



INDIANA CIVIL RIGHTS COMMISSION

STATE OF INDIANA

MITCHELL E. DANIELS, JR. GOVERNOR

JAMAL L. SMITH, EXECUTIVE DIRECTOR
100 North Senate Avenue, RM N103
Indianapolis, IN 46204

Office: (317) 232-2600
Toll Free: (800) 629-2909
Fax: (317) 232-6580
Website: www.in.gov/icrc

CIVIL RIGHTS COMMISSION

ORIGINAL

The Indiana Civil Rights Commission meeting was held on the 27th day of AUGUST, 2010, at the Indiana Government Center South, 402 West Washington Street, Conference Center Room A, Indianapolis, Indiana, and reported by me, Marjorie A. Addington, Notary Public in and for the County of Hamilton, State of Indiana, CM, CSR: KS.

The following persons were present for the meeting: Vice Chairman David Carter, Commissioners Steven Ramos, Barry Baynard, and Charles Gidney. Also present are Director Jamal Smith, Chief Financial Officer Joan T. Essex, ALJ Robert Lange, and Administrative Assistant Tawanda Sharp.

ACCURATE REPORTING OF INDIANA
William F. Daniels Prop. RPR/CP CM
12922 Brighton Avenue
Carmel, Indiana 46032
(317) 848-0088

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1 VICE CHAIRMAN CARTER: I will call the
2 August meeting of the Indiana Civil Rights
3 Commission to order and we do have a quorum, there
4 are four of us, and you have in your packets or
5 electronically or before you in a loose-leaf
6 notebook the minutes and I'll entertain a motion
7 to approve those minutes or any comments about
8 them.

9 COMMISSIONER RAMOS: I move to approve
10 the minutes.

11 VICE CHAIRMAN CARTER: Okay.

12 COMMISSIONER BAYNARD: And I'll second.

13 VICE CHAIRMAN CARTER: All in favor.

14 (All respond "aye.")

15 VICE CHAIRMAN CARTER: Thank you. Any
16 opposed?

17 (No response.)

18 VICE CHAIRMAN CARTER: And we'll move on
19 to Joan Essex and her dazzling financial report.

20 CFO ESSEX: And you should all have the
21 dazzling financial report in your packet. We have
22 just closed out the first of this fiscal year. I
23 just noticed a typo on Page 1 of the financial
24 statement. The fiscal year should be "2010," not
25 "2009," for the reversion, so we'll make that

1 correction and make sure that you get that.
2 Speaking of the reversion, the amount of money
3 that we will be giving back to the state at the
4 end of this fiscal year is estimated to be
5 \$328,000 and we are right on target to do that at
6 this point, we don't see any problems with meeting
7 that obligation at this point, so I will take any
8 questions that you have.

9 VICE CHAIRMAN CARTER: I'll refrain from
10 saying anything about what the state might do with
11 that money.

12 CFO ESSEX: Thank you.

13 VICE CHAIRMAN CARTER: Okay, any other
14 questions?

15 (No response.)

16 VICE CHAIRMAN CARTER: Okay. As usual,
17 we have no new business unless someone knows
18 something that isn't on the agenda, and there is
19 no consent agreement listed, which turns us to
20 findings of fact, conclusions of law and order, of
21 which there are four.

22 Jamal Smith in his capacity as Director
23 of the Indiana Civil Rights Commission versus
24 Serenity House, Inc., Yvonne M. Troxell versus
25 Star Homes, Inc. Is that really "BDA"? Isn't it

1 "DBA," doing business as?

2 ALJ LANGE: It should be "DBA."

3 VICE CHAIRMAN CARTER: Garden "Reality"?
4 Should that be "Realty" or is it really Garden
5 "Reality"?

6 ALJ LANGE: It should be "Realty."

7 VICE CHAIRMAN CARTER: Okay.

8 ALJ LANGE: But let's take a look and
9 see what it says in here.

10 VICE CHAIRMAN CARTER: Okay, scratch the
11 "I." Jamal Smith, in his official capacity as
12 Director of the Indiana Civil Rights Commission
13 versus Freedom Mortgage Corporate Office, and
14 Jamal Smith in his official capacity as Director
15 of the Indiana Civil Rights Commission versus Tim
16 Zender Partnership and Zender Family Limited
17 Partnership. May I have a motion to accept those
18 findings, please?

