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INDIANA
CIVIL RIGHTS COMMISSION

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BEFORE THE STATE OF INDIANA
CIVIL RIGHTS COMMISSION

- - -

PUBLIC MEETING OF FEBRUARY 28, 2014

- - -

ORIGINAL

PROCEEDINGS

in the above-captioned matter, before the Indiana
Civil Rights Commission, Alpha Blackburn,
Chairperson, 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, February 28, 2014 at 11:09
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 Alpha Blackburn, Chairperson
4 David C. Carter
5 John E. Garcia
6 Barry Baynard
7 Tehiji G. Crenshaw
8 Charles D. Gidney

9 INDIANA CIVIL RIGHTS COMMISSION
10 By Jamal Smith, Director/Secretary
11 & Akia Haynes, Deputy Director
12 Indiana Government Center North
13 100 North Senate Avenue, Room N103
14 Indianapolis, Indiana 46204
15 On behalf of the Commission.

16 OTHER COMMISSION STAFF PRESENT:

17 Noell Allen
18 Pamela Cook
19 Debbie Rincones-Chavez

20 ALSO PRESENT:

21 Jana McGee

22

23

1 11:09 o'clock a.m.
2 February 28, 2014

3 CHAIRPERSON BLACKBURN: Good morning.
4 The Indiana Civil Rights Commission is in public
5 meeting, and we are in full complement of
6 Commissioners this morning, even in such cold
7 weather.

8 You have the minutes, and I would like a
9 motion to approve the minutes.

10 COMM. GIDNEY: So moved.

11 COMM. CARTER: Second.

12 CHAIRPERSON BLACKBURN: All in favor?

13 COMM. CARTER: Aye.

14 COMM. BAYNARD: Aye.

15 COMM. CRENSHAW: Aye.

16 COMM. GARCIA: Aye.

17 COMM. GIDNEY: Aye.

18 CHAIRPERSON BLACKBURN: Aye.

19 Anyone opposed?

20 (No response.)

21 CHAIRPERSON BLACKBURN: Thank you.

22 And the Financial Report, which you've received.

23 Ms. Cook, would you like to present?

1 MS. COOK: Good morning. You've had
2 an opportunity to review the previous month's
3 Financial Report, and there's been no significant
4 changes. If you have any questions regarding the
5 report, I'd like to go ahead and entertain those
6 at this time.

7 CHAIRPERSON BLACKBURN: Are there any
8 questions about the Financial Report?

9 (No response.)

10 MS. COOK: Thank you.

11 CHAIRPERSON BLACKBURN: Thank you
12 very much.

13 Before we tackle Old Business, we do have
14 a couple of interested parties who would like to
15 make statements before the Commission. Would you
16 come to the microphone at the podium? I will
17 certainly allow five minutes for each speaker.

18 And you are?

19 MS. MCGEE: My name is Jana McGee.
20 I'm here because you're reviewing my fair housing
21 case.

22 CHAIRPERSON BLACKBURN: Could you
23 speak a little louder?

1 MS. MCGEE: Yeah, I'm sorry. I'm
2 here because you're reviewing my fair housing
3 case today, and I understand a final judgment is
4 being handed down today. I just wanted to make a
5 few statements about that.

6 I've been in a situation where I've had --
7 I've had neighbors who have been very vocal in
8 their dislike of me and my need for accommodation
9 and have used my disabilities to -- anything I've
10 said as to my disability, they've used as
11 retaliation against me. I tried to get my
12 homeowners association to help, which is -- but
13 they have refused to help me.

14 I'm sorry if I'm not being very
15 articulate. I understand that this is the final
16 decision, and if it's upheld with the no probable
17 cause, which was what the decision was before, it
18 leaves my neighbors free to retaliate against me
19 as much as they want to, using the chemicals and
20 paints, and --

21 CHAIRPERSON BLACKBURN: I need you to
22 please speak --

23 MS. MCGEE: Oh, are you --

1 CHAIRPERSON BLACKBURN: -- into the
2 microphone.

3 MS. MCGEE: Oh, are you not hearing
4 me? I'm sorry. I'm not experienced with
5 speaking into a microphone. I'm afraid that I'll
6 be talking too loud.

