

INDIANA  
CIVIL RIGHTS COMMISSION

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BEFORE THE STATE OF INDIANA  
CIVIL RIGHTS COMMISSION

- - -

PUBLIC MEETING OF JULY 25, 2014

**ORIGINAL**

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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,  
Rooms 4 & 5, 402 West Washington Street,  
Indianapolis, Indiana, on Friday, July 25, 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 Charles D. Gidney

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

15 OTHER COMMISSION STAFF PRESENT:

16 Noell Allen  
17 Pamela Cook  
18 Debbie Rincones-Chavez

19 OTHERS PRESENT:

20 Florencia Juarez Santamaria  
21 Allan Marin, Interpreter  
22 Tina Garcia  
23 LaRita Taylor

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1 11:09 o'clock a.m.  
2 July 25, 2014

3 CHAIRPERSON BLACKBURN: Good morning,  
4 everyone. The Indiana Civil Rights Commission is  
5 now in public session, and we have a quorum. I  
6 would ask for the approval of the minutes.

7 COMM. CARTER: I move we approve the  
8 minutes.

9 CHAIRPERSON BLACKBURN: May I have a  
10 second?

11 COMM. BAYNARD: Second.

12 CHAIRPERSON BLACKBURN: All in favor?

13 COMM. BAYNARD: Aye.

14 COMM. GIDNEY: Aye.

15 COMM. CARTER: Aye.

16 COMM. GARCIA: Aye.

17 CHAIRPERSON BLACKBURN: Aye.

18 Anyone opposed?

19 (No response.)

20 CHAIRPERSON BLACKBURN: Thank you.

21 And you have a Financial Report from  
22 Ms. Cook, but Ms. Cook, if you have comments to  
23 make, please.

1 MS. COOK: Good morning.

2 CHAIRPERSON BLACKBURN: Good morning.

3 COMM. GARCIA: Good morning.

4 MS. COOK: I'm happy to report that  
5 once again we did meet the Governor's reversion  
6 of the required four and a half percent.  
7 Granted, we did an additional this year, overall  
8 for an agency, of reverting 9.7 percent total.  
9 That equates to \$218,846.

10 You've had a chance to review your  
11 Financial Reports in your packet. If you have  
12 any questions, I'd like to entertain those at  
13 this time.

14 (Mr. Smith arrived.)

15 CHAIRPERSON BLACKBURN: Are there any  
16 questions for Ms. Cook?

17 (No response.)

18 MS. COOK: One last item. At the  
19 last meeting, I mentioned that there was a change  
20 in the way our stipends were being handled for  
21 the Commissioners. If you have those packets, I  
22 will take those after the meeting. If you did  
23 not receive one, I did bring extras today.

1                   CHAIRPERSON BLACKBURN: I don't have  
2 mine, because one portion has to be filled out by  
3 the assigned bank --

4                   MS. COOK: Okay.

5                   CHAIRPERSON BLACKBURN: -- right?

6                   MS. COOK: That's fine.

7                   CHAIRPERSON BLACKBURN: So, I'll send  
8 it or bring it to you --

9                   MS. COOK: Okay.

10                  CHAIRPERSON BLACKBURN: -- by the  
11 next meeting.

12                  MS. COOK: All right. Thank you.

13                  CHAIRPERSON BLACKBURN: Any other  
14 questions for Ms. Cook?

15                  COMM. CARTER: I just wonder why the  
16 state doesn't trust us to get the routing number  
17 right or our Social Security number. We have to  
18 give them a copy of our Social Security card and  
19 have the bank fill out the routing number, which,  
20 you know, when you order deposit -- or checks  
21 on-line, they trust you. I just wanted that on  
22 the record.

23                  CHAIRPERSON BLACKBURN: Is that

1 rhetorical, or is that actually a question?

2 COMM. CARTER: Well, it's griping.

3 CHAIRPERSON BLACKBURN: Do we in fact  
4 have to produce the card, or will the number  
5 suffice --

6 MS. COOK: It is --

7 CHAIRPERSON BLACKBURN: -- the Social  
8 Security number?

9 MS. COOK: It is a requirement by the  
10 Auditor of State.

11 CHAIRPERSON BLACKBURN: The Auditor  
12 of State. Okay.

13 MS. COOK: Thank you.

14 CHAIRPERSON BLACKBURN: Okay.

15 Old Business. Report by Commissioners on  
16 the Complaint Appeals. We do have a  
17 recommendation from Comm. Crenshaw that we uphold  
18 the Deputy Director's finding of no probable  
19 cause. May I have a motion to accept?

20 COMM. BAYNARD: So moved.

21 COMM. CARTER: Second.

22 CHAIRPERSON BLACKBURN: All in favor?

23 COMM. BAYNARD: Aye.

1                   COMM. GIDNEY:   Aye.

2                   COMM. CARTER:   Aye.

3                   COMM. GARCIA:   Aye.

4                   CHAIRPERSON BLACKBURN:   Aye.

5                   Anyone opposed?

6                                   (No response.)

7                   CHAIRPERSON BLACKBURN:   Thank you.

8                   Comm. Carter.

9                   COMM. CARTER:   Yes.   In the case of  
10   Janada Garner versus Gene B. Glick Company, Inc.,  
11   David Barrett, President, I recommend we sustain  
12   the Deputy Director's finding of no reasonable  
13   cause.

14                   CHAIRPERSON BLACKBURN:   May I have a  
15   motion to accept that recommendation?

16                   COMM. GARCIA:   So moved.

17                   COMM. GIDNEY:   Second.

18                   CHAIRPERSON BLACKBURN:   Thank you.

19                   In the case of Andrew Jackson versus the  
20   City of Whiting, Indiana, I move that we uphold  
21   the Deputy Director's finding of no probable  
22   cause, ask for a motion to accept that  
23   recommendation.

1                   COMM. CARTER:    So moved.

2                   CHAIRPERSON BLACKBURN:  And a second?

3                   COMM. GARCIA:    Second.

4                   CHAIRPERSON BLACKBURN:  All in favor?

5                   COMM. BAYNARD:   Aye.

6                   COMM. GIDNEY:    Aye.

7                   COMM. CARTER:    Aye.

8                   COMM. GARCIA:    Aye.

9                   CHAIRPERSON BLACKBURN:  Aye.

10                  Anyone opposed?

11                                 (No response.)

12                  CHAIRPERSON BLACKBURN:  Thank you.

13                  Comm. Gidney.

14                  COMM. GIDNEY:    Okay.  In the case of  
15   Pasco versus the Marion County Health Department,  
16   my recommendation is to uphold the Deputy  
17   Director's finding of no probable cause.

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

20                  COMM. GARCIA:    So moved.

21                  COMM. CARTER:    Second.

22                  CHAIRPERSON BLACKBURN:  All in favor?

23                  COMM. BAYNARD:   Aye.



1                   COMM. GIDNEY:   Aye.

2                   COMM. CARTER:   Aye.

3                   COMM. GARCIA:   Aye.

4                   CHAIRPERSON BLACKBURN:   Aye.

5                   Anyone opposed?

6                                   (No response.)

7                   CHAIRPERSON BLACKBURN:   Thank you.

8                   We do have a request to speak before you  
9                   today, and I would like to allow public comment  
10                   in the case of Marcelo & Florencia Juarez  
11                   Santamaria versus Longacre Mobile Home Park.

12                   Will you introduce yourself, please?

13                   (Ms. Santamaria spoke through interpreter.)

14                   MS. JUAREZ:   Good morning.   My name  
15                   is Florencia Juarez.

16                   MR. MARIN:   Good morning.   My name is  
17                   Allan Marin, and I'm an interpreter with Indy  
18                   Translations.

19                   CHAIRPERSON BLACKBURN:   Thank you  
20                   very much.   I would like to allow you ten minutes  
21                   to make your presentation, and allow for any  
22                   questions from the Commissioners to follow that,  
23                   if that is agreeable to you.

1 MS. JUAREZ: (Nodded head yes.)

2 CHAIRPERSON BLACKBURN: Thank you  
3 very much.

4 MS. JUAREZ: The reason why I'm here  
5 is because I want to request an appeal. I have  
6 reviewed the report presented by the investigator  
7 regarding the questions made to Mr. Kent. With  
8 all due respect and with no offense, I would like  
9 to state that all of the answers he provided are  
10 not true statements. He made false statements  
11 such as saying that he went to my house, stating  
12 that he asked me to leave because of the dogs  
13 that I own.

14 And that is not true, and the reason why  
15 is because I had the dogs with me since about a  
16 year ago. He went to my house -- I have already  
17 provided the receipts proving that I have been  
18 paying the fee for the pets, and he came to my  
19 house, and I honestly do not -- I do not  
20 understand what it has to do when he came to my  
21 house saying, "You, the Mexicans, cannot progress  
22 in this country because you guys do not  
23 understand."

1           What is true is actually that he has made  
2 some new rules regarding the pets, but I haven't  
3 signed any document regarding that -- those new  
4 rules. Basically the document that I have signed  
5 for, it states that if one of my dogs make damage  
6 on the property, I will have to cover the fees.

7           When he came to my house -- and that's the  
8 other important thing, because it's related to my  
9 daughter -- he said that my daughter was not  
10 there when he came to argue with me, and he had  
11 started insulting me with offensive words, and  
12 basically my daughter was right there with me,  
13 and he said no. He denied it.

14           I have provided some medical records  
15 stating that my daughter suffers PTS,  
16 post-traumatic stress, and it has been  
17 reactivated because of this incident with  
18 Mr. Kent, and I have the last piece of paper  
19 coming from a doctor that I can show you. He  
20 denies that he saw my daughter right there, but I  
21 have a piece of paper that can prove that  
22 actually my daughter has been talking to her  
23 therapist about this situation, and specifically

1 about Mr. Kent.

2 Mr. Kent said that he learned about the  
3 existence of my dogs in my house in  
4 December 2013, but that is not true. The reason  
5 why is because I have the receipts that prove  
6 that I have been paying a fee since probably  
7 about a year ago, stating that I am allowed to  
8 have these pets.

9 This is basically why his statements are  
10 contradictory, because he said something. The  
11 manager, whose name is Pam, said something  
12 different, and she was aware about the existence  
13 of the pets in my house, because she's the one  
14 who has been charging this fee for the dogs to be  
15 in my place.

16 Basically I requested to the investigator  
17 that I would like to speak with this person face  
18 to face, with Mrs. Pam, but she said that that  
19 was not possible, and I would like to clarify  
20 that. She said that she has already spoke to my  
21 husband, and my husband told her, "I can put in  
22 my house whatever I want," and she said, "Well,  
23 that is true."

1           Actually I have already spoke to her about  
2 that. Basically she told my husband that she  
3 learned about the dogs back in December, so that  
4 means six months, but the dogs have been already  
5 there for about a year.

6           Basically my question here is: If this  
7 whole situation happened because of the dogs, why  
8 he came so late. For example, if I've been  
9 paying for about a year the fee to have the dogs,  
10 how can he come and say that he learned about the  
11 dogs on December if I've been paying for about a  
12 year?

13           He's showing this piece of paper as an  
14 evidence to the court, and basically he's stating  
15 that I have been notified about this, but I have  
16 not received this paper until the day that we got  
17 into the court hearing. I received this piece of  
18 paper from the Judge, not from him. As you can  
19 tell, it's just a piece of paper made with his  
20 own hand that somebody can come and do by  
21 himself.

22           The only thing here is that basically I  
23 was not notified, and basically I do not

1 understand why this is related to the dogs. If I  
2 was not allowed to have the dogs in my property,  
3 how can he come and tell me so late, because I've  
4 been paying every single month ten dollars as a  
5 pet fee because I have the dogs. And it has  
6 honestly nothing to do with the fact that I am a  
7 Mexican and that I did not understand. I do not  
8 see the relation between these two statements.

9           This is the picture of another dog that he  
10 tried to file as an evidence to the court, but  
11 it's not even my dog. I don't even know why he  
12 sent this piece of paper to the court, because  
13 it's not even my dog.

14           The reason why I feel that my rights have  
15 been disrespected is because of the fact that he  
16 mentioned my nationality at some point  
17 offensively, and the fact that my daughter is  
18 involved. She is a sick little girl; she's eight  
19 year old; that she's having problems right now;  
20 she's peeing on the bed every single night  
21 because of what happened, because of her PTS  
22 condition.

23           And that is the main reason why I came

1 here, because of those two things that I wanted  
2 to clear up. This letter that I have here with  
3 me is something that I would like to provide as  
4 another evidence, and that's basically the  
5 medical record for my daughter. It's stating on  
6 what happened.

7           Basically the reason -- oh, I'm sorry.  
8 The situation here is that I would like to have  
9 him in front of me so we can discuss about the  
10 false statements. All of these statements he  
11 made are false, as I have already stated before.  
12 I understand that the Judge has already pledged  
13 on his favor, but basically what I would like to  
14 discuss is that he said that he has notified me  
15 about the whole process correctly.

16           He said that he has provided me with 30  
17 days for the eviction, which is not true, because  
18 he let me know about what's going on, on February  
19 the 21st. On the 25th, he decided to null my  
20 contract -- to annul my contract -- and on the  
21 27th, he came and take me out of the house. When  
22 we were at court, he even told my husband, "Shut  
23 up. You don't need to talk. You cannot talk,"

1 is what he said when we were at court.

2 Basically the situation here is that he  
3 make me even borrow some money because I was not  
4 prepared to leave the house. If he decided to  
5 change the rules, he had to come to me and notify  
6 me and let me know about the new rules, which he  
7 didn't. That's basically the reason why I  
8 decided to come to Indiana and file this  
9 complaint with you, with the Board.

10 And basically my main concern is my  
11 daughter, who is sick. I have the report right  
12 here with me, and on the Question No. 16, I would  
13 like to state -- the investigator asked me, "When  
14 were you notified about the reason of the  
15 situation that you were not allowed to have the  
16 dogs on your property?"

17 And I explained to her that basically the  
18 manager never, never notified me in a written  
19 way. I never received a piece of paper with  
20 these rules stating that I could not have the  
21 dogs in my property. I explained that to her,  
22 basically. She only stopped by one day saying  
23 that I could not have them.



1                   CHAIRPERSON BLACKBURN: I need to  
2 interrupt you. You are past the time allotment,  
3 if you have a concluding statement that you would  
4 like to make. I want to clarify that this is not  
5 a hearing, and that the Commission does not  
6 conduct personally, any one of us, the  
7 investigation. So, my question to you is whether  
8 or not the statements you have made are contained  
9 in the appeal that you sent.

10                   MS. JUAREZ: Basically what I want to  
11 do to conclude this is explain that all of these  
12 statements he made during the investigation  
13 process were not true, were false. That's  
14 basically my main concern, and I do not  
15 understand how can he come and prove that he  
16 already has a piece of paper stating that I was  
17 notified about the new rules, but he never come  
18 to me. I never signed any document containing  
19 those rules. I was never notified about those  
20 rules.

21                   Thank you for your time, and that's it.

22                   CHAIRPERSON BLACKBURN: Thank you.

23                   Are there questions or comments by

1 Commissioners before I --

2           COMM. GARCIA: Well, I have a  
3 question. All of the evidence, all of the  
4 receipts that you talked about, are in the  
5 investigative file?

