Ohio Civil Rights Commission

Memo

To: Desmon Martin, Director of Enforcement and Compliance

From: Denise M. Johnson, Chief Administrative Law Judge DMJ

Date: August 29, 2012

Re: *Robert R. Koenig v. Akron Tower Housing Partnership, Tony Rodriguez, Paula Smoot and Millie Vidrih*
(AKR) H310252004 (29312) 11102004 05-05-0230-8
Complaint No. 9951

Tri-County Independent Living Center v. Akron Tower Housing Partnership, Tony Rodriguez, Paula Smoot and Millie Vidrih
(AKR) H310252004 (29313) 11102004 05-05-0229-8
Complaint No. 9952

CONSIDERATION OF
ADMINISTRATIVE LAW JUDGE'S REPORT

ALJ RECOMMENDS DISMISSAL ORDERS

Report issued: August 28, 2012

Report mailed: August 29, 2012

** **Objections due: September 21, 2012**

DMJ:tg

Ohio Civil Rights Commission

Governor
John Kasich

Board of Commissioners
Leonard J. Hubert, Chairman
William W. Patmon III
Stephanie M. Mercado, Esq.
Tom Roberts
Rashmi N. Yajnik

G. Michael Payton, Executive Director

August 29, 2012

Robert R. Koenig
45 Cathedral Lane Apt. 1101
Cuyahoga Falls, OH 44223

Lynn M. Clark, Esq.
855 Drake Avenue
Clinton, OH 44216

Michele Morris, Esq.
430 White Pond Drive, Suite 500
Akron, OH 44320-1122

Re: *Robert R. Koenig v. Akron Tower Housing Partnership, Tony Rodriguez, Paula Smoot and Millie Vidrih*
(AKR) H310252004 (29312) 11102004 05-05-0230-8 Complaint No. 9951

Enclosed is a copy of the Administrative Law Judge's Findings of Fact, Conclusions of Law, and Recommendation(s) (ALJ's Report). You may submit a Statement of Objections to the ALJ's Report within twenty (20) days from the mailing date of this report.

Pursuant to Ohio Admin. Code § 4112-1-02, your Statement of Objections must be **received** by the Commission no later than **Friday, September 21, 2012**. *No extensions of time will be granted.*

Any objections received after this date will be **untimely filed** and cannot be considered by the Ohio Civil Rights Commission.

Please send the original Statement of Objections to: **Desmon Martin, Director of Enforcement and Compliance, Ohio Civil Rights Commission, State Office Tower, 5th Floor, 30 East Broad Street, Columbus, OH 43215-3414**. *All parties and the Administrative Law Judge should receive copies of your Statement of Objections.*

FOR THE COMMISSION

Desmon Martin / tg

Desmon Martin
Director of Enforcement and Compliance

DM:tg

Enclosure

cc: Lori A. Anthony, Chief – Civil Rights Section/Marilyn Tobocman
Denise M. Johnson, Chief Administrative Law Judge

Ohio Civil Rights Commission

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August 29, 2012

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Re: *Tri-County Independent Living Center v. Akron Tower Housing Partnership, Tony Rodriguez, Paula Smoot and Millie Vidrih*
(AKR) H310252004 (29313) 11102004 05-05-0229-8 Complaint No. 9952

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FOR THE COMMISSION

Desmon Martin / tg

Desmon Martin
Director of Enforcement and Compliance

DM:tg

Enclosure

cc: Lori A. Anthony, Chief – Civil Rights Section/Marilyn Tobocman
Denise M. Johnson, Chief Administrative Law Judge

OHIO CIVIL RIGHTS COMMISSION

IN THE MATTER OF:

ROBERT R. KOENIG AND TRI-COUNTY INDEPENDENT LIVING CENTER

Complainants

v.

