

1 STATE OF INDIANA
2 CIVIL RIGHTS COMMISSION

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6 TRANSCRIPT OF PROCEEDINGS AT
7 COMMISSION MEETING
8 JUNE 25, 2010
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10 The meeting was held at 12:45 p.m. on June 25, 2010
11 at the Holiday Inn, 3300 US Highway 41 South, Terre Haute,
12 Indiana.
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20 ACCURATE REPORTING OF INDIANA
21 12922 Brighton Avenue
22 Carmel IN 46032
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PERSONS PRESENT:

ALPHA BLACKBURN, Chairman
DAVID C. CARTER, Commissioner
CHARLES E. GIDNEY, Commissioner
BARRY BAYNARD, Commissioner
JOHN E. GARCIA, Commissioner
TEHIJI G. CRENSHAW, Commissioner
ROBERT D. LANGE, Administrative Law Judge
JAMAL SMITH, Executive Director
JOSHUA BREWSTER, Deputy Director
100 North Senate Avenue, N103
Indianapolis IN 46204
JOAN ESSEX, Chief Financial Officer

ALSO PRESENT:
Tina Garcia

1 [June 25, 2010. 12:45 p.m.]

2 CHAIRMAN BLACKBURN: The Indiana Civil
3 Rights Commission is now in public meeting.

4 And we have a quorum.

5 You have a printed agenda.

6 And I would ask for approval and adoption of the
7 meeting minutes.

8 MR. GARCIA: Madam Chairman, a couple
9 of questions on the minutes.

10 In here it says that I made a motion--this is on
11 page 31--that I made a motion, and then after that
12 there was another place, that Ms Crenshaw made a
13 motion. And I think that's what happened, is, I made
14 the motion and Ms. Crenshaw seconded the motion.

15 CHAIRMAN BLACKBURN: I think that is a
16 reasonable assumption. We will make that correction
17 in the minutes.

18 Are there other corrections?

19 MR. GARCIA: Yes.

20 On page 28. The last word in line 7 and all of
21 line 8 makes no sense to me. I probably babbled on
22 about something else, but that sentence makes no
23 sense with regard to what's on lines 4 through 7,
24 which more or less states what I was trying to state.

25 I'd like to strike the last word in line 7 and

1 all of line 8.

2 CHAIRMAN BLACKBURN: Is there any
3 objection? Does anybody recall-- Actually it
4 doesn't materially change the meaning.

5 MR. GARCIA: No.

6 CHAIRMAN BLACKBURN: You just
7 clarified what your intent was at the time.

8 MR. GARCIA: Yes.

9 CHAIRMAN BLACKBURN: We'll make that
10 correction.

11 Are there other corrections to be made to the
12 minutes?

13 May I have a motion to adopt them with those
14 changes?

15 MR. CARTER: So moved.

16 MS CRENSHAW: Second.

17 CHAIRMAN BLACKBURN: All in favor?

18 Anyone opposed?

19 Thank you.

20 We'll now turn it over to Joan Essex, who will
21 make the Financial Report.

22 MS ESSEX: Good afternoon.

23 You have a financial report in your packet for
24 May 31st. We have completed, or are in the process
25 of completing our first fiscal year with the

1 PeopleSoft system. We did end this fiscal year
2 meeting our reversion targets. That is a very good
3 thing.

4 We also had about, approximately three thousand
5 dollars to the good left in the account, in the
6 general fund operating account at the end of the
7 year. So we did have a little bit of room there for
8 anything that came through at the last minute.

9 And I will entertain any questions about the
10 financial system or the end of the fiscal year from
11 any of you.

12 CHAIRMAN BLACKBURN: Any questions of
13 Miss Essex?

14 No questions of Miss Essex?

15 MS ESSEX: Thank you.

16 CHAIRMAN BLACKBURN: Thank you.

17 Let's move, then, to the new business.

18 This morning we did have a hearing on the
19 objections to the case of Mullins versus A Better
20 Water.

21 I would entertain a motion with regards to that.

22 MR. CARTER: Madam Chair, in regards
23 to Mullins versus A Better Water, I move that we
24 postpone our decision on this case pending further
25 study of the facts in the record.

1 CHAIRMAN BLACKBURN: May I have a
2 motion to accept that recommendation?

3 MR. GIDNEY: So moved.

4 MS CRENSHAW: Second.

5 CHAIRMAN BLACKBURN: All in favor?

6 Thank you very much.

7 There being no consent agreements this month, we
8 will move to some findings of facts, conclusions of
9 law, and orders.