7 CHAIRPERSON BLACKBURN: No, don't
8 worry.

9 MS. MCGEE: Okay. And so, if it's --
10 I have tried in every way possible to get
11 accommodation, because the paints and chemicals
12 that they use, my doctor has said are not --
13 there is no paint and chemical that's safe for
14 me, and I believe I've being discriminated
15 against, because any help I ask for from the HOA
16 to help accommodate me with they, they refuse me,
17 even a phone number to contact the landlords, the
18 owners of this property initially, when I first
19 started having problems with my neighbors.

20 And the reason I'm worried about if you
21 uphold it with a finding of no probable cause
22 would be that then I would have no protection
23 against any retaliation that my neighbors want to

1 make against me for complaining about my
2 disabilities. And there's a year-and-a-half
3 pattern of anything I've tried to get stopped or
4 fixed because it was triggering my disabilities,
5 actually got worse and more extreme.

6 So, I just wanted to make this statement,
7 that I know that they had said that the chemicals
8 they were using were considered safe for the
9 general public, but if you have multiple chemical
10 sensitivity, there are many things that are safe
11 for the general public that aren't safe for you.
12 For example, perfume or dryer sheets. I can't
13 use dryer sheets. I can't sleep on sheets that
14 have dryer sheets.

15 So, just because they're using paints that
16 are maybe certified as safe for the general
17 public doesn't mean that they're safe for me, and
18 certainly doesn't mean that people without any
19 medical training have a right to decide for me
20 what's safe for me, and that would be my
21 neighbors or the homeowners association board.

22 My doctor provided me with certification
23 that said that I should -- I need absolute

1 avoidance of all of those types of fumes, and I'm
2 not asking that my neighbors move or disrupt
3 their life. I just want them to do their crafts
4 outside so that it isn't in the air space inside
5 the building and coming into my unit.

6 Those units are very closely connected,
7 they're narrow, they share attic space, they're
8 not well insulated, so fumes will come over to my
9 apartment for days at a time sometimes, and all
10 I'm asking is not for them to disrupt their
11 lives, but not for me to disrupt my life either.

12 There have been times when I have been
13 driven out of my home into hotels. I've
14 subletted [sic] rooms in apartments with other
15 students to have a place to sleep, because I have
16 no place to sleep when those -- I have the choice
17 of either leaving my home and trying to find
18 another place to stay or sleeping in my house and
19 being exposed to something that my doctor says is
20 dangerous for me.

21 So, all I had asked is that they do their
22 crafts outside and show some respect for me as
23 someone with a disability, and all I had asked is

1 that the HOA respect that, and they said that
2 neatness was more important -- outdoor neatness
3 was more important than my health, although they
4 don't seem to be bothered when other people -- or
5 other unit owners are sloppy or do their crafts
6 outside. They do allow other people to do that.

7 And let's see. The final thing that I
8 wanted to say is that I have seen other people do
9 crafts outside, and -- oh, that no -- there is no
10 one in my homeowners association who even lives
11 in my building, so they are asking me to be
12 exposed to things that they themselves are not
13 having to be exposed to. No -- none of them have
14 to endure that, and none of them have any health
15 issues or health concerns either.

16 So, I would just -- I think that's the end
17 of my time, and I thank you for being willing to
18 listen to me this morning. Thank you very much.

19 CHAIRPERSON BLACKBURN: Thank you.

20 MS. MCGEE: Uh-huh.

21 CHAIRPERSON BLACKBURN: While this is
22 not a hearing, I am curious to know if
23 Commissioners have any questions.

1 (No response.)

2 CHAIRPERSON BLACKBURN: None?

3 COMM. GARCIA: I have one comment.

4 CHAIRPERSON BLACKBURN: Yes.

5 COMM. GARCIA: You mentioned common
6 attic space.

7 MS. MCGEE: Uh-huh.

8 COMM. GARCIA: I think that's a
9 building code violation, if there's -- with
10 separate units, because of the fire code.

