



CITY HALL • 100 STATE STREET • BELOIT, WI 53511

**MEETING NOTICE AND AGENDA**  
BELOIT EQUAL OPPORTUNITIES AND HUMAN RELATIONS COMMISSION  
Special Meeting

**Wednesday, January 16, 2013 at 5:30 PM**  
**The Forum, First Floor**  
**Beloit City Hall, 100 State Street**

1. Call to Order and Roll Call
2. Approval of Minutes of the October 17, 2012 Meeting
3. Public Participation
4. Review of 2012 Fair Housing Complaints Summary Report
5. Review of EOHRC Bylaws Draft
6. Upcoming Events
7. Adjournment

Notice Mailed: January 11, 2013

Approved: Teri Downing  
Director of Community and Housing Services

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**Please Call 364-6650 before 3:00 p.m. on Tuesday, January 15, 2013**  
**if you are unable to attend.**

\* Please note that, upon reasonable notice, at least 24 hours in advance, efforts will be made to accommodate the needs of disabled individuals through appropriate aids and services. For additional information to request this service, please contact the City Clerk's Office at 364-6680, 100 State Street, Beloit, WI 53511



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**MINUTES  
BELOIT EQUAL OPPORTUNITIES  
AND HUMAN RELATIONS COMMISSION**

**Wednesday, October 17, 2012 at 5:30 PM**

1. Call to Order and Roll Call

Meeting was called to order at 5:30 PM by Chair Ricardo Valdez.

Present: Commissioners Matthew Finnegan, Joseph Hansen, Rick Valdez, Councilor Charles Kincaid, and Staff Representative Teri Downing. Absent: Commissioner Marilyn Sloniker.

2. Approval of Minutes of the August 15, 2012 Meeting

Commissioner Finnegan moved for approval of the minutes of the regular meeting held on June 20, 2012 and Commissioner Hansen seconded. The motion carried.

3. Public Participation

There were no members of the public present.

4. Review and Consideration of Resolution 2012-01, Adopting the 2013 Strategy to Address Impediments to Fair Housing

Staff explained that the EOHRRC decided to develop a strategy each year to address impediments identified in the Analysis of Impediments to Fair Housing (AI). The strategy developed by the EOHRRC during previous meetings was provided.

There was a short discussion clarifying which revisions were made. Commissioner Lawrence asked whether we have a listing of the social services agencies the Commission is expected to reach out to according to the strategy. Staff explained that there was general discussion at a previous meeting during development of the strategy, regarding which social service agencies each Commissioner had a connection with. Narrowing down specific social service agencies and actions to be taken will be discussed during future meetings in regards to intern duties.

Commissioner Lawrence moved for approval of Resolution 2012-01 Adopting the 2013 Strategy to Address Impediments to Fair Housing and Commissioner Siatos seconded. Motion carried.

5. Review of EOHRRC Bylaws Draft

Staff explained that the Commission has the authority to adopt rules and bylaws that would codify procedures for processing complaints, investigations, appeals, and the conduct of

hearings. Adopting bylaws would allow for more consistent administration of the Fair Housing Code which is one of the impediments identified in the AI. The Commission had requested that staff take bullet pointed material already drafted and format them into the bylaw format. Staff explained that there were still clarifications needed from the City Attorney's office regarding the appeals process.

Matt Finnegan asked about Section 3.44 regarding appealing dismissal of complaints. Staff explained that the City's ordinance has no language that speaks to appealing dismissal of complaints. Staff explained that complaints are dismissed administratively for things such as EOHRC not having jurisdiction, i.e. if a complaint was regarding a property located in the Town of Beloit. Commissioner Kincaid asked how the City handles these kinds of complaints and staff explained that the parties are notified and the complaint is forwarded to the Town of Beloit Attorney.

Commissioner Valdez requested that the bylaws state that when a complaint is determined to be outside of the EOHRC's jurisdiction that the complaint is referred to the proper jurisdiction.

Commissioner Finnegan clarified that if a complaint is dismissed because there is no merit or no cause, then the parties have the opportunity to appeal. Staff clarified that the cases in question in this section are being dismissed for reasons such as, no jurisdiction, or if the Complainant cannot be reached for a long period of time.

The Commission discussed various ways to handle dismissed cases in situations where there may be a legitimate reason for a Complainant to lose contact with the Investigator, such as an incapacitating car accident. They discussed whether it would be appropriate to just reopen a case or have an appeals process. Commissioner Lawrence asked how Madison handles appeals of this nature. Staff explained that Madison has an Appeals Examiner as well as a Subcommittee that hears appeals.