10 There's two listed: Albernathy versus Fountain
11 Foundry Corp. and Dorn versus Affiliated Computer
12 Systems.

13 May I have a motion to accept the findings in
14 both of those cases?

15 MR. CARTER: So moved.

16 CHAIRMAN BLACKBURN: And a second?

17 MR. BAYNARD: Second.

18 CHAIRMAN BLACKBURN: All in favor?

19 Anyone opposed?

20 Thank you.

21 Report on the Commissioners regarding the
22 complaint appeals.

23 I'll report that in the case of Christian versus
24 Lanise Purcell--Lanise Reed and Forest Park Mobile
25 Home Park, I move that we--or recommend that we

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

3 May I have a motion to accept that
4 recommendation?

5 MR. GARCIA: So moved.

6 MR. CARTER: Second.

7 CHAIRMAN BLACKBURN: All in favor?
8 Anyone opposed?

9 Thank you.

10 MR. GARCIA: In the case of Riley
11 versus McDonald's Funeral Home, I move that we--or
12 recommend that we uphold the Deputy Director's
13 finding of no probable cause in that case as well.

14 MS CRENSHAW: So moved.

15 MR. BAYNARD: Second.

16 CHAIRMAN BLACKBURN: All in favor?

17 Thank you.

18 In the case of Troska versus Horseshoe Hammond,
19 LLC, I recommend that we uphold the Deputy Director's
20 finding of no probable cause.

21 May I have a motion to accept the
22 recommendation?

23 MR. CARTER: So moved.

24 CHAIRMAN BLACKBURN: And a second?

25 MR. BAYNARD: Second.

1 CHAIRMAN BLACKBURN: All in favor?
2 Anyone opposed?
3 Thank you.
4 Commissioner Carter?

5 MR. CARTER: Yes, Madam Chair.
6 In the case of White versus ISM Security
7 Management, I recommend that we uphold the Deputy
8 Director's no probable cause finding.

9 CHAIRMAN BLACKBURN: May I have a
10 motion to accept that recommendation?

11 MR. BAYNARD: So moved.

12 CHAIRMAN BLACKBURN: And a second?

13 MS CRENSHAW: Second.

14 CHAIRMAN BLACKBURN: All in favor?
15 Anyone opposed?

16 MR. CARTER: Okay, there is a minor
17 problem with my next two cases, which I will note for
18 the record:

19 Steward versus J. Russell Properties, there is a
20 disparity--or appears to be a disparity between the
21 notice of finding and the record, in that the notice
22 of findings says that a parking lot in a public park
23 was leased by the hospital adjacent to it. And I
24 didn't find anything in the record that indicated
25 that there was in fact a lease; the hospital

1 employees just used the parking lot.

2 But otherwise, I recommend that we uphold the no
3 probable cause finding.

4 CHAIRMAN BLACKBURN: Can we clarify
5 the discrepancies that you alluded to in your
6 comment? Can anybody--

7 MR. BREWSTER: I just wanted to
8 mention that I think that you confused those two
9 cases. I think you're talking about White--

10 MR. CARTER: Oh, okay; I am sorry.
11 Yes.

12 That was a note for White versus ISM Security
13 Management.

14 And Steward versus J. Russell Properties, I
15 simply recommend that we uphold the no probable cause
16 finding.

17 MR. BREWSTER: As far as the
18 clarification of-- It's up to you, if you want, but
19 we can certainly issue an amended notice, or record
20 it on the record today, whatever you want to do.

21 MR. CARTER: I don't think it affects
22 the outcome. It's just a matter of accuracy in the
23 notice of findings. Kind of makes us look bad,
24 actually.

25 CHAIRMAN BLACKBURN: The

1 recommendation, then, from the Commissioner, is that,
2 while he's recommending upholding your finding of no
3 probable cause, he recommends simultaneously that you
4 also correct that notation in the record.

5 MR. CARTER: In the notice of
6 findings.

7 CHAIRMAN BLACKBURN: In the notice of
8 findings.

9 May I have a motion to accept the recommendation
10 --both recommendations made by Commissioner Carter?

11 MS CRENSHAW: So moved.

12 CHAIRMAN BLACKBURN: And a second?

13 MR. BAYNARD: Second.

14 CHAIRMAN BLACKBURN: All in favor?

15 Anyone opposed?

16 Thank you.

17 MR. CARTER: Okay. One more case.

18 CHAIRMAN BLACKBURN: Now one more
19 case.

20 MR. CARTER: In the case of Hix versus
21 McDonald's Funeral Home. And again, in the notice of
22 finding, Hix is identified as an African-American,
23 and in the file Hix is identified as Caucasian.
24 Which makes somewhat of a difference.