11 MS. MCGEE: Uh-huh.

12 COMM. GARCIA: You may want to
13 address that with the homeowners association.

14 MS. MCGEE: Yes, yes, I think --
15 well, yes, that could be addressed with the
16 homeowners association.

17 Thank you.

18 CHAIRPERSON BLACKBURN: Thank you.

19 Is there someone else in the audience who
20 would like to address the Commission?

21 (No response.)

22 CHAIRPERSON BLACKBURN: Hearing none,
23 we will move to Old Business. The Report by

1 Commissioners on the Complaint Appeals.

2 Comm. Crenshaw.

3 COMM. CRENSHAW: Yes. In the case of
4 Mark and Debra Miller versus SNK Properties, LLC,
5 Perry and Debra Weeks, I move to uphold the
6 Deputy Director's finding of no probable cause.

7 CHAIRPERSON BLACKBURN: May I have a
8 motion to accept that?

9 COMM. CARTER: So moved.

10 COMM. GIDNEY: Second.

11 CHAIRPERSON BLACKBURN: All in favor?

12 COMM. CARTER: Aye.

13 COMM. BAYNARD: Aye.

14 COMM. CRENSHAW: Aye.

15 COMM. GARCIA: Aye.

16 COMM. GIDNEY: Aye.

17 CHAIRPERSON BLACKBURN: Aye.

18 Anyone opposed?

19 (No response.)

20 CHAIRPERSON BLACKBURN: Thank you.

21 Comm. Carter.

22 COMM. CARTER: Madam Chair, in the
23 matter of Michael Covington versus Wishard

1 Primary Care Pharmacy, I recommend the Commission
2 uphold the Deputy Director's no probable cause
3 finding.

4 CHAIRPERSON BLACKBURN: May I have a
5 motion to accept that recommendation?

6 COMM. GARCIA: So moved.

7 COMM. GIDNEY: Second.

8 CHAIRPERSON BLACKBURN: All in favor?

9 COMM. CARTER: Aye.

10 COMM. BAYNARD: Aye.

11 COMM. CRENSHAW: Aye.

12 COMM. GARCIA: Aye.

13 COMM. GIDNEY: Aye.

14 CHAIRPERSON BLACKBURN: Aye.

15 Is there anyone opposed?

16 (No response.)

17 CHAIRPERSON BLACKBURN: Thank you.

18 Comm. Gidney.

19 COMM. GIDNEY: Okay. In the case of
20 Woodall versus UPS, my recommendation is to
21 uphold the finding of the Deputy Director of no
22 probable cause.

23 CHAIRPERSON BLACKBURN: May I have a

1 motion to accept?

2 COMM. CRENSHAW: So moved.

3 COMM. BAYNARD: Second.

4 CHAIRPERSON BLACKBURN: All in favor?

5 COMM. CARTER: Aye.

6 COMM. BAYNARD: Aye.

7 COMM. CRENSHAW: Aye.

8 COMM. GARCIA: Aye.

9 COMM. GIDNEY: Aye.

10 CHAIRPERSON BLACKBURN: Aye.

11 Thank you.

12 Comm. Baynard.

13 COMM. BAYNARD: Yes, Madam Chair. In
14 the case of Stephanie Tolbert versus The Cato
15 Corporation, I would recommend to the Commission
16 that we uphold the Deputy Director's finding of
17 no probable cause.

18 CHAIRPERSON BLACKBURN: May I have a
19 motion to accept?

20 COMM. CARTER: So moved.

21 COMM. GIDNEY: Second.

22 CHAIRPERSON BLACKBURN: All in favor?

23 COMM. CARTER: Aye.

1 COMM. BAYNARD: Aye.

2 COMM. CRENSHAW: Aye.

3 COMM. GARCIA: Aye.

4 COMM. GIDNEY: Aye.

5 CHAIRPERSON BLACKBURN: Aye.

6 Anyone opposed?

7 (No response.)

