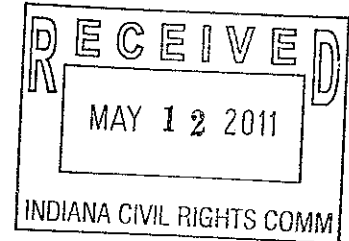


ORIGINAL

STATE OF INDIANA
CIVIL RIGHTS COMMISSION

TRANSCRIPT OF PROCEEDINGS AT INDIANA CIVIL RIGHTS
COMMISSION MEETING
APRIL 21, 2011



The meeting was held at 11:40 a.m. on April 21, 2011
at Indiana Government Center South, Conference Room 4, 302
West Washington Street, Indianapolis, Indiana.

Wm. F. Daniels, d/b/a
ACCURATE REPORTING OF INDIANA
12922 Brighton Avenue
Carmel IN 46032
(317) 848-0088

PERSONS PRESENT:

David C. Carter, Vice-Chairman, presiding

John E. Garcia, Board Member

Barry Baynard, Board Member

Steven A. Ramos, Board Member

Tehiji G. Crenshaw, Board Member

Joshua Brewster, Deputy Director

Joan T. Essex, Chief Financial Officer

Robert Lange, Administrative Law Judge

Christina Catalan

1 MR. CARTER: I would like to call the
2 Indiana Civil Rights Commission public meeting for
3 April to order.

4 And we have a quorum. There are five of us:
5 Commissioners Crenshaw, Ramos, Baynard, Garcia, and I
6 am David Carter.

7 And, having established the quorum, I believe
8 you have had an opportunity to review the minutes.
9 May I have a motion to accept them for the discussion
10 thereof?

11 MR. RAMOS: Motion to approve.

12 MR. BAYNARD: Second.

13 MR. CARTER: All in favor?

14 Any opposed?

15 Okay.

16 Financial report, Ms Essex?

17 MS ESSEX: You should all have a copy
18 of the financial report in your packets. And as it
19 has been for the last several months, we are moving
20 closer to the end of the fiscal year. We are in
21 great shape to do that, and are in line to meet our
22 reversion target of--how much is it?--three hundred
23 and twenty-eight thousand dollars. We should meet
24 that with not much trouble at all, and may even
25 revert more than that.

1 I will be happy to answer any questions that
2 any of you might have.

3 MR. CARTER: Questions?

4 MR. RAMOS: For the budget cycle, are
5 you submitting a budget for the year--

6 MS ESSEX: The budget is submitted for
7 2012-2013. And if you look on page 1 of your
8 financial statement, the annual net appropriation,
9 the one million eight fifty-eight, eight eighty-six,
10 that is the base budget for 2012 and 2013. So
11 they've reduced us; we have the fifteen percent
12 reduction. They said, "Just take the fifteen percent
13 off, and that's going to be your base for this year,"
14 and we should be able to meet expenses on that. We
15 have obviously been able to do it this year, so we
16 should be in good shape.

17 MR. RAMOS: Any other expected
18 adjustments in other--

19 MS ESSEX: No. Now, with normal
20 attrition, and with the fact that we receive our EEOC
21 entitlement cooperative agreement monies, that allows
22 us to help take care of some of expenses for the
23 events as well as reimbursing for administrative
24 costs and training costs and different things like
25 that. So if we did not have those cooperative

1 agreements, things would be a lot tighter, but we're
2 fortunate enough to have those, so they put us in a
3 very good position to do what we need to do.

4 MR. CARTER: Any questions?

5 And hearing none, we move to Old Business.

6 Which are the cases of Collier and Bullock.
7 And they are similar, in that they were both cases
8 that were found no probable cause and were then
9 reversed by the commissioner reviewing them, the case
10 of Collier versus Eytcheson by Commissioner Baynard
11 and the case of Bullock versus Cardinal Ritter by
12 Commissioner Carter.

13 So my understanding is that we are to vote on
14 those--Mr. Baynard may not vote on the Collier case,
15 and I will not vote on the Bullock case--whether to
16 accept that reversal or not; is that correct?

