

BEFORE THE HUMAN RIGHTS COMMISSION
OF THE STATE OF MONTANA

ALLISON SHIELDS)	
Charging Party,)	Cause No. 0031010205
)	
vs.)	ORDER
)	
SUNDOWNER PROPERTIES, INC. and)	
RICHARD LOHRKE)	
Respondent.)	

The above-captioned matter came before the Montana Human Rights Commission (Commission) on November 21, 2002. The Commission considered Charging Party's objection to the dismissal of the complaint. Oral argument was requested. Jennifer Hendricks appeared on behalf of Charging Party, Allison Shields. Douglas Marshall appeared on behalf of Respondent, Richard Lohrke.

After listening to argument presented on appeal, the Commission sustains Charging Party's objection to Notice of Dismissal. The Commission finds there is insufficient information to make an informed determination. Since the matters presented are non-housing in nature and the intake with the Human Rights Bureau (Bureau) occurred on August 13, 2002, less than 120 days have passed. Therefore, it is within the Commission's discretion to remand this matter to the Bureau for investigation pursuant to 24.9.1714(4)(a), ARM. In remanding this matter, the Commission finds that, among other things, further development of the record is needed as to Charging Party's status as an independent contractor and the relation of this status to her work with the alleged employer, Sundowner Properties, Inc.

IT IS HEREBY ORDERED, that Charging Party's objection is sustained and the matter is remanded to the Bureau for an informal investigation.

Dated this _____ day of November 2002

Mr. Gary Hindoien, Chair
Montana Human Rights Commission

CERTIFICATE OF SERVICE

The undersign employee of the Human Rights Bureau certifies that a true copy of the forgoing Human Rights Commission ORDER was served on the following persons by U.S. mail, postage prepaid, on November ____, 2002.

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