19 COMMISSIONER GIDNEY: So moved.

20 VICE CHAIRMAN CARTER: Second?

21 COMMISSIONER RAMOS: Second.

22 VICE CHAIRMAN CARTER: All in favor?

23 (All respond "aye.")

24 VICE CHAIRMAN CARTER: Any opposed?

25 (No response.)

1 VICE CHAIRMAN CARTER: Thank you.
2 Report by Commissioners on complainant appeals,
3 and as I recall there's only one -- no, there's
4 two. Okay. Well, there is mine, Bender versus
5 Education Management Corporation, doing business
6 as Brown Mackie College Fort Wayne, and I
7 recommend that we sustain the no probable cause
8 finding. May I have a motion to accept that
9 recommendation?

10 COMMISSIONER BAYNARD: So moved.

11 VICE CHAIRMAN CARTER: Second?

12 COMMISSIONER RAMOS: Second.

13 VICE CHAIRMAN CARTER: All in favor.

14 (All respond "aye.")

15 VICE CHAIRMAN CARTER: Any opposed?

16 (No response.)

17 VICE CHAIRMAN CARTER: And Mr. Gidney.

18 COMMISSIONER GIDNEY: Okay, in the
19 matter of Thompkins versus Sodexo I recommend that
20 we uphold the Deputy Director's finding of no
21 probable cause.

22 VICE CHAIRMAN CARTER: Okay, may I have
23 a motion to accept that recommendation?

24 COMMISSIONER RAMOS: So moved.

25 VICE CHAIRMAN CARTER: Second?

1 COMMISSIONER BAYNARD: Second.

2 VICE CHAIRMAN CARTER: Second, Barry.

3 All in favor?

4 (All respond "aye.")

5 VICE CHAIRMAN CARTER: Any opposed?

6 (No response.)

7 VICE CHAIRMAN CARTER: Thank you.

8 Assignment of appeals to Commissioners. Well, I'm
9 not going to take everybody's case who isn't here.
10 I will take Commissioner Blackburn's case, Jackson
11 versus Lafayette Housing Authority, as well as the
12 one assigned to me, Mitchell, "or best offer"?

13 What does "OBO" stand for?

14 ALJ LANGE: "On behalf of."

15 VICE CHAIRMAN CARTER: We should keep
16 the abbreviations to meaning only one thing.
17 Collignon versus Kid Company Preschool & Childcare
18 and, Commissioner Baynard, if you would do the one
19 assigned to you, Collier versus Eytcheson and
20 Commissioner Crenshaw's Narderi versus Avis Budget
21 Group, Inc. And, Mr. Gidney, if you could do
22 Jones versus CSL Plasma Services, Inc. which was
23 assigned to Mr. Garcia, as well as the one
24 assigned to you, Bullock versus Cardinal Ritter
25 High School. And Commissioner Ramos lucks out.

1 And that concludes that part and now we have the
2 administrative update from our esteemed Director.

3 DIRECTOR SMITH: I don't really have
4 much of an update for this month, so carry on and
5 I'll hand it back over to you.

6 VICE CHAIRMAN CARTER: Okay. Are there
7 additional announcements?

8 (No response.)

9 VICE CHAIRMAN CARTER: Please make note
10 of the next meeting dates, which are "September
11 24th" twice on either side of October.

12 COMMISSIONER RAMOS: It's an important
13 one.

14 VICE CHAIRMAN CARTER: So after October
15 we have to go back a month and do September 24th
16 over again. Presumably it's November something.