8 CHAIRPERSON BLACKBURN: Thank you.

9 I have two cases on which to make
10 recommendation. In the case of And -- excuse me.
11 In the case of Jana McGee, whose comments you
12 just heard, I would ask that we remand that case
13 for further investigation, based primarily on the
14 fact that I think comments in the report indicate
15 there may be ways in which the dispute can be
16 resolved, and it is my hope that with further
17 investigation, we can provide information that
18 would encourage the homeowners association to
19 arrive at something that is mutually
20 satisfactory.

21 In the case of Andrew Straw versus the
22 Indiana Democratic Party, it is my opinion that
23 the location of the Democratic Party needs to be

1 accessible, and truly accessible, and so I want
2 to reverse the finding.

3 May I have a motion?

4 COMM. GIDNEY: So moved.

5 COMM. CARTER: Second.

6 CHAIRPERSON BLACKBURN: Are there any
7 questions?

8 (No response.)

9 CHAIRPERSON BLACKBURN: All in favor?

10 COMM. CARTER: Aye.

11 COMM. BAYNARD: Aye.

12 COMM. CRENSHAW: Aye.

13 COMM. GARCIA: Aye.

14 COMM. GIDNEY: Aye.

15 CHAIRPERSON BLACKBURN: Aye.

16 Anyone opposed?

17 (No response.)

18 CHAIRPERSON BLACKBURN: Thank you.

19 New Business. Assignment of the New
20 Appeals. The case of Shane Dybala versus Custom
21 mechanical Systems, Comm. Gidney; Aboubakar
22 versus Federal Mogul [sic], Comm. Crenshaw,
23 please? Leroy Alexander versus Indianapolis

1 Public Schools, Comm. Ramos.

2 COMM. BAYNARD: He's not here.

3 CHAIRPERSON BLACKBURN: He's not
4 here? Who are we missing down there?

5 COMM. GARCIA: Baynard.

6 CHAIRPERSON BLACKBURN: Crenshaw?
7 Who?

8 COMM. CRENSHAW: I'll take it.

9 CHAIRPERSON BLACKBURN: Okay.

10 Comm. Carter, if you would review
11 Marcus L. Sanders versus Brothers -- Brothers
12 United; and Comm. Garcia, Steven Cundiff versus
13 Grown Point School Corporation.

14 COMM. GARCIA: That's Crown.

15 CHAIRPERSON BLACKBURN: Crown -- oh,
16 that's right. I'm sorry. Crown Point, of
17 course.

18 COMM. GARCIA: Crown Point's up
19 north. I'm just saying --

20 CHAIRPERSON BLACKBURN: You want
21 someone else other than --

22 COMM. GARCIA: Yes.

23 CHAIRPERSON BLACKBURN: Okay.

1 Comm. Baynard, would you review it?

2 COMM. BAYNARD: Yes.

3 CHAIRPERSON BLACKBURN: And I'll take
4 the last one.

5 COMM. GARCIA: You don't want to give
6 me one? Huh? I'll take the last one.

7 CHAIRPERSON BLACKBURN: You're okay.

8 COMM. GARCIA: Okay.

9 CHAIRPERSON BLACKBURN: You'll be
10 okay. I'll give you some free time.

11 COMM. GARCIA: Okay.

12 CHAIRPERSON BLACKBURN: Okay. Thank
13 you.

14 Findings of Fact, Conclusions of Law and
15 Order. I want to take those individually. I
16 would ask for an acceptance in the case of
17 Kimberly Jenkins versus Wallman Quality Foods.

18 COMM. CARTER: I move we accept the
19 findings.

20 CHAIRPERSON BLACKBURN: A second?

21 COMM. GIDNEY: Second.

22 CHAIRPERSON BLACKBURN: All in favor.

23 COMM. CARTER: Aye.

1 COMM. BAYNARD: Aye.

2 COMM. CRENSHAW: Aye.

3 COMM. GARCIA: Aye.

4 COMM. GIDNEY: Aye.

5 CHAIRPERSON BLACKBURN: Aye.

6 Anyone opposed?

7 (No response.)