Commissioner Valdez asked the Commission to consider if there were a reasonable issue that resulted in a Complainant not being able to maintain contact regarding their complaint, do we want to have a path for them to appeal? Commissioner Kincaid indicated that sometimes there are residents who may lack the experience or wherewithal to follow through with a complaint, especially when things get tough or uncomfortable. He suggested that the procedures should be more forgiving because there may be times when staff or an Investigator "drops the ball".

Commissioner Valdez suggested that there be an opportunity to appeal for cause to reopen the case. Commissioners Finnegan and Lawrence suggested extending the timeframe for allowing appeals under Section 3.43 from 20 days to 60 days.

Discussion continued amongst members regarding difference scenarios that would warrant an appeal and how the appeals process could be structured.

Commissioner Valdez requested the bylaws should add a section for appeal of dismissal within 60 days after determination of dismissal, and suggested that staff review this with the City Attorney's office.

Staff moved on to explaining that the highlighted areas in the bylaws are procedures in Madison's bylaws that are not addressed in our ordinance and asked the Commission if they would like to add similar rules or procedures. The Commission discussed Section 4.22 regarding a party requesting an extension for timely submittal of documents. It was decided to allow this kind of extension but requested input from the Investigator before making a final decision.

Commissioners requested further clarification of what constitutes a protected status under the Domestic Violence victims. Staff said she would provide more information to the Commissioners regarding this protected class.

The Commission discussed the eligibility of veterans for Section 8 housing as well as non-eligibility of sex offenders in federal housing.

#### 6. Upcoming Events

Commissioner Hansen mentioned that there is a county-wide landlord training on November 20, 2012 that will include information on Fair Housing. Staff provided a flyer for the training. Commissioner Siatos mentioned that the flyer had gone out on Rock Responds as well.

Staff updated the Commission on the status of the CDBG funding, of which the Commission applied for \$20,000 and the CDA recommended \$15,000 in funding. There will be a public hearing and then City Council make a final decision on December 3, 2012. Staff also provided an article about HUD filing housing discrimination charges against a company regarding construction related activities.

Chairperson requested that the Mission Statement be discussed at the next meeting and that mission statements from other jurisdictions be provided.

Commissioner Lawrence announced that there will be a rally for President Obama on Saturday, October 19 from 1:00PM – 3:00PM at the former courthouse on Bluff Street. She also announced that on Friday, October 18 Donna Brazile will be speaking at Cliffbreakers in Rockford.

#### 7. Adjournment

Commissioner Finnegan moved for adjournment and Commissioner Lawrence seconded. Motion carried. The meeting was adjourned at 6:27 PM by Chairperson Valdez.

Teri Downing  
Director of Community and Housing Services



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## **Report to the Beloit Equal Opportunities and Human Relations Commission**

**Agenda Item:** 4

**Topic:** Fair Housing Complaints Summary Report

**Action:** Information Only

### **Staff Report:**

The City feels it is important to keep the EOHRC updated on all fair housing complaints even if they do not appear before the Commission. This allows you to become familiar with the types of complaints being filed, as well as how the investigation and conciliation processes works.

There were a total of 3 fair housing complaints in 2012. All of which are closed. An outline of these cases appears on the attached sheet.

John Markley of Markley Investigations, Inc. is our Fair Housing Investigator and is here to answer any questions you may have regarding these complaints.

### **Staff Recommendation:**

Information Only

### **Attachments:**

Status of Complaints as of 12/31/2012

**Summary Fair Housing Discrimination Complaints  
As of 12/31/2012**

Case #	Basis	Determination	Case Summary
2012-01	Race	No Cause, No Appeal	<p>Complainant alleged that he was denied after applying to rent an apartment and the manager refused to provide a reason for denial. He believed it was due to race, because it was only after he met with the manager and viewed the apartment that he was informed of his denial.</p> <p>Respondent provided evidence of denial due to lack of proof of income and unsatisfactory creditworthiness.</p>
2012-02	Retaliation	No Cause, No Appeal	<p>Complainant alleged that landlord refused to renew her lease because she participated in a fair housing investigation for another tenant of which the Complainant's landlord was the Respondent.</p> <p>There was no evidence found to link any disagreement between the Complainant and Respondent to the fair housing investigation she participated in.</p>
2012-03	Disability	Dismissed, Outside Jurisdiction (Town of Beloit)	<p>Complainant alleged that he submitted an application to rent a unit. When he called the next day to inquire, the landlord informed him that his attorney had advised him not to rent to the Complainant because he is disabled. If the Complainant damaged the property, the landlord would have a difficult time recouping any costs.</p> <p>Referred to Town of Beloit.</p>