17 DIRECTOR SMITH: We'll have that updated
18 and sent out to you guys.

19 VICE CHAIRMAN CARTER: Well, I think we
20 have a couple months before we have to worry about
21 it. If there are no other -- Yes, you have a --

22 COMMISSIONER RAMOS: Yeah, we do have
23 Hispanic Heritage Month coming up in September and
24 I don't know if there are any pieces that are
25 going on at the State House. I did see an

1 indication from the Mexican Ambassador, that's on
2 the 13th, so I'm not sure that it went to
3 everybody but hopefully it did and I encourage you
4 to participate in that, so an interesting
5 opportunity to grow your cultural experience, so
6 if you have the opportunity to do that, I'd
7 recommend it.

8 VICE CHAIRMAN CARTER: I didn't know
9 there was a Mexican embassy in --

10 COMMISSIONER RAMOS: There is.

11 VICE CHAIRMAN CARTER: -- Indianapolis.

12 COMMISSIONER RAMOS: Uh-huh, there is.

13 DIRECTOR SMITH: Actually, can we --

14 VICE CHAIRMAN CARTER: Yeah.

15 DIRECTOR SMITH: We should have more of
16 an update here. I just thought about this. I was
17 more concerned with having everybody on hand. But
18 there's a few changes in the office I do have in
19 terms of reorg. With us is Daniel Lopez, who has
20 joined the Commission in the capacity of our
21 Education Director, he will be trying to do some
22 things that -- The focal point that was sent over
23 was to, well, kind of face the statute which is
24 broadly written about addressing some of the
25 disparities in education. We've had some

1 conversations back and forth with the Department
2 of Ed about, for lack of a better phrase, leveling
3 the playing field in education. It's arguably the
4 civil rights issue of our time right now, so Mr.
5 Lopez has come on to kind of head that initiative
6 in conjunction with the Governor's Office,
7 Department of Education and then the Commission as
8 a whole to kind of push forward with that.

9 He's also in the capacity as the
10 Director of the Hispanic Commission as well which
11 benefits the Commission in a few regards. I think
12 our outreach to the Hispanic population is
13 crucial. Not sure how well we've done that,
14 especially outside of Marion County, so we'll look
15 forward to pursuing some of those avenues as well.
16 So I just want to welcome him officially during
17 this Commission meeting on behalf of myself, the
18 Executive Director, and introduce him to you guys
19 as Commissioners.

20 VICE CHAIRMAN CARTER: Welcome.

21 MR. LOPEZ: Thank you.

22 VICE CHAIRMAN CARTER: And we look
23 forward to hearing from you.

24 DIRECTOR SMITH: Also, too, we will have
25 with us joining will be an Events and Outreach

1 person, that person has not been identified yet,
2 we are in the process of doing some interviews.
3 The focal point for -- Well, the focus for that
4 position will be to handle all the events and
5 outreach from the monthly Commission meetings, we
6 will also pick back up on our continuing legal
7 education for the attorneys on staff and we will
8 do those bimonthly, that person will be
9 responsible for logistically handling those as
10 well.

11 We've also looked at -- It's been
12 proposed to us that we host the Consortium
13 Conference, they wanted us to do it next year. In
14 my opinion to do a statewide conference with less
15 than a year to plan wasn't feasible, so I told
16 them that we will give it serious consideration
17 for 2012 but that we'd have to turn it down for
18 2011.

19 I think that, you know, in terms of
20 outreach that hosting that conference would do
21 well, just not in 2011, so they will be
22 responsible for putting that on as we get out
23 throughout the state that we are responsible for
24 logistically handling any meetings we have with
25 the media, PSAs, radio spots, things of that

1 nature, as well as any sponsorship collaborations
2 we take hold of like, for example, the Black Expo
3 event, coordinating those things, so we'll have
4 that.

5 We'll also be bringing on a
6 Communications person who will be -- I don't know
7 if you guys have had an opportunity to look at our
8 website as of late, but it is hideous and so this
9 person will be responsible for, amongst other
10 things, making sure that that website is updated
11 on a daily and regular basis, as well as putting
12 together any press releases, responsible for the
13 literature in terms of any brochures and things
14 that we put out, et cetera, et cetera.