AKRON TOWER HOUSING PARTNERSHIP, TONY RODRIGUEZ, PAULA SMOOT AND MILLIE VIDRIH

Respondents

Complaint No. 9951
(AKR) H310252004 (29312) 11102004
05 – 05 – 0230 – 8

Complaint No. 9552
(AKR) H310252004 (29313) 11102004
05 – 05 – 0229 – 8

CHIEF ADMINISTRATIVE LAW JUDGE'S FINDINGS OF FACT, CONCLUSIONS OF LAW, AND RECOMMENDATION

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Complainant

ALJ'S REPORT BY:

Denise M. Johnson
Chief Administrative Law Judge
Ohio Civil Rights Commission
State Office Tower, 5th Floor
30 East Broad Street
Columbus, OH 43215-3414
614 – 466 – 6684

INTRODUCTION AND PROCEDURAL HISTORY

Robert R. Koenig and Tri-County Independent Living Center (Complainants) filed sworn charge affidavits with the Ohio Civil Rights Commission (the Commission) on November 10, 2004.

The Commission investigated and found probable cause that unlawful discriminatory practices had been engaged in by Akron Tower Housing Partnership, Tony Rodriguez, Paula Smoot, and Millie Vidrih (Respondents) in violation of Revised Code Sections (R.C.) 4112.02(H)(4), (12) and (19).

The Commission issued Complaint No. 9951 (Koenig) and Complaint No. 9952 (Tri-County Independent Living Center), Notices of Hearing, and Notices of Right of Election on October 27, 2005. The Commission subsequently attempted conciliation. These matters were scheduled for hearing after conciliation efforts failed.

Complaint No. 9951 alleges Respondents' refusal to reasonably accommodate Complainant's request for access to the common use areas of the facilities for the purposes of holding a meeting was based, at least in part, on consideration of Complainant's disability.

Complaint No. 9952, in addition to including the foregoing allegation contained in Complaint No. 9951, alleges the actions of Respondents thwart Complainant's goals of providing nondiscriminatory housing, and caused it (sic) to divert resources to remedy the unlawful discriminatory acts of Respondents.

Respondents filed answers to the Complaints admitting certain factual allegations, but denying that they engaged in any unlawful discriminatory practices.[1]

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[1] On July 8, 2005, Complainant Koenig filed a civil action, along with other Plaintiffs, in federal court naming Respondent, HUD, and the City of Akron, among other defendants which contained the same/similar factual allegations in the Commission's complaint in the instant case. On April 10, 2006, Respondents filed a Motion to Stay the Commission's proceedings, pending the outcome of the federal suit. Respondent's Motion was denied based on the Commission's opposition. The parties filed numerous motions to continue the hearing dates to either respond to dispositive motions before the ALJ or engage in settlement discussions. In all, eight (8) hearing dates were scheduled starting with June 14-15, 2006 to the final hearing date of November 18, 2008.

A public hearing was held November 18, 2008 at the Ocasek Government Building, 161 South High Street, Akron, Ohio.[2]

The record consists of the previously described pleadings; transcripts consisting of 271 pages of testimony; exhibits admitted into evidence at the hearing; and the post-hearing briefs filed by the Commission on March 2, 2010; by Respondent on March 15, 2010; and the Commission's reply brief filed April 5, 2010.

[2] On November 12, 2008, the Commission filed a Motion to Admit as Fact A Request For Admissions. The Commission's Motion is **granted**.

FINDINGS OF FACT

The following Findings of Fact are based, in part, upon the Administrative Law Judge's (ALJ) assessment of the credibility of the witnesses who testified before her in this matter. The ALJ has applied the tests of worthiness of belief used in current Ohio practice. For example, she considered each witness's appearance and demeanor while testifying. She considered whether a witness was evasive and whether his or her testimony appeared to consist of subjective opinion rather than factual recitation. She further considered the opportunity each witness had to observe and know the things discussed; each witness's strength of memory; frankness or the lack of frankness; and the bias, prejudice, and interest of each witness. Finally, the ALJ considered the extent to which each witness's testimony was supported or contradicted by reliable documentary evidence.

1. Complainants filed sworn charge affidavits with the Commission on November 10, 2004.

2. The Commission determined on October 28, 2004 it was probable unlawful discriminatory practices had been engaged in by Respondents in violation of R.C. 4112.02(H).

3. The Commission attempted and failed to eliminate the alleged unlawful discriminatory practices by informal methods of conciliation.

4. Respondents are providers of "housing accommodations" as defined by R.C. 4112.01(A)(10), maintaining such accommodations known as Canal Park Tower (CPT) located at 50 West State Street, Akron, (Summit County), Ohio.

5. Robert R. Koenig (Complainant Koenig) is a person with a disability as defined by R.C. 4112.01(A)(13), who was a resident of Respondent's facilities at CPT.

6. Tri-County Independent Living Center (Complainant TCILC) is a 501(c)(3) non-profit organization headquartered in Akron, Ohio.

7. Complainant TCILC provides a variety of support services to persons with disabilities. (Tr. 23-26, Comm. Ex. 2)

8. Complainant TCILC's most frequently requested service was locating affordable, accessible housing. (Tr. 32-33)

9. Complainant TCILC held group meetings at the CPT facility on multiple occasions. (Tr. 35)

10. Rose Juriga (Juriga) has been Complainant TCILC's Executive Director since 1990. (Tr. 23-24)

11. CPT was converted from a motor inn located in downtown Akron to housing for senior citizens in 1975 by Respondent Akron Tower Housing Partnership (Respondent ATHP).

12. Units in CPT were made available for tenants eligible for the federal Section 8 Housing Subsidy Program through the Akron Metropolitan Housing Authority (AMHA). (Tr. 210)

13. Respondent ATHP was owned 99% by Tony Rodriguez (Respondent Rodriguez) and 1% by Rodriguez Limited, LLC. The sole partner of Rodriguez Limited, LLC is Respondent Rodriguez. (Tr. 210)

14. Congregate Management Service, Inc. (CMS), owned by Respondent Rodriguez, had responsibility for CPT's management beginning in 1988.

15. CPT was one of the first Section 8 projects in the country and one of the only ones that had meals, as well as providing a range of additional services on site. (Tr. 236)

16. Respondents were having problems maintaining CPT due to financial difficulties. (Tr. 220-21) Due to lack of funding from the Department of Housing and Urban Development (HUD), Respondents went into default on the mortgage for CPT. (Tr. 234)

17. In May of 2000, Akron area agencies, including Complainant TCLIC, formed a task force to respond to issues affecting CPT's continued operation.

18. The purpose of the task force was to determine which resources focused attention on the need to maintain CPT because it was unique. There was no other alternative housing available to serve the vulnerable population and identifiable resources to properly relocate the residents. (Tr. 36-38)

19. Respondent Rodriguez was asked to join the task force because of the possible closing of CPT due to the facility's disrepair. *Id.*

20. In 2001, 97% of the efficiency apartments were occupied and the tenants were primarily physically handicapped, elderly, and mentally handicapped.

21. Respondent Rodriguez or CMS Vice President Stephanie Keys (Keys) were present at meetings of the task force on November 8, 2001 and December 6, 2001. (Admission No. 11)

22. By notice dated December 6, 2001, Respondent Rodriguez informed CPT's tenants the City of Akron's urban renewal plan called for acquiring CPT's property in order to clear the site for use as open space along the Ohio and Erie Canal. (Admission No. 12)

23. The notice informed CPT's tenants there was no date certain for the demolition of CPT, stating it could be more than two (2) years before it occurred and, when it occurred, the City would be responsible for providing relocation assistance, including covering moving expenses and helping tenants find a similar type of housing. (Admission No. 13)

