

1 BEFORE THE STATE OF INDIANA

2 CIVIL RIGHTS COMMISSION

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INDIANA CIVIL RIGHTS COMM

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4
5 PUBLIC MEETING OF AUGUST 26, 2011

6
7 ORIGINAL

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9 PROCEEDINGS

10 in the above-captioned matter, before the Indiana
11 Civil Rights Commission, David C. Carter,
12 Chairman, taken before me, Lindy L. Meyer, Jr., a
13 Notary Public in and for the State of Indiana,
14 County of Shelby, at the Indiana Government
15 Center South, Conference Center, Room A, 402 West
16 Washington Street, Indianapolis, Indiana, on
17 Friday, August 26, 2011 at 11:12 o'clock a.m.

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20
21 William F. Daniels, RPR/CP CM d/b/a
22 ACCURATE REPORTING OF INDIANA
12922 Brighton Avenue
23 Carmel, Indiana 46032
(317) 848-0088

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APPEARANCES:

COMMISSION MEMBERS:

David C. Carter, Chairman
Barry Baynard
Tehiji G. Crenshaw

INDIANA CIVIL RIGHTS COMMISSION
By Jamal Smith, Director/Secretary
Indiana Government Center North
100 North Senate Avenue, Room N103
Indianapolis, Indiana 46204
On behalf of the Commission.

OTHER COMMISSION STAFF PRESENT:

Robert D. Lange
Pamela Cook
Christina Catalan

1 11:12 o'clock a.m.
2 August 26, 2011

3 CHAIRMAN CARTER: The Indiana Civil
4 Rights Commission will come to order for the
5 public meeting for August, and the first item on
6 the agenda is to convene the meeting, which I've
7 just done, and establish a quorum, which we can't
8 do because there are only three Commissioners
9 here.

10 So, we will proceed with the rest of the
11 meeting and table the things that require votes
12 until next month. We cannot -- we may have read
13 the minutes, but we can't approve them, so
14 Financial Report. We have the Financial Report.
15 If there are any questions about the Financial
16 Report, this is the time to ask them.

17 MR. SMITH: Pam, you have that. Do
18 you want to go over some of the --

19 MS. COOK: Okay. The information --
20 okay. It's the second sheet of the Financial
21 Report. It just shows the sum fund balance sheet
22 for each of our funds available as of the end of
23 July.

1 The very last page of the Financial Report
2 is what I'd like to bring to everyone's
3 attention. If you'll notice, our total fund for
4 2011 was \$2,186,930, of which the agency was
5 asked to revert 15 percent per the legislative
6 order, which equated to \$328,044.

7 We were able to meet and exceed that
8 reversion figure and able to -- and order to
9 revert an additional \$85,472.28, which made our
10 total reversion for 2011 of 19 percent. Since we
11 were able to meet our conversion figure, the
12 legislature reduced our total allotment for 2012,
13 so our current allotment.

14 COMM. BAYNARD: Lucky for us.

15 MS. COOK: Yes.

16 CHAIRMAN CARTER: No good deed goes
17 unpunished.

18 MS. COOK: Exactly, exactly. Our
19 total legislative appropriation for this fiscal
20 year is \$1,858,886.

21 CHAIRMAN CARTER: So, if we spend it
22 all and aren't able to revert anything --

23 MS. COOK: Exactly.

1 CHAIRMAN CARTER: -- then maybe they
2 won't punish us next year.

3 MS. COOK: Hopefully. Any questions?

4 (No response.)

5 CHAIRMAN CARTER: Thank you.

6 Well, no Old or New Business is listed.
7 It looks like we don't have any. And I don't
8 think we have Consent Agreements or Findings of
9 Fact, and we should report our recommendations on
10 our cases in case we're absent next month or in
11 case we have a quorum next month.

12 Is there any word from Comm. Blackburn?

13 MS. CATALAN: I talked to Robbie, and
14 she said that they do not have any reports on
15 cases.

16 CHAIRMAN CARTER: Okay.

17 Comm. Baynard, do you have a
18 recommendation?

19 COMM. BAYNARD: Yes. I'd like to
20 recommend to the full Commission, when we have a
21 full Commission, to sustain the Director's
22 order -- or Deputy Director's order -- of no
23 probable cause in all four cases of Jeffrey Green

1 versus the City of South Bend.