6           MS. JUAREZ: Yes.

7           COMM. GARCIA: She mentioned some  
8 doctor's evidence or something about her daughter  
9 that she was ready to present today. Is that  
10 additional evidence?

11          MS. JUAREZ: Yes.

12          COMM. GARCIA: Okay. Well, she has  
13 to turn it in to Akia, or --

14          MR. SMITH: Actually --

15          COMM. GARCIA: If she has any  
16 additional evidence --

17          MS. HAYNES: Well, so, traditionally,  
18 pursuant to our law, you have 15 days from the  
19 date of the finding to file your appeal and to  
20 include your additional information. So, there  
21 would be a question as to whether the additional  
22 information after that time period would be  
23 timely.

1                   COMM. GARCIA: Oh, okay.

2                   CHAIRPERSON BLACKBURN: Are there any  
3 other questions?

4                                 (No response.)

5                   CHAIRPERSON BLACKBURN: All right.  
6 Thank you.

7                   New business. We'll assign the new  
8 appeals, and in light of the comments this  
9 morning, I want to assign them as follows: David  
10 Easton versus Kindred Nursing Center, if you  
11 would please, David Carter --

12                   COMM. CARTER: Okay.

13                   CHAIRPERSON BLACKBURN: -- review  
14 that; and the case of Marcelo & Florencia Juarez  
15 Santamaria versus Longacre Mobile Home Park, I  
16 want to assign to Comm. Garcia; and Christa J.  
17 Wood versus My Plastic Surgery Group, if --  
18 Comm. Baynard, if you would review that.

19                   Then having no Consent Agreements and no  
20 Oral Arguments this morning, we'll go directly to  
21 the Executive Director's Report.

22                   MR. SMITH: There are Findings of  
23 Fact.

1 MS. ALLEN: We have two Findings of  
2 Fact, Conclusions of Law and Order.

3 MR. SMITH: Do you want to do that,  
4 Madam Chair?

5 CHAIRPERSON BLACKBURN: Oh, sorry; I  
6 skipped right over those two. Let me ask, then,  
7 for an acceptance of those, or do you want to  
8 make a special presentation?

9 MS. ALLEN: There are no additional  
10 comments regarding the two cases that are before  
11 you, Madam Chair.

12 CHAIRPERSON BLACKBURN: I would ask  
13 for approval of the three -- I'm sorry -- the two  
14 Findings of Fact listed. They are James C.  
15 Joiner versus Greater Education Opportunities  
16 Foundation, Inc. and Gary Middle College, Inc.,  
17 with the same number; and Kiran Sharma House of  
18 Kids, II, Incorporated doing business as House --  
19 I guess that must be "of" -- Kids Daycare.

20 MS. RINCONES-CHAVEZ: I'm sorry.

21 CHAIRPERSON BLACKBURN: May I have a  
22 motion to accept the findings?

23 COMM. CARTER: So moved.

1                   COMM. GARCIA:    Second.

2                   CHAIRPERSON BLACKBURN:  All in favor?

3                   COMM. BAYNARD:    Aye.

4                   COMM. GIDNEY:     Aye.

5                   COMM. CARTER:     Aye.

6                   COMM. GARCIA:     Aye.

7                   CHAIRPERSON BLACKBURN:  Aye.

8                   Anyone opposed?

9                                    (No response.)

10                  CHAIRPERSON BLACKBURN:  Thank you.

11                  MS. ALLEN:    Thank you.

12                  CHAIRPERSON BLACKBURN:  No Consents  
13                  and no Oral Arguments, and now you're on, our  
14                  Executive Director.

15                  Thank you.

16                  MR. SMITH:    Good afternoon, Madam  
17                  Chair, Commission members.

18                  COMM. CARTER:    Good afternoon.

19                  CHAIRPERSON BLACKBURN:  Good  
20                  afternoon.

21                  MR. SMITH:    Nothing overly exciting  
22                  to report.  I think we are all kind of engaged in  
23                  the initiation of the Strategic Plan, for which

1 you all approved at the last Commission meeting.

