

BEFORE THE HUMAN RIGHTS COMMISSION
OF THE STATE OF MONTANA

KEITH & TAMMY KING,)	
Charging Party,)	
)	CASE NO. 0012009451
vs.)	
)	ORDER AFFIRMING
RIMVIEW APARTMENTS,)	DISMISSAL
Respondent.)	

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 dismissal of the complaint. Oral argument was not requested and the matter was considered on the record.

After reviewing the record, the Commission finds that the Human Rights Bureau properly dismissed the matter. The record shows that although Charging Parties stated a prima facie case of discrimination on account of their association with their three disabled children, they failed to show by a preponderance of the evidence that Respondent evicted them and their children on account of their disabilities. The record supports the investigator's finding that Respondent evicted them because of the constant loud noises and foul odors coming from their apartment about which other tenants continually complained. 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 the Charging Parties' objection is unanimously overruled and the notice of dismissal is affirmed.

Dated this __ day of May, 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 AFFIRMING DISMISSAL** was served on the following persons by U. S. Mail, postage prepaid on the _____ day of May, 2001.

KEITH & TAMMY KING
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BILLINGS, MT 59102

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Farah Davidson, Human Rights Bureau