2 CHAIRMAN CARTER: Thank you.

3 And I, too, would like to recommend when
4 it becomes votable that the case of Eric Macht
5 versus the Steel Warehouse Company be -- that the
6 no probable cause finding be sustained.

7 Comm. Crenshaw, do you --

8 COMM. CRENSHAW: In the case of Susan
9 Pramuk versus Wells Fargo Home Mortgage, I'd like
10 to uphold the Deputy Director's finding of no
11 probable cause.

12 CHAIRMAN CARTER: Okay. Thank you.

13 And do we have any news from Comms. Ramos
14 and Gidney?

15 MS. CATALAN: Ramos, no.
16 Comm. Gidney would like to table the case due to
17 the Complainant submitting last minute evidence.

18 CHAIRMAN CARTER: Okay. And let's
19 see what Ramos was assigned. I assumed that
20 Comm. Ramos was going to be here. There are a
21 lot of cases this month. Maybe that's why nobody
22 showed up.

23 (Laughter.)

1 CHAIRMAN CARTER: Well, Comm. Baynard
2 already has four, and I will take two of
3 Comm. Ramos' if Comm. Crenshaw will take one.

4 COMM. CRENSHAW: I will.

5 CHAIRMAN CARTER: And -- okay. So,
6 Comm. Baynard, Alex Council versus Rodem Inc.,
7 Phyllis Davis versus Woods Edge Apartments,
8 Jennifer Johansen versus State of Indiana
9 Personnel Department & Indiana Department of
10 Natural Resources, and Sandra Menefee versus
11 Allen County Highway Department.

12 And I will take Dubelza Garcia verses
13 Winterfield West, Michael Hall versus Cintas,
14 Brian Davis versus Kingston Square Homes, Inc.,
15 Cynthia Williams versus Ingersoll-Rand, and Jerry
16 Shomali versus Lutheran Child & Family Services
17 of Indiana/Kentucky.

18 And Comm. Crenshaw, if you would take Lisa
19 Ismail versus Taconic Farms, Inc., Victoria
20 Spencer versus Tiller Sanitation, Ted Czanderna,
21 Czander --

22 MS. CATALAN: Czanderna.

23 CHAIRMAN CARTER: -- versus Judge

1 Chris Newton & Vigo County Superior Court No. 4,
2 and Anthony Parker versus Wallenius Wilhelmsen
3 Logistics.

4 Which brings us to the Administrative
5 Update, and also the Executive Director's Report.

6 MR. SMITH: Okay. Let's try to make
7 this quick. We were asked by the Governor's
8 Office to submit proposals for a legislative
9 agenda for the upcoming session, and what we did
10 was I met with Mr. Benny Lopez, who is our

11 Director of Outreach and Education slash -- he's
12 our legislative liaison as well.

13 So -- and then he got with our Deputy
14 Director, Joshua Brewster, and their assignment
15 was to reach out -- well, first to brainstorm
16 amongst themselves, and then reach out throughout
17 the state to, you know, the local Human Rights
18 Consortiums, agencies, as well as any other
19 governmental agencies to get a feel for what
20 could potentially be some of the issues that we
21 might raise for the upcoming session.

22 With that said, some of the things that
23 came out of that were -- the biggest piece was to

1 push to make our state law substantially
2 equivalent with federal law in the areas of
3 disability, age -- age discrimination, as well as
4 retaliation -- what they call retaliation
5 protection expansion. The other piece was kind
6 of an enforcement centralization piece, in the
7 midst of our push to make sure that we cover the
8 entire state.

9 There was also some discussion about
10 moving -- the state has a variety of different
11 cultural commissions throughout the state that
12 some argue should be housed at ICRC, and I guess
13 the sentiment there is the underlying objective
14 of the Commissions are in line.

15 Public access and law enforcement, there
16 was concern about wanting to make sure that our
17 agency was -- was defined as a --

18 What am I trying to say here, Judge.

19 MR. LANGE: Law enforcement agency.

20 MR. SMITH: Law enforcement agency,
21 so if someone was to request public records, we
22 wouldn't be held under the same precursor as most
23 of the agencies, being law enforcement. The idea

1 there is that if we were to give away records, it
2 could potentially jeopardize an investigation, a
3 case, so on and so forth. So, that was that.