8 CHAIRPERSON BLACKBURN: Thank you.

9 Amanda (Wise) McGee versus Mt. Vernon
10 Community School, I ask for a motion to accept.

11 COMM. GIDNEY: So moved.

12 COMM. CRENSHAW: Second.

13 CHAIRPERSON BLACKBURN: All in favor?

14 COMM. CARTER: Aye.

15 COMM. BAYNARD: Aye.

16 COMM. CRENSHAW: Aye.

17 COMM. GARCIA: Aye.

18 COMM. GIDNEY: Aye.

19 CHAIRPERSON BLACKBURN: Aye.

20 Anyone -- I'm sorry.

21 COMM. BAYNARD: No, I said aye.

22 CHAIRPERSON BLACKBURN: Thank you.

23 Anyone opposed?

1 (No response.)

2 CHAIRPERSON BLACKBURN: Robin A. Ray
3 versus State of Indiana, Madison Correctional
4 Facility, may I have a motion to approve?

5 COMM. CARTER: So moved.

6 COMM. BAYNARD: Second.

7 CHAIRPERSON BLACKBURN: All in favor?

8 COMM. CARTER: Aye.

9 COMM. BAYNARD: Aye.

10 COMM. CRENSHAW: Aye.

11 COMM. GARCIA: Aye.

12 COMM. GIDNEY: Aye.

13 CHAIRPERSON BLACKBURN: Aye.

14 Anyone opposed?

15 (No response.)

16 CHAIRPERSON BLACKBURN: Annmarie
17 Stevens versus B&S of Fort Wayne, all in favor?
18 I'm sorry. May I have a motion to accept.

19 COMM. GIDNEY: So moved.

20 COMM. CRENSHAW: Second.

21 CHAIRPERSON BLACKBURN: All in favor?

22 COMM. CARTER: Aye.

23 COMM. BAYNARD: Aye.

1 COMM. CRENSHAW: Aye.

2 COMM. GARCIA: Aye.

3 COMM. GIDNEY: Aye.

4 CHAIRPERSON BLACKBURN: Aye.

5 Anyone opposed?

6 (No response.)

7 CHAIRPERSON BLACKBURN: Thank you.

8 Heather Ward versus Hubbard Trucking, may

9 I have a motion to accept?

10 COMM. CARTER: So moved.

11 COMM. CRENSHAW: Second.

12 CHAIRPERSON BLACKBURN: All in favor?

13 COMM. CARTER: Aye.

14 COMM. BAYNARD: Aye.

15 COMM. CRENSHAW: Aye.

16 COMM. GARCIA: Aye.

17 COMM. GIDNEY: Aye.

18 CHAIRPERSON BLACKBURN: Aye.

19 Anyone opposed?

20 (No response.)

21 CHAIRPERSON BLACKBURN: Stacey R.

22 Ullmer versus North Central Industries, a motion

23 to accept that, please?

1 COMM. GIDNEY: So moved.

2 CHAIRPERSON BLACKBURN: And a second?

3 COMM. BAYNARD: Second.

4 CHAIRPERSON BLACKBURN: All in favor?

5 COMM. CARTER: Aye.

6 COMM. BAYNARD: Aye.

7 COMM. CRENSHAW: Aye.

8 COMM. GARCIA: Aye.

9 COMM. GIDNEY: Aye.

10 CHAIRPERSON BLACKBURN: Aye.

11 Anyone opposed?

12 (No response.)

13 CHAIRPERSON BLACKBURN: Thank you.

14 MS. ALLEN: Madam Chair, there are no
15 consent agreements for this month's Commission
16 meeting. I do want to bring to your attention,
17 although you just made a vote on the Stacey
18 Ullmer versus North Central Industries case, we
19 were set to have a hearing this past Wednesday.
20 However, the parties settled, and at the last
21 minute asked for the case to be before the
22 Commission for this month so that there is a
23 final order on the matter.

1 So, you did not have it in your packet
2 prior to the meeting. I'm glad you've had an
3 opportunity to review it for today's meeting, but
4 that was the only agreement that we've had. That
5 was in the last minute.

6 CHAIRPERSON BLACKBURN: Do you
7 require some reversal action in that we have
8 accepted?

9 MS. ALLEN: No. So, whenever the
10 parties agree, or come to some agreement, the
11 parties will send in a joint motion to dismiss.