15 VICE CHAIRMAN CARTER: Good.

16 DIRECTOR SMITH: So with that we've also
17 established a relationship with the Housing
18 Authority, the Indiana Housing and Community
19 Development Authority, with Sherry Seiwert. They
20 have a contractual agreement with HUD as well and
21 there's a collaboration resource in that they are
22 responsible for -- well, a ton of things in the
23 area of housing, one of which is providing
24 training and outreach which is where the agreement
25 between she and I has been that we provide that

1 piece for it and obviously they pay us for that
2 which would bring more revenue in to our agency as
3 well. We've also had some conversations with a
4 few other state agencies in regards to some
5 potential relationships that they may have with
6 either the EEOC or HUD that would allow us to
7 provide services that they aren't necessarily
8 equipped to provide that we can and as a result
9 would provide more revenue for the agency. So,
10 yeah, that's it in a nutshell. I just wanted to
11 give you guys that update.

12 VICE CHAIRMAN CARTER: We used to have
13 years ago reports as agenda items, reports from
14 these different departments of the agency and
15 obviously if there's nothing to report there's no
16 reason to do that, but it would be nice to
17 reinstate that so we could hear what was going on
18 with your projects and with --

19 DIRECTOR SMITH: Yes, sir, duly noted,
20 we will do that, and as we move forward the idea
21 is to have more to report and give you guys as it
22 relates to the Commission moving forward,
23 outreach, the growth. One of the things that we
24 want to increase, obviously, I mean there's an
25 intake issue that we have, our intake numbers are

1 down and so we want to increase those. You know,
2 a lot of what we're responsible for are meeting
3 our contractual obligations with HUD and EEOC and,
4 you know, what we get from an intake standpoint is
5 directly related to how we end up at the end of
6 the day with that contract, and it's a domino
7 effect, I mean every unit within the agency is
8 affected, you know, and we're only as strong as
9 our weakest link, and so if one area has fallen
10 short then as a result we'll probably all end up
11 on the short end of the stick, so ideally
12 everything that we put together will have some aim
13 at increasing the amount of education throughout
14 the state which we hope will directly correlate in
15 an uptick in intake for the Commission.

16 VICE CHAIRMAN CARTER: So it would
17 perhaps be pollyannaish to think that a decrease
18 in cases filed indicates a decrease in
19 discrimination.

20 DIRECTOR SMITH: Well, I would have
21 thought that, but I had a pretty good
22 conversation, for example, with Ethel at EEOC and
23 although our numbers are down they are being
24 flooded with employment cases which tells me that,
25 and this is just in the state of Indiana, where we

1 are pulling in 250 and we're asking for an
2 increase up to 300, they have 3000 that they're
3 working on and that's just in the state of
4 Indiana, so, you know, the EEOC is more of a
5 household name, I'll give them that, but that's a
6 heck of a discrepancy in terms of what we take in
7 and what they do and I think a large part of that
8 is our outreach, or a big reason for that is our
9 outreach.

10 COMMISSIONER RAMOS: In perspective with
11 the EEOC and findings, is the probability similar,
12 so if 10 percent of our cases are deemed to be
13 viable from a discrimination standpoint, how does
14 that correlate to the EEOC? Probably there is no
15 correlation but I'm just curious.

16 CFO ESSEX: You mean in how many cases
17 we've received, EEOC versus Housing, or --

18 COMMISSIONER RAMOS: No, no, no, how do
19 we compare to EEOC, so again if 10 percent of our
20 cases we find have probable cause, from an EEOC
21 standpoint do --

22 DIRECTOR SMITH: What is their
23 percentage?

24 COMMISSIONER RAMOS: Yes.

25 DIRECTOR SMITH: That I don't know off

1 the top of my head, probably some good statistics
2 to get --

3 COMMISSIONER RAMOS: I was just curious.

4 DIRECTOR SMITH: -- and we could have
5 something like that to present to you guys at the
6 next meeting. We had a conversation with HUD as
7 well and there was some concern on their end and
8 the number of PCs that we have versus NPCs. They
9 hinted that we should probably have more PCs or at
10 least give some serious thought to the NPCs that
11 we do.