25 However, I also recommend--in addition to making

1 that correction, I recommend upholding the no
2 probable cause finding.

3 CHAIRMAN BLACKBURN: May I have a
4 motion to accept Commissioner Carter's recommendation
5 that the correction be made in the paperwork, and
6 that we also uphold the Deputy Director's finding of
7 no probable cause? May I have a motion?

8 MS CRENSHAW: So move.

9 MR. GARCIA: Second.

10 CHAIRMAN BLACKBURN: All in favor?

11 Anyone opposed?

12 Thank you so much, Commissioner Carter.

13 MR. CARTER: Sorry for the confusion.

14 CHAIRMAN BLACKBURN: No, we thank you
15 for the clarification.

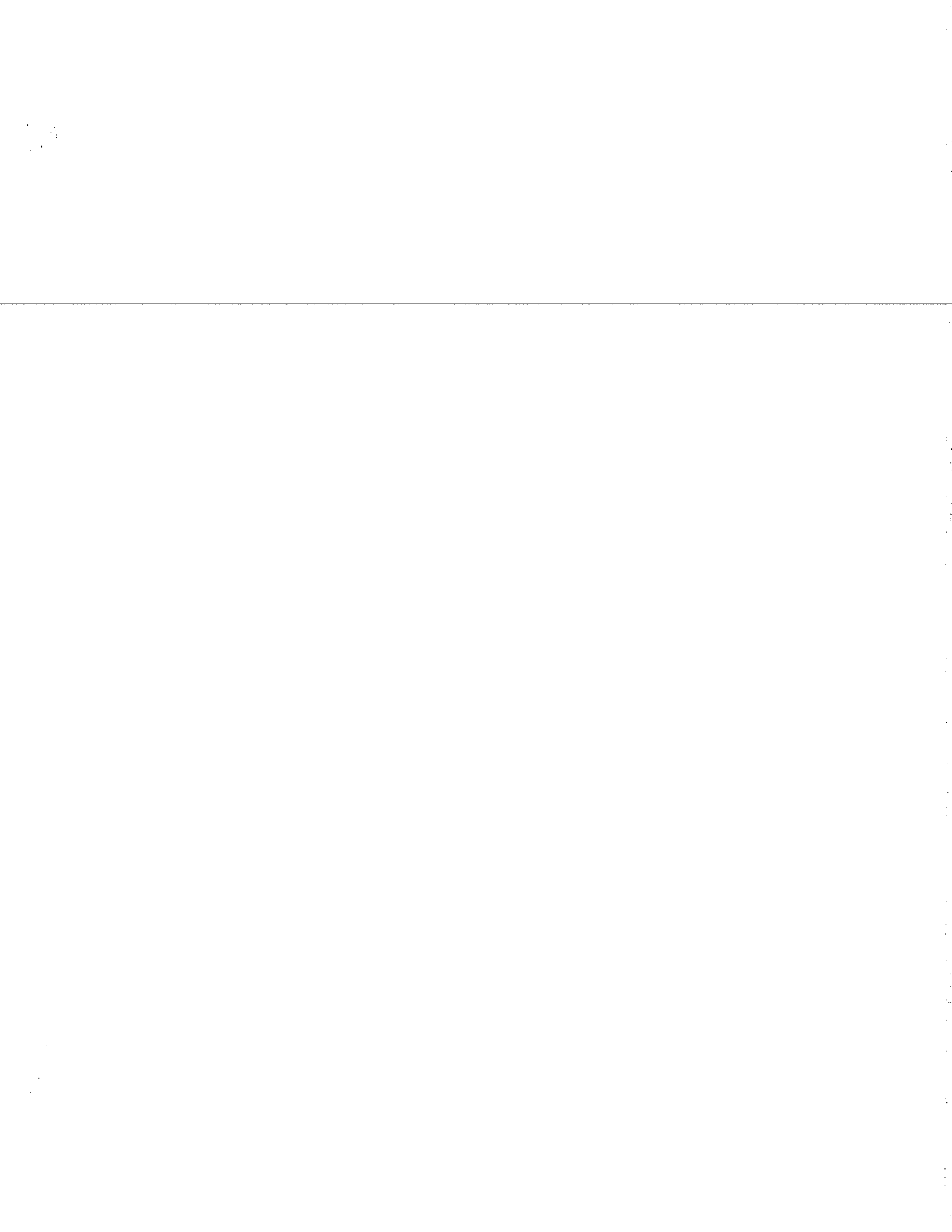
16 Commissioner Baynard?