12 CHAIRPERSON BLACKBURN: So, it's
13 simply dismissed?

14 MS. ALLEN: I'm sorry?

15 CHAIRPERSON BLACKBURN: So, it was
16 simply dismissed?

17 MS. ALLEN: Absolutely.

18 CHAIRPERSON BLACKBURN: Thank you.

19 MS. ALLEN: Thank you.

20 CHAIRPERSON BLACKBURN: And now, an
21 Administrative Update from our Executive
22 Director.

23 MR. SMITH: Well, good morning slash

1 afternoon, all.

2 CHAIRPERSON BLACKBURN: Good morning.

3 COMM. CRENSHAW: Good morning.

4 MR. SMITH: Very quick today, not
5 much to report. One of the big things to keep in
6 mind is, of course, we are in April and
7 approaching -- or I'm sorry -- we are in March,
8 approaching April, which is Fair Housing Month,
9 in which we will be having our Fair Housing
10 Conference here at the Government Center.

11 We think we will be occupying a majority
12 of all of the space here in Government Center
13 South, so excited about that piece. More
14 information to come. Regis -- the up -- not the
15 update, the application -- or the registration is
16 up on-line, so feel free to jump on-line. It is
17 free, with the exception of attorneys seeking CLE
18 credit, and that is a \$35 fee for those seeking
19 that \$35 credit, but free otherwise to the
20 general public. Excited about that piece.

21 Other things to note is we met recently
22 with the U.S. Attorneys Office, with the idea of
23 exploring possible collaboration for partnerships

1 between the two agencies. One of the concepts
2 there is that obviously we're governed by the
3 Indiana Civil Rights Law, which has some
4 jurisdictional limitations as it relates to what
5 they oversee.

6 It doesn't excuse the fact that we get
7 complaints, if you will, that come into the
8 office from constituents in Indiana, asking us to
9 either investigate or look into, if you will,
10 cases that we do not have jurisdiction over. So,
11 such relationship would allow us to, at a
12 minimum, refer such cases to an agency that could
13 actually look into some of these issues, some of
14 them, for example, with law enforcement, which is
15 one of the more common ones that we get that we
16 do not have jurisdiction over.

17 So, we're excited about that idea. We'll
18 continue to explore that partnership, or the
19 possibility of that partnership, and we'll keep
20 the Commission abreast of how that thing
21 develops.

22 So, a few of our outreach and marketing
23 pieces, as you well know, our deputy in charge of

1 External Affairs, Daniel Lopez, moved on. That
2 doesn't mean our outreach and marketing efforts
3 cease, so we have a full-blown campaign -- some
4 of you may have heard in your area some radio
5 spots moving.

6 Now there's a bus in transportation
7 outlets or spots that you should see as well.
8 Billboards will be coming soon, and that is an
9 extension of the insert in our strategic plan
10 that involves the branding of the outreach. So,
11 looking forward to that. Would love to get all
12 directed comments from the Commission as you see
13 those things arise, the good, the bad, the ugly,
14 to let us know so that we can continue to improve
15 in that area as well.

16 Some of the on-line efforts that we have,
17 as many of you are aware, we have the One Indiana
18 show, which is a broadcast that we put together.
19 Yours truly has hosted the last two, at least
20 until we get a permanent fill-in for that. Still
21 going very, very well. We promote, obviously,
22 Fair Housing Month as well as March being
23 Women -- am I getting that --

1 MS. ALLEN: History.

2 MR. SMITH: Women's History Month, as
3 well as Disability Awareness Month, so we have
4 the Back Home in Indiana -- or Back Home Alliance
5 in Indiana, their own show, as well as our own
6 Kristin Garvey, who is the Director of the
7 Women's Commission, so we're excited about that.

8 So, we will be exploring a permanent host
9 for One Indiana, because I'm not sure that I'm
10 the right fit for hosting that show. So, excited
11 about that, though, and we are getting a lot of
12 good reviews for that YouTube channel, a lot of
13 good feedback, especially from a lot of the
14 grassroot community organizations, because they
15 feed that and patch that through to their
16 members, and so we're excited about that piece.