24. On May 7, 2004, HUD notified Respondent Rodriguez of the suspension of all Section 8 subsidy payments for units at

CPT based on structural deficiencies that had existed for several years; and Housing Choice Section 8 vouchers would be available to those of CPT's tenants who were eligible. (Admission No. 21)

25. Subsequent to their takeover of CPT, HUD paid off the $3.8 million mortgage Respondents owed for CPT.

26. In July of 2004 Respondent Rodriguez agreed to a relocation contractor using CPT's facilities to meet with tenants. (Admission No. 22)

27. On July 26, 2004, Keys issued a list of service providers and advocates serving CPT's tenants, which included Complainant TCILC. (Admission No. 23)

28. Complainant TCILC issued a notice regarding the closing of CPT, and that on September 14, 2004 it would hold an informational meeting on housing rights and relocation at CHOICES, located at 323 South Main Street in downtown Akron. (Admission No. 25)

29. Complainant TCILC sent a letter to Respondent Rodriguez notifying him of the CPT tenants' requests (who had attended the September 14, 2004 meeting at CHOICES), that another meeting be held (but this time located at CPT), and proposed September 28, 2004 for the meeting date. (Admission No. 28)

30. On September 20, 2004, CMS issued a notice to CPT's tenants regarding the September 28, 2004 meeting. The notice stated the meeting would be held in CPT's dining room and would provide information on housing rights and relocation. (Admission Nos. 32, 33)

31. Over 45 of CPT's tenants signed the sign-in sheet for the September 28, 2004 meeting held by Complainant TCILC, including Complainant Koenig. (Admission No. 35)

32. On October 15, 2004, Complainant TCILC sent a letter to Respondent Rodriguez asking to hold another meeting for tenants on October 26, 2004 in CPT's dining room and enclosed a flyer to be posted. (Admission No. 38)

33. On October 21, 2004, Respondents held a meeting with many community agencies, including Complainant TCILC, and informed them CPT was closing and the National Housing Group (NHG), through a contract with HUD, would handle relocation of the residents. (Tr. 92)

34. On October 25, 2004, Respondents notified Complainant TCILC that the October 26, 2004 meeting at CPT had to be cancelled. (Admission No. 42)

35. Respondents provided NHG office space at CPT and gave them full access to the tenants.

36. Respondents issued a notice to remind all tenants that relocation as a result of the building being closed was being handled by NHG. (Admission No. 45)

CONCLUSIONS OF LAW AND DISCUSSION

All proposed findings, conclusions, and supporting arguments of the parties have been considered. To the extent that the proposed findings and conclusions submitted by the parties and the arguments made by them are in accordance with the findings, conclusions, and views stated herein, they have been accepted; to the extent they are inconsistent therewith, they have been rejected. Certain proposed findings and conclusions have been omitted as not relevant or as not necessary to a proper determination of the material issues presented.[3]

1. Complaint No. 9951 alleges that Respondents' refusal to reasonably accommodate Complainant's request for access to the common use areas of the facilities for the purposes of holding a meeting was based, at least in part, on consideration of his disability.

---

[3] Any Finding of Fact may be deemed a Conclusion of Law, and any Conclusion of Law may be deemed a Finding of Fact.

2. Complaint No. 9952, in addition to including the foregoing allegation contained in Complaint No. 9951, alleged the actions of Respondents thwart Complainant's goals of providing nondiscriminatory housing, and caused it (sic) to divert resources to remedy the unlawful discriminatory acts of Respondents.

3. These allegations, if proven, would constitute a violation of R.C. 4112.02(H)(4), (12) and (19), which provides, in pertinent part:

> It shall be an unlawful discriminatory practice:
>
> (H) For any person to:
>
> (4) Discriminate against any person in the terms or conditions of selling, transferring, assigning, renting, leasing, or subleasing any housing accommodations or in furnishing facilities, services, or privileges in connection with the ownership, occupancy, or use of any housing accommodations, including the sale of fire, extended coverage, or homeowners insurance, because of race, color, religion, sex, military status, familial status, ancestry, disability, or national origin or because of the racial composition of the neighborhood in which the housing accommodations are located;

(12) Coerce, intimidate, threaten, or interfere with any person in the exercise or enjoyment of, or on account of that person's having exercised or enjoyed or having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by division (H) of this section;

(19) Refuse to make reasonable accommodations in rules, policies, practices, or services when necessary to afford a person with a disability equal opportunity to use and enjoy a dwelling unit, including associated public and common use areas.