17 MR. LANGE: Yes.

18 MR. CARTER: Is that right?

19 So, in the case of Collier versus Eytcheson,
20 may I have a motion to--

21 MR. GARCIA: If I can ask a question
22 first.

23 MR. CARTER: You can ask a question
24 when you want to.

25 MR. GARCIA: If we reverse it, it goes

1 back to probable cause--

2 MR. CARTER: Correct.

3 MR. GARCIA: --is my understanding.

4 Okay. And it gets investigated again, or--

5 MR. CARTER: It goes back to Mr. Lange
6 for further proceedings or scheduling a hearing or
7 whatever.

8 MR. GARCIA: Okay.

9 MR. CARTER: I guess I could call for
10 a motion either to reverse or sustain the no probable
11 cause finding.

12 MR. GARCIA: I move we take the recom-
13 mendation of Commissioner Baynard, and reverse it.

14 MR. CARTER: A second?

15 MS CRENSHAW: Second.

16 MR. CARTER: All in favor?

17 Opposed?

18 I oppose reversing, but I am not voting. So
19 it is reversed.

20 Commissioner--

21 I mean in the case of Bullock versus Cardinal
22 Ritter, may I have a motion to either sustain the no
23 probable cause order or reverse it?

24 MR. BAYNARD: I make a motion to
25 reverse.

1 MS CRENSHAW: Second.

2 MR. CARTER: All in favor?

3 Any opposed?

4 MR. GARCIA: Aye.

5 MR. CARTER: It is reversed as well.

6 Okay. With that, have we satisfied the
7 protocol?

8 MR. BREWSTER: Yes.

9 MR. CARTER: Okay.

10 I am informed that there is new business:
11 The once-a-year ordeal of election of officers.

12 I will entertain the nominations for the
13 chairperson of the Commission.

14 MR. GARCIA: I'd like to move--or I'd
15 like to nominate Vice-Chairman Carter for Chairman.

16 MR. CARTER: That happened once
17 before.

18 MR. RAMOS: We should have a
19 discussion. The language of the statute provides for
20 annual election.

21 Can we--

22 MR. CARTER: Well, later in the
23 meeting.

24 MR. BAYNARD: Would you accept the
25 nomination?

1 MR. CARTER: Well, only reluctantly;
2 partly it's logistics. I don't live in Indianapolis,
3 and I don't have to come up here all the time. But I
4 suppose most of it can be done by electronic means,
5 so I don't have to be here.

6 I personally see no reason to unseat Alpha.

7 MR. GARCIA: Well, if the signing
8 thing is that important, maybe we need somebody that
9 lives in Indianapolis. If we'd like to nominate
10 somebody else, too, I guess we can.

11 I'd like to nominate--

12 MR. RAMOS: You have to withdraw your
13 first recommendation.

14 MR. GARCIA: Why?

15 MR. LANGE: Either withdraw your
16 motion or--

17 MR. RAMOS: I think most of the
18 manuals, you have to withdraw your motion.

19 MR. GARCIA: I'm confused. Is it a
20 nomination or a motion?

21 MR. LANGE: It's a nomination.

22 MR. GARCIA: So can I nominate two
23 people?

24 MR. CARTER: You can only try.

25 MR. GARCIA: I nominate Commissioner

1 Baynard. Since he lives in Indianapolis, the signing
2 wouldn't be an issue with him. Or close to
3 Indianapolis.

4 MR. BAYNARD: I have to go from
5 Indianapolis to the-- I have to decline the
6 nomination.

7 MR. RAMOS: What else you got, John?

8 MR. CARTER: What about you?

9 MR. RAMOS: I travel. As it is, I
10 miss more than my fair share. Much as I would love
11 the opportunity, I'm not sure how I could do that.

12 Move that nominations be closed.

13 MR. BAYNARD: I second the nomination.

14 MR. CARTER: Okay well, we have a
15 second.

16 All in favor of retaining Commissioner
17 Blackburn as Chair?

18 Any opposed?

19 MR. GARCIA: Aye.

20 MR. CARTER: Is that nay?

21 MR. GARCIA: Nay.

22 MR. CARTER: Okay.

23 MR. GARCIA: I said nay.

24 MR. CARTER: Now you've heard it. Is
25 that Hammurabi's second law?

1 Well, now some nominations for whatever--the
2 Vice-Chairperson.

3 MR. GARCIA: I nominate Vice-Chair
4 Carter.

5 MR. RAMOS: Second.

6 MR. CARTER: All in favor?

7 Any opposed?

8 Okay. So we'll keep it the way it is. Status
9 quo wins, I guess.

10 We have no consent agreements, so we move to
11 Findings of Fact, Conclusions of Law, and Order.

12 Pedro Diaz Ramos versus Enzo Pizza, and
13 Jocelyn Appleton versus One Vision Corp. d/b/a Vision
14 Sports Club.

15 May I have a motion to accept those findings?

16 MR. GARCIA: I have a question: Is
17 that Enzo's Pizza or Tomaso Carmella that's at issue
18 there?

19 MR. LANGE: Both.

20 MR. CARTER: Both.

21 MR. GARCIA: You don't have any other
22 companies that we might have missed, that we should
23 maybe include?

24 MR. LANGE: No.

25 MR. GARCIA: Okay.

1 MR. CARTER: Having clarified that,
2 may I have a motion to accept or do something else
3 with the findings of facts?

4 MR. GARCIA: I move we accept.

5 MR. CARTER: And a second?

6 MS CRENSHAW: Second.

7 MR. CARTER: All in favor?

8 Any opposed?

9 Report by Commissioners on Complainant
10 Appeals.

11 Commissioner Baynard?

12 MR. BAYNARD: In the cases of Brown
13 versus Lake County Public Defender's Office and the
14 case of Dorsey versus DHI Global Mail, I would
15 recommend to the Commission that we sustain the
16 Deputy Director's finding of no probable cause.

17 MR. CARTER: Okay. May I have motion
18 to accept that?

19 MR. RAMOS: So moved.

20 MR. CARTER: And a second?

21 MS CRENSHAW: Second.

22 MR. CARTER: Any opposed--or in
23 agreement? May I have that?

24 All right, any votes for?

25 Okay. Against?

1 Okay. And Roberts is rolling in his grave.

2 And in my cases, Leaven versus Indiana
3 University and Longsdon versus Target Stores, I also
4 recommend that we sustain the no probable cause
5 finding.

6 May I have a motion to accept that
7 recommendation?

8 MS CRENSHAW: So moved.

9 MR. BAYNARD: Second?

10 MR. CARTER: All in favor?

11 Opposed?

12 Thank you.

13 Commissioner Crenshaw?

14 MS CRENSHAW: In the cases of Moises
15 versus R. Concept Industries, Inc. and Muhammad
16 versus Pinnacle Properties Development Group, I make
17 the motion that we uphold the finding of no probable
18 cause in both cases.

19 MR. CARTER: May I have a motion to
20 accept that?

21 MR. BAYNARD: So moved.

22 MR. RAMOS: Seconded.

23 MR. CARTER: All in favor?

24 Any opposed?

25 Mr. Garcia?

1 MR. GARCIA: In the case of Nicholson
2 versus University Elementary School, I recommend that
3 we uphold the Director's--or the Deputy Director's no
4 probable cause.

5 MR. CARTER: May I have a motion to
6 accept that recommendation?

7 MR. BAYNARD: So moved.

8 MS CRENSHAW: Second.

9 MR. CARTER: All in favor?

10 Any opposed?

11 And do you have something further?

12 MR. GARCIA: Perez versus Tyson Foods,
13 Inc., I am going to hold it until the next meeting.

14 MR. CARTER: Mr. Ramos?

15 MR. RAMOS: In the case of Ryan versus
16 Langsford Collision Repair, Inc. and Wyatt versus
17 Reception Diagnostic Center, I recommend we uphold
18 the Director's findings of no probable cause.

19 MR. CARTER: And may I have a motion
20 to accept that?

21 MS CRENSHAW: So moved.

22 MR. CARTER: Second?

23 MR. BAYNARD: Second.

24 MR. CARTER: All in favor?

25 Opposed?

1 Okay. Assignment of Appeals to
2 Commissioners.

3 Mr. Ramos, would you do Commissioner
4 Blackburn's case--

5 MR. RAMOS: Yes.

6 MR. CARTER: --Ahissou versus Ryder
7 Integrated Logistics, Inc. And that would be Mr.
8 Ramos for Commissioner Blackburn.

9 And Mr. Baynard, if you would review Johnson
10 versus J.P. Morgan Chase Bank. I will review Graves
11 versus Ultimate Construction Services. And
12 Commissioner Crenshaw, Jones versus Indygo
13 Transportation. And Mr. Garcia, Grubb versus Elkhart
14 Community Schools.

15 Which brings us to the Administrative Update.

16 MR. BREWSTER: Okay.

17 Mr. Smith obviously briefed you on it, as
18 mentioned earlier, but I'll go ahead and kind of
19 repeat that for the record.

20 On April 8 we had a State Fair Housing Event
21 here in Indianapolis, in partnership with the Indiana
22 Housing Community Development Authority, Back Home in
23 Indiana Associates, The Governor's Council for People
24 With Disabilities, and also the Indiana--oh, it's
25 slipped out of my mind--the organization in the

1 Bloomington community.

2 MR. BAYNARD: So we had one hundred
3 and fifty people that had registered for that event.
4 Again, that was a fair housing event for people with
5 disabilities. We had a hundred and twelve people
6 actually in attendance. We got--in response to our
7 survey about how people felt about the event, we got
8 a pretty positive responses, of anywhere from--out of
9 a five-point scale responses ranging from 3.87 to
10 4.13. On an average, there were--that was not a bad
11 turnout response there. The comments, positive and
12 negative, were what I considered in the future.