4 The Fair Housing complaint response time
5 line, wanted to change the language in the Fair
6 Housing Code to mandate that respondents have no
7 more than ten days to reply. Right now it's
8 basically the cleanup of the language. I think
9 that's a change from "shall" -- no, from "may" to
10 "shall" in the language. In the legislation I
11 think it says, "they may --"

12 MR. LANGE: I don't know.

13 MR. SMITH: "-- they may respond," in
14 the legislation now, in the statute now, and the
15 idea was to change that to, "they shall --"

16 MR. LANGE: Yeah.

17 MR. SMITH: "-- do so," to make it so
18 that they don't have -- there's not as much
19 wiggle room to respond to things that we send
20 out.

21 The last piece there was statute of
22 limitations. Statute of limitations extends the
23 amount of the time that can elapse before an

1 individual can bring forward a discrimination
2 complaint to one full year, regardless of whether
3 it involves housing, employment, disability or
4 education.

5 So, those -- that was a legislative push
6 for that. Now that we've got that report
7 together, we'll bring those back in and kind of
8 dissect them and vet them and get a feel for
9 whether they make sense or how feasible they are,
10 and then we'll submit that list to the Governor's
11 office, who ultimately has the final say so as to
12 whether we'll actually push for that then.

13 Some of the upcoming events that we have,
14 September is pretty full. The 15th is a Fair
15 Housing Training in Southeast Indiana,
16 Clarksville, Indiana, at Yellowwood Terrace.
17 IHCBA, who we have since collaborated with, has
18 their state conference. It will be held here,
19 obviously, and we'll be collaborating with them.
20 I'm not sure how much involvement, but we'll
21 definitely be involved with that as well. That's
22 from the 19th to the 21st.

23 The 23rd we'll be in Bloomington.

1 CHAIRMAN CARTER: Will we be having
2 this meeting in Bloomington?

3 MR. SMITH: No. I mean we, as the
4 Commission meeting -- I mean the agency -- will
5 be holding -- number one, our CLE will be in
6 Bloomington, and then there'll be some workshops
7 surrounding the CLE, and that's on the 23rd.

8 CHAIRMAN CARTER: Yeah. Well, our
9 meeting is scheduled for the 23rd as well.

10 MR. SMITH: Oh. Well, that would be
11 you guys' call as to whether you want to do that
12 or not.

13 CHAIRMAN CARTER: That's why I asked,
14 because I can't be in Bloomington and here at --

15 MR. SMITH: And here --

16 CHAIRMAN CARTER: -- the same time.

17 MR. SMITH: -- at the same time.

18 MR. LANGE: Okay.

19 CHAIRMAN CARTER: As far as my
20 disability --

21 MR. SMITH: No, I mean that's
22 something that you guys as a Commission could
23 decide, whether you wanted to do that or not. We

1 didn't schedule it here to intentionally have it
2 so that the meeting would be held here. This is
3 specifically -- I mean we're doing stuff all over
4 the place. And you are not obligated to be
5 there. It'd be great, obviously, but --

6 CHAIRMAN CARTER: Well, I can be
7 either one place or the other.

8 MR. SMITH: Yeah, you guys can make
9 that call.

10 The 24th we will be in Hammond, so the
11 ~~next day we'll be in Hammond. They have a Latino~~
12 Resource Fair at Washington Irvington Elementary.
13 It's supposed to be pretty well attended and
14 specifically dedicated to the Latino community,
15 and we'll be going there to talk about fair
16 housing, some education-related activities, so on
17 and so forth. So, that's the 24th.

18 October is as equally full. 18th of
19 October we'll be in South Bend, Fair Housing
20 Training at Century Center Convention Center -- I
21 think I'm saying that right -- in South Bend.

22 October 28th there's a safety summit
23 hosted by the Latino Media, and that's back in

1 Hammond again, October 28th.

2 We will be in Evansville also on the 28th,
3 and that we intend to make pretty big, so
4 Comm. Crenshaw --

5 COMM. CRENSHAW: Uh-huh.

6 MR. SMITH: -- we'll be leaning on
7 you. The biggest piece there in Evansville is to
8 make sure that it's well attended. You know, we
9 want at many folks -- you know, we've budgeted
10 and teamed up with enough people to where we

11 don't have to charge anybody for anything, so it
12 will be free of charge to all of those who
13 attend.

14 I think we'll hold a CLE there, and
15 that'll be the only thing that -- obviously for
16 the legal credits, the attorneys would have to
17 pay for their legal credits, but the workshops,
18 panel discussions -- the idea is to have maybe
19 some reception, things of that nature, free of
20 charge to the community and all of those who
21 attend.