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## **Report to the Beloit Equal Opportunities and Human Relations Commission**

**Agenda Item:** 5

**Topic:** Review of Partial Draft of EOHRC Bylaws

**Action:** Discussion Only

### **Staff Report:**

The City's Fair Housing Code address requirements for enforcement of the the Code, such as investigations, hearings, and appeals. However, the Code lacks procedural detail on how to conduct such requirements.

Section 1.82(11) of the City's Municipal Code allows the EOHRC to adopt bylaws or amended rules of procedure. Bylaws would codify procedures for processing complaints, investigations, appeals, and conduct of hearings. This would allow for more consistent administration of the Fair Housing Code which is one of the impediments identified in the AI.

During the last EOHRC meeting, the Commission reviewed a draft of Sections 3, 4, and 5 and suggested revisions and consultation with the City Attorney's office. Attached is a revised draft of three sections of the proposed EOHRC Bylaws for your review. In addition, a draft of Sections 1 and 2 have been completed and are attached for your review.

Once all of the bylaws are completed, the following process will take place in order to adopt them:

- City Attorney's office will conduct a thorough legal review
- EOHRC final review, adoption, and recommendation to City Council
- City Council review and approval

### **Staff Recommendation:**

None

### **Attachments:**

City of Madison Rules of the Equal Opportunities Commission (electronic copy only), Sections 1 and 2 of EOHRC Bylaws, Revised Sections 3, 4, and 5 of EOHRC Bylaws

**Rules of the City of Beloit  
Equal Opportunities and Human Relations Commission  
February 19, 2013**

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14.	If future ordinance changes are adopted by the Common Council that conflict with the Rules of the EOHRC, said Rule(s) shall be returned to the Commission for resolution.	



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## 1. Procedural Rules

### 1.1 Commission Officers

- 1.11 The Commission at its first regular meeting in August of each year shall elect a Chair and Vice Chair.
- 1.13 The Chair shall preside over all meetings of the Commission and shall decide all points of procedure subject to reversal by a majority of the members of the Commission.
- 1.14 The City appointed staff liaison shall prepare minutes of all meetings and shall mail or email a copy to each member of the Commission. The original copy of the minutes shall remain in the Equal Opportunities and Human Relations Commission office as part of the permanent records of the Commission.

### 1.2 Powers and Duties

The powers and duties of the Commission shall be those set forth in Section 1.82(6)(b) of the City of Beloit's Code of Ordinances.

### 1.3 Quorum

- 1.31 A quorum for a meeting of the Equal Opportunities and Human Relations Commission shall be interpreted consistently with the requirements found in Sec. 1.82(9) of the City of Beloit's Code of Ordinances.
- 1.32 Sec. 1.82(10) of the City of Beloit's Code of Ordinances shall define the votes necessary to pass motions by the Equal Opportunities and Human Relations Commission.

### 1.4 Regular and Special Meetings

- 1.41 Regular meetings of the Commission shall be held the third Wednesday of each even numbered month or as otherwise scheduled by the EOHRC at a time and place as officially posted, in accordance with the applicable procedural rules set forth in Section 1.82(7)(c) of the City of Beloit's Code of Ordinances.
- 1.42 Commission Attendance. All Commissioners shall call the EOHRC staff liaison office when unable to attend a Commission meeting or

hearing. When possible, calls shall be placed at least the day prior to the scheduled meeting. Commissioners shall attend meetings in accordance with 1.82(14) of the City of Beloit's Code of Ordinances.

1.43 Special meetings may be called by the Chair, or by written request of any three members of the Commission.

1.431 Public notice of special meetings shall be given in accordance with the open meeting law of the State of Wisconsin, §19.81 to §19.87, Wis. Stats.

1.432 Notice of special meetings shall be mailed or emailed to each member at least 24 (twenty-four) hours before the time of the meeting or by notice given orally at least 24 (twenty-four) hours before the time of the meeting.

1.433 Oral notices shall be deemed sufficient if oral notice is left with someone at the member's place of business or abode.

