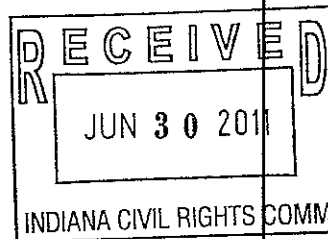


BEFORE THE STATE OF INDIANA

CIVIL RIGHTS COMMISSION

- - -



PUBLIC MEETING OF JUNE 24, 2011

COPY

- - -

PROCEEDINGS

in the above-captioned matter, before the Indiana Civil Rights Commission, David C. Carter, Chairman, taken before me, Lindy L. Meyer, Jr., a Notary Public in and for the State of Indiana, County of Shelby, at the Indiana Government Center South, Conference Center, Room A, 402 West Washington Street, Indianapolis, Indiana, on Friday, June 24, 2011 at 11:11 o'clock a.m.

- - -

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

1 APPEARANCES:

2 COMMISSION MEMBERS:

3 David C. Carter, Chairman
4 Barry Baynard
5 Tehiji G. Crenshaw
6 Steven A. Ramos

7 INDIANA CIVIL RIGHTS COMMISSION
8 By Joshua Brewster, Dep. Director
9 Indiana Government Center North
10 100 North Senate Avenue, Room N103
11 Indianapolis, Indiana 46204
12 On behalf of the Commission.

13 OTHER COMMISSION STAFF PRESENT:

14 Robert D. Lange
15 Christina Catalan

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1 11:11 o'clock a.m.
2 June 24, 2011

3 CHAIRMAN CARTER: Okay. The monthly
4 meeting of -- we're June this time -- of the
5 Indiana Civil Rights Commission will come to
6 order, and we do have a quorum. So, I don't
7 remember there being minutes for -- oh, we didn't
8 have a meeting last month.

9 MS. CATALAN: No.

10 CHAIRMAN CARTER: But we did have
11 minutes from --

12 MS. CATALAN: April.

13 CHAIRMAN CARTER: -- the previous
14 meeting. If you remember them, may I have a
15 motion to accept them, please?

16 COMM. RAMOS: So moved.

17 CHAIRMAN CARTER: And a second?

18 COMM. CRENSHAW: Second.

19 CHAIRMAN CARTER: All in favor?

20 COMM. RAMOS: Aye.

21 COMM. BAYNARD: Aye.

22 COMM. CRENSHAW: Aye.

23 CHAIRMAN CARTER: Aye.

1 Any opposed?

2 (No response.)

3 CHAIRMAN CARTER: Okay. And the
4 Financial Report. Do we have a Financial Report?
5 We had -- you had one in your packet.

6 MS. CATALAN: There's both. There's
7 the one from April -- well, it's really from
8 May -- and the one from this month is in there.

9 CHAIRMAN CARTER: Okay.

10 MS. CATALAN: Both of them are in
11 there.

12 CHAIRMAN CARTER: They're both in
13 here, and Ms. Cook is not here to --

14 MS. CATALAN: She didn't inform me if
15 she was coming or not.

16 CHAIRMAN CARTER: -- to answer
17 questions, so if you have questions, I would say
18 save them until --

19 MR. BREWSTER: Yes.

20 CHAIRMAN CARTER: -- next month.

21 MR. BREWSTER: That's right.

22 CHAIRMAN CARTER: And we don't have
23 to approve them or anything, do we, or do we?

1 MR. LANGE: (Shook head no.)

2 CHAIRMAN CARTER: I didn't think so.

3 Old Business. Pedro Diaz Ramos versus
4 Enzo Pizza, Inc. and Tomasso & Carmela, Inc.
5 doing business as Enzo Pizza. I think you have
6 new documents here, and apparently it's gone to
7 the Court of Appeals, and I don't think we have
8 to take any action.

9 MR. LANGE: There's an order in here
10 that addresses every motion, objection, et cetera
11 that's been filed and proposed. What I think is
12 the right thing to do with respect to those --

13 CHAIRMAN CARTER: Oh, okay.

14 MR. LANGE: -- if you choose, to
15 issue an order. The other alternative is to
16 conclude that because the matter has been
17 docketed in the Court of Appeals, it's really a
18 matter that we should not address at all, and
19 just do nothing, in other words.

20 CHAIRMAN CARTER: Okay. The matter
21 has been docketed at the Court of Appeals, and
22 does anyone have an opinion about that?

23 COMM. RAMOS: I do not.

1 CHAIRMAN CARTER: It seems to me that
2 if it's on the docket of the Court of Appeals,
3 that it's no longer our baby. May I have a
4 motion to that effect?

5 (No response.)

6 CHAIRMAN CARTER: Okay. Give me an
7 alternate motion.

8 COMM. RAMOS: So, just for
9 clarification, I mean it's not a file that we're
10 going to review specifically anyway since it's
11 going to --

12 CHAIRMAN CARTER: It's --

13 MR. LANGE: It's already been before
14 the Commission. The Commission's docketed an
15 order that I proposed, finding for Mr. Ramos, and
16 the Respondent filed objections, but belatedly,
17 and they've also asked that the Commission's
18 order be stayed pending appeal, and Complaints
19 opposed the objections and has been silent about
20 the motion for stay of effectiveness. There may
21 be something else in here, too.

22 CHAIRMAN CARTER: So, if -- if we've
23 already decided it and it's going to the Court of

1 Appeals, then anything we do will be more or less
2 moot anyway.

3 MR. LANGE: I'm inclined to think so.

4 COMM. RAMOS: Does the Commission --

5 MR. LANGE: In terms of the stay of
6 effectiveness, unless somebody filed for
7 enforcement of the Commission's order, that's an
8 academic matter, too, and --

9 COMM. RAMOS: Who was the
10 Commissioner --

11 MR. LANGE: -- you would be advised
12 if that happens.

13 COMM. RAMOS: Does it say who the
14 Commissioner was that reviewed it?

15 MR. LANGE: Pardon?

16 COMM. RAMOS: Does it say who the
17 Commissioner was that reviewed it?

18 MR. LANGE: No, it wasn't a
19 Commissioner. It was a hearing that I held --

20 COMM. RAMOS: I'm sorry.

21 MR. LANGE: -- that the whole
22 Commission adopted the proposed order. There
23 weren't any objections. We didn't have an oral

1 argument on it. You adopted it, and at about the
2 same time is when Respondent filed that business
3 about a finding you adopted. I was not aware
4 that they'd filed whatever they filed when the
5 Commission adopted the proposed order, but it
6 might have -- it was filed by mail.

7 CHAIRMAN CARTER: That's always --

8 MR. LANGE: It is deemed filed when
9 it's mailed, but that doesn't make it here --

10 COMM. RAMOS: Right.

11 MR. LANGE: -- for discipline.

12 CHAIRMAN CARTER: If we table it, it
13 will just be on our agenda next month --

14 MR. LANGE: Yeah.

15 CHAIRMAN CARTER: -- again, and we'll
16 know it, and then --

17 MR. LANGE: It will be exactly the
18 same issue next month.

19 CHAIRMAN CARTER: So, now may I have
20 a motion to pass on it and say we've already
21 asked and answered, as they say in court?

22 (No response.)

23 CHAIRMAN CARTER: Can I make a

1 motion?

2 COMM. BAYNARD: So moved. I'll make
3 a motion.

4 CHAIRMAN CARTER: And a second?

5 (No response.)

6 CHAIRMAN CARTER: If no one else
7 seconds it, I'll second it.

8 COMM. RAMOS: Second.

9 CHAIRMAN CARTER: All in favor?

10 COMM. RAMOS: Aye.

11 COMM. BAYNARD: Aye.

12 COMM. CRENSHAW: Aye.

13 CHAIRMAN CARTER: Aye.

14 Any opposed?

15 (No response.)

16 CHAIRMAN CARTER: Okay. Thank you.

17 MR. BREWSTER: And if I may, for just
18 the edification of the Commission, now that you
19 have made a motion and it's carried on that, that
20 that matter appears to be in negotiation of
21 settlement, so it sounds like that's going to get
22 resolved without going very far at the Court of
23 Appeals, so -- I mean if you recall, the Judge

1 had ordered -- or you all had ordered \$20,000 in
2 favor of Complainant, and it looks like they're
3 going to settle due to some -- basically the
4 inability of Respondent to pay \$20,000, so they
5 came to a lower amount. That's not final yet.

6 CHAIRMAN CARTER: And if they go to
7 the Court of Appeals, it's going to cost them
8 even more money.

9 MR. BREWSTER: Right, so -- in time,
10 and so it --

11 CHAIRMAN CARTER: Okay. Thank you.

12 There is no New Business. We have a
13 consent agreement of ICRC versus Sam Okner,
14 Hunter College Crossing, and may I have a motion
15 to accept that?

16 COMM. RAMOS: So moved.

17 CHAIRMAN CARTER: And may I have a
18 second?

19 COMM. BAYNARD: Second.

20 CHAIRMAN CARTER: All in favor?

21 COMM. RAMOS: Aye.

22 COMM. BAYNARD: Aye.

23 COMM. CRENSHAW: Aye.

1 CHAIRMAN CARTER: Aye.

2 Any opposed?

3 (No response.)

4 CHAIRMAN CARTER: Okay. Findings of
5 Fact, Conclusions of Law and Order, and most, if
6 not all, of these are people who have elected to
7 go to court or settle.

8 MR. LANGE: Yeah, I think two are --
9 two have elected to go to court and three have
10 settled.

11 CHAIRMAN CARTER: So --

12 COMM. BAYNARD: I have a question on
13 Collier versus Eytcheson. It was a case that I
14 originally had, and I recommended reversal. I
15 just wanted to be clear myself that this is
16 actually now -- Eytcheson is wanting to take this
17 to another agreement?

18 MR. LANGE: I think it was Eytcheson.

19 MR. BREWSTER: Yeah, one --

20 MR. LANGE: One of the parties filed
21 a notice of election, which is the right of any
22 party under -- a case under the State Fair
23 Housing Act, and they did it in a timely manner,

1 and the rest kind of follows, and at our level,
2 we dismiss it and they go to court.

3 COMM. BAYNARD: So, they go to civil
4 court?

5 MR. LANGE: Yes.

6 COMM. BAYNARD: Okay. I just wanted
7 to be clear.

8 CHAIRMAN CARTER: So, the cases are
9 Angela Loundermilk versus Morgan County Humane
10 Society; ICRC versus Historic Landmarks
11 Foundation of Indiana, Inc. and James P. Marrow;
12 Chajuana, maybe, Hale, versus American Institute
13 of Toxicology, Inc.; Catonya Collier versus Lisa
14 Eytcheson; and Cleofis --

15 MR. LANGE: Cleofis.

16 CHAIRMAN CARTER: -- Suggs versus
17 Oasis Cafe. May I have a motion to accept those
18 findings, please?

19 COMM. BAYNARD: I'll make a motion to
20 accept the findings.

21 CHAIRMAN CARTER: Okay.

22 COMM. CRENSHAW: Second.

23 CHAIRMAN CARTER: Second, and all in

1 favor?

2 COMM. RAMOS: Aye.

3 COMM. BAYNARD: Aye.

4 COMM. CRENSHAW: Aye.

5 CHAIRMAN CARTER: Aye.

6 Opposed?

7 (No response.)

8 CHAIRMAN CARTER: Thank you.

9 Report on Appeals from -- by
10 Commissioners.

11 Comm. Baynard?

12 COMM. BAYNARD: Yes. I have the case
13 of Johnson versus J. P. Morgan Chase Bank, and I
14 would recommend to the Commission that we uphold
15 the Director's finding of no probable cause.

16 CHAIRMAN CARTER: Okay. May I have a
17 motion to accept that recommendation?

18 COMM. RAMOS: So moved.

19 COMM. CRENSHAW: Second.

20 CHAIRMAN CARTER: All in favor?

21 COMM. RAMOS: Aye.

22 COMM. BAYNARD: Aye.

23 COMM. CRENSHAW: Aye.

1 CHAIRMAN CARTER: Aye.

2 Any opposed?

3 (No response.)

4 CHAIRMAN CARTER: Okay. My case of
5 Graves versus Ultimate Construction Services, I
6 recommend we uphold the no probable cause -- it's
7 a housing case, maybe it's no reasonable cause --
8 finding. May I have a motion to accept that
9 recommendation?

10 COMM. BAYNARD: So moved.

11 CHAIRMAN CARTER: And a second?

12 COMM. RAMOS: Second.

13 CHAIRMAN CARTER: All in favor?

14 COMM. RAMOS: Aye.

15 COMM. BAYNARD: Aye.

16 COMM. CRENSHAW: Aye.

17 CHAIRMAN CARTER: Aye.

18 Any opposed?

19 (No response.)

20 CHAIRMAN CARTER: Thank you.

21 Comm. Crenshaw?

22 COMM. CRENSHAW: The case of Jones
23 versus IndyGo Transportation, I'd like to make a

1 motion that we uphold the Deputy Director's
2 finding of no probable cause.

3 CHAIRMAN CARTER: Okay. May I have a
4 motion to accept that recommendation?

5 COMM. RAMOS: So moved.

6 COMM. BAYNARD: Second.

7 CHAIRMAN CARTER: All in favor?

8 COMM. RAMOS: Aye.

9 COMM. BAYNARD: Aye.

10 COMM. CRENSHAW: Aye.

11 CHAIRMAN CARTER: Aye.

12 Okay. Thank you. Any opposed?

13 (No response.)

14 CHAIRMAN CARTER: No.

15 Do we have any news from Comm. Garcia?

16 MS. CATALAN: Comm. Garcia did not
17 give me any updates on his cases.

18 CHAIRMAN CARTER: Okay.

19 MS. CATALAN: So, I don't have any
20 information.

21 CHAIRMAN CARTER: So, we will
22 continue those.

23 And Comm. Ramos?

1 COMM. RAMOS: In the case of Ahissou
2 versus Ryder Integrated Logistics, Inc., I make a
3 motion to uphold the Director's finding of no
4 probable cause.

5 CHAIRMAN CARTER: Okay. May I have a
6 motion to accept that?

7 COMM. CRENSHAW: So moved.

8 COMM. BAYNARD: Second.

9 CHAIRMAN CARTER: All in favor?

10 COMM. RAMOS: Aye.

11 COMM. BAYNARD: Aye.

12 COMM. CRENSHAW: Aye.

13 CHAIRMAN CARTER: Aye.

14 Any opposed?

15 (No response.)

16 CHAIRMAN CARTER: Thank you.

17 So, Assignment of Appeals to Commission.
18 Comm. Baynard, you have four cases of Jeffrey
19 Green verses City of South Bend; and I will take
20 Brenda Bonds versus Hearing Center, Inc., and
21 LaGrone versus Evansville Vanderburgh School
22 Corp.; Comm. Crenshaw, if you would review
23 Ulysses Long versus Cricket Transportation, Inc.;

1 Comm. Ramos, if you would review Judith Samson
2 versus Consumer Credit Counseling of Northwest
3 Indiana, Inc., and -- well --

4 COMM. CRENSHAW: I - if you want, I
5 can take Garcia's.

6 CHAIRMAN CARTER: Thank you.
7 Comm. Crenshaw, if you would review Susan Pramuk
8 versus Housing Opportunities for Comm. Garcia,
9 which brings us to the Administrative Update and
10 the Deputy Director.

11 MR. BREWSTER: Yes. I've just -- let
12 me see. We will -- we have been attempting --
13 well, we have been doing outreach to the Burmese
14 population in Fort Wayne. That's somewhat
15 related to our MOU with the Indiana Housing
16 Community Development Authority. They were
17 charged with making those efforts, and so we're
18 assisting in that.

19 We've had several meetings with the
20 advocacy group for that community in Fort Wayne,
21 and we're also going to be going up to Fort Wayne
22 next week for the annual conference of the
23 Consortium of State and Local Human Rights

1 Commissions, at which we will also be doing a
2 little bit of outreach to the Burmese population.
3 We will also be conducting a CLE on Thursday in
4 cooperation with the EEOC and the South Bend
5 Human Rights Commission.

6 Actually, there's --

7 MR. LANGE: South Bend, too?

8 MR. BREWSTER: Yeah, South Bend -- an
9 attorney from the South Bend Commission is going
10 to present at that CLE. Let's see if we have
11 another coming up. Our next CLE will be in
12 August, I believe, in Bloomington, and then, as
13 we had planned earlier this year, we'll do
14 another one I believe we're doing in Evansville
15 in October, and then one back here in December.

16 And that's about all I have at this time.

17 CHAIRMAN CARTER: Do you know what
18 the subject of the CLE in Bloomington will be?

19 MR. BREWSTER: In Bloomington, it was
20 something to do with summary judgment.

21 Is that right?

22 MR. LANGE: Yeah, pending summary
23 judgment. It's lawyer talk.

1 MR. BREWSTER: Yeah. And then I
2 think in Evansville, we were going to do
3 something about employment, employment law, and
4 then back here, we're doing ethics in December,
5 so --

6 COMM. CRENSHAW: Is there a fee for
7 the one in Evansville?

8 MR. BREWSTER: Yes, I believe we're
9 charging \$50 for all of our CLE's --

10 COMM. CRENSHAW: Okay.

11 MR. BREWSTER: -- which is pretty
12 good. It's about half of the going rate for
13 CLE's, so we've done pretty well. And we've also
14 been working with the Indiana Continuing Legal
15 Education Foundation, who has been willing to do
16 e-mails for us. They have quite an e-mail list
17 and we get a lot of attendees from that, so
18 that's pretty good.

19 COMM. CRENSHAW: Is it only for
20 attorneys, or can --

21 MR. BREWSTER: Anybody can come.

22 COMM. CRENSHAW: Okay. Could you
23 e-mail me the information? I would like to take

1 it back to --

2 MR. BREWSTER: Sure.

3 (Discussion off the record.)

4 MR. BREWSTER: All right.

5 CHAIRMAN CARTER: Is there a large
6 Burmese population in Fort Wayne?

7 MR. BREWSTER: Yeah, it's actually --
8 Indianapolis, and I don't which is -- for a while
9 Fort Wayne was the second-largest Burmese
10 population outside of Burma.

11 CHAIRMAN CARTER: Hmm.

12 MR. BREWSTER: Indianapolis may have
13 overtaken that now. There's a very large
14 community on the south side of Indianapolis that
15 we're going to start reaching out to as well,
16 just really, you know, letting them know about
17 rights as far as housing. Primarily we're
18 talking about housing, also some education
19 issues.

20 I know in Fort Wayne they've had a pretty
21 good relationship with the Fort Wayne Human
22 Rights Commission there. There was an incident a
23 couple of years ago in a laundromat where the

1 proprietor put up a sign that basically said, "No
2 Burmese allowed."

3 It had something to do with their spitting
4 on the floor. They chew -- what's it called --
5 some type of tobacco or product that kind of is
6 messy, and that was a problem, but obviously he
7 went a little too far in excluding the whole
8 population.

9 So, they handled that, the Fort Wayne
10 Commission, and they got that resolved and -- but
11 there's another -- an issue up there also with
12 the school system. I don't know -- we've talked
13 about that here before, the East Allen County
14 School System closing the Paul Harding High
15 School up there and moving all of the students to
16 other high schools in the district. We had a
17 complaint filed by many parents.

18 That high school is also home to almost
19 all of the Burmese. They are -- allegedly there
20 was a decision made by the district some years
21 ago that they were going to basically put all of
22 the Burmese in this one school so that they could
23 better -- you know, they thought it would be more

1 efficient to --

2 COMM. CRENSHAW: I guess that's --

3 MR. BREWSTER: -- provide them
4 services if they were all together. Now, that's
5 outside of Fort Wayne Human Rights Commission's
6 jurisdiction, so that's where we kind of come in,
7 to try to fill that gap there with regard to the
8 education issue, so --

9 CHAIRMAN CARTER: It sort of seems
10 unusual that there might be some preconception
11 about a population as exotic and un-Hoosier, as
12 far from Hoosierdom, but I suppose if there's a
13 sudden influx of any group of people, it's going
14 to create --

15 MR. BREWSTER: Right.

16 CHAIRMAN CARTER: -- a reaction of
17 some type.

18 MR. BREWSTER: Right, right, yeah,
19 it's not unexpected, I guess. So far we
20 haven't -- I haven't heard of any problems on the
21 south side, but, you know, I wouldn't be
22 surprised if there were issues that we just
23 haven't heard about yet down there. I'm not sure

1 where they are residing as far as apartment
2 communities.

3 I know there's a local advocacy group here
4 called Exodus that provides -- they go around and
5 furnish apartments. They receive donations and
6 furnish apartments for these refugees and provide
7 other services like that.

8 CHAIRMAN CARTER: Is Burma now called
9 mean March.

10 MR. BREWSTER: Yes, uh-huh.

11 CHAIRMAN CARTER: Okay. Any other
12 questions?

13 COMM. RAMOS: How goes the coalition
14 working with the other civil rights groups? I
15 know it was a major focus for --

16 MR. BREWSTER: Yeah.

17 COMM. RAMOS: -- Commission.

18 MR. BREWSTER: You know, it's been
19 difficult, I'll say. You know, at the beginning
20 of the year, we -- well, actually we started last
21 year --

22 COMM. RAMOS: Uh-huh.

23 MR. BREWSTER: -- driving around and

1 meeting with the different directors, then at the
2 beginning of this year we kind of drafted some
3 MOU's to kind of formalize relationships. We
4 haven't received a very positive response from
5 that. I think we've had a couple of the
6 agencies, Terre Haute and Bloomington, I believe,
7 were the only ones that have actually signed the
8 MOU.

9 You know, I don't know what it's -- I know
10 Lafayette has been accepting of it. They haven't
11 signed it yet, but they're interested in the idea
12 of us working with them. I'm not sure. It seems
13 to me there's some turf issues, some concern that
14 we're trying to pre-empt or, you know, take over
15 their territory --

16 COMM. RAMOS: Uh-huh.

17 MR. BREWSTER: -- or something, which
18 is not at all the intent. Our intent all along,
19 and I think we've made this pretty clear, is we
20 want to kind of expand it beyond their
21 jurisdictional boundaries and help reach those
22 people that may lie right outside of Fort Wayne
23 or South Bend or Evans -- well, Evansville is

1 county-wide, so they don't have that similar
2 issue.

3 But yeah, definitely we haven't -- we
4 continue to push. We met with Richmond last --
5 or actually Monday. A couple of our staff went
6 over and met with Richmond. Richmond, as you may
7 recall, was defunded, so they don't do a whole
8 lot, although their director is still, I
9 understand, showing up and doing some things, but
10 we're trying, again, to help where we can with
11 that situation.

12 And I'm trying to think of --
13 Bloomington's being doing -- like I said, it's
14 been good to work with them. That's about all
15 we've -- all we've seen out of that, but again,
16 we're still trying to meet with these people.
17 And Columbus, I think, has been receptive. They
18 have a new director now down in Columbus that
19 we're trying to reach out to, so --

20 COMM. RAMOS: On a national level,
21 have there been other programs? Because I know
22 there was a fair amount of connection previously
23 with -- on the national levels -- with the

1 Executive Director attending some of the
2 conferences and stuff.

3 MR. BREWSTER: Yeah, we did renew our
4 membership with the International Association of
5 Human Rights Workers, and I believe they have a
6 conference coming up this summer or fall. I'm
7 assuming we will send somebody. I don't know if
8 it will be the Director or who, but yeah, we try
9 to maintain those ties as well.

10 COMM. RAMOS: Good.

11 CHAIRMAN CARTER: Any other
12 questions?

13 (No response.)

14 CHAIRMAN CARTER: Okay. If you would
15 observe the dates of upcoming meetings, and do we
16 have things to sign?

17 MS. CATALAN: Yes, sir.

18 CHAIRMAN CARTER: Yes. Okay. We
19 have things to sign, so if you'd stay for that,
20 that would be --

21 MR. LANGE: Lots of them.

22 CHAIRMAN CARTER: Huh?

23 MR. LANGE: Lots of them.

1 CHAIRMAN CARTER: Lots of them, oh
2 boy.

3 And otherwise, we can adjourn.

4 - - -
5 Thereupon, the proceedings of
6 June 24, 2011 were concluded
7 at 11:33 o'clock a.m.
8 - - -

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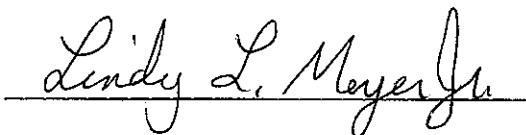
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CERTIFICATE

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, June 24, 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 style="text-align: center;">\$</p>	<p>agencies [1] - 24:6 agenda [1] - 8:13 ago [2] - 20:23, 21:21 agreement [2] - 10:13, 11:17 Ahissou [1] - 16:1 allegedly [1] - 21:19 Allen [1] - 21:13 allowed [1] - 21:2 almost [1] - 21:18 alternate [1] - 6:7 alternative [1] - 5:15 American [1] - 12:12 amount [2] - 10:5, 25:22</p>	<p>9:11, 10:19, 10:22, 11:12, 12:3, 12:6, 12:19, 13:3, 13:12, 13:22, 14:10, 14:15, 15:6, 15:9, 16:8, 16:11 BEFORE [1] - 1:1 beginning [2] - 23:19, 24:2 behalf [1] - 2:8 belatedly [1] - 6:16 Bend [6] - 16:19, 18:4, 18:7, 18:8, 18:9, 24:23 better [1] - 21:23 beyond [1] - 24:20 bit [1] - 18:2 Bloomington [4] - 18:12, 18:18, 18:19, 24:6 Bloomington's [1] - 25:13 Bonds [1] - 16:20 boundaries [1] - 24:21 boy [1] - 27:2 Brenda [1] - 16:20 Brewster [1] - 2:6 BREWSTER [25] - 4:19, 4:21, 9:17, 10:9, 11:19, 17:11, 18:8, 18:19, 19:1, 19:8, 19:11, 19:21, 20:2, 20:4, 20:7, 20:12, 22:3, 22:15, 22:18, 23:10, 23:16, 23:18, 23:23, 24:17, 26:3 Brighton [1] - 1:22 brings [1] - 17:9 Burma [2] - 20:10, 23:8 Burmese [7] - 17:13, 18:2, 20:6, 20:9, 21:2, 21:19, 21:22 Business [2] - 5:3, 10:12 business [2] - 5:5, 8:2</p>	<p>20:11, 22:9, 22:16, 23:8, 23:11, 26:11, 26:14, 26:18, 26:22, 27:1 Carter [2] - 1:11, 2:3 case [7] - 11:13, 11:22, 13:12, 14:4, 14:7, 14:22, 16:1 cases [3] - 12:8, 15:17, 16:18 Catalan [1] - 2:11 CATALAN [8] - 3:9, 3:12, 4:6, 4:10, 4:14, 15:16, 15:19, 26:17 Catonya [1] - 12:13 Center [4] - 1:15, 2:7, 16:20 CERTIFICATE [1] - 28:1 certify [1] - 28:5 cetera [1] - 5:10 CHAIRMAN [73] - 3:3, 3:10, 3:13, 3:17, 3:19, 3:23, 4:3, 4:9, 4:12, 4:16, 4:20, 4:22, 5:2, 5:13, 5:20, 6:1, 6:6, 6:12, 6:22, 8:7, 8:12, 8:15, 8:19, 8:23, 9:4, 9:6, 9:9, 9:13, 9:16, 10:6, 10:11, 10:17, 10:20, 11:1, 11:4, 11:11, 12:8, 12:16, 12:21, 12:23, 13:5, 13:8, 13:16, 13:20, 14:1, 14:4, 14:11, 14:13, 14:17, 14:20, 15:3, 15:7, 15:11, 15:14, 15:18, 15:21, 16:5, 16:9, 16:13, 16:16, 17:6, 18:17, 20:5, 20:11, 22:9, 22:16, 23:8, 23:11, 26:11, 26:14, 26:18, 26:22, 27:1 Chairman [2] - 1:12, 2:3 Chajuana [1] - 12:12 charged [1] - 17:17 charging [1] - 19:9 Chase [1] - 13:13 chew [1] - 21:4 choose [1] - 5:14 Christina [1] - 2:11 City [2] - 16:19, 28:4 CIVIL [2] - 1:2, 2:6 civil [2] - 12:3, 23:14 Civil [2] - 1:11, 3:5 clarification [1] - 6:9 CLE [4] - 18:3, 18:10, 18:11, 18:18 CLE's [2] - 19:9, 19:13 clear [3] - 11:15, 12:7, 24:19 Cleofis [2] - 12:14, 12:15 closing [1] - 21:14 CM [1] - 1:21 coalition [1] - 23:13 College [1] - 10:14 Collier [2] - 11:13, 12:13 Columbus [2] - 25:17, 25:18 coming [3] - 4:15, 18:11,</p>
<p style="text-align: center;">1</p>	<p>Angela [1] - 12:9 annual [1] - 17:22 answer [1] - 4:16 answered [1] - 8:21 anyway [2] - 6:10, 7:2 apartment [1] - 23:1 apartments [2] - 23:5, 23:6 appeal [1] - 6:18 Appeals [9] - 5:7, 5:17, 5:21, 6:2, 7:1, 9:23, 10:7, 13:9, 16:17 APPEARANCES [1] - 2:1 approve [1] - 4:23 April [2] - 3:12, 4:7 argument [1] - 8:1 Assignment [1] - 16:17 assisting [1] - 17:18 Association [1] - 26:4 assuming [1] - 26:7 attempting [1] - 17:12 attendees [1] - 19:17 attending [1] - 26:1 attorney [1] - 18:9 attorneys [1] - 19:20 August [1] - 18:12 Authority [1] - 17:16 Avenue [2] - 1:22, 2:7 aware [1] - 8:3 Aye [32] - 3:20, 3:21, 3:22, 3:23, 9:10, 9:11, 9:12, 9:13, 10:21, 10:22, 10:23, 11:1, 13:2, 13:3, 13:4, 13:5, 13:21, 13:22, 13:23, 14:1, 14:14, 14:15, 14:16, 14:17, 15:8, 15:9, 15:10, 15:11, 16:10, 16:11, 16:12, 16:13</p>	<p>9:11, 10:19, 10:22, 11:12, 12:3, 12:6, 12:19, 13:3, 13:12, 13:22, 14:10, 14:15, 15:6, 15:9, 16:8, 16:11</p>	<p>20:11, 22:9, 22:16, 23:8, 23:11, 26:11, 26:14, 26:18, 26:22, 27:1</p>
<p style="text-align: center;">2</p>	<p>Angela [1] - 12:9 annual [1] - 17:22 answer [1] - 4:16 answered [1] - 8:21 anyway [2] - 6:10, 7:2 apartment [1] - 23:1 apartments [2] - 23:5, 23:6 appeal [1] - 6:18 Appeals [9] - 5:7, 5:17, 5:21, 6:2, 7:1, 9:23, 10:7, 13:9, 16:17 APPEARANCES [1] - 2:1 approve [1] - 4:23 April [2] - 3:12, 4:7 argument [1] - 8:1 Assignment [1] - 16:17 assisting [1] - 17:18 Association [1] - 26:4 assuming [1] - 26:7 attempting [1] - 17:12 attendees [1] - 19:17 attending [1] - 26:1 attorney [1] - 18:9 attorneys [1] - 19:20 August [1] - 18:12 Authority [1] - 17:16 Avenue [2] - 1:22, 2:7 aware [1] - 8:3 Aye [32] - 3:20, 3:21, 3:22, 3:23, 9:10, 9:11, 9:12, 9:13, 10:21, 10:22, 10:23, 11:1, 13:2, 13:3, 13:4, 13:5, 13:21, 13:22, 13:23, 14:1, 14:14, 14:15, 14:16, 14:17, 15:8, 15:9, 15:10, 15:11, 16:10, 16:11, 16:12, 16:13</p>	<p>9:11, 10:19, 10:22, 11:12, 12:3, 12:6, 12:19, 13:3, 13:12, 13:22, 14:10, 14:15, 15:6, 15:9, 16:8, 16:11</p>	<p>20:11, 22:9, 22:16, 23:8, 23:11, 26:11, 26:14, 26:18, 26:22, 27:1</p>
<p style="text-align: center;">3</p>	<p>Angela [1] - 12:9 annual [1] - 17:22 answer [1] - 4:16 answered [1] - 8:21 anyway [2] - 6:10, 7:2 apartment [1] - 23:1 apartments [2] - 23:5, 23:6 appeal [1] - 6:18 Appeals [9] - 5:7, 5:17, 5:21, 6:2, 7:1, 9:23, 10:7, 13:9, 16:17 APPEARANCES [1] - 2:1 approve [1] - 4:23 April [2] - 3:12, 4:7 argument [1] - 8:1 Assignment [1] - 16:17 assisting [1] - 17:18 Association [1] - 26:4 assuming [1] - 26:7 attempting [1] - 17:12 attendees [1] - 19:17 attending [1] - 26:1 attorney [1] - 18:9 attorneys [1] - 19:20 August [1] - 18:12 Authority [1] - 17:16 Avenue [2] - 1:22, 2:7 aware [1] - 8:3 Aye [32] - 3:20, 3:21, 3:22, 3:23, 9:10, 9:11, 9:12, 9:13, 10:21, 10:22, 10:23, 11:1, 13:2, 13:3, 13:4, 13:5, 13:21, 13:22, 13:23, 14:1, 14:14, 14:15, 14:16, 14:17, 15:8, 15:9, 15:10, 15:11, 16:10, 16:11, 16:12, 16:13</p>	<p>9:11, 10:19, 10:22, 11:12, 12:3, 12:6, 12:19, 13:3, 13:12, 13:22, 14:10, 14:15, 15:6, 15:9, 16:8, 16:11</p>	<p>20:11, 22:9, 22:16, 23:8, 23:11, 26:11, 26:14, 26:18, 26:22, 27:1</p>
<p style="text-align: center;">4</p>	<p>Angela [1] - 12:9 annual [1] - 17:22 answer [1] - 4:16 answered [1] - 8:21 anyway [2] - 6:10, 7:2 apartment [1] - 23:1 apartments [2] - 23:5, 23:6 appeal [1] - 6:18 Appeals [9] - 5:7, 5:17, 5:21, 6:2, 7:1, 9:23, 10:7, 13:9, 16:17 APPEARANCES [1] - 2:1 approve [1] - 4:23 April [2] - 3:12, 4:7 argument [1] - 8:1 Assignment [1] - 16:17 assisting [1] - 17:18 Association [1] - 26:4 assuming [1] - 26:7 attempting [1] - 17:12 attendees [1] - 19:17 attending [1] - 26:1 attorney [1] - 18:9 attorneys [1] - 19:20 August [1] - 18:12 Authority [1] - 17:16 Avenue [2] - 1:22, 2:7 aware [1] - 8:3 Aye [32] - 3:20, 3:21, 3:22, 3:23, 9:10, 9:11, 9:12, 9:13, 10:21, 10:22, 10:23, 11:1, 13:2, 13:3, 13:4, 13:5, 13:21, 13:22, 13:23, 14:1, 14:14, 14:15, 14:16, 14:17, 15:8, 15:9, 15:10, 15:11, 16:10, 16:11, 16:12, 16:13</p>	<p>9:11, 10:19, 10:22, 11:12, 12:3, 12:6, 12:19, 13:3, 13:12, 13:22, 14:10, 14:15, 15:6, 15:9, 16:8, 16:11</p>	<p>20:11, 22:9, 22:16, 23:8, 23:11, 26:11, 26:14, 26:18, 26:22, 27:1</p>
<p style="text-align: center;">8</p>	<p>Angela [1] - 12:9 annual [1] - 17:22 answer [1] - 4:16 answered [1] - 8:21 anyway [2] - 6:10, 7:2 apartment [1] - 23:1 apartments [2] - 23:5, 23:6 appeal [1] - 6:18 Appeals [9] - 5:7, 5:17, 5:21, 6:2, 7:1, 9:23, 10:7, 13:9, 16:17 APPEARANCES [1] - 2:1 approve [1] - 4:23 April [2] - 3:12, 4:7 argument [1] - 8:1 Assignment [1] - 16:17 assisting [1] - 17:18 Association [1] - 26:4 assuming [1] - 26:7 attempting [1] - 17:12 attendees [1] - 19:17 attending [1] - 26:1 attorney [1] - 18:9 attorneys [1] - 19:20 August [1] - 18:12 Authority [1] - 17:16 Avenue [2] - 1:22, 2:7 aware [1] - 8:3 Aye [32] - 3:20, 3:21, 3:22, 3:23, 9:10, 9:11, 9:12, 9:13, 10:21, 10:22, 10:23, 11:1, 13:2, 13:3, 13:4, 13:5, 13:21, 13:22, 13:23, 14:1, 14:14, 14:15, 14:16, 14:17, 15:8, 15:9, 15:10, 15:11, 16:10, 16:11, 16:12, 16:13</p>	<p>9:11, 10:19, 10:22, 11:12, 12:3, 12:6, 12:19, 13:3, 13:12, 13:22, 14:10, 14:15, 15:6, 15:9, 16:8, 16:11</p>	<p>20:11, 22:9, 22:16, 23:8, 23:11, 26:11, 26:14, 26:18, 26:22, 27:1</p>
<p style="text-align: center;">A</p>	<p>Angela [1] - 12:9 annual [1] - 17:22 answer [1] - 4:16 answered [1] - 8:21 anyway [2] - 6:10, 7:2 apartment [1] - 23:1 apartments [2] - 23:5, 23:6 appeal [1] - 6:18 Appeals [9] - 5:7, 5:17, 5:21, 6:2, 7:1, 9:23, 10:7, 13:9, 16:17 APPEARANCES [1] - 2:1 approve [1] - 4:23 April [2] - 3:12, 4:7 argument [1] - 8:1 Assignment [1] - 16:17 assisting [1] - 17:18 Association [1] - 26:4 assuming [1] - 26:7 attempting [1] - 17:12 attendees [1] - 19:17 attending [1] - 26:1 attorney [1] - 18:9 attorneys [1] - 19:20 August [1] - 18:12 Authority [1] - 17:16 Avenue [2] - 1:22, 2:7 aware [1] - 8:3 Aye [32] - 3:20, 3:21, 3:22, 3:23, 9:10, 9:11, 9:12, 9:13, 10:21, 10:22, 10:23, 11:1, 13:2, 13:3, 13:4, 13:5, 13:21, 13:22, 13:23, 14:1, 14:14, 14:15, 14:16, 14:17, 15:8, 15:9, 15:10, 15:11, 16:10, 16:11, 16:12, 16:13</p>	<p>9:11, 10:19, 10:22, 11:12, 12:3, 12:6, 12:19, 13:3, 13:12, 13:22, 14:10, 14:15, 15:6, 15:9, 16:8, 16:11</p>	<p>20:11, 22:9, 22:16, 23:8, 23:11, 26:11, 26:14, 26:18, 26:22, 27:1</p>
<p>a.m [3] - 1:17, 3:1, 27:5 above-captioned [1] - 1:10 academic [1] - 7:8 accept [8] - 3:15, 10:15, 12:17, 12:20, 13:17, 14:8, 15:4, 16:6 accepting [1] - 24:10 ACCURATE [1] - 1:21 Act [1] - 11:23 action [1] - 5:8 address [1] - 5:18 addresses [1] - 5:10 adjourn [1] - 27:3 Administrative [1] - 17:9 adopted [4] - 7:22, 8:1, 8:3, 8:5 advised [1] - 7:11 advocacy [2] - 17:20, 23:3</p>	<p>Angela [1] - 12:9 annual [1] - 17:22 answer [1] - 4:16 answered [1] - 8:21 anyway [2] - 6:10, 7:2 apartment [1] - 23:1 apartments [2] - 23:5, 23:6 appeal [1] - 6:18 Appeals [9] - 5:7, 5:17, 5:21, 6:2, 7:1, 9:23, 10:7, 13:9, 16:17 APPEARANCES [1] - 2:1 approve [1] - 4:23 April [2] - 3:12, 4:7 argument [1] - 8:1 Assignment [1] - 16:17 assisting [1] - 17:18 Association [1] - 26:4 assuming [1] - 26:7 attempting [1] - 17:12 attendees [1] - 19:17 attending [1] - 26:1 attorney [1] - 18:9 attorneys [1] - 19:20 August [1] - 18:12 Authority [1] - 17:16 Avenue [2] - 1:22, 2:7 aware [1] - 8:3 Aye [32] - 3:20, 3:21, 3:22, 3:23, 9:10, 9:11, 9:12, 9:13, 10:21, 10:22, 10:23, 11:1, 13:2, 13:3, 13:4, 13:5, 13:21, 13:22, 13:23, 14:1, 14:14, 14:15, 14:16, 14:17, 15:8, 15:9, 15:10, 15:11, 16:10, 16:11, 16:12, 16:13</p>	<p>9:11, 10:19, 10:22, 11:12, 12:3, 12:6, 12:19, 13:3, 13:12, 13:22, 14:10, 14:15, 15:6, 15:9, 16:8, 16:11</p>	<p>20:11, 22:9, 22:16, 23:8, 23:11, 26:11, 26:14, 26:18, 26:22, 27:1</p>
<p style="text-align: center;">1</p>	<p>Angela [1] - 12:9 annual [1] - 17:22 answer [1] - 4:16 answered [1] - 8:21 anyway [2] - 6:10, 7:2 apartment [1] - 23:1 apartments [2] - 23:5, 23:6 appeal [1] - 6:18 Appeals [9] - 5:7, 5:17, 5:21, 6:2, 7:1, 9:23, 10:7, 13:9, 16:17 APPEARANCES [1] - 2:1 approve [1] - 4:23 April [2] - 3:12, 4:7 argument [1] - 8:1 Assignment [1] - 16:17 assisting [1] - 17:18 Association [1] - 26:4 assuming [1] - 26:7 attempting [1] - 17:12 attendees [1] - 19:17 attending [1] - 26:1 attorney [1] - 18:9 attorneys [1] - 19:20 August [1] - 18:12 Authority [1] - 17:16 Avenue [2] - 1:22, 2:7 aware [1] - 8:3 Aye [32] - 3:20, 3:21, 3:22, 3:23, 9:10, 9:11, 9:12, 9:13, 10:21, 10:22, 10:23, 11:1, 13:2, 13:3, 13:4, 13:5, 13:21, 13:22, 13:23, 14:1, 14:14, 14:15, 14:16, 14:17, 15:8, 15:9, 15:10, 15:11, 16:10, 16:11, 16:12, 16:13</p>	<p>9:11, 10:19, 10:22, 11:12, 12:3, 12:6, 12:19, 13:3, 13:12, 13:22, 14:10, 14:15, 15:6, 15:9, 16:8, 16:11</p>	<p>20:11, 22:9, 22:16, 23:8, 23:11, 26:11, 26:14, 26:18, 26:22, 27:1</p>
<p style="text-align: center;">2</p>	<p>Angela [1] - 12:9 annual [1] - 17:22 answer [1] - 4:16 answered [1] - 8:21 anyway [2] - 6:10, 7:2 apartment [1] - 23:1 apartments [2] - 23:5, 23:6 appeal [1] - 6:18 Appeals [9] - 5:7, 5:17, 5:21, 6:2, 7:1, 9:23, 10:7, 13:9, 16:17 APPEARANCES [1] - 2:1 approve [1] - 4:23 April [2] - 3:12, 4:7 argument [1] - 8:1 Assignment [1] - 16:17 assisting [1] - 17:18 Association [1] - 26:4 assuming [1] - 26:7 attempting [1] - 17:12 attendees [1] - 19:17 attending [1] - 26:1 attorney [1] - 18:9 attorneys [1] - 19:20 August [1] - 18:12 Authority [1] - 17:16 Avenue [2] - 1:22, 2:7 aware [1] - 8:3 Aye [32] - 3:20, 3:21, 3:22, 3:23, 9:10, 9:11, 9:12, 9:13, 10:21, 10:22, 10:23, 11:1, 13:2, 13:3, 13:4, 13:5, 13:21, 13:22, 13:23, 14:1, 14:14, 14:15, 14:16, 14:17, 15:8, 15:9, 15:10, 15:11, 16:10, 16:11, 16:12, 16:13</p>	<p>9:11, 10:19, 10:22, 11:12, 12:3, 12:6, 12:19, 13:3, 13:12, 13:22,</p>	

26:6
Comm [10] - 13:11, 14:21, 15:15, 15:16, 15:23, 16:18, 16:22, 17:1, 17:7, 17:8
COMM [66] - 3:16, 3:18, 3:20, 3:21, 3:22, 5:23, 6:8, 7:4, 7:9, 7:13, 7:16, 7:20, 8:10, 9:2, 9:8, 9:10, 9:11, 9:12, 10:16, 10:19, 10:21, 10:22, 10:23, 11:12, 12:3, 12:6, 12:19, 12:22, 13:2, 13:3, 13:4, 13:12, 13:18, 13:19, 13:21, 13:22, 13:23, 14:10, 14:12, 14:14, 14:15, 14:16, 14:22, 15:5, 15:6, 15:8, 15:9, 15:10, 16:1, 16:7, 16:8, 16:10, 16:11, 16:12, 17:4, 19:6, 19:10, 19:19, 19:22, 22:2, 23:13, 23:17, 23:22, 24:16, 25:20, 26:10
COMMISSION [4] - 1:2, 2:2, 2:6, 2:10
Commission [16] - 1:11, 2:8, 3:5, 6:14, 7:4, 7:22, 8:5, 9:18, 13:14, 16:17, 18:5, 18:9, 20:22, 21:10, 23:17, 28:15
Commission's [4] - 6:14, 6:17, 7:7, 22:5
Commissioner [4] - 7:10, 7:14, 7:17, 7:19
Commissioners [1] - 13:10
Commissions [1] - 18:1
Communities [1] - 23:2
Community [1] - 17:16
community [2] - 17:20, 20:14
Complainant [1] - 10:2
complaint [1] - 21:17
Complaints [1] - 6:18
concern [3] - 24:13
conclude [1] - 5:16
concluded [1] - 27:5
Conclusions [1] - 11:5
conducting [1] - 18:3
Conference [1] - 1:15
conference [2] - 17:22, 26:6
conferences [1] - 26:2
connection [1] - 25:22
consent [1] - 10:13
Consortium [1] - 17:23
Construction [1] - 14:5
Consumer [1] - 17:2
continue [2] - 15:22, 25:4
Continuing [1] - 19:14
Cook [1] - 4:13
cooperation [1] - 18:4
Corp [1] - 16:22
correct [1] - 28:6
cost [1] - 10:7
Counseling [1] - 17:2

county [1] - 25:1
County [4] - 1:14, 12:9, 21:13, 28:4
county-wide [1] - 25:1
couple [3] - 20:23, 24:5, 25:5
Court [8] - 5:7, 5:17, 5:21, 6:2, 6:23, 9:22, 10:7, 28:3
court [5] - 8:21, 11:7, 11:9, 12:2, 12:4
create [1] - 22:14
Credit [1] - 17:2
Crenshaw [4] - 2:4, 14:21, 16:22, 17:7
CRENSHAW [19] - 3:18, 3:22, 9:12, 10:23, 12:22, 13:4, 13:19, 13:23, 14:16, 14:22, 15:10, 16:7, 16:12, 17:4, 19:6, 19:10, 19:19, 19:22, 22:2
Cricket [1] - 16:23
Crossing [1] - 10:14

D

d/b/a [1] - 1:21
Daniels [1] - 1:21
dates [1] - 26:15
David [2] - 1:11, 2:3
December [2] - 18:15, 19:4
decided [1] - 6:23
decision [1] - 21:20
deemed [1] - 8:8
definitely [1] - 25:3
defunded [1] - 25:7
Dep [1] - 2:6
Deputy [2] - 15:1, 17:10
Development [1] - 17:16
Diaz [1] - 5:3
different [1] - 24:1
difficult [1] - 23:19
director [2] - 25:8, 25:18
Director [4] - 2:6, 17:10, 26:1, 26:8
Director's [3] - 13:15, 15:1, 16:3
directors [1] - 24:1
discipline [1] - 8:11
Discussion [1] - 20:3
dismiss [1] - 12:2
district [2] - 21:16, 21:20
docket [1] - 6:2
docketed [3] - 5:17, 5:21, 6:14
documents [1] - 5:6
donations [1] - 23:5
done [1] - 19:13
down [2] - 22:23, 25:18
drafted [1] - 24:2
driving [1] - 23:23

due [1] - 10:3

E

e-mail [2] - 19:16, 19:23
e-mails [1] - 19:16
East [1] - 21:13
edification [1] - 9:18
Education [1] - 19:15
education [2] - 20:18, 22:8
EEOC [1] - 18:4
effect [1] - 6:4
effectiveness [2] - 6:20, 7:6
efficient [1] - 22:1
efforts [1] - 17:17
elected [2] - 11:6, 11:9
election [1] - 11:21
employment [2] - 19:3
empt [1] - 24:14
enforcement [1] - 7:7
Enzo [2] - 5:4, 5:5
et [1] - 5:10
ethics [1] - 19:4
Evans [1] - 24:23
Evansville [5] - 16:21, 18:14, 19:2, 19:7, 24:23
exactly [1] - 8:17
excluding [1] - 21:7
Executive [1] - 26:1
Exodus [1] - 23:4
exotic [1] - 22:11
expand [1] - 24:20
expires [1] - 28:15
Eytcheson [4] - 11:13, 11:16, 11:18, 12:14

F

Fact [1] - 11:5
fair [1] - 25:22
Fair [1] - 11:22
fall [1] - 26:6
far [6] - 9:22, 20:17, 21:7, 22:12, 22:19, 23:1
favor [9] - 3:19, 9:9, 10:2, 10:20, 13:1, 13:20, 14:13, 15:7, 16:9
fee [1] - 19:6
file [1] - 6:9
filed [10] - 5:11, 6:16, 7:6, 8:2, 8:4, 8:6, 8:8, 11:20, 21:17
fill [1] - 22:7
final [1] - 10:5
Financial [2] - 4:4
Findings [1] - 11:4
findings [2] - 12:18, 12:20
floor [1] - 21:4

focus [1] - 23:15
follows [1] - 12:1
foregoing [1] - 28:5
formalize [1] - 24:3
Fort [10] - 17:14, 17:20, 17:21, 20:6, 20:9, 20:20, 20:21, 21:9, 22:5, 24:22
Foundation [2] - 12:11, 19:15
four [1] - 16:18
Friday [2] - 1:17, 28:7
furnish [2] - 23:5, 23:6

G

gap [1] - 22:7
Garcia [3] - 15:15, 15:16, 17:8
Garcia's [1] - 17:5
Government [2] - 1:14, 2:7
Graves [1] - 14:5
Green [1] - 16:19
group [3] - 17:20, 22:13, 23:3
groups [1] - 23:14
guess [2] - 22:2, 22:19

H

Hale [1] - 12:12
half [1] - 19:12
handled [1] - 21:9
Harding [1] - 21:14
Haute [1] - 24:6
head [1] - 5:1
heard [2] - 22:20, 22:23
hearing [1] - 7:19
Hearing [1] - 16:20
held [1] - 7:19
help [2] - 24:21, 25:10
hereby [1] - 28:5
High [1] - 21:14
high [2] - 21:16, 21:18
Historic [1] - 12:10
Hmm [1] - 20:11
home [1] - 21:18
Hoosier [1] - 22:11
Hoosierdom [1] - 22:12
housing [3] - 14:7, 20:17, 20:18
Housing [3] - 11:23, 17:8, 17:15
Human [5] - 17:23, 18:5, 20:21, 22:5, 26:5
Humane [1] - 12:9
Hunter [1] - 10:14

<p style="text-align: center;">I</p> <p>ICRC [2] - 10:13, 12:10 idea [1] - 24:11 inability [1] - 10:4 inc [8] - 5:4, 12:11, 12:13, 16:2, 16:20, 16:23, 17:3 incident [1] - 20:22 inclined [1] - 7:3 INDIANA [3] - 1:1, 1:21, 2:6 Indiana [14] - 1:10, 1:13, 1:14, 1:16, 1:22, 2:7, 2:8, 3:5, 12:11, 17:3, 17:15, 19:14, 28:4, 28:13 Indianapolis [5] - 1:16, 2:8, 20:8, 20:12, 20:14 IndyGo [1] - 14:23 influx [1] - 22:13 inform [1] - 4:14 information [2] - 15:20, 19:23 Institute [1] - 12:12 Integrated [1] - 16:2 intent [2] - 24:18 interested [1] - 24:11 International [1] - 26:4 issue [5] - 5:15, 8:18, 21:11, 22:8, 25:2 issues [3] - 20:19, 22:22, 24:13</p>	<p>Landmarks [1] - 12:10 LANGE [23] - 5:1, 5:9, 5:14, 6:13, 7:3, 7:5, 7:11, 7:15, 7:18, 7:21, 8:8, 8:11, 8:14, 8:17, 11:8, 11:18, 11:20, 12:5, 12:15, 18:7, 18:22, 26:21, 26:23 Lange [1] - 2:11 large [2] - 20:5, 20:13 largest [1] - 20:9 last [3] - 3:8, 23:20, 25:4 laundromat [1] - 20:23 law [1] - 19:3 Law [1] - 11:5 lawyer [1] - 18:23 Legal [1] - 19:14 less [1] - 7:1 letting [1] - 20:16 level [2] - 12:1, 25:20 levels [1] - 25:23 lie [1] - 24:22 Lindy [3] - 1:12, 28:2, 28:11 Lisa [1] - 12:13 list [1] - 19:16 local [1] - 23:3 Local [1] - 17:23 Logistics [1] - 16:2 looks [1] - 10:2 Loudermilk [1] - 12:9 lower [1] - 10:5</p>	<p>8:13, 8:18 monthly [1] - 3:3 moot [1] - 7:2 Morgan [2] - 12:9, 13:13 most [1] - 11:5 motion [18] - 3:15, 5:10, 6:4, 6:7, 6:20, 8:20, 9:1, 9:3, 9:19, 10:14, 12:17, 12:19, 13:17, 14:8, 15:1, 15:4, 16:3, 16:6 MOU [2] - 17:15, 24:8 MOU's [1] - 24:3 moved [7] - 3:16, 9:2, 10:16, 13:18, 14:10, 15:5, 16:7 moving [1] - 21:15 MR [48] - 4:19, 4:21, 5:1, 5:9, 5:14, 6:13, 7:3, 7:5, 7:11, 7:15, 7:18, 7:21, 8:8, 8:11, 8:14, 8:17, 9:17, 10:9, 11:8, 11:18, 11:19, 11:20, 12:5, 12:15, 17:11, 18:7, 18:8, 18:19, 18:22, 19:1, 19:8, 19:11, 19:21, 20:2, 20:4, 20:7, 20:12, 22:3, 22:15, 22:18, 23:10, 23:16, 23:18, 23:23, 24:17, 26:3, 26:21, 26:23 MS [8] - 3:9, 3:12, 4:6, 4:10, 4:14, 15:16, 15:19, 26:17</p>	<p>Old [1] - 5:3 One [1] - 11:20 one [9] - 4:5, 4:7, 4:8, 9:6, 11:19, 18:14, 18:15, 19:7, 21:22 ones [1] - 24:7 opinion [1] - 5:22 Opportunities [1] - 17:8 opposed [8] - 4:1, 6:19, 9:14, 11:2, 14:2, 14:18, 15:12, 16:14 Opposed [1] - 13:6 oral [1] - 7:23 order [8] - 3:6, 5:9, 5:15, 6:15, 6:18, 7:7, 7:22, 8:5 Order [1] - 11:5 ordered [2] - 10:1 originally [1] - 11:14 OTHER [1] - 2:10 otherwise [1] - 27:3 outreach [2] - 17:13, 18:2 outside [3] - 20:10, 22:5, 24:22 overtaken [1] - 20:13</p>
<p style="text-align: center;">J</p> <p>James [1] - 12:11 Jeffrey [1] - 16:18 Johnson [1] - 13:13 Jones [1] - 14:22 Joshua [1] - 2:6 Jr [3] - 1:12, 28:2, 28:11 Judge [1] - 9:23 judgment [2] - 18:20, 18:23 Judith [1] - 17:1 JUNE [1] - 1:5 June [5] - 1:17, 3:1, 3:4, 27:5, 28:7 jurisdiction [1] - 22:6 jurisdictional [1] - 24:21</p>	<p style="text-align: center;">M</p> <p>mail [3] - 8:6, 19:16, 19:23 mailed [1] - 8:9 mails [1] - 19:16 maintain [1] - 26:9 major [1] - 23:15 manner [1] - 11:23 March [1] - 23:9 Marrow [1] - 12:11 matter [7] - 1:10, 5:16, 5:18, 5:20, 7:8, 9:20, 28:7 mean [3] - 6:9, 9:23, 23:9 meet [1] - 25:16 meeting [4] - 3:4, 3:8, 3:14, 24:1 MEETING [1] - 1:5 meetings [2] - 17:19, 26:15 MEMBERS [1] - 2:2 membership [1] - 26:4 messy [1] - 21:6 met [2] - 25:4, 25:6 Meyer [3] - 1:12, 28:2, 28:11 might [2] - 8:6, 22:10 minutes [2] - 3:7, 3:11 Monday [1] - 25:5 money [1] - 10:8 month [5] - 3:8, 4:8, 4:20,</p>	<p style="text-align: center;">N</p> <p>N103 [1] - 2:7 national [2] - 25:20, 25:23 negotiation [1] - 9:20 new [2] - 5:6, 25:18 New [1] - 10:12 news [1] - 15:15 next [5] - 4:20, 8:13, 8:18, 17:22, 18:11 North [2] - 2:7, 2:7 Northwest [1] - 17:2 Notary [3] - 1:13, 28:3, 28:12 nothing [1] - 5:19 notice [1] - 11:21</p>	<p style="text-align: center;">P</p> <p>packet [1] - 4:5 Pardon [1] - 7:15 parents [1] - 21:17 parties [1] - 11:20 party [1] - 11:22 pass [1] - 8:20 Paul [1] - 21:14 pay [1] - 10:4 Pedro [1] - 5:3 pending [2] - 6:18, 18:22 people [4] - 11:6, 22:13, 24:22, 25:16 Pizza [2] - 5:4, 5:5 planned [1] - 18:13 population [6] - 17:14, 18:2, 20:6, 20:10, 21:8, 22:11 positive [1] - 24:4 Pramuk [1] - 17:7 pre [1] - 24:14 pre-empt [1] - 24:14 preconception [1] - 22:10 present [1] - 18:10 PRESENT [1] - 2:10 pretty [5] - 19:11, 19:13, 19:18, 20:20, 24:19 previous [1] - 3:13 previously [1] - 25:22 Primarily [1] - 20:17 probable [4] - 13:15, 14:6, 15:2, 16:4 problem [1] - 21:6 problems [1] - 22:20</p>
<p style="text-align: center;">K</p> <p>kind [6] - 12:1, 21:5, 22:6, 24:2, 24:3, 24:20</p>	<p>mail [3] - 8:6, 19:16, 19:23 mailed [1] - 8:9 mails [1] - 19:16 maintain [1] - 26:9 major [1] - 23:15 manner [1] - 11:23 March [1] - 23:9 Marrow [1] - 12:11 matter [7] - 1:10, 5:16, 5:18, 5:20, 7:8, 9:20, 28:7 mean [3] - 6:9, 9:23, 23:9 meet [1] - 25:16 meeting [4] - 3:4, 3:8, 3:14, 24:1 MEETING [1] - 1:5 meetings [2] - 17:19, 26:15 MEMBERS [1] - 2:2 membership [1] - 26:4 messy [1] - 21:6 met [2] - 25:4, 25:6 Meyer [3] - 1:12, 28:2, 28:11 might [2] - 8:6, 22:10 minutes [2] - 3:7, 3:11 Monday [1] - 25:5 money [1] - 10:8 month [5] - 3:8, 4:8, 4:20,</p>	<p style="text-align: center;">O</p> <p>o'clock [3] - 1:17, 3:1, 27:5 Oasis [1] - 12:17 objection [1] - 5:10 objections [3] - 6:16, 6:19, 7:23 observe [1] - 26:15 obviously [1] - 21:6 October [2] - 18:15, 28:15 OF [3] - 1:1, 1:5, 1:21 Okner [1] - 10:13</p>	
<p style="text-align: center;">L</p> <p>Lafayette [1] - 24:10 LaGrone [1] - 16:21</p>			

proceedings [2] - 27:4, 28:6
PROCEEDINGS [1] - 1:9
 product [1] - 21:5
 programs [1] - 25:21
 proposed [4] - 5:11, 6:15, 7:22, 8:5
 proprietor [1] - 21:1
 provide [2] - 22:3, 23:6
 provides [1] - 23:4
PUBLIC [1] - 1:5
 Public [3] - 1:13, 28:3, 28:12
 push [1] - 25:4
 put [2] - 21:1, 21:21

Q

questions [4] - 4:17, 23:12, 26:12
 quite [1] - 19:16
 quorum [1] - 3:6

R

Ramos [5] - 2:4, 5:3, 6:15, 15:23, 17:1
RAMOS [29] - 3:16, 3:20, 5:23, 6:8, 7:4, 7:9, 7:13, 7:16, 7:20, 8:10, 9:8, 9:10, 10:16, 10:21, 13:2, 13:18, 13:21, 14:12, 14:14, 15:5, 15:8, 16:1, 16:10, 23:13, 23:17, 23:22, 24:16, 25:20, 26:10
 rate [1] - 19:12
 reach [2] - 24:21, 25:19
 reaching [1] - 20:15
 reaction [1] - 22:16
 really [3] - 4:7, 5:17, 20:16
 reasonable [1] - 14:7
 receive [1] - 23:5
 received [1] - 24:4
 receptive [1] - 25:17
 recommend [2] - 13:14, 14:6
 recommendation [3] - 13:17, 14:9, 15:4
 recommended [1] - 11:14
 record [1] - 20:3
 refugees [1] - 23:6
 regard [1] - 22:7
 related [1] - 17:15
 relationship [1] - 20:21
 relationships [1] - 24:3
 remember [2] - 3:7, 3:14
 renew [1] - 26:3
 Report [3] - 4:4, 13:9
 Reporter [1] - 28:3
REPORTING [1] - 1:21
 residing [2] - 23:1, 28:3

resolved [2] - 9:22, 21:10
 respect [1] - 5:12
 Respondent [3] - 6:16, 8:2, 10:4
 response [13] - 4:2, 6:5, 8:22, 9:5, 9:15, 11:3, 13:7, 14:3, 14:19, 15:13, 16:15, 24:4, 26:13
 rest [1] - 12:1
 reversal [1] - 11:14
 review [4] - 6:10, 16:22, 17:1, 17:7
 reviewed [2] - 7:14, 7:17
 Richmond [3] - 25:4, 25:6
 rights [2] - 20:17, 23:14
RIGHTS [2] - 1:2, 2:6
 Rights [7] - 1:11, 3:5, 17:23, 18:5, 20:22, 22:5, 26:5
 Robert [1] - 2:11
 Room [2] - 1:15, 2:7
 RPR/CP [1] - 1:21
 Ryder [1] - 16:2

S

Sam [1] - 10:13
 Samson [1] - 17:1
 save [1] - 4:18
 school [3] - 21:12, 21:18, 21:22
 School [3] - 16:21, 21:14, 21:15
 schools [1] - 21:16
 second [6] - 3:17, 9:4, 9:7, 10:18, 14:11, 20:9
 Second [9] - 3:18, 9:8, 10:19, 12:22, 12:23, 13:19, 14:12, 15:6, 16:8
 second-largest [1] - 20:9
 seconds [1] - 9:7
 see [2] - 17:12, 18:10
 Senate [1] - 2:7
 send [1] - 26:7
 Services [1] - 14:5
 services [2] - 22:4, 23:7
 settle [2] - 10:3, 11:7
 settled [1] - 11:10
 settlement [1] - 9:21
 several [1] - 17:19
 Shelby [2] - 1:14, 28:4
 Shelbyville [1] - 28:4
 Shook [1] - 5:1
 showing [1] - 25:9
 side [2] - 20:14, 22:21
 sign [3] - 21:1, 26:16, 26:19
 signed [2] - 24:7, 24:11
 silent [1] - 6:19
 similar [1] - 25:1
 situation [1] - 25:11

Society [1] - 12:10
 somewhat [1] - 17:14
 sorry [1] - 7:20
 sort [1] - 22:9
 sounds [1] - 9:21
 South [7] - 1:15, 16:19, 18:4, 18:7, 18:8, 18:9, 24:23
 south [2] - 20:14, 22:21
 specifically [1] - 6:10
 spitting [1] - 21:3
STAFF [1] - 2:10
 staff [1] - 25:5
 start [1] - 20:15
 started [1] - 23:20
STATE [1] - 1:1
 State [4] - 1:13, 11:22, 17:23, 28:13
 stay [3] - 6:20, 7:5, 26:19
 stayed [1] - 6:18
 Steven [1] - 2:4
 still [2] - 25:8, 25:16
 Street [1] - 1:16
 students [1] - 21:15
 stuff [1] - 26:2
 subject [1] - 18:18
 sudden [1] - 22:13
 Suggs [1] - 12:16
 summary [2] - 18:20, 18:22
 summer [1] - 26:6
 suppose [1] - 22:12
 surprised [1] - 22:22
 Susan [1] - 17:7
 system [1] - 21:12
 System [1] - 21:14

T

table [1] - 8:12
 Tehiji [1] - 2:4
 terms [1] - 7:5
 Terre [1] - 24:6
 territory [1] - 24:15
THE [1] - 1:1
 Thereupon [1] - 27:4
 they've [2] - 6:17, 20:20
 three [1] - 11:9
 Thursday [1] - 18:3
 ties [1] - 26:9
 timely [1] - 11:23
 tobacco [1] - 21:5
 together [1] - 22:4
 Tomasso [1] - 5:4
 Toxicology [1] - 12:13
 transcribed [1] - 28:8
 transcript [1] - 28:6
 Transportation [2] - 14:23, 16:23
 true [1] - 28:5

try [2] - 22:7, 26:8
 trying [5] - 24:14, 25:10, 25:12, 25:16, 25:19
 turf [1] - 24:13
 two [2] - 11:8, 11:9
 type [2] - 21:5, 22:17

U

Ultimate [1] - 14:5
 Ulysses [1] - 16:23
 un-Hoosier [1] - 22:11
 under [2] - 11:22
 undersigned [1] - 28:2
 unexpected [1] - 22:19
 unless [1] - 7:6
 unusual [1] - 22:10
 up [7] - 17:21, 18:11, 21:1, 21:11, 21:15, 25:9, 26:6
 upcoming [1] - 26:15
 Update [1] - 17:9
 updates [1] - 15:17
 uphold [4] - 13:14, 14:6, 15:1, 16:3

V

Vanderburgh [1] - 16:21
 verses [1] - 16:19
 versus [17] - 5:3, 10:13, 11:13, 12:9, 12:10, 12:12, 12:13, 12:16, 13:13, 14:5, 14:23, 16:2, 16:20, 16:21, 16:23, 17:2, 17:8

W

Washington [1] - 1:16
 Wayne [10] - 17:14, 17:20, 17:21, 20:6, 20:9, 20:20, 20:21, 21:9, 22:5, 24:22
 week [1] - 17:22
 West [1] - 1:15
 whole [3] - 7:21, 21:7, 25:7
 wide [1] - 25:1
 William [1] - 1:21
 willing [1] - 19:15
 words [1] - 5:19
 Workers [1] - 26:5

Y

year [4] - 18:13, 23:20, 23:21, 24:2
 years [2] - 20:23, 21:20