22 Obviously we want to do some registrations
23 so that we can get a handle on numbers, but free

1 of charge. And so, you know, off-line the crew,
2 the staff, we'll definitely be reaching out to
3 you to help with that.

4 As I understand it, in a conversation
5 yesterday, there is a new -- they're in the midst
6 of hiring a new Director of Public Housing in
7 Evansville.

8 COMM. CRENSHAW: Uh-huh.

9 MR. SMITH: I get all of those calls.
10 I know everything.

11 (Laughter.)

12 COMM. CRENSHAW: Uh-huh.

13 MR. SMITH: And I have a good idea
14 who that might be.

15 COMM. CRENSHAW: Okay.

16 MR. SMITH: And so, we want to
17 leverage that, considering it's early.

18 COMM. CRENSHAW: Okay.

19 MR. SMITH: And as I understand it,
20 that decision should be made within the next --
21 in a matter of hours, so in the matter of the
22 next couple of days. So, that and every other
23 segment that -- you know, I mean from an

1 employment standpoint, I think Whirl -- is it
2 Whirlpool that has that big -- is it Whirlpool
3 that's there?

4 COMM. CRENSHAW: It used to, because
5 they closed a little over a year --

6 MR. SMITH: It was -- I was there
7 yesterday. There was a lot of people in the
8 parking lot.

9 COMM. CRENSHAW: That's correct.

10 CHAIRMAN CARTER: They're there.

11 ~~Just their management is --~~

12 MR. SMITH: Okay.

13 COMM. CRENSHAW: -- there, but as far
14 as production --

15 MR. SMITH: Nothing there?

16 COMM. CRENSHAW: -- nothing there.

17 MR. SMITH: Well, I mean I just bring
18 that up because we want to bring in some -- a lot
19 of the local businesses.

20 COMM. CRENSHAW: Uh-huh.

21 MR. SMITH: I would like to do some
22 sort of employment piece --

23 COMM. CRENSHAW: Okay.

1 MR. SMITH: -- so, do some training
2 there. Ava in the office is looking at how we
3 can leverage some continuing educational
4 credits --

5 COMM. CRENSHAW: Uh-huh.

6 MR. SMITH: -- in other sectors,
7 outside of legal, so we're looking at real estate
8 for housing.

9 COMM. CRENSHAW: Hmm.

10 MR. SMITH: Maybe there's some
11 HR-related continuing legal credits that one can
12 get, so we're applying to make sure that we are
13 able to provide those as well.

14 COMM. CRENSHAW: Are you able to
15 offer anything regarding -- for apartment complex
16 owners regarding accessibility issues? The
17 reason why is because some -- apparently there's
18 some issues where apartment complexes are out of
19 compliance --

20 MR. SMITH: Okay.

21 COMM. CRENSHAW: -- regarding ADA,
22 and specifically USDA is looking at passing down
23 hefty fines on some of these complexes across the

1 State of Indiana because --

2 MR. SMITH: So --

3 COMM. CRENSHAW: -- they're not in
4 compliance.

5 MR. SMITH: So, what would you --
6 what do you think we should offer? Do you mean
7 some sort of training?

8 COMM. CRENSHAW: Uh-huh.

9 MR. SMITH: I'll put it this way:
10 I'll make sure we offer anything that you say we
11 need to offer if you can make sure you get the
12 people there.

13 COMM. CRENSHAW: Okay.

14 MR. SMITH: Is that good?

15 COMM. CRENSHAW: Uh-huh.

16 MR. SMITH: You get me bodies, you
17 get me people, I'll get you the training. Not a
18 problem.

19 COMM. CRENSHAW: Okay.

20 MR. SMITH: Okay. I had a talk with
21 our friend there locally yesterday, too, so we
22 can talk about that off-line. I did that as an
23 olive branch to say, "Hey, we're coming --"

1 COMM. CRENSHAW: Uh-huh.

2 MR. SMITH: "-- and we'd love for you
3 to --"

4 COMM. CRENSHAW: And you got vinegar?

5 MR. SMITH: A little bit, but I mean
6 I put that on grains and I eat it, so that's all
7 good to me. So, that caps off October.

8 And then December right now, we've just
9 got the CLE scheduled for December 8th. We're
10 tentatively scheduled to do something fairly
11 substantial around the 8th as well, to celebrate
12 the 50th year celebration. I have no idea what
13 that is yet, but we're still brainstorming on
14 that piece.