4. The Commission has the burden of proof in cases brought under R.C. Chapter 4112. The Commission must prove a violation of R.C. 4112.02(H) by a preponderance of reliable, probative, and substantial evidence. R.C. 4112.05(E) and (G).

5. Federal case law applies to alleged violations of R.C. Chapter 4112. *Little Forest Med. Ctr. of Akron v. Ohio Civil Rights Comm.*, (1991), 61 Ohio St.3d 607. Therefore, reliable, probative, and substantial evidence means evidence sufficient to support a finding of unlawful discrimination under the federal Fair Housing Act of 1968 (Title VIII), as amended.

6. Under Title VII case law, the Commission is normally required to first establish a *prima facie* case of unlawful discrimination by a preponderance of the evidence. *McDonnell Douglas Co. v. Greene*, 411 U.S. 792, 5 FEP Cases 965 (1973). The proof required to establish a *prima facie* case may vary on a case-by-case basis. *Id.*, at 802, 5 FEP Cases at 969, n.13. The establishment of a *prima facie* case creates a rebuttable presumption of unlawful discrimination. *Texas Dept. of Community Affairs v. Burdine*, 450 U.S. 248, 25 FEP Cases 113 (1981).

7. Once the Commission establishes a *prima facie* case, the burden of production shifts to Respondents to "articulate some legitimate, nondiscriminatory reason" for the employment action.[4]

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[4] Although the burden of production shifts to Respondents at this point, the Commission retains the burden of persuasion throughout the proceeding. *Burdine*, *supra* at 254, 25 FEP Cases at 116.

> The defendant's burden is merely to articulate through some proof a facially nondiscriminatory reason for cancelling the meeting; the defendant does not at this stage of the proceedings need to litigate the merits of the reasoning, nor does it need to prove that the reason relied upon was bona fide, nor does it need to prove that the reasoning was applied in a nondiscriminatory fashion.

McDonnell Douglas, supra at 802, 5 FEP Cases at 969. To meet this burden of production, Respondents must:

> ... "clearly set forth, through the introduction of admissible evidence," reasons for its actions which, *if believed by the trier of fact*, would support a finding that unlawful discrimination was not the cause of the employment action.
>
> *St. Mary's Honor Center v. Hicks*, 509 U.S. 502, 507, 62 FEP Cases 96, 103 (1993), *quoting Burdine, supra* at 254-55, 25 FEP Cases at 116, n.8.

The presumption created by the establishment of a *prima facie* case "drops out of the picture" when the employer articulates a legitimate, nondiscriminatory reason for the employment action. *Hicks, supra* at 511, 62 FEP Cases at 100.

EEOC v. Flasher Co., 60 FEP Cases 814, 817 (10th Cir. 1992). citations and footnote omitted)

8. In this case, it is not necessary to determine whether the Commission proved a *prima facie* case. Respondents' articulation of its legitimate, nondiscriminatory reasons for cancelling the date of the meeting remove any need to determine whether the Commission proved a *prima facie* case, and the "factual inquiry proceeds to a new level of specificity." *U.S. Postal Service Bd. of Governors v. Aikens*, 460 U.S. 711, 713, 31 FEP Cases 609, 611 (1983), *quoting Burdine, supra* at 255, 25 FEP Cases at 116.

> Where the defendant has done everything that would be required of him if the plaintiff has properly made out a prima facie case, whether the plaintiff really did so is no longer relevant.
>
> *Aikens, supra* at 713, 31 FEP Cases at 611.

