

BEFORE THE HUMAN RIGHTS COMMISSION  
OF THE STATE OF MONTANA

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MARK JOHNSON,	)	
Charging Party,	)	
	)	CASE NO. 0005009382
vs.	)	
	)	<b>ORDER AFFIRMING</b>
LEWIS & CLARK COUNTY PLANNING,	)	<b>DISMISSAL</b>
Respondent.	)	

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The above-captioned matter came before the Montana Human Rights Commission (Commission) on May 21, 2001. The matter was before the Commission for consideration of the Charging Party's objection to the notice of dismissal and notice of right to file a civil action in district court. Oral argument was not requested and the matter was considered based on the record.

After reviewing the record, the Commission finds that the Human Rights Bureau properly dismissed the matter. Although the investigator found that Charging Party stated a prima facie case of discrimination in governmental action on account of a political belief, the record supports the investigator's conclusion that Respondent articulated a legitimate nondiscriminatory reason for denying Charging Party's family the right to use the family gifting exemption. The investigator did not abuse her discretion when she issued a notice of dismissal. *24.9.1714(3), ARM*. Accordingly, the notice of dismissal and notice of right to file civil action in district court must be affirmed.

IT IS HEREBY ORDERED, that Charging Party's objection is overruled and the notice of dismissal is affirmed.

Dated this \_\_\_ day of May, 2001.

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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 AFFIRMING DISMISSAL** was served on the following persons by U. S. Mail, postage prepaid on the \_\_\_\_\_ day of May, 2001.

MARK JOHNSON  
1285 GRIZZLY GULCH  
HELENA, MT 59601

K. PAUL STAHL  
COUNTY ATTORNEY'S OFFICE  
228 BROADWAY  
HELENA, MT 59601

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Farah Davidson, Human Rights Bureau