1.44 Any matter that may be considered at a regular meeting of the Commission may be considered at a special meeting.

1.5 Committees. The Commission may periodically establish committees to assist in the discharge of its duties. To establish committees, a majority vote shall be taken by those Commission members in attendance. The nature and scope of committee activities shall be subject to Commission discretion.

1.51 Regular and Ad Hoc Committees

1.511 Regular Committees are groups created by the Commission which are expected to have an on-going role in carrying out the Commission's mission.

1.512 Ad Hoc Committees are created by the Commission to address a specific issue and which are expected to meet for a limited period of time.

1.513 Membership on regular and ad hoc committees shall be composed exclusively of Commission members. Members are appointed by the Chair.

1.514 A quorum for any meeting of a regular or ad hoc committee of the Equal Opportunities and Human Relations Commission

shall be composed of more than one-half of appointed members.

#### 1.52 Special Committees

1.521 Special Committees are created to assist the Commission in carrying out its mission where the Commission has determined that outside expertise or additional resources are needed.

1.522 Membership on any Special Committee shall consist of a maximum of twenty-five (25) voting members. Additional persons may participate as non-voting members, including serving on subcommittees and task forces and participating in discussions.

1.523 Upon creation of a new Special Committee, the EOHRC staff liaison and the Commission shall recommend committee members for a period of one year unless otherwise determined by the Commission.

1.524 Where possible, the membership of Special Committees shall be representative of advocacy groups, residents, and protected classes as contained in the Ordinance, private sector representatives and social service agencies as may have concern with the subject matter of the committee, and shall be committed to the principle of equal opportunities.

1.53 Attendance at Committee meetings shall be governed by 1.82(14) of the City of Beloit's Code of Ordinances.

1.54 Each committee shall elect a chair and vice chair at its first meeting. Those committees remaining in service shall conduct elections annually thereafter. The chair will preside over all meetings of the committee and shall decide all points of procedure subject to reversal by a majority of the voting committee members.

#### 1.6 Amendments and Rules of Order

1.61 These Rules may be amended by a vote of a majority of the members of the Commission at any regular or special meeting of the Commission and shall be submitted to the City Council for approval in accordance with 1.82(11) of the City of Beloit's Code of Ordinances.

- 1.62 Except where otherwise provided in these bylaws, a majority vote of the members of the Commission in attendance at any meeting thereof shall prevail on any motion or action. Committees may be established or dissolved only by a vote of a majority of the members of the Commission. Except as otherwise provided herein, and in the absence of a standing rule established by the Commission, ROBERT'S RULES OF ORDER NEWLY REVISED shall govern the proceedings at the meeting of the Commission or of any committee thereof.
- 1.63 Notwithstanding 1.6, or any other rule adopted by this body, the Chair or any person acting in his or her stead may vote on any matter properly brought before the Commission or before any committee or sub-committee on which the Chair serves.
- 1.7 Testimony Before the Equal Opportunities and Human Relations Commission
  - 1.71 Speakers are required to pre-register their desire to speak before the Equal Opportunities Commission. Speakers will be granted five (5) minutes for their testimony before the Commission.
  - 1.72 The Chair may extend the time limit for an individual speaker or may modify the time limit for testimony because of the length of the agenda, the number of speakers or time constraints of the body.
  - 1.73 Questions of speakers will be held until after all registrants have spoken.

## 2. Definitions

- 2.1 Affidavit--A statement in writing based on personal knowledge and made under oath.
- 2.2 Complainant--A Complainant is any person who has filed a complaint under Sec. 20.05 of the City of Beloit's Code of Ordinances in which it is alleged that an act of housing discrimination has been committed in violation of said law.
- 2.3 Conciliation--The adjustment and settlement of a dispute in a neutral unantagonistic manner. Conciliation may be accomplished by the parties, or with the assistance of the Investigator.

- 2.4 Conciliation or Settlement Agreement--The terms and conditions for the resolution of a complaint. A conciliation agreement may be entered into by the parties with or without the assistance of the Investigator.
- 2.5 Day--When used in time computation by the Equal Opportunities Division, means a calendar day, except that if the last day of the time period is a Saturday, Sunday or holiday observed by the City of Beloit, the last day shall be the next business day.
- 2.6 Equal Opportunities and Human Relations Commission may be abbreviated as EOHRC in these rules.
- 2.7 Formal Complaint--A formal complaint is a complaint which requires administrative action under the procedures outlined in Rule 3.0.
- 2.8 Filing--The physical receipt of a document at the EOHRC office. Filing may include personal or postal delivery. Documents shall not be served by a facsimile transmission or e-mail.
- 2.9 Probable Cause--Probable cause means there is reasonable ground for belief supported by facts and circumstances strong enough in themselves to warrant a prudent person in the belief that discrimination probably has been or is being committed.
- 2.10 Respondent--A Respondent is any person who is alleged by a "complainant" to have committed an act of discrimination in violation of Section 20.03 of the City of Beloit's Code of Ordinances.
- 2.11 A word or term referred to in these Rules shall have the meaning as defined or understood in Section 20 means the Fair Housing Ordinance except where specifically noted.