15 So, that's the outreach efforts. Any
16 thoughts or additional questions on that at all?

17 CHAIRMAN CARTER: I did, about -- you
18 said the -- making the Civil Rights -- Indiana
19 Civil Rights law closer to --

20 MR. SMITH: I'm sorry; I didn't ask
21 for questions about that.

22 CHAIRMAN CARTER: Close -- well, I
23 was waiting for the --

1 MR. SMITH: I apologize.

2 MR. LANGE: You didn't want to
3 interrupt him.

4 CHAIRMAN CARTER: -- kind of
5 complying with federal law in the area of
6 disability.

7 MR. SMITH: Uh-huh.

8 CHAIRMAN CARTER: In that, with the
9 exception of housing, essentially there is -- in
10 Indiana law, as far as I'm aware, there is no
11 real parallelism with the ADA, for instance,
12 except for employment.

13 MR. SMITH: Uh-huh.

14 CHAIRMAN CARTER: Is that what you're
15 trying to --

16 MR. SMITH: Yeah. Right now it's --

17 CHAIRMAN CARTER: -- introduce, like
18 Title 3 of the Indiana --

19 MR. SMITH: Yeah, right now -- and I
20 had them write down, "Add to the definition of
21 disability language that -- major or life
22 activities." So, I really think here -- let me
23 finish reading this first. Add to the definition

1 of disability language about major life
2 activities, including bodily functions, immunity
3 functions, digestive functions, et cetera. It
4 basically expands the scope of the term
5 "disability" the to align with the Federal Code.

6 And there's there some discussion that the
7 ADA has added things such as diabetes. So, for
8 example, if you have diabetes and you're at the
9 workplace, then obviously that horrible disease
10 requires you to take breaks or add insulin or
11 have a place to store insulin, whatever that case
12 may be, then that accommodation should be made.
13 I believe that's how -- or why the ADA is defined
14 the way that it is. And so, the idea here is to
15 make sure that in cases like that, that we are in
16 line with that Federal Code.

17 CHAIRMAN CARTER: I was just --
18 there's so much in the public accommodation area
19 of the ADA that is -- has to do with the
20 responsibility of public accommodations to make
21 physical alterations, and there's nothing like
22 that in Indiana.

23 MR. SMITH: Are you sure? I think

1 we're -- are we not covered there, Judge?

2 MR. LANGE: No, we're not.

3 MR. SMITH: Okay. Well, then I'll
4 make a note of that to make sure --

5 MR. LANGE: Well, not in that
6 specific sense. The original Civil Rights Law
7 was originally amended to include disability.
8 And it has that disability --

9 MR. SMITH: It's been defined.

10 MR. LANGE: -- is covered under
11 public accommodations. There's nothing specific
12 in there that says a public accommodation must
13 make physical alterations or otherwise --

14 MR. SMITH: Okay.

15 MR. LANGE: -- accommodate persons
16 with disabilities.

17 MR. SMITH: Ironically, we tend to
18 cover a lot of that as we mediate, and it
19 tends --

20 CHAIRMAN CARTER: Uh-huh.

21 MR. SMITH: -- to be the middle
22 ground that we find there, but that's good to
23 know, and I'll make sure that I address that with

1 Josh and Danny and Judge and we sit down together
2 and have suggestion about that. So, thanks for
3 that.

4 CHAIRMAN CARTER: I remember the last
5 time I looked through the Indiana Civil Rights
6 Law, disability was defined three different
7 times, differently each time.

8 MR. SMITH: Not surprising. Not
9 surprising at all.

10 CHAIRMAN CARTER: So, perhaps maybe
11 ~~deciding on a definition and then replacing the~~
12 three different ones with one -- the same one.

13 MR. SMITH: It might help.

14 Okay. Any other thoughts or questions
15 about the legislative piece at all? I did kind
16 of breeze by that. I apologize for that.

17 (No response.)

18 MR. SMITH: Okay. The last thing
19 that I have -- let's see. We had some press
20 releases that went out, recent press releases.
21 Included in my first question is: Are you guys
22 happy on the press releases that go out, from an
23 e-mail standpoint?

1 (No response.)

2 MR. SMITH: Okay. I want to make
3 sure that you guys are, reason being is -- a
4 couple of things. One is: If the case is in
5 your neighborhood, it would be a good idea if you
6 know, you know, so that you're not asked or
7 bombarded with anything. And two, I think it
8 helps to keep you guys abreast on things that are
9 going on.