9. Respondents met their burden of production by stating HUD took over the relocation project and contracted with NHG to relocate the residents.

10. Respondents having met their burden of production, the Commission must prove Respondents unlawfully discriminated

against Complainants. *Hicks, supra* at 511, 62 FEP Cases at 100. The Commission must show by a preponderance of the evidence that Respondents' articulated reasons for cancelling the meeting on Complainant Koenig and Complainant TCILC were not the true reasons, but were "a pretext for discrimination." *Id.*, at 515, 62 FEP Cases at 102, *quoting Burdine, supra* at 253, 25 FEP Cases at 115.

> [A] reason cannot be proved to be a "pretext for discrimination" unless it is shown *both* that the reason is false, *and* that discrimination is the real reason.
>
> *Hicks, supra* at 515, 62 FEP Cases at 102.

11. Thus, even if the Commission proves Respondents' articulated reasons are false or incomplete, the Commission does not automatically succeed in meeting its burden of persuasion:

> That the employer's proffered reason is unpersuasive, or even obviously contrived, does not necessarily establish that the ... [Commission's] proffered reason is correct. That remains a question for the factfinder to answer ....
>
> *Id.*, at 524, 62 FEP Cases at 106.

Ultimately, the Commission must provide sufficient evidence for the fact-finder to infer Complainants were, more likely than not, the victims of intentional housing discrimination.

12. In order to show pretext, the Commission may directly or indirectly challenge the credibility of Respondents' articulated reasons for cancelling the October 26, 2004 meeting. The Commission may directly challenge the credibility of Respondents' articulated reasons by showing the reasons had no basis *in fact* or they were *insufficient* to motivate the decision. *Manzer v. Diamond Shamrock Chemicals Co.*, 29 F.3d 1078, 1084 (6th Cir. 1994). Such direct attacks, if successful, permit the fact-finder to infer intentional discrimination from the rejection of the reasons without additional evidence of unlawful discrimination.

> The factfinder's disbelief of the reasons put forward by the defendant (particularly if disbelief is accompanied by a suspicion of mendacity) may together with the elements of the *prima facie* case, suffice to show intentional discrimination ... [n]o additional proof is required.[5]
>
> *Hicks, supra* at 511, 62 FEP Cases at 100 (emphasis added).

13. The Commission failed to show Respondents' cancellation of the meeting in question was done intentionally because of the disability of Complainant Koenig, and Complainant TCILC as a means to threaten or coerce them in exercising their rights.

14. Complainant TCILC worked with the residents at CPT and was never denied access to the residents until the building was purchased by HUD. (Tr. 103, 121)

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[5] Even though rejection of a respondent's articulated reason is "enough at law to *sustain* finding of discrimination, *there must be a finding of discrimination.*" *Hicks, supra* 511, 62 FEP Cases at 100, n.4.

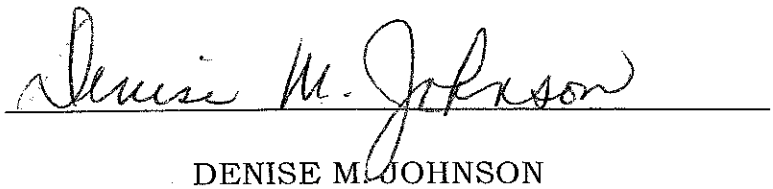
15. Similar to the same actor inference in employment discrimination cases, it does not follow Respondents would intentionally discriminate against Complainants when there was a long history of cooperation between them in terms of providing space for meetings and support for Complainant TCILC to come on to the premises to provided services to the disabled residents of CPT. The same actor inference allows the fact-finder to infer "a lack of discrimination from the fact that the same individual both hired and fired the employee." *Burhmaster v. Overnite Transp. Co.*, 61 F.3d 461, 463 (6th Cir. 1995).