### **3. Procedures for Processing Complaints**

#### **3.1. Filing of Complaints**

- 3.11 The EOHRC shall not accept any complaint filed more than three hundred sixty five (365) days after the alleged housing discrimination occurred.

3.111 Where a complainant alleges a pattern or practice of discrimination, the period referred to shall begin to run from the last act or occurrence of alleged discrimination.

- 3.112 Where a complainant alleges that there is a continuing violation of the Ordinance, the period referred to shall begin to run from the last act or occurrence of alleged discrimination.
- 3.12 A formal complaint may be filed by the Complainant in person, emailed, mailed, or called in to the office of the Equal Opportunities and Human Relations Commission (EOHRC. The Complainant may be required to provide additional information to the EOHRC staff during the “intake” of the complaint such that the complaint will meet the standard set forth below in 3.121 through 3.123, or to obtain information necessary before the investigation process begins.
- 3.121 A formal complaint shall be set forth on an approved form.
- 3.122 A formal complaint must contain a statement of allegations, which if proven, would establish a “prima facie” case of discrimination.
- 3.123 A formal complaint must contain the Complainant’s signature.
- 3.124 The EOHRC staff will provide assistance in the identification and clarification of issues and in the drafting of the formal complaint.
- 3.13 Once a complaint has been filed, the EOD shall serve notice upon the Complainant, acknowledging the filing, and advising the Complainant of the applicable time limits and the choice of forums available to the Complainant.
- 3.14 Upon service of the complaint upon the Respondent, the Respondent shall be notified of the right to file a written answer to the allegation of the complaint. If the Respondent chooses to file an answer, said answer shall be filed within twenty (20) days of the service of the complaint.
- 3.15 The EOHRC shall not investigate any complaint which is not a formal complaint as defined in Section 2.7 or which has not been served on the Respondent.
- 3.16 Any person who files a complaint with the Equal Opportunities Division shall promptly inform the EOHRC of any changes of address or telephone number, or any prolonged absences from the address which he or she has provided to the EOHRC when necessary. In addition, a Complainant shall, at the time of filing a complaint, provide the EOHRC with the name, address and telephone number of a person who will always know how to reach the Complainant.

3.2 Amending a Complaint. A complaint may be amended or supplemented by the Complainant, at any time prior to the issuance of a notice of hearing.

3.3 Withdrawal of Complaint

3.31 The Complainant may withdraw his or her complaint at any time. Reasons for the request to withdraw shall be stated in writing.

3.32 Withdrawal of a charge, in whole or in part, is accomplished by notifying the EOHRC in writing, of the Complainant's desire to withdraw a complaint and shall identify what portions of the complaint are being withdrawn. Said notification must include the Complainant's signature, or that of his or her representative of record.

3.33 Withdrawal of a complaint shall be without prejudice unless the parties agree in writing to the contrary.

3.4 Dismissal of Complaints

3.41 The EOHRC may dismiss a complaint under the following circumstances:

3.411 If the Complainant fails to provide requested necessary information or facts.

3.412 If the Complainant refuses to appear or to be available for interviews or conferences.

3.413 If the Complainant refuses to cooperate to the extent that the EOHRC is unable to resolve the complaint.

3.414 If the Complainant withdraws the complaint.

3.415 If the Commission lacks geographic jurisdiction.

3.42 After due notice, the EOHRC may dismiss the complaint.

3.43 A dismissal pursuant to this subsection shall be without prejudice and the Complainant shall have twenty (20) days from the date on the Notice of

Dismissal in which to appeal. The Notice of Dismissal shall be dated with the same date as the date it is mailed.<sup>1</sup>

### 3.44 Appeal of Dismissal (?)<sup>2</sup>

## 4. Investigation

4.1 All complaints filed as stated in Section 3.1 above shall be investigated by an Investigator to determine whether or not probable cause exists to believe that the Ordinance may have been violated. Such investigation shall commence no later than the 30th day after filing of the complaint.

