Chapter Ind 89

HOUSING DISCRIMINATION, PROCEDURE

Ind 89.01 Definition of terms when used in the chapter. (1) Complainant: A complainant is any person, his representative or duly authorized agent, who has filed a complaint under section 101.60, Wis. Stats., in which it is alleged that an act of discrimination has been committed in violation of said law.

(2) Respondent: A respondent is any person as such term is used and understood in section 101.60, Wis. Stats., who is alleged by proper verified complaint to have committed an act of discrimination in violation thereof.

(3) Complaint: A complaint shall be a written statement of the essential facts constituting the discrimination charged and shall be verified. The statement of complaint shall be set forth in a form furnished by the industrial commission.

(4) A word or term referred to in these rules shall have the same meaning as defined or understood in section 101.60, Wis. Stats.

(5) The term "Party" or "Parties" shall mean the complainant and/or the respondent, as the context shall require.

(6) "Probable Cause" means such a state of fact in the mind of the commission based on competent evidence as would lead a quasi judicial officer to believe within reasonable probabilities that a full hearing will establish the fact of unlawful discrimination by a preponderance of the evidence.

History: Cr. Register, September, 1967, No. 141, eff. 10–1–67.

Ind 89.02 Time for filing. A complaint alleging the commission of an act of discrimination prohibited by section 101.60, Wis. Stats., shall be filed prior to the expiration of 90 days following the alleged act.

History: Cr. Register, September, 1967, No. 141, eff. 10–1–67.

Ind 89.03 Manner of filing. A complaint may be filed in person, by such person's representative or duly authorized agent, or a complaint may be mailed to the office of the Equal Opportunities Division or to any branch or office of the state industrial commission, and receipt thereof by the addressee constitutes filing.

History: Cr. Register, September, 1967, No. 141, eff. 10–1–67.

Ind 89.04 Notice to the respondent. (1) If the commission, after investigating a complaint, finds probable cause to believe that any discrimination has been or is being committed it shall so notify the

parties and the commission, or its duly authorized agent, shall immediately endeavor to eliminate such discrimination by conference, conciliation and persuasion. If the alleged discrimination is eliminated by way of conference, conciliation and persuasion, a stipulation and order for dismissal shall be prepared and executed. A copy of the complaint shall be mailed to the respondent on request.

(2) If the commission determines that such conference, conciliation and persuasion has not eliminated the alleged discrimination the commission shall issue and serve, along with a copy of the complaint, a written notice of hearing specifying the nature and acts of discrimination which appear to have been committed and requiring the respondent to answer the complaint at a hearing before the commission.

(3) The notice shall specify a time of hearing, not less than 10 days after service of the complaint, and a place of hearing within the county where the alleged act of discrimination is said to have occurred.

History: Cr. Register, September, 1967, No. 141, eff. 10–1–67.

Ind 89.05 Amendments and withdrawal. A complaint may be amended or withdrawn at any time with and subject to the approval of the commission or its designated agent and upon such terms as the commission or agent shall direct, and a copy of said amended complaint shall be automatically served upon the respondent.

History: Cr. Register, September, 1967, No. 141, eff. 10–1–67.

Ind 89.06 Request to make complaint more definite and certain. On the filing of an appropriate request by the respondent, the commission shall order the complaint amended to make it more definite and certain in the particulars specified in the order.

History: Cr. Register, September, 1967, No. 141, eff. 10–1–67.

Ind 89.07 Hearings, determinations and judicial review. (1) The testimony at the hearing shall be recorded by the commission.

(2) In all hearings except those for determining probable cause, before the commission the burden of proof shall be on the party alleging discrimination.

(3) If, after the hearing, the commission finds by a fair preponderance of the evidence that the respondent has engaged in the discrimination alleged in the complaint in violation of this section, the commission shall make written findings and recommend such action by the respondent as will effectuate the purpose of section 101.60, Wis. Stats., and shall serve a certified copy of its findings and recommendations on the respondent and complainant together with an order requiring the respondent to comply with the recommendations. The scope of the hearing shall be limited to the merits of the complaint.

(4) The order of the commission shall have the same force as other orders of the commission and be enforced as provided in section 101.60 except that enforcement of such order shall automatically be stayed upon the filing of a petition for review with the circuit court for the county where the alleged discrimination took place.

(5) If the commission finds that the respondent has not engaged in discrimination as alleged in the complaint, it shall serve a certi-

fied copy of its findings on the complainant and the respondent together with an order dismissing the complaint. Where the complaint is dismissed. costs in an amount not to exceed $100 plus actual disbursements for the attendance of witnesses may be assessed against the industrial commission in the discretion of the commission.

(6) Judicial review. (a) A petition for review of any order rendered under section 101.60, Wis. Stats., may be filed with the circuit court for the county where the alleged discrimination took place at any time within 30 days after service of any order under this section upon the parties.

(b) On the judicial review of any commission order the parties shall receive a trial de novo with a further right to trial by jury.

History: Cr. Register, September, 1967, No. 141, eff. 10–1–67.

Ind 89.08 Posting provisions of act. The poster issued by the industrial commission relative to the public policy and definitions of the fair housing act shall be posted in a conspicuous place.

History: Cr. Register, September, 1967, No. 141, eff. 10–1–67.