10 Most of the press releases are about cost
11 cases that have gone out that we've kind of
12 considered to be of note; all right? One is this
13 new law limits access to criminal history. We've
14 talked about that one, so we sent that out, where
15 the Indiana ex-offenders can have criminal
16 charges removed from their public record.

17 There was one that we sent out, ICRC to
18 pursue claim on sexual harassment; another one,
19 ICRC to pursue claim of retaliation; ICRC to
20 pursue claim of discrimination in the hiring
21 process. So, I'll make sure that you guys are
22 added to that e-mail list that we send out to the
23 media to make sure that you get those.

1 COMM. CRENSHAW: Can we have limited
2 criminal record access?

3 MR. SMITH: Say that again.

4 COMM. CRENSHAW: With regards to the
5 limited criminal record access --

6 MR. SMITH: Uh-huh.

7 COMM. CRENSHAW: -- where after, I
8 guess, once the person has kept themselves out of
9 trouble for twelve months --

10 MR. SMITH: Eight years.

11 COMM. CRENSHAW: Eight years?

12 MR. SMITH: Uh-huh.

13 COMM. CRENSHAW: -- they can have
14 that eliminated?

15 MR. SMITH: Yeah. What happens is,
16 if I understand it correctly -- and Judge, you
17 can chime in here if you'd like -- assuming
18 you've kept your nose clean for eight years, you
19 can petition --

20 MR. LANGE: Right.

21 MR. SMITH: -- to have it sealed, and
22 if you were to go to apply for -- and assuming
23 that happens, you go to apply for a job, then you

1 can legally lie and say -- you know, when they
2 say, "Have you ever been convicted of a crime --"

3 COMM. CRENSHAW: Uh-huh.

4 MR. SMITH: "-- or a felony?" you can
5 say, "No," legally.

6 COMM. CRENSHAW: Oh.

7 MR. SMITH: Whereas prior this, if
8 you lied, it's -- I would assume it's illegal. I
9 don't know.

10 COMM. CRENSHAW: So, are there --

11 MR. LANGE: Well, you can --

12 MR. SMITH: I don't know how that
13 works.

14 MR. LANGE: You can be not hired or
15 terminated --

16 MR. SMITH: Right.

17 MR. LANGE: -- if you lie -- well,
18 before this, if you lie on your application.

19 MR. SMITH: But as I understand it,
20 too --

21 MR. LANGE: Whatever you lie about.

22 MR. SMITH: Right.

23 MR. LANGE: I mean if you say you're

1 a year younger than you are.

2 MR. SMITH: Well, that's true. But
3 the law doesn't prohibit -- so, for example,
4 let's say I've been convicted and I put, "No."
5 So, later on my employer finds out that I had
6 been convicted. I don't think there's anything
7 that prevents them from firing --

8 COMM. CRENSHAW: Huh-uh.

9 MR. SMITH: -- me in that case --

10 MR. LANGE: Right.

11 MR. SMITH: -- even still with this
12 law in place. So, I think really what the law
13 does is it gives you the legal freedom --

14 COMM. CRENSHAW: So, how does that
15 work with --

16 MR. SMITH: -- maybe "lie" is --

17 COMM. CRENSHAW: -- sex offenders?

18 Because --

19 MR. SMITH: Well, no, it says non --

20 CHAIRMAN CARTER: Certain classes.

21 MR. SMITH: Yeah --

22 COMM. CRENSHAW: Okay.

23 MR. SMITH: -- a certain class of a

1 felony. It's non-something kind of thing.

2 MR. LANGE: A Class D felony.

3 CHAIRMAN CARTER: Certain things
4 qualify as a felony, and the rest are
5 misdemeanors, I think.

6 MR. LANGE: I'm not sure. I'm not
7 sure, to be honest.

8 MR. SMITH: But there are a
9 specific --

10 COMM. CRENSHAW: Okay.

11 MR. SMITH: You know, once you get
12 there, you're kind of S O L.

13 COMM. CRENSHAW: Yeah. Because where
14 I work at, the Director of Human Resources had
15 heard about this and said, "What are we supposed
16 to for sex --" because we have a Head Start
17 program.

18 MR. SMITH: Okay. Those don't count.

19 COMM. CRENSHAW: Okay.

20 MR. SMITH: I would imagine those are
21 in another class of felonies that don't qualify.
22 Now, I'm not the attorney.