2 In terms of activity, the only thing I  
3 think I'd like to note is the -- our annual Civil  
4 Rights Game that is coming up next month, August  
5 22nd, which will be -- we do a partnership with  
6 the Indianapolis Indians out at Victory Field.  
7 I'd encourage you all to come out. It is in fact  
8 one of the creative ways, kind of off-the-beaten-  
9 path opportunities that we use to promote the  
10 mission and objectives of the Commission.

11 Outside of that, you should have a list of  
12 the activities that we'll have throughout the  
13 remaining part of the year, all of the way  
14 through December. We're pretty busy in August,  
15 September, October, starting to ease up a little  
16 bit around the holidays, obviously, but active  
17 nonetheless.

18 Another thing I would like to note, and  
19 I'll have Deputy General Counsel Ms. Haynes come  
20 and discuss the hearing process and how we will  
21 deliberate moving forward. We had an ethics  
22 request, and she'll explain, because it's  
23 obviously up her alley.

1           So, Ms. Haynes?

2           MS. HAYNES: Good morning.

3           COMM. GIDNEY: Good morning.

4           CHAIRPERSON BLACKBURN: Good morning.

5           MS. HAYNES: So, after reviewing our  
6 processes, we are determined that in order to be  
7 fully in compliance with the letter as well as  
8 the spirit of the Open Door Law, during  
9 deliberations, they will have to be open to the  
10 public, meaning people will have to be allowed to  
11 sit and hear the deliberations for any sort of  
12 objections or any sort of final determinations  
13 that occur during the Commission meetings.

14           Does that make sense? Any questions?

15   (No response.)

16           MR. SMITH: So, this all happened as  
17 a precursor to -- was it two Commission meetings  
18 ago?

19           MS. HAYNES: Yes.

20           MR. SMITH: Two Commission meetings  
21 ago, we had some oral arguments, and then after  
22 those arguments, which I think -- which had been  
23 standard practice for the Commission -- we kind

1 of shut the Commission down temporarily, to give  
2 you guys an opportunity to deliberate over those  
3 arguments, excusing everyone from the meeting.

4 So, the change in that is that the  
5 deliberation will obviously still take place, but  
6 it will take place, in essence, in an open-door  
7 fashion, which means we don't kick everybody out.  
8 The deliberations will be off the record, but  
9 everyone will have an opportunity to be party and  
10 privy to the deliberations themselves. So,  
11 that's the only change, but in light of the  
12 conversations that we've had with the Attorney  
13 General's Office --

14 MS. HAYNES: Yes.

15 MR. SMITH: -- about the best way to  
16 proceed with that piece, that's been the  
17 recommendation from them, upheld by the Legal  
18 Unit, and what I suggest we as a Commission  
19 adhere to.

20 So, any thoughts, questions or feedback on  
21 that?

22 CHAIRPERSON BLACKBURN: So there's no  
23 misunderstanding about our deliberations being



1 open to the public --

2 MR. SMITH: Yeah.

3 CHAIRPERSON BLACKBURN: -- I think  
4 that in the meeting to which you made reference,  
5 it was said we had not taken time, allocated any  
6 time for deliberating.

7 MR. SMITH: Right.

8 CHAIRPERSON BLACKBURN: It was not  
9 that we needed or were requesting that we  
10 deliberate other than in public.

11 MR. SMITH: Right. Well --

12 CHAIRPERSON BLACKBURN: So --

13 MR. SMITH: -- and we made that clear  
14 to them that there was no mal -- or no ill intent  
15 on behalf of the Commission, but I think just  
16 moving forward, the suggestion was that in the  
17 midst of such deliberation, that we no longer  
18 excuse folks from the room, so -- which really I  
19 don't think there's any harm nor foul, nor was  
20 there any kind of deliberate secrecy to you guys'  
21 deliberation. All things were above board and  
22 public. So, we agreed.

23 Any other thoughts?

1                   COMM. BAYNARD:  Yeah, I have a  
2 question.

3                   MR. SMITH:  Yes.

4                   COMM. BAYNARD:  I guess can we  
5 deliberate without the public if we make no  
6 decisions?  Would it be considered more like an  
7 executive meeting?

8                   MR. SMITH:  No.  And I'll let Akia  
9 kind of speak to that.

10                  MS. HAYNES:  So, to your question,  
11 anything that occurs during a Commission meeting  
12 is open to the public.  As such, if there are any  
13 deliberations that occur, those should be open to  
14 the public in order to avoid any appearance that  
15 the Commission is attempting to break into, for  
16 instance, an executive session or something of  
17 that nature, because that's to be specifically  
18 denoted.  It has to be explained beforehand that  
19 this will occur.

20                  It gets pretty complicated and confusing,  
21 so as a general rule, no, if something occurs  
22 during the course of a Commission meeting, that  
23 is open to the public for all to hear.

1                   COMM. BAYNARD:  Okay.  Thank you.

2                   MS. HAYNES:  You're welcome.

3                   COMM. GARCIA:  So, can we --

4                   MS. HAYNES:  Yes.

5                   COMM. GARCIA:  -- can we always --  
6   can we deliberate if there isn't a quorum?  I  
7   mean can we -- I mean do we ever have a hearing  
8   where we don't have a quorum?

9                   COMM. BAYNARD:  Yes, we have.

10                  COMM. CARTER:  We don't usually have  
11   a vote after the hearing.  We do have -- just  
12   poll everybody of how they would vote, and if  
13   there isn't a quorum for one side or the other,  
14   then have an open discussion.  I mean even juries  
15   in jury trials go off and do it in secret.

16                  MR. SMITH:  We will strike the word  
17   "secret" from our --

18   (Laughter.)

19                  COMM. CARTER:  Well, not in front of  
20   the public.

21                  MS. HAYNES:  As a general rule,  
22   though, as a public agency, we are subject to the  
23   Open Door Laws.  So, any sort of deliberative

1 process that we engage in must be open to the  
2 public, or else we would be in violation of that  
3 law.

4 COMM. CARTER: Okay. So -- but if  
5 we -- if we polled each other at the beginning of  
6 the -- after the oral arguments, we'd know if we  
7 needed to discuss anything or not.

8 MS. HAYNES: I would argue that  
9 should also occur on the record --

10 COMM. CARTER: Yeah.

11 MS. HAYNES: -- if such a -- it  
12 should be on the record if such a polling were to  
13 take place, but again, that would be open to the  
14 public. I guess the big point in all of this is  
15 that everything we do needs to be seen --

16 COMM. CARTER: Sure.

17 MS. HAYNES: -- and available to the  
18 public. So, if you were to engage in some sort  
19 of poll and everyone who was present was able to  
20 hear that and see that, that would be on the  
21 record and that would not be an issue. But if  
22 you were to step away and do something that is  
23 away from the view of the public, that could be

1 problematic under the law.

2                   COMM. GARCIA: Okay. And that is the  
3 law?

4                   MS. HAYNES: Yes.

5                   COMM. GARCIA: Can I have a copy of  
6 that?

7                   MS. HAYNES: Yes.

8                   COMM. GARCIA: Okay. I don't want  
9 to -- I want to avoid any Glenda Ritz stuff.

10                                   (Laughter.)

11                   COMM. CARTER: Well, we can break  
12 away and form our own Civil Rights Commission.

13                                   (Laughter.)

14                   CHAIRPERSON BLACKBURN: Are there any  
15 other questions?

16                                   (No response.)

17                   MR. SMITH: Any other questions  
18 outside of the Open Door policy, any outreach,  
19 education-related activity, any specific  
20 questions that you might have, questions from A  
21 to Z?

22                                   (No response.)

23                   MR. SMITH: Thank you guys.

1                   CHAIRPERSON BLACKBURN: Are there any  
2 announcements?

3                   COMM. CARTER: At the risk of being a  
4 broken record, tomorrow is the 24th anniversary  
5 of the ADA. I jumped the gun two months ago and  
6 started announcing it. I promise I won't --

7                   CHAIRPERSON BLACKBURN: Maybe we  
8 should do --

9                   COMM. CARTER: -- do it again until  
10 next year.

11                  CHAIRPERSON BLACKBURN: -- something  
12 special.

13                  COMM. CARTER: No, it's only the 24th  
14 anniversary. Maybe next year.

15                  CHAIRPERSON BLACKBURN: Maybe next  
16 year.

17                  COMM. CARTER: Maybe next year.

18                  CHAIRPERSON BLACKBURN: Maybe next  
19 year.

20                  MR. SMITH: I would like to  
21 announce -- and you can come on up. You have  
22 something -- also, too, with the state's Hispanic  
23 and Latino Commission, that we have found and

1 hired our Executive Director. Ms. Danielle Dean,  
2 who was previously with the Department -- or BMV,  
3 is now the Executive Director of ICHLA, as we  
4 affectionately call it, and we're excited and  
5 happy to have her. She's actually tied up and  
6 not here today, but we'll make sure that she has  
7 an opportunity to sit and speak with each one of  
8 you at some point in the near future. So, I just  
9 wanted to make that known.

10 CHAIRPERSON BLACKBURN: Thank you  
11 very much.

12 MS. ALLEN: Good morning again.

13 COMM. CARTER: Good morning.

14 MS. ALLEN: This is more of an FYI.  
15 Next month we will have oral arguments on  
16 objections in the matter of Amber Lumpkin versus  
17 American Heating & Cooling, so with the  
18 information that was provided to you today  
19 regarding deliberations, just --

20 CHAIRPERSON BLACKBURN: Be ready.

21 MS. ALLEN: -- be ready. And I will  
22 have Ms. Debbie here send out the transcript as  
23 well as any other information so that you are

1 prepared and well read and versed on the issue.  
2 I have closed off the briefing period ten days  
3 prior to the Commission meeting, so if the  
4 parties wish to provide any briefs, they will  
5 have that opportunity to do so, and note that  
6 Ms. Lumpkin is operating pro se; she is not  
7 represented by counsel. So, again, be ready.

8 Thank you.

9 CHAIRPERSON BLACKBURN: Thank you  
10 very much.

11 The Indiana Civil Rights Commission  
12 meeting is adjourned.

13 (Discussion off the record.)

14 CHAIRPERSON BLACKBURN: If I may  
15 reconvene the Commission meeting in order to make  
16 clarification of anything raised by way of issue  
17 or question during the meeting, I will entertain  
18 statements at this time for clarification.

19 MS. HAYNES: Yes. Previously I  
20 asserted that the information brought in the  
21 Santamaria matter could not be entered into the  
22 record. That was a misstatement, as we are  
23 allowing the appeals process to continue until we



1 can ensure that we receive a translator, so we  
2 could complete this process. So, that  
3 information that was brought today is going to be  
4 admitted, and that will be tendered to the  
5 Commissioner that is assigned that appeal.

6 CHAIRPERSON BLACKBURN: That's  
7 appropriate. Thank you.

8 MS. HAYNES: Thank you.

9 CHAIRPERSON BLACKBURN: Hearing no  
10 other issues unresolved, the meeting is now  
11 adjourned.

12 - - -  
13 Thereupon, the proceedings of  
14 July 25, 2014 were concluded  
15 at 11:45 o'clock a.m.  
16 - - -

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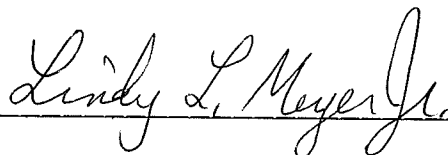
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## 1 CERTIFICATE

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, July 25, 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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18  
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21  
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23

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