

BEFORE THE MONTANA DEPARTMENT
OF LABOR AND INDUSTRY

IN THE MATTER OF HUMAN RIGHTS BUREAU CASE NOS. 0131016001-06:

MONTANA FAIR HOUSING, INC., AND) Case Nos. 1592-2013, 1593-2013,
KEN & RAE NAYLOR, INDIVIDUALLY) 1594-2013, 1595-2013, 1596-2013,
AND ON BEHALF OF THEIR) 1597-2013
MINOR CHILD,)

Charging Parties,)

ORDER DISMISSING

vs.)


ROUNDUP MESA LANDOWNERS)
ASSOCIATION, JACQUE KEISER, AND)
KATHLEEN OVERHAUSER,)

* * * * *

TO: Montana Fair Housing, Inc., and Ken & Rae Naylor, individually and on behalf of their minor child, and their attorney, Timothy C. Kelly, Kelly Law Office, and Roundup Mesa Landowners Association (c/o Charles Gettleman), Jacque Keiser and Kathleen Overhauser, unrepresented herein:

On January 7, 2013, charging parties herein filed complaints under the Montana Human Rights Act alleging that the respondents illegally discriminated in the area of housing on various bases as stated in the complaints. The cases were certified to the Hearings Bureau for contested case hearings. On May 31, 2013, charging parties, through their attorney, timely filed an election to have the claims in all their complaints decided in a civil action in lieu of administrative proceedings under the Montana Human Rights Act. The department may not continue administrative proceedings after the filing of a proper housing election pursuant to Mont. Code Ann. § 49-2-510(4)(b). The hearing officer now dismisses these complaints.

Dated: June 4, 2013.



Terry Spear, Hearing Officer
Montana Department of Labor and Industry

Notice of Right to File a Civil Complaint

MONTANA FAIR HOUSING, INC., AND KEN & RAE NAYLOR, INDIVIDUALLY AND ON BEHALF OF THEIR MINOR CHILD, MAY COMMENCE CIVIL ACTIONS IN AN APPROPRIATE DISTRICT COURT, ALLEGING THE DISCRIMINATION IN THEIR COMPLAINTS. PURSUANT TO MONT. CODE ANN. §§49-2-510(4)(a) & (b), THEY MUST COMMENCE SUCH ACTIONS WITHIN 30 DAYS OF THEIR ELECTION IF THE DEPARTMENT'S INVESTIGATION FOUND THAT THE ALLEGATIONS OF THEIR COMPLAINTS WERE SUPPORTED BY A PREPONDERANCE OF THE EVIDENCE.

CERTIFICATE OF SERVICE

I served copies of this document by first class mail, postage prepaid, or by State of Montana's Interdepartmental electronic mail service

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Signed this 4th day of June, 2013.

Sandra Page
Legal Secretary
Department of Labor and Industry