12 So good point, I mean something that
13 they have to look at the whole picture in terms of
14 what we do and there's a financial attachment to
15 that as well, we get more money for PC cases, so
16 there's a slight incentive but we want to make
17 sure that -- We are here to serve the public, so
18 we want to make sure that we do that, you know,
19 accurately as well.

20 COMMISSIONER BAYNARD: I've noticed that
21 we haven't -- I haven't seen at least any consent
22 agreements recently, none this month, none last
23 month, and I was wondering --

24 ALJ LANGE: I haven't been keeping track
25 of the numbers, but we get a lot of cases that

1 come through me are now resolved by way of a
2 private agreement and withdraw or a motion to
3 dismiss that doesn't tell you what the heart of
4 what's in the agreement, but there are agreements.
5 I don't know and you won't know either what the
6 nature of the agreement is, precise nature. I
7 have some employment discrimination cases, they
8 lost a job, there's, no doubt, money involved but
9 we don't know how much.

10 VICE CHAIRMAN CARTER: Any further
11 comments, questions?

12 DIRECTOR SMITH: Thank you, guys.

13 VICE CHAIRMAN CARTER: Thank you. Well,
14 then, I guess we need to adjourn and stay for
15 signatures, if there are any needed. Hit the
16 magic gavel.

17 CFO ESSEX: Make it official.

18 VICE CHAIRMAN CARTER: Yes.

19 (WHEREUPON, at 11:30 a.m., August 27,
20 this meeting concluded for the day.)
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1 CERTIFICATE

2 STATE OF INDIANA

ss:

3 COUNTY OF HAMILTON

4

5 I, Marjorie A. Addington, the undersigned Court
 6 ~~Reporter and Notary Public residing and~~
 7 maintaining offices in the City of Carmel,
 8 Hamilton County, Indiana, do hereby certify:

7

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9 That I reported to the best of my ability in
 10 machine shorthand all of the words spoken by all
 11 parties in attendance during the course of the
 12 hearing;

11

12

13 That I later reduced my shorthand notes into the
 14 foregoing typewritten transcript form, which
 15 typewritten transcript is a true record to the
 16 best of my ability of the hearing;

15

16

17 That I am not a relative or employee or attorney
 18 or counsel of any of the parties, nor am I a
 19 relative or an employee of such attorney or
 20 counsel, and that I am not financially interested
 21 in this action.

20

21 IN WITNESS HERETO, I have affixed my
 22 Notarial Seal and subscribed my
 23 signature below this 27th day of
 24 AUGUST, 2010.

21

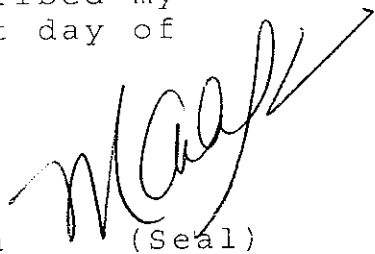
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23

24 Notary Public

25 County of Residence: Hamilton (Seal)

My Commission Expires on: August 22, 2015





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MITCHELL E. DANIELS, JR. GOVERNOR




JAMAL L. SMITH, DIRECTOR
Indiana Government Center North
100 North Senate Avenue, RM N103
Indianapolis, IN 46204
E-mail: icrc@crc.in.gov
Visit our web site: www.in.gov/icrc

Office: (317) 232-2600
Toll Free: (800) 628-2909
Hearing Impaired: (800) 743-3333
Fax: (317) 232-6580
Housing: (866) 3FAIR4U
(866) 332-4748

ADJOURNMENT:

There being no further business to come before the Commission, the meeting was adjourned.

Jamal L. Smith
Director
September 24, 2010



Alpha Blackburn
Chairperson
September 24, 2010

"Morality cannot be legislated, but behavior can be regulated." -- Dr. Martin Luther King, Jr

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