respondent, Tri-Entertainment, Inc. d/b/a Landsharks, by counsel, filed their JOINT MOTION TO DISMISS (“Motion”).

Having carefully considered the foregoing and being duly advised in the premises, the ALJ rescinds the Proposed Order and proposes the ICRC enter the following findings of fact, conclusions of law, and order.

FINDINGS OF FACT

1. This proceeding involves a complaint of discrimination against Respondent alleging Respondent discriminated against Complainants on the basis of race. (Complaint of Discrimination, December 10, 2009).
2. The parties have reached a private settlement agreement.
3. The parties are satisfied with the terms of the settlement agreement.
4. There is no evidence of fraud, coercion, duress, or any other reason not to approve of the requested dismissal.

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

CONCLUSIONS OF LAW

1. The ICRC has jurisdiction over the subject matter and the parties.
2. Settlement is a favored resolution and should be encouraged.
3. Administrative review of this proposed decision may be obtained by the filing of a writing identifying with reasonable particularity each basis of each objection within fifteen (15) days after service of this proposed decision. IC 4-21-5-3-29(d).

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

ORDER

1. The parties' Joint Motion to Dismiss is **GRANTED**.
2. The Complainants' complaint is **DISMISSED**, with prejudice.

Dated this 21st day of May, 2014



Hon. Noel F. Allen

Administrative Law Judge
Indiana Civil Rights Commission

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