

(2) whether there was a pattern and practice of discrimination on the part of the respondent business entity;

(3) any actions taken by the respondent business entity to remedy the alleged discrimination;

(4) the effectiveness of any prior attempts by the respondent business entity to remedy the discrimination;

(5) whether the respondent business entity has procured goods or services from or otherwise engaged in business with persons or entities of the same protected class as the complainant to an extent sufficient to demonstrate that the respondent business entity has not discriminated against such protected class in the overall context of its business; and

(6) any other evidence deemed relevant by the Commission.

(b) Based on [the Office's] A review and investigation [,the Office] **CONSISTENT WITH ARTICLE 49B, § 10 OF THE CODE, COMMISSION STAFF** shall make an initial finding of each allegation stated in the complaint, that either:

(1) the investigation produced sufficient evidence to find that the alleged discrimination or retaliation did take place (“[sustained] **PROBABLE CAUSE**”);

(2) the investigation failed to produce sufficient evidence to find that the alleged discrimination or retaliation took place (“[not sustained] **NO PROBABLE CAUSE**”);

(3) the investigation produced sufficient evidence to establish that the complainant knowingly made one or more false or frivolous allegations, and further investigation did not appear likely to produce sufficient evidence that the alleged discrimination or retaliation did take place (“false or frivolous”);

(4) the allegation has been settled or otherwise resolved with the agreement of the respondent business entity, the complainant, and the State (“settled”); or

(5) the allegation has been withdrawn (“withdrawn”).

(c) [The Office] **COMMISSION STAFF** shall make the initial findings under subsection (b) of this section based on a preponderance of the evidence.

(d) On completion of its initial investigation, [the Office] **COMMISSION STAFF** shall recommend to the Commission the appropriate action to be taken, including: