

1 BEFORE THE STATE OF INDIANA
2 CIVIL RIGHTS COMMISSION
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5
6 PUBLIC MEETING OF DECEMBER 12, 2014
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9 PROCEEDINGS

10 in the above-captioned matter, before the Indiana
11 Civil Rights Commission, Alpha Blackburn,
12 Chairperson, taken before me, Lindy L. Meyer,
13 Jr., a Notary Public in and for the State of
14 Indiana, County of Shelby, at the Indiana
15 Government Center South, Conference Center,
16 Room C, 402 West Washington Street, Indianapolis,
17 Indiana, on Friday, December 12, 2014 at 11:10
18 o'clock a.m.

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

1 APPEARANCES:

2 COMMISSION MEMBERS:

- 3 Alpha Blackburn, Chairperson
- John E. Garcia
- 4 Barry Baynard
- Steven A. Ramos
- 5 Charles D. Gidney

6 INDIANA CIVIL RIGHTS COMMISSION

- 7 By Jamal Smith, Director/Secretary
- & Akia Haynes, Deputy Director
- 8 Indiana Government Center North
- 100 North Senate Avenue, Room N103
- 9 Indianapolis, Indiana 46204
- On behalf of the Commission.

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11 OTHER COMMISSION STAFF PRESENT:

- 12 Noell Allen
- Pamela Cook
- 13 Debbie Rincones-Chavez

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1 11:10 o'clock a.m.
December 12, 2014

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3 CHAIRPERSON BLACKBURN: The Indiana

4 Civil Rights Commission is now in public meeting.

5 We have a quorum, and we'll proceed with

6 business, starting with the approval and adoption

7 of the minutes. May I have a motion to that

8 effect?

9 COMM. GIDNEY: So moved.

10 COMM. BAYNARD: Second.

11 CHAIRPERSON BLACKBURN: All in favor?

12 COMM. GARCIA: Aye.

13 COMM. RAMOS: Aye.

14 COMM. BAYNARD: Aye.

15 COMM. GIDNEY: Aye.

16 CHAIRPERSON BLACKBURN: Aye.

17 Anyone opposed?

18 (No response.)

19 CHAIRPERSON BLACKBURN: Thank you.

20 And now the financial report, Ms. Cook.

21 MS. COOK: Good morning.

22 CHAIRPERSON BLACKBURN: Good morning.

23 COMM. RAMOS: Good morning.

1 MS. COOK: You've had the opportunity
2 to review the financial report, and so far we are
3 right on target, and hopefully -- and we're
4 having a successful fiscal year. I'm pleased to
5 report that we've received our second quarterly
6 drawdown of our HUD partnership funds in the
7 amount of \$62,500 for this month -- for the month
8 of November, and also we received our total HUD
9 cooperative agreement funds of \$442,802.

10 Any questions?

11 (No response.)

12 MS. COOK: Thank you.

13 CHAIRPERSON BLACKBURN: Old business.

14 We have a report from Comm. Carter, who's absent
15 today due to illness, but on the cases assigned
16 to him, he recommends that the no probable cause
17 finding be upheld. The cases are Irene Tillman
18 versus Indianapolis Housing Authority, and Mamie
19 Jefferson versus Cloverleaf Apartments Community
20 Reinvestment Foundation. We can vote on Irene
21 Tillman first, if you would accept his
22 recommendation. All in favor?

23 COMM. GARCIA: Aye.

1 COMM. RAMOS: Aye.

2 COMM. BAYNARD: Aye.

3 COMM. GIDNEY: Aye.

4 CHAIRPERSON BLACKBURN: Aye.

5 Anyone opposed?

6 (No response.)

7 CHAIRPERSON BLACKBURN: And if you

8 would accept the recommendation for Mamie

9 Jefferson versus Cloverleaf Apartments, I'll

10 entertain a motion and a vote on that as well.

11 All in favor?

12 COMM. GARCIA: Aye.

13 COMM. RAMOS: Aye.

14 COMM. BAYNARD: Aye.

15 COMM. GIDNEY: Aye.

16 CHAIRPERSON BLACKBURN: Aye.

17 Anyone opposed?

18 (No response.)

19 CHAIRPERSON BLACKBURN: Okay. The

20 case which I reviewed last month, Jana McGee

21 versus Sherwood Hills No. II Homewood [sic]

22 Association, Inc., I recommend that we uphold the

23 finding of no probable cause and ask for a motion

1 to accept that recommendation.

2 COMM. GARCIA: So moved.

3 COMM. RAMOS: So moved -- second.

4 CHAIRPERSON BLACKBURN: All in favor?

5 COMM. GARCIA: Aye.

6 COMM. RAMOS: Aye.

7 COMM. BAYNARD: Aye.

8 COMM. GIDNEY: Aye.

9 CHAIRPERSON BLACKBURN: Aye.

10 Anyone opposed?

11 (No response.)

12 CHAIRPERSON BLACKBURN: Thank you.

13 Comm. Baynard, have you a report?

14 COMM. BAYNARD: Yes. On the case of

15 Turner versus Nice Pak, I would recommend to the

16 Commission that we uphold the Deputy Director's

17 finding of no probable cause.

18 CHAIRPERSON BLACKBURN: May I have a

19 motion to accept?

20 COMM. RAMOS: So moved.

21 COMM. GIDNEY: Second.

22 CHAIRPERSON BLACKBURN: All in favor?

23 COMM. GARCIA: Aye.

1 COMM. RAMOS: Aye.

2 COMM. BAYNARD: Aye.

3 COMM. GIDNEY: Aye.

4 CHAIRPERSON BLACKBURN: Aye.

5 Anyone opposed?

6 (No response.)

7 CHAIRPERSON BLACKBURN: Comm. Gidney.

8 COMM. GIDNEY: Okay. In the case of

9 Jost versus the South Bend Bridge Club, my

10 recommendation is to uphold the Deputy Director's

11 finding of no probable cause.

12 CHAIRPERSON BLACKBURN: May I have a

13 motion to accept?

14 COMM. RAMOS: So moved.

15 COMM. BAYNARD: Second.

16 CHAIRPERSON BLACKBURN: All in favor?

17 COMM. GARCIA: Aye.

18 COMM. RAMOS: Aye.

19 COMM. BAYNARD: Aye.

20 COMM. GIDNEY: Aye.

21 CHAIRPERSON BLACKBURN: Aye.

22 Anyone opposed?

23 (No response.)

1 CHAIRPERSON BLACKBURN: In assigning
2 the cases for appeal, I'll review the first one
3 and assign the second one to Comm. -- who didn't
4 get one last time? Let's put somebody to work.

5 COMM. RAMOS: I did not.

6 CHAIRPERSON BLACKBURN: You didn't
7 get anything?

8 COMM. RAMOS: I wasn't here.

9 CHAIRPERSON BLACKBURN: You'll review
10 it?

11 COMM. RAMOS: Sure.

12 CHAIRPERSON BLACKBURN: All right.

13 Thank you.

14 There being no motions before the
15 Commission and no one here for public comment, we
16 have findings of fact, conclusions of law and
17 order, the cases of Debra Shanta versus Les Brown
18 [sic] Restaurant & Pancake House and Harry Les,
19 and Shamaine Vaughn versus R and R Bar & Grill.
20 Are there comments regarding these findings?

21 JUDGE ALLEN: Good morning,
22 Chairperson Blackburn, Commissioners. The cases
23 before you are settled cases. If you would like

1 an overview of the cases, I am here to provide
2 that to you.

3 COMM. GARCIA: I say yes.

4 JUDGE ALLEN: Okay. In the matter of
5 Debra Shanta versus Les Brothers Restaurant &
6 Pancake House, the parties were able to resolve
7 this matter without having an administrative
8 hearing. Therefore, they requested the matter be
9 dismissed. I sent the proposed order for your
10 review, and that is where we're at on this case.

11 CHAIRPERSON BLACKBURN: May I have a
12 motion to dismiss?

13 COMM. RAMOS: So moved.

14 COMM. GARCIA: Second.

15 CHAIRPERSON BLACKBURN: All in favor?

16 COMM. GARCIA: Aye.

17 COMM. RAMOS: Aye.

18 COMM. BAYNARD: Aye.

19 COMM. GIDNEY: Aye.

20 CHAIRPERSON BLACKBURN: Aye.

21 Anyone opposed?

22 (No response.)

23 CHAIRPERSON BLACKBURN: Thank you.

1 JUDGE ALLEN: In the matter of
2 Shamaine Vaughn versus R and R Bar & Grill
3 Restaurant, this, too, was a case where the
4 parties were able to resolve the matter without
5 having an administrative hearing. It was a
6 little contested at first, but they were able to
7 decide their own fate, if you will, so they
8 mediated and settled, and wish this matter be
9 dismissed.

10 CHAIRPERSON BLACKBURN: Thank you.

11 May I have a motion to dismiss?

12 COMM. GIDNEY: So moved.

13 COMM. BAYNARD: Second.

14 CHAIRPERSON BLACKBURN: All in favor?

15 COMM. GARCIA: Aye.

16 COMM. RAMOS: Aye.

17 COMM. BAYNARD: Aye.

18 COMM. GIDNEY: Aye.

19 CHAIRPERSON BLACKBURN: Aye.

20 And congratulations.

21 JUDGE ALLEN: Thank you.

22 CHAIRPERSON BLACKBURN: All right.

23 There being no consent agreement or oral

2 Director's Report.

3 MR. SMITH: Good afternoon -- or good
4 morning. I'm in transition.

5 So, as we close out the end of the year,
6 we do so on a very high note, but just on a
7 lighter note, we had the staff retreat on
8 Wednesday, with trainings provided by both HUD
9 and EEOC, and then some fantastic team building
10 exercises that we were able to take advantage of,
11 so -- also an opportunity for staff to break the
12 monotony, get out of the office for a bit, and
13 construct with some social and ICRC skill sets.
14 So, that was a fantastic opportunity.

15 We look at 2014 on a few different notes,
16 all positive. In light of the Commission
17 meetings, there are some changes or some
18 amendments that will be made to the meetings that
19 I think the Commission should be aware of, so
20 we'll go down the list here.

21 So, for example, meetings will be held on
22 the fourth Friday of each month, with the
23 exception of November and December, so that's not

1 too dissimilar to what we've already done, and

2 that's obviously November and December because of
3 the holidays, which is pretty commonplace.

4 We will be changing rooms, so we won't be
5 in this big hall anymore. We'll be in the rooms
6 right behind us, two conjoining rooms, 1 and 2.
7 We'll enter where everyone will enter, through
8 Room 1, and obviously we'll close off 2,
9 especially once the meetings start, so that we
10 don't disrupt the meeting once it gets going.

11 Part of that is esthetics, to make sure
12 that the meetings are held a little bit more
13 formally when we remove some of these things from
14 the background here, and we obviously don't need
15 all of this space, and we've been asked to. So,
16 we'll do that starting in January, so we wanted
17 to make note of that.

18 So, I know everyone's kind of used to
19 coming here, but be conscious that we'll be
20 moving back to Conference Rooms 1 and 2. That
21 also will be obviously on the notices that go
22 out, so -- but I know that since the routine has
23 been the way that it is, it probably is

1 commonplace to come and look here, so I don't
2 want you to walk in and think that the meeting's

3 been canceled. We'll be in 1 and 2.

4 We also, in light of the increased
5 activity and things that the agency has going on,
6 want to make sure that not only are our attorneys
7 and staff aware and up to date on everything
8 that's going on, but you guys as Commissioners
9 have an opportunity to be abreast on all of
10 that -- those updates as well.

11 So, we'll be providing training, Board
12 training particularly, at least twice a year for
13 you guys to take advantage of, the first one at
14 the next Commission meeting, in January, and then
15 we're looking July; right? So, what we'll do,
16 instead of having you guys come out twice, we'll
17 do it in conjunction with the Commission meeting;
18 right?

19 So, it will just be a longer meeting for
20 the day of the training, and the training will
21 begin at 11:00, followed by the meeting, and we
22 will provide lunch so that you guys can eat; all
23 right? So, we'll make sure we're --

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1 CHAIRPERSON BLACKBURN: I heard the
2 word "lunch." When is this going to happen?

3 MR. SMITH: Yes. So, beginning in
4 January. So, we'll have two, just to make sure
5 we're up to speed. We'll have one in January,
6 and then midyear, in July as well, and then we'll
7 continue that for the subsequent years as well.

8 Any questions so far, going through this
9 stuff?

10 (No response.)

11 MR. SMITH: The agenda will be
12 changed just slightly, so, for example, where we
13 have the Financial Report at the beginning, I'll
14 just lump that in with the ED's report, and I'll
15 just give the Financial and ED report all
16 together. I don't think it should be separated,
17 and we'll do that, and that way, if anyone has
18 questions, we can address those at one time. So,
19 we'll move that to the front and get that out of
20 the way, and you guys can get down to business.

21 Everything else is pretty much standatory
22 [sic]. Appeals, the ED or General Counsel will
23 provide a synopsis of each case before the

1 Commissioners as we go through the appeals. The
2 Commissioners assign -- or the Commissioner
3 assigned to the specific case will then propose a

4 motion to uphold, reverse or remand the Deputy
5 Director's finding.

6 Ideally, the synopsis is drafted prior to
7 each meeting. The Commissioners will have an
8 opportunity to review the synopsis. One of the
9 things that we also want to do is to ensure that
10 you guys are making decisions on not just your
11 case, but you're voting on whether to agree with
12 your fellow Commissioner's decision.

13 So, we want to make sure that you at least
14 have the information on all of the cases, even if
15 it's not your assigned case, so we'll be
16 providing that as well moving forward, so that
17 you guys, when making that, have a better idea of
18 what it is you're actually voting on.

19 COMM. RAMOS: I've got a question on
20 that.

21 MR. SMITH: Yes.

22 COMM. RAMOS: Is that just the
23 summary from the -- which references the

1 Executive Director's opinion, or is that -- are
2 we going to get all of the other details behind
3 that?

4 MR. SMITH: Well, we're talking about
5 with the appeals, so when the appeals come in,
6 then you guys make the decision on appeals as to
7 whether you uphold, remand, or overturn the
8 decision, and then the Chair will say, you know,
9 "Well, I make a suggestion that we uphold the
10 Deputy Director's finding of no probable cause."

11 If I go off base here, Akia, let me know.

12 And then you guys have a vote, yea or nay;
13 right? The idea is that you have that
14 information, so not the synopsis -- and one of
15 the other things that we want to do, too, is
16 we'll -- in light of -- in lieu of sending the
17 entire file to you guys via snail mail, we'll put
18 them on a flash drive so that you'll have the
19 entire case, including the one that you're
20 assigned to, and every other Commissioner's, so
21 that you'll have that.

22 And then we'll either mail that or hand
23 that to you guys at the Commission meeting so

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1 that you'll have in its entirety, so there -- you
2 know, if there's any need for reflection, you'll
3 be able to do that, and you'll be able to take a
4 look at everyone's case, at all of the cases that

5 are assigned for that month.

6 COMM. RAMOS: That makes sense.

7 MR. SMITH: Yes, ma'am.

8 CHAIRPERSON BLACKBURN: I think my
9 question goes to whether that is preferable to
10 our having just a dedicated site that we can go
11 to. I'm trying to figure out how I can make it
12 easier for myself and maybe for those who may be
13 able to pull up something on a mobile device or
14 app, instead of having to go to their computers
15 to access the information.

16 MR. SMITH: How are you currently
17 pulling it up? You get the file mailed to you;
18 right?

19 CHAIRPERSON BLACKBURN: If it were a
20 dedicated site that we could just go to on our
21 phones --

22 MR. SMITH: Oh, you're proposing that
23 we put them on --

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1 CHAIRPERSON BLACKBURN: I'm asking --

2 MR. SMITH: -- our Web site?

3 CHAIRPERSON BLACKBURN: -- if that's
4 possible, rather than handing us all of these

5 flash drives, and then we'll have to have time at
6 the computer to do that, when --

7 MR. SMITH: You can just go on your
8 phone or something.

9 CHAIRPERSON BLACKBURN: No insult to
10 my other boards, but I could be in another
11 meeting and be reading this stuff, if I could
12 pull it up on my --

13 MR. SMITH: Well, that's definitely
14 something that we should look into. I can't
15 speak to --

16 CHAIRPERSON BLACKBURN: I'd have --

17 MR. SMITH: -- its feasibility yet,
18 but, you know, the goal behind this was kind of
19 twofold. One was to eliminate the idea of
20 sending a bulky --

21 CHAIRPERSON BLACKBURN: Right, I
22 understand the goal. I agree with it.

23 MR. SMITH: And then two, to make

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1 sure that you guys had access to everything that
2 you'd be voting on; right? So, not just your
3 assigned case, but everyone else's. And if a
4 dedicated site -- and I'm not -- actually, if we
5 could pull that off, that might be a great idea.

6 Let's -- we'll go back and figure out if that is
7 feasible. As long as we can accomplish the end
8 goal, like I said --

9 CHAIRPERSON BLACKBURN: Right. Okay.

10 MR. SMITH: -- which would be to
11 eliminate all of the paperwork, one, and the
12 bulky mailing, and then two, make sure that, you
13 know, all of you guys have access to all of the
14 information at one time.

15 CHAIRPERSON BLACKBURN: Okay.

16 MR. SMITH: So, we'll definitely take
17 a look at that.

18 Any other questions so far?

19 (No response.)

20 MR. SMITH: Assignment of new
21 appeals. The Chairperson will assign new appeals
22 to the Commissioners. All Commissioners will
23 receive a copy of all appeals and investigative

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1 reports via, as we were just talking about, the
2 flash drive, but nothing changes in terms of the
3 assigned Commissioner being responsible for
4 proposing, you know, their decision and then
5 asking for support of the remaining

6 Commissioners.

7 So, motions before the Commission. The

8 Executive Director or General Counsel will

9 explain -- in layman's terms and not legalese;

10 right -- the questions before the Commission.

11 The Commission will be advised to all proposed

12 orders by ALJ's and agreements by -- yeah,

13 proposed orders and consent agreements.

14 Am I saying that right?

15 JUDGE ALLEN: Yes.

16 MS. HAYNES: Yes.

17 MR. SMITH: Okay.

18 So, the biggest change is obviously the

19 disbursement of the cases, and the goal, like I

20 said, behind that is to, one, ensure that

21 everyone gets the information on all of the cases

22 so that when you guys are voting, you have a

23 better account of what it is you're actually

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1 voting on, and then two, cutting down on mailing

2 the big bulk. Now, the main file itself will

3 still be housed in the office. If there is a

4 need to have it all in hand, just know that that

5 is available as well for you to have that

6 information, if need be.

7 Any questions, thoughts or concerns?

8 (No response.)

9 MR. SMITH: No. So, in light of all
10 of the updates for the Commission, communications
11 and things that we're doing to make sure that we
12 work as efficiently and effectively as we can, we
13 thought this was a better way, number one, to
14 provide you guys everything that you needed
15 without bombarding you with a bunch extra stuff.

16 So, we definitely will consider the site
17 piece and see if that's feasible. I'll talk to
18 our communications team, who will probably have a
19 conversation with IOT to figure out what we can
20 and can't do.

21 CHAIRPERSON BLACKBURN: Okay.

22 MR. SMITH: And if it is feasible,
23 we'll definitely look into that. If not, we'll

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1 obviously exercise all options right now. The
2 flash drives seem to be the most viable piece,
3 but we'll continue to talk through that so we
4 make sure that we tighten up all loose bolts as
5 well.

6 COMM. RAMOS: I have a --

7 JUDGE ALLEN: Did you --

8 MR. SMITH: Yes.

9 COMM. RAMOS: Ladies first.

10 JUDGE ALLEN: Thank you.

11 I was just wondering if you updated or
12 notified them of the change of time.

13 MR. SMITH: No, I hadn't gotten there
14 yet. So, the Commission meetings starting at
15 1:00 --

16 JUDGE ALLEN: Yes.

17 MR. SMITH: Yes. So, the commission
18 meetings will start at 1:00, pushed back for the
19 availability of that room, with the exception of
20 the training dates. So, training obviously next
21 month, which will be -- so, it'll start at 11:00;
22 right, provide lunch, and then have the
23 Commission meeting at 1:00.

23

1 COMM. RAMOS: Okay.

2 MR. SMITH: And then again in July,
3 but every other meeting will be at 1:00 p.m.

4 That will also be noted in the information that
5 we send out so that everybody has that as well.

6 COMM. BAYNARD: What is the reason
7 behind starting at 1:00?

8 MR. SMITH: Availability, one, and
9 then two, once we -- you know, we try to lock the
10 whole year down with the room, the date and the
11 times, so availability is the primary reason, and
12 we want to remain consistent, just like we have
13 been for everything else moving forward.

14 COMM. BAYNARD: That makes it a
15 little tougher for me, because I have to leave
16 here and drive to Greencastle. I'm on a time
17 constraint --

18 MR. SMITH: Okay. All right. Well,
19 let's talk about that --

20 COMM. BAYNARD: -- and 1:00 o'clock
21 makes it just a little difficult.

22 MR. SMITH: Okay. Let's talk a
23 little bit more off-line about that, see if we

24

1 can figure that out. It's definitely noted.

2 Any other thoughts, questions, feedback?

3 Yes, sir.

4 COMM. RAMOS: In light of all of the
5 activity in Ferguson and --

6 MR. SMITH: Uh-huh.

7 COMM. RAMOS: -- the New York

8 incident, are we seeing anything, any
9 repercussions, any events at all here in Indiana?
10 MR. SMITH: Yeah. Unfortunately,
11 just about the same time that Ferguson was
12 happening, there was an incidence in Northern --
13 I think we talked about this last time. So,
14 Hammond had an incident. The young man wasn't --
15 he wasn't killed, but there was an indent that
16 involved law enforcement, and South Bend had a
17 similar incident, where an unarmed young man was
18 shot by law enforcement.
19 So, you know, I mean let's be honest and
20 candid here. What happened in Ferguson and in
21 New York is not new, it's not a new phenomenon.
22 It's been going on for decades. I think the only
23 new piece is the fact that you've got more folks

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1 with camera phones, and so these videos of these
2 incidents are ending up on YouTube and in the
3 public eye a lot more frequently than they did,
4 you know, 15, 20, 25 years ago.
5 Rodney King was the only vivid video that
6 folks saw, and I think also, unfortunately, the
7 outcome of that is similar to all of the other
8 outcomes that have happened in the decades that

9 followed.

10 So, to answer your question, yes, there
11 has been some unfortunate activity in Indiana
12 that we, as the Commission, have been involved
13 in. We got a lot of personal phones calls from
14 folks, various folks around the state, which has
15 caused me to be out on the road quite a bit,
16 specifically in Northern Indiana.

17 On the flip side, we don't have
18 jurisdiction over law enforcement, so our hands
19 are tied. There's only so much we can do, but as
20 I've said before, you know, as folks define what
21 civil rights means to them, our jurisdiction
22 could be -- you know, it couldn't be more
23 meaningless to -- you know, they're reaching out

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1 to the Civil Rights Commission before their civil
2 rights get violated, and they want you, whoever
3 "you," being the Executive Director or the agency
4 itself, is to help alleviate whatever pressures
5 there are that are going on in the community.

6 So, we've been called up -- we've teamed
7 up with DOJ and gone up to Northern Indiana and
8 had some candid conversations with the community,

9 one, to educate them about where our
10 jurisdictional line stops, and then where, for
11 example, the DOJ and other organizations can pick
12 it up, and hopefully provide them with some
13 information that says, you know, "Assuming, God
14 forbid, this were to happen to you, again, here's
15 how you should proceed and what you should do as
16 a result of that."

17 And so, yes, it's a longwinded way of
18 saying yes, we have seen an uptick in the
19 activity, and we're not really sure when that
20 will die down.

21 COMM. RAMOS: Thank you.

22 MR. SMITH: Yes, sir.

23 Any other thoughts, questions or feedback?

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1 COMM. GARCIA: One quick question.

2 MR. SMITH: Yes, sir.

3 COMM. GARCIA: You said January with
4 the early meeting, and then July?

5 MR. SMITH: And in July.

6 COMM. GARCIA: Okay.

7 MR. SMITH: So, as you'll see in the
8 agenda there, there's a list of all of the
9 Commission meetings for 2015. Again, we wanted

10 to make sure that we got them on the calendar
11 early so that you guys can plan accordingly, and
12 we wanted to, you know, maintain a sense of
13 consistency, as we have over the years, so that
14 you know when to expect you'll get those on the
15 calendar, the same bat-time, same bat-channel,
16 same place. So, we're just moving, so we wanted
17 to make the announcement for those moves as early
18 as we can, being today, so that you can plan for
19 the entire year of 2015.

20 So, yes, January's meeting is on the 23rd,
21 July meeting is on July 24th. At both of those
22 meetings we will provide training, board
23 training, and that training will begin at 11:00.

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1 We'll complete the training, provide lunch, and
2 then go into the regularly scheduled Commission
3 meeting to begin at 1:00 p.m.

4 Any other questions? Judge Allen, yes,
5 ma'am.

6 JUDGE ALLEN: So, we discussed having
7 the trainings turn into continuing legal
8 education credit. For those of you who may need
9 continuing education credit, we can also seek to

10 receive those credits as well.

11 MR. SMITH: So, in light of whatever
12 your profession is, if in fact you do receive or
13 can receive those credits, we want to make sure
14 that we accommodate those as well. The CLE's are
15 always an easy one, and we have a CLE series, as
16 you guys well know, that we do throughout the
17 year anyway, so what we did was we folded what we
18 are providing as board training into that same
19 format, but if there are any other professional
20 credits that we need to accommodate for, we'll
21 make sure that we do as well. Very good point.

22 Any other questions, thoughts, comments,
23 concerns?

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1 COMM. BAYNARD: Could we start out
2 our training with employment, and maybe look at
3 the -- specifically look at the McDonnell-Douglas
4 burden shifting? I don't think -- I don't think
5 all of the Commissioners have had that training
6 yet.

7 MR. SMITH: There's a lot of training
8 I don't think any of the Commissioners have had,
9 which is why we wanted to do this. But
10 definitely, if you wouldn't mind putting that in

11 writing and sending that, I will have the
12 attorneys, both Akia and Noell, and their staffs,
13 help put that training together.

14 So, if you have -- you know, suggestions
15 like that, I think, are good. We can definitely
16 provide that. I will weave that in as we go
17 through, for sure, for sure.

18 And one of the primary purposes of the
19 training, too, is, you know, as we get updates
20 and changes and things from EEOC and HUD, because
21 they're forever going through all of the stuff
22 they go through, you know, the staff is, you
23 know, by way of the work share agreement we have

30

1 with the Feds, are required to stay up to date on
2 those things.

3 But we had a conversation about the
4 relevance of the staff not just being up to date,
5 but the Commissioners being, you know, as up to
6 date as we are as well. So, that's why we want
7 to make sure that you guys get the information
8 that we get.

9 CHAIRPERSON BLACKBURN: I know we
10 were not asked to vote on the meeting time --

11 MR. SMITH: Yeah.

12 CHAIRPERSON BLACKBURN: -- but I
13 would weigh in for the 11:00 o'clock hour as
14 opposed to 1:00 o'clock, too, if it's possible to
15 arrange that.

16 MR. SMITH: For the earlier? That
17 makes sense? We'll be interested to hear from
18 the folks who are traveling, too, because I know
19 Garcia -- Comm. Garcia and Comm. Crenshaw, who
20 isn't here today, that you guys are probably
21 driving the furthest.

22 COMM. GARCIA: It makes it easier for
23 me.

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1 MR. SMITH: If what?

2 COMM. GARCIA: If we start at
3 1:00 o'clock.

4 MR. SMITH: Oh, 1:00 o'clock.
5 That's --

6 COMM. GARCIA: But whatever pleases
7 the -- especially the Chair.

8 CHAIRPERSON BLACKBURN: Well, I can
9 be here either time, but it disrupts the whole
10 afternoon if it starts at 1:00.

11 COMM. GARCIA: Yeah, that's true,

12 that is true, but my afternoon is already --

13 MR. SMITH: It's already rushed?

14 It's definitely noted, and, you know, as we --

15 you know, mark your calendars for the way it is

16 now, and we'll go back and have some discussions

17 about what we can and have the ability to do

18 moving forward.

19 CHAIRPERSON BLACKBURN: 11:00 o'clock

20 in January, at least?

21 MR. SMITH: Yes, ma'am.

22 CHAIRPERSON BLACKBURN: Okay.

23 MR. SMITH: Yes, ma'am.

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1 Other thoughts?

2 (No response.)

3 MR. SMITH: Great. Well, with that

4 said, I wanted you to know -- and I know that

5 typically the holiday meetings are usually a

6 little catch -- or a little hit and miss, and so

7 I want to thank you guys for carving out the time

8 and making sure that you are here. We know it's

9 getting close to the -- 'tis the season, and if

10 you're anything like me, you haven't bought

11 things for Christmas yet, so you're behind the

12 schedule.

13 So, thanks for being here, and if there's
14 nothing else for the good of the order, I thank
15 you for your time. Appreciate it.

16 CHAIRPERSON BLACKBURN: Thank you
17 very much.

18 Are there any announcements?

19 COMM. GARCIA: Well, I just want to
20 ask: The two cases on appeal, did you assign
21 both of those, or just the one?

22 CHAIRPERSON BLACKBURN: I'm going to
23 review Kyle McGann verses Jasper Engines --

33

1 COMM. GARCIA: Oh, okay.

2 CHAIRPERSON BLACKBURN: -- and
3 Transmissions, and I have assigned to --

4 COMM. RAMOS: Comm. Ramos.

5 COMM. GARCIA: I just didn't catch
6 that.

7 CHAIRPERSON BLACKBURN: Thank you,
8 Steve. Steven's going to review Kelle Rembert
9 versus Bright House Networks.

10 Any announcements?

11 (No response.)

12 CHAIRPERSON BLACKBURN: Well, Merry

13 Christmas, everybody. Nobody announced a

14 Christmas party, so I guess we're not invited.

15 MR. SMITH: Well, we did the retreat,

16 the training piece, as kind of a substitute for

17 an actual party, and we did -- they did a Secret

18 Santa piece, but we got away from the office for

19 a minute and tried to make good use of that time.

20 I don't think -- I think the staff was itching to

21 get out, so --

22 CHAIRPERSON BLACKBURN: Good.

23 MR. SMITH: -- we did so.

34

1 CHAIRPERSON BLACKBURN: Well, for

2 those of you Commissioners who have never been,

3 or who last year were not there, I was, so you

4 can understand why I asked about a party.

5 MR. SMITH: Yeah, nobody cooked this

6 year. We --

7 CHAIRPERSON BLACKBURN: It was really

8 wonderful.

9 Okay. Hearing no other announcements, the

10 meeting is adjourned.

11 MR. SMITH: Awesome.

12 - - -

Thereupon, the proceedings of

13 December 12, 2014 were concluded
at 11:39 o'clock a.m.

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1 CERTIFICATE

2 I, Lindy L. Meyer, Jr., the undersigned

3 Court Reporter and Notary Public residing in the

4 City of Shelbyville, Shelby County, Indiana, do

5 hereby certify that the foregoing is a true and

6 correct transcript of the proceedings taken by me

7 on Friday, December 12, 2014 in this matter and

8 transcribed by me.

9

10

11

Lindy L. Meyer, Jr.,

12

Notary Public in and

13

for the State of Indiana.

14

15 My Commission expires October 27, 2016.

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