

BEFORE THE HUMAN RIGHTS COMMISSION
OF THE STATE OF MONTANA

MONTANA FAIR HOUSING,
Charging Party,

HRB CASE NO. 0131016499

-v-

REMAND ORDER

RICHARD MONTZ,
Respondent

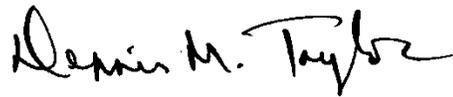
Charging Party, Montana Fair Housing (Montana Fair Housing), filed a complaint with the Department of Labor and Industry (Department) alleging retaliation on the basis of participation in a protected activity. Following an informal investigation, the Department determined that a preponderance of the evidence did not support Montana Fair Housing's allegations that Respondent, Richard Montz, unlawfully discriminated against Montana Fair Housing. The Department issued a Notice of Dismissal. Montana Fair Housing filed an objection with the Montana Human Rights Commission (Commission). The Commission considered the matter on July 14, 2014. Tim Kelly appeared and argued on behalf of Montana Fair Housing. Richard Montz did not appear but submitted an audio recording of his argument.

The Commission reviews a decision of the Department to dismiss a complaint using an abuse of discretion standard. Section 49-2-511(2), MCA. After careful consideration, the Commission concludes the determination of the Department to dismiss the complaint in this case is an abuse of discretion. Therefore, the Commission sustains the objection and the case is hereby remanded for hearing to the Hearings Bureau pursuant to § 49-2-505, MCA.

Nothing in this order precludes the parties from engaging in the mediation or other settlement negotiations that would normally occur if the Department's investigative report had found cause. See § 49-2-504(2)(b), MCA.

IT IS HEREBY ORDERED, that Montana Fair Housing's objection is **sustained**. The Commission reopens and remands the case to the Hearings Bureau for hearing.

DATED this 18th day of July, 2014.



Dennis M. Taylor, Chair
Human Rights Commission

CERTIFICATE OF SERVICE

The undersigned secretary for the Human Rights Commission certifies that a true and correct copy of the foregoing ORDER was mailed to the following by U.S. Mail, postage prepaid, on this 18th day of July, 2014.

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Annah Smith, Legal Secretary
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