13 On April 18 last--actually this Monday we
14 were in Terre Haute, in partnership with the Terre
15 Haute Housing Program--or the Terre Haute Human
16 Relations Commission; also with the assistance of
17 ICEA Fair Housing Authority.

18 In the morning we had a breakfast and a lunch
19 there. We had about forty-two people in attendance,
20 and got some information about the local fair
21 housing, sort of a local subsidized housing
22 conference. And we also received information about
23 tenement laws, and housing for people with
24 disabilities.

25 Not a bad turnout there. We got some good

1 input and kits, and press coverage from that event
2 out of starting and development of the Terre Haute
3 agency. And they got responses useful for raising
4 awareness in that community.

5 Also, the following day Dave Duvall was in for
6 the Governor's office. That agency had I believe
7 issued a proclamation of Human Rights Day as a part of
8 the Indiana State University Human Rights Day.

9 Coming up next Friday, we will meet in Gary for
10 our all-day event dealing with Fair Housing,
11 Employment, and Education topics, also in accordance
12 with IHCEA. I'm not sure what the-- We did have online
13 registration, and of course I can't tell you right now
14 what that is and how many people we have registered,
15 but I think it's quite a good number, and we're
16 comfortable at this point.

17 Again, we will be having breakfast, lunch, and
18 also a reception there at the Genesis Center. And we
19 will have a three-hour CLE in the morning as a part of
20 that. We hope to get some attorneys present, talking
21 about fair housing and educational opportunity.

22 That's all on our programing events, so far.

23 What's coming up next will be the Holocaust, at
24 the end of May, at the Capitol. We're going to be
25 working with the Indiana Consortium of Human Rights

1 Agencies, that put on the annual conference, that this
2 year will be in Fort Wayne. That would be on the 14th
3 of June.

4 Just a brief legal update. I do want to update
5 you on one particular case. This is in Hamilton
6 County, a housing case that was--where the respondent
7 elected to have it remain in state court. That was
8 Claims [phonetic] versus Freedom Mortgage, dealing with
9 different credit score requirements for citizens and
10 noncitizens.

11 We did have oral arguments on the defendant's
12 motion to dismiss back in February, I think, and the
13 judge did deny their motion to dismiss, so that's
14 still--we are still in the game there, still kind of a
15 difficult argument we face, but we will proceed. And
16 we have made an offer of settlement in hopes that they
17 will change their policy and also provide some remedy
18 to the complainant. We haven't heard back yet on that,
19 whether they are willing to do that. If they're not
20 willing to change their policy, I imagine we will
21 proceed until we have an argument to be heard in the
22 state court.

23 That's all I have.

24 MR. CARTER: Questions?

25 Any announcements?

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Okay.

Please observe the next meeting date, and please don't leave before you ascertain that there are no signatures that--they will be needed, and signature required of us.

And otherwise, we are adjourned.

[The meeting adjourned
at 12:13 p.m.]

1 STATE OF INDIANA]
] SS:
 2 COUNTY OF MARION]

3 C E R T I F I C A T E:

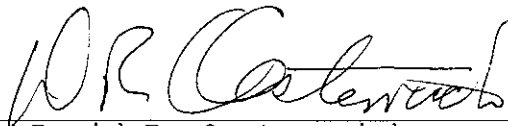
4 I, DAVID R. OESTERREICH, the undersigned Court
 5 Reporter and Notary Public residing and maintaining offices
 6 in the City of Indianapolis, Indiana, do hereby certify:

7 That at the time and place described above in this
 8 transcript I reported to the best of my ability in machine
 9 shorthand all of the words spoken by all parties in
 10 attendance during the course of the subject proceedings,
 11 including objections, if any, made by all counsel present;

12 That I later reduced my shorthand notes into the
 13 foregoing typewritten transcript form, which typewritten
 14 transcript is a true record of the testimony and/or
 15 statements given by those individuals indicated herein;

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

20 IN WITNESS WHEREOF I have affixed my Notarial Seal and
 21 subscribed my signature below on this 11th day of May,
 22 2011.

23 

[SEAL]

24 David R. Oesterreich
 Notary Public
 25 County of residence: Marion
 My commission expires August 28, 2016