23 MR. LANGE: All this does is -- it

1 doesn't -- this law about the records, it doesn't
2 really go to say anything to reporting. It just
3 says that you can get this record sealed, and if
4 you get it sealed, they may not find out about
5 it.

6 MR. SMITH: Yeah.

7 COMM. CRENSHAW: Hmm.

8 MR. LANGE: But if they do find out
9 about it, what they do with it is up to them --

10 COMM. CRENSHAW: Uh-huh.

11 MR. LANGE: -- as long as they don't
12 violate some other statute in the process of
13 doing that, whatever it is, and his lawyer's okay
14 with it. That was some.

15 MR. SMITH: Any additional thoughts,
16 questions on that piece?

17 (No response.)

18 MR. SMITH: Personnel changes, we've
19 got a new HR Director, Lindsay Van Ness, who you
20 guys don't really have to deal with, so this is
21 just kind of an FYI. She has been promoted
22 within SPD, and she's off doing some other
23 things. Her replacement is a young man by the

1 name of Andy Hess, and he's our new HR Field
2 Director.

3 One of our investigators, George Manns,
4 has resigned, took a job with Angie's List, so
5 good for him, and so that position will be filled
6 as soon as we can fill it.

7 Last but not least, the monthly report,
8 which was in you guys' report as well. Nothing
9 really big to note here. I do want to point out
10 that, in connection to a lot of the outreach

11 things that we've been doing, one of the things
12 that this report is showing is the gradual
13 increase of not only the number of inquiries that
14 we get for the agency -- it's this report.

15 COMM. CRENSHAW: Oh.

16 MR. SMITH: It should be right after
17 the one you're looking at, right behind Judge
18 Lange's report. Right here. Have you got it?

19 COMM. CRENSHAW: Uh-huh.

20 MR. SMITH: But it shows a steady
21 increase of not only the number of inquiries that
22 we get, but the number of complaints drafted,
23 obviously, which translates into a higher number,

1 as one of my concerns is that -- I had the staff
2 include a percentage, because, you know, as we
3 kind of massage our intake process, one of the
4 things that we want to be able to close the gap
5 on are the number of inquiries and the complaints
6 that are drafted from those inquiries.

7 We start out at ten percent; all right?
8 Of the 178 that we had in January, 178 -- and I
9 would -- I'll go out on a limb and say I
10 attribute this -- like I said, this increase to a

11 ~~lot of the outreach and the education and things~~
12 that we've been doing throughout the state. One
13 seventy-eight has jumped to 412 in the last six
14 or seven months. So -- but the percentage has
15 steadily increased, too, and that's one of the
16 things I want to keep the eye on and make sure
17 that percentage continues to increase.

18 I would also attribute those numbers to
19 some of the collaborations. We've struck an
20 agreement with EEOC in which they send us their
21 cases, so we take their cases, a lot of those for
22 the employment piece.

23 And then we've had -- we've got some

1 satellite MOU's with various local Human Rights
2 agencies across the state as well that, I think,
3 help to attribute to that. So, all of these
4 outreach efforts, these collaborations, I think,
5 are playing a good piece, and so we just want to
6 maintain that steady incline and hopefully push
7 that through.

8 If you do -- if you haven't and you get a
9 chance, please take a minute -- this report is
10 relatively new in terms of how it's put together

11 and the information in it. We wanted to make --
12 or put together a report that was inclusive but
13 not cumbersome and that spoke to some of the
14 numbers that made sense for what we did.

15 So, we keep track of, like I said, the
16 intake, the outtake, how long it takes to process
17 from intake to outtake, get an idea for what each
18 area is doing, employment, real estate, public
19 accommodation, education, et cetera, so that we
20 have a good handle on what cases are taking how
21 long. It also gives us a feel for where the
22 majority of our cases come from, and right now
23 it's employment, by a long shot.

1 All of the way back to the legal piece,
2 and there's a recap on final orders, legal
3 updates, probable cause findings for the month as
4 well. So, as you guys take a look at that, feel
5 free to shoot any questions to us, whether it's
6 now or in the future.

7 And if there are no questions, that
8 concludes the Administrative slash Executive
9 Director's Report for the month.

10 CHAIRMAN CARTER: Any questions?

11 (No response.)

12 CHAIRMAN CARTER: I notice that
13 announcements is now missing from -- oh, no,
14 there it is, "Additional Announcements." Okay.
15 I'm sorry; I take that back. If you have
16 questions or announcements, feel free.

