



MIKE PENCE, *Governor*
JAMAL L. SMITH, *Executive Director*

ICRC No.:PAra14080659

[REDACTED]

Complainant,

v.

BELLA VITA RESTAURANT

Respondent.

NOTICE OF FINDING

The Deputy Director of the Indiana Civil Rights Commission (“Commission”), pursuant to statutory authority and procedural regulations, hereby issues the following findings with respect to the above-referenced case. Probable cause exists to believe that an unlawful discriminatory practice occurred in this instance. 910 IAC 1-3-2(b).

On August 21, 2014, [REDACTED] (“Complainant”) filed a Complaint with the Commission against Bella Vita Restaurant (“Respondent”) alleging discrimination on the basis of race in violation of the Indiana Civil Rights Law (Ind. Code § 22-9, *et seq.*) Accordingly, the Commission has jurisdiction over the parties and the subject matter of this Complaint. An investigation has been completed. Both parties have had an opportunity to submit evidence. Based on the final investigative report and a review of the relevant files and records, the Deputy Director now finds the following:

The issue before the Commission is whether the Complainant was denied full and equal enjoyment of Respondent’s facility and services. In order to prevail, Complainant must prove that 1) she is a member of a protected class; 2) Respondent offers its services to the public; 3) she tried to access Respondent’s services; 4) Respondent denied Complainant access to its services; and 5) Respondent treated similarly-situated patrons of another race more favorably under similar circumstances.

It is evident that Complainant is a member of a protected class by virtue of her race, African-American; moreover, it is clear that Respondent offers its services to the public. Further, evidence shows that Respondent failed to provide Complainant adequate service but treated similarly-situated patrons more favorably under similar circumstances.

By way of background, Complainant and several companions patronized Respondent’s establishment on or about July 27, 2014. During the course of Complainant’s visit, Complainant alleges that she waited nearly two hours before a Caucasian waitress took her order. After waiting for an extended period of time and observing Caucasian patrons receiving service,



Complainant asked the waitress about the status of her order who retorted “I placed your f***ing order.” Ultimately, Complainant learned that the waitress had not submitted her order to the cook and left the establishment without receiving her order.

While Respondent was given an opportunity to rebut Complainant’s assertions, it has failed to respond to inquiries from the Commission including a subpoena requesting an answer and information pertaining to the instant matter. It is also important to note that “L. Smith” signed for certified correspondence sent from the Commission to the Respondent. As such and based upon the aforementioned, probable cause exists to believe that a discriminatory practice occurred as alleged.

A public hearing is necessary to determine whether a violation of the Indiana Civil Rights Law occurred as alleged herein. Ind. Code § 22-9-1-18, 910 IAC 1-3-5. The parties may agree to have these claims heard in the circuit or superior court in the county in which the alleged discriminatory act occurred. However, both parties must agree to such an election and notify the Commission within twenty (20) days of receipt of this Notice, or the Commission’s Administrative Law Judge will hear this matter. Ind. Code § 22-9-1-16, 910 IAC 1-3-6.

December 17, 2014

Date

Akia A. Haynes

Akia A. Haynes, Esq.

Deputy Director

Indiana Civil Rights Commission