16. The credible evidence supports the determination that the cancellation of the October 26, 2004 meeting was based on HUD taking over the management of CPT and the management transition with HUD using NHG to manage the residents' relocation process.

17. The Commission failed to prove Respondents' conduct was motivated by an illegal discriminatory animus.

RECOMMENDATIONS

For all of the foregoing reasons, it is recommended that the Commission issue Dismissal Orders in Complaint No. 9951 and Complaint No. 9952.



DENISE M. JOHNSON
CHIEF ADMINISTRATIVE LAW JUDGE

August 28, 2012

Ohio Civil Rights Commission

Governor
John Kasich

Board of Commissioners
Leonard J. Hubert., Chair
Stephanie M. Mercado, Esq.
William Patmon, III
Tom Roberts
Rashmi N. Yajnik

G. Michael Payton, Executive Director

January 3, 2013

Robert E. Koenig
45 Cathedral Lane, Apt. 1101
Cuyahoga Falls, OH 44223

Re: Robert R. Koenig v. Tony Rodriquez, Akron Tower Housing Partnership, Paula Smoot, and Millie Vidreh
AKRH3102504(29312)111004
05-05-0230-8
22A-2006-11810F
Complaint No. 9951

The enclosed Order dismissing Complaint No. 9951 the above captioned matter was issued by the Ohio Civil Rights Commission at its meeting of December 13, 2012.

This case is closed.

FOR THE COMMISSION

Desmon Martin

Desmon Martin
Director of Enforcement and Compliance

DM:cjs
Enclosure

cc: Lori A. Anthony, Chief – Civil Rights Section
Denise M. Johnson, ALJ – Division of Hearings
Compliance [Martin – Kanney – Woods]
Lynn M. Clark, Esq.
Michele Morris Esq.

John Kasich, Governor

IN THE MATTER OF:	)	
	)	
ROBERT R. KOENIG	)	
	)	
Complainant,	)	
	)	COMPLAINT NO. 9951
vs.	)	
	)	
AKRON TOWER PARTNERSHIP	)	
TONY RODRIQUEZ, PAULA SMOOT	)	
AND MILLIE VIDRIH	)	
	)	
Respondents.	)	

FINAL ORDER

This matter comes before the Commission upon Complaint and Notice of Hearing No. 9951; the official record of the November 18, 2008 public hearing held before Denise Johnson, Esq., a duly appointed Administrative Law Judge; the post-hearing briefs filed by the parties; and the Administrative Law Judge's report and recommendation dated August 28, 2012.

After the public hearing on the matter, the Administrative Law Judge issued a report and recommendation to the Commissioners, finding that no unlawful discrimination had occurred, and recommending that Complaint No. 9951 be dismissed.

After careful consideration of the entire record, the Commission adopted the

Administrative Law Judge's report and recommendation at its November 15, 2012 public meeting. Therefore, the Commission incorporates the findings of fact, conclusions of law, and the recommendations contained in the Administrative Law Judge's August 28, 2012 report and recommendation as if fully rewritten herein. The Commission hereby dismisses Complaint No. 9951 against Respondents.

This ORDER issued by the Ohio Civil Rights Commission this 13th day of December, 2012.

Tom Roberts

Commissioner, Ohio Civil Rights Commission

NOTICE OF RIGHT TO JUDICIAL REVIEW

Notice is hereby given to all parties herein that Revised Code Section 4112.06 sets forth the right to obtain judicial review of this Order and the mode and procedure thereof.

CERTIFICATE

I, Desmon Martin, Director of Enforcement and Compliance of the Ohio Civil Rights Commission, do hereby certify that the foregoing is a true and accurate copy of the Final Order issued in the above-captioned matter and filed with the Commission at its Central Office in Columbus, Ohio.

Desmon Martin
Director of Enforcement and Compliance
Ohio Civil Rights Commission

DATE: 12/13/2012