

BEFORE THE HUMAN RIGHTS COMMISSION
OF THE STATE OF MONTANA

BERNADINE ARROW TOP,)	
Charging Party,)	
)	CASE NO. 0006009236
v.)	
)	
)	ORDER SUSTAINING APPEAL
STONE CASTLE HOME LOANS,)	AND REMANDING FOR
Respondent.)	LEGAL CLARIFICATION
)	

The above-captioned matter came before the Montana Human Rights Commission (Commission) on November 15, 2001, for consideration of the Order dated August 13, 2001. Appearing before the Commission was Michael Lahr, attorney for the Respondent, and Charging Party for herself.

After consideration of the record and arguments advanced by the parties, the Commission sustains Charging Party's appeal and remands the matter for additional consideration and clarification by the Department of Labor and Industry's (Department) hearing examiner. In remanding the matter, the Commission finds that the hearing examiner failed to provide specific citation or language in his Order to support his conclusion that Respondent was legally precluded from loaning to Charging Party. In his final Order, the hearings examiner stated "(t)he record is clear that the lender could not legally have loaned Arrow Top \$200,000 with her business/residence as the collateral." Order of August 13, 2001, page 2. The record does not support the conclusion that Charging Party's loan was precluded by the nature of her collateral, only that Respondent is licensed in Montana solely as a lender of consumer loans. The Commission requests that the hearing examiner provide clarification of the legal authority he relied upon in arriving at the above conclusion.

The Commission finds that the record does not support the hearing examiner's conclusion that the nature of Charging Party's collateral precluded Respondent from providing a loan to her.

IT IS HEREBY ORDERED, that the Charging Party's appeal is sustained and the matter is remanded to the Department hearing examiner for legal clarification.

Dated this __ day of November, 2001.

Gary Hindoien, Chair
Montana Human Rights Commission

CERTIFICATE OF SERVICE

The undersigned employee of the Human Rights Bureau certifies that a true copy of the foregoing **ORDER SUSTAINING APPEAL AND REMANDING FOR LEGAL CLARIFICATION** was served on the following persons by U. S. Mail, postage prepaid on the day of November, 2001.

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