17 Outside of that, the Commission and the
18 agency is moving right along. We're excited
19 about a lot of what we have going on in the
20 spring and summer. Hope -- as we travel, please
21 take a look at the agenda, as we've mapped that
22 out all of the way through September, actually
23 all of the way through November and December with

1 the CLE's.

2 So, as we are in your neck of the woods, I
3 encourage you to come out and be involved. If
4 there's anything that we can do that you guys see
5 in your respective communities that we are not
6 doing, please let us know that as well.

7 So, with that, that ends the Director's
8 Report, unless there are any questions or
9 concerns from the Commission.

10 (No response.)

11 MR. SMITH: Very good.

12 CHAIRPERSON BLACKBURN: Fine job.

13 Thank you.

14 MR. SMITH: Thank you.

15 CHAIRPERSON BLACKBURN: Do we have
16 any announcements?

17 (No response.)

18 CHAIRPERSON BLACKBURN: No
19 announcements?

20 (No response.)

21 CHAIRPERSON BLACKBURN: The only
22 announcement today has been everyone is sick of
23 winter.

1 (Laughter.)

2 CHAIRPERSON BLACKBURN: So, we all
3 agree.

4 COMM. GARCIA: We still have three
5 feet of snow on the ground.

6 CHAIRPERSON BLACKBURN: Oh, my.

7 COMM. CARTER: Well, we can look
8 forward to fresh snow.

9 CHAIRPERSON BLACKBURN: We have to
10 look forward to fresh snow, and then an early --
11 if not early, even spring sometime.

12 So, thank you for that.

13 COMM. BAYNARD: I've got a question.

14 CHAIRPERSON BLACKBURN: Yes.

15 COMM. BAYNARD: I've noticed that the
16 Bridgewater versus FACES case that originated
17 here in this Commission is still ongoing. Are we
18 tracking that, or is it something that we're
19 going to hear about later on? I notice it's
20 going to -- I think it's got a stop at the
21 Indiana Supreme Court.

22 MR. SMITH: Well, it is technically
23 out of our hands. We are tracking, if for

1 nothing else, that we have a sincere interest in
2 how that thing develops, because we invested a
3 lot as an agency, and a lot of the folks on staff
4 invested a lot of, you know, personal energy into
5 that case. So, we are tracking that, and
6 interested to see how the Court moves -- or rules
7 on that. So, stay tuned. We update or put the
8 information, updated information, about that case
9 as it moves along on the Web site, so --

10 COMM. BAYNARD: Okay.

11 MR. SMITH: -- periodically check
12 back on the Web site and see how that's evolving.

13 COMM. BAYNARD: Is there a date for
14 the hearing?

15 MR. SMITH: That, I'm not sure.

16 MS. ALLEN: The hearing has already
17 occurred --

18 COMM. BAYNARD: Okay.

19 MS. ALLEN: -- and we will await a
20 decision.

21 MR. SMITH: A decision.

22 COMM. BAYNARD: All right. Thank
23 you.

1 MR. SMITH: I think we're very much
2 interested as well in that decision. We'll be
3 kind of tossed out all over the place on that, in
4 that case, so yeah.

5 COMM. BAYNARD: Thank you.

6 MR. SMITH: Yes, sir.

7 CHAIRPERSON BLACKBURN: We don't
8 promise you easy cases. We're just trying to
9 help the people.

10 MR. SMITH: That's right.

11 CHAIRPERSON BLACKBURN: All right.

12 Are there any other questions or
13 announcements?

14 (No response.)

15 CHAIRPERSON BLACKBURN: Hearing none,
16 this meeting is adjourned.

17 MR. SMITH: Thank you.

18 - - -
19 Thereupon, the proceedings of
February 28, 2014 were concluded
20 at 11:33 o'clock a.m.
- - -

21

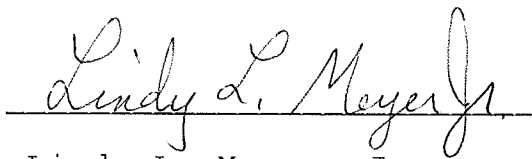
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CERTIFICATE

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, February 28, 2014 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.

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