17 (No response.)

18 CHAIRMAN CARTER: Hearing none, as
19 they say, take note of remaining meeting dates,
20 and I imagine we don't have anything to sign, do
21 we?

22 MS. CATALAN: Vouchers.

23 CHAIRMAN CARTER: We have vouchers?

1 MR. LANGE: Vouchers.

2 CHAIRMAN CARTER: Of course, we
3 haven't done anything, really.

4 And if there's nothing else, we can
5 adjourn.

6 - - -
7 Thereupon, the proceedings of
8 August 26, 2011 were concluded
9 at 11:42 o'clock a.m.
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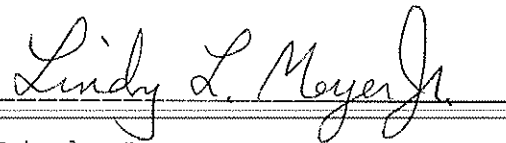
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CERTIFICATE

I, Lindy L. Meyer, Jr., the undersigned Court Reporter and Notary Public residing in the City of Shelbyville, Shelby County, Indiana, do hereby certify that the foregoing is a true and correct transcript of the proceedings taken by me on Friday, August 26, 2011 in this matter and transcribed by me.



Lindy L. Meyer, Jr.

Notary Public in and for the State of Indiana.

My Commission expires October 27, 2016.

<p>\$</p> <p>\$1,858,886 [1] - 4:20 \$2,186,930 [1] - 4:4 \$328,044 [1] - 4:6 \$85,472.28 [1] - 4:9</p>	<p>A</p> <p>a.m [3] - 1:17, 3:1, 34:7 able [7] - 4:7, 4:8, 4:11, 4:22, 17:13, 17:14, 31:4 above-captioned [1] - 1:10 abreast [1] - 24:8 absent [1] - 5:10 access [4] - 9:15, 24:13, 25:2, 25:5 accessibility [1] - 17:16 accommodate [1] - 22:15 accommodation [4] - 21:12, 21:18, 22:12, 32:19 accommodations [2] - 21:20, 22:11 ACCURATE [1] - 1:21 activities [3] - 13:16, 20:22, 21:2 ADA [5] - 17:21, 20:11, 21:7, 21:13, 21:19 add [1] - 21:10 Add [2] - 20:20, 20:23 added [2] - 21:7, 24:22 Additional [1] - 33:14 additional [3] - 4:9, 19:16, 29:15 address [1] - 22:23 adjourn [1] - 34:5 Administrative [2] - 8:4, 33:8 age [2] - 9:3 agencies [4] - 8:18, 8:19, 9:23, 32:2 agency [6] - 4:4, 9:17, 9:19, 9:20, 12:4, 30:14 agenda [2] - 3:6, 8:9 agreement [1] - 31:20 Agreements [1] - 5:8 Alex [1] - 7:6 align [1] - 21:5 Alien [1] - 7:11 allotment [2] - 4:12, 4:13 alterations [2] - 21:21, 22:13 amended [1] - 22:7 amount [1] - 10:23 Andy [1] - 30:1 Angie's [1] - 30:4 announcements [2] - 33:13, 33:16 Announcements [1] - 33:14 Anthony [1] - 8:2 apartment [2] - 17:15, 17:18 Apartments [1] - 7:7 apologize [2] - 20:1, 23:16 APPEARANCES [1] - 2:1 application [1] - 26:18 apply [2] - 25:22, 25:23 applying [1] - 17:12</p>	<p>appropriation [1] - 4:19 approve [1] - 3:13 area [3] - 20:5, 21:18, 32:18 areas [1] - 9:2 argue [1] - 9:12 assigned [1] - 6:19 assignment [1] - 8:14 assume [1] - 26:8 assumed [1] - 6:19 assuming [2] - 25:17, 25:22 attend [2] - 14:13, 14:21 attended [2] - 13:13, 14:8 attention [1] - 4:3 attorney [1] - 28:22 attorneys [1] - 14:16 attribute [3] - 31:10, 31:18, 32:3 AUGUST [1] - 1:5 August [5] - 1:17, 3:1, 3:5, 34:7, 35:7 Ava [1] - 17:2 available [1] - 3:22 Avenue [2] - 1:22, 2:7 aware [1] - 20:10</p>	<p>Business [1] - 5:6 businesses [1] - 16:19</p>
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