### 4.2 Powers and Duties of the Investigator

4.21 When a complaint is assigned, the Investigator requests information, documents and/or witness's statements from the parties.

4.22 All information requested by the Investigator shall be submitted in a timely manner. In the event an extension is requested by a party, the Investigator may grant one (1) extension of no more than fifteen (15) days.

4.23 The Investigator may use whatever means necessary in conducting his/her investigation, including but not limited to, an on-site visit, interviewing witnesses and reviewing records or other documents.

4.24 When the Investigator determines that s/he has gathered sufficient information, s/he will provide the EOHRC staff liaison an Investigative Report as defined in Section 5 below.

4.3 The Investigator shall identify early opportunities for the parties to resolve the issues in the complaint.

4.31 If resolved, the Investigator will negotiate a Conciliation Agreement as defined in Section 6 and submit for review and approval by the EOHRC.

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<sup>1</sup> Consultation with the City Attorney's office indicated that in our ordinance there is currently no prohibition on reopening cases. This means that the Complainant has the equivalent of 365 days from the time of the discriminatory action to request to reopen a case that has been dismissed or closed. Inserting a 60 days right to appeal process would actually limit a Complainant's option to reopen a case.

<sup>2</sup> If there is an appeals process added, the Commission would need to add a section to the ordinance, subject to approval by City Council. An appeal of this nature would be reviewed by the EOHRC on the facts of the dismissal only, not any facts or allegations of the related housing discrimination complaint.



- 4.32 If not resolved, the Investigator will determine if both parties are willing to mediate their differences through a third party mediation/resolution services firm.
  - 4.32.1 If both parties agree, they will be referred to the third party mediation/resolution services firm.
  - 4.32.2 If there is a mediated settlement, the written settlement will be submitted to the EOHRC and is subject to Commission's approval.

## **5. Initial Determination of Probable/No Probable Cause**

- 5.1 After an investigation, the Investigator shall prepare an initial determination in writing as to whether or not there is probable cause to believe that the Ordinance may have been violated and on what facts such determination is based in the form of an investigative report as defined in 20.05(8)(a). The report shall be sent to the staff liaison of the EOHRC. Written notice of the determination shall be sent to the Complainant and Respondent and their Attorneys or Advocates.
- 5.2 An Investigator may find Probable Cause, No Probable Cause or a combination of Probable/No Probable Cause according to the issues presented in the complaint.
- 5.3 Appeals of No Probable Cause to the Commission
  - 5.31 Within 30 days after the date of an initial determination finding that there is no probable cause, a Complainant may file a written request to appeal that determination to the EOHRC for a hearing. The request for hearing shall state specifically the grounds upon which the appeal is based. The department shall notify the Respondent that an appeal has been filed within 10 days of receiving the appeal. Initial Determinations of probable cause cannot be appealed.
  - 5.32 In an appeal from an Initial Determination of No Probable Cause, the parties shall be afforded a reasonable opportunity to submit additional evidence or arguments to the file. Any such evidence or arguments must be submitted in writing.
  - 5.33 For briefs and all other written material submitted in the appeal of a no probable cause finding, the EOHRC staff liaison may grant one (1) extension of no more than fifteen (15) days for the submission of the briefs or materials, except that a request for discovery shall not be considered a request for an extension.

- 5.34 Discovery shall be permitted in an appeal from an Initial Determination of No Probable Cause in accordance with Rule 7.52.
- 5.35 The Commission may consider the following:
  - 5.351 The record compiled by the Investigator.
  - 5.352 Any additional documents or arguments submitted to the file.
  - 5.353 Any briefs properly submitted by the parties, their attorney or advocates.
  - 5.354 Any oral arguments made by the parties during public participation before the appeal hearing.
- 5.34 The Commission may Affirm, Reverse, or Remand the investigator's initial determination back for further investigation.
  - 5.431 If the Commission affirms the investigator's initial determination of no probable cause to believe the Ordinance may have been violated, the finding shall constitute the final order of the Commission.
  - 5.432 If the Commission reverses the investigator's initial determination of no probable cause, the complaint shall be remanded back for conciliation/mediation attempts.
  - 5.433 If the Commission is unable to find probable cause or no probable cause, the complaint shall be remanded back to the Investigator for further investigation or findings.
- 5.35 The decision of the commission shall be reduced to writing and written notice of the decision shall be sent to the Complainant and Respondent and their Attorneys or Advocates.