17 MR. BAYNARD: Yes, Madam Chair.

18 In the case of Folsom versus Pam Jennings,
19 LaVonne Mickelson, Independence Square Apartments and
20 in the case of Hill versus McDonald's Funeral Home, I
21 will recommend to the Commission that we uphold the
22 finding of no probable cause by the Deputy Director.

23 CHAIRMAN BLACKBURN: May I have a
24 motion to accept that recommendation?

25 MR. CARTER: So moved.



1 MS CRENSHAW: Second.

2 CHAIRMAN BLACKBURN: All in favor?

3 Thank you very much.

4 MR. BAYNARD: Madam Chair, in the case
5 of Collier versus Lisa Eytcheson, I would recommend
6 to the Commission that we reverse the findings of no
7 probable cause and allow it to be sent back for a
8 better hearing--for a hearing.

9 CHAIRMAN BLACKBURN: And do you want
10 to make any statement with regards to--

11 MR. BAYNARD: Well, yeah. I think
12 there were some inconsistencies here, and there was
13 some--a little bit of vagueness that I think could be
14 clarified in a hearing, and in a form that would
15 allow the whole facts to come out.

16 CHAIRMAN BLACKBURN: All right.

17 May I have a motion to accept that
18 recommendation?

19 MS CRENSHAW: So moved.

20 MR. CARTER: Second.

21 CHAIRMAN BLACKBURN: All in favor?

22 Anyone opposed?

23 Thank you, Commissioner Baynard.

24 Commissioner Crenshaw?

25 MS CRENSHAW: In the case of

1 Szewczyk-Aakaei versus Northwest Indiana Pathology
2 Consultants, PC, I make a recommendation to uphold
3 the Deputy Director's finding of no probable cause.

4 MR. CARTER: Madam Chair, I move that
5 we uphold that--or that we accept that
6 recommendation.

7 MR. GARCIA: Second.

8 CHAIRMAN BLACKBURN: All in favor?
9 Anyone opposed?

10 Thank you.

11 MS CRENSHAW: In the case of
12 Cunningham versus School City of Mishawaka, I make a
13 recommendation that we uphold the Deputy Director's
14 finding of no probable cause.

15 CHAIRMAN BLACKBURN: May I have a
16 motion to accept that recommendation?

17 MR. BAYNARD: So moved.

18 MR. GARCIA: Second.

19 CHAIRMAN BLACKBURN: All in favor?
20 Anyone opposed?

21 Thank you very much.

22 Commissioner Garcia, do you have a--

23 MR. GARCIA: In the case of Long
24 versus Perez, I recommend that we remand the case to
25 further investigation, only if-- In their letter of

1 appeal they made further claims, which they didn't
2 provide any evidence. And if they can provide
3 evidence for those claims, I recommend that we remand
4 it.

5 Otherwise, if there isn't any evidence, I don't
6 think we ought to spend the time with it, and I
7 concur with the Deputy Director's finding of no
8 probable cause. If that's understandable.

9 CHAIRMAN BLACKBURN: No.

10 MR. GARCIA: If we concur that it
11 should be remanded, and then the investigators decide
12 that there isn't any evidence, that they were just
13 claims in the letter of appeal but no evidence, I
14 will leave it in their hands.

15 That's my recommendation.

16 CHAIRMAN BLACKBURN: Okay.

17 Commissioner Garcia, your motion is--your
18 recommendation is to remand it for further
19 investigation.

20 MR. GARCIA: Yes.

21 CHAIRMAN BLACKBURN: Do I have a
22 motion to accept that recommendation?

23 MR. CARTER: Yes, you do. So moved.

24 MS CRENSHAW: Second.

25 CHAIRMAN BLACKBURN: All in favor?

1 Is there anyone opposed?

2 And Worthman versus Elsa?

3 MR. GARCIA: In that case, I recommend
4 that we uphold the Deputy Director's finding of no
5 probable cause.

6 CHAIRMAN BLACKBURN: May I have a
7 motion to accept that recommendation?

8 MR. BAYNARD: So moved.

9 MR. CARTER: Second.

10 CHAIRMAN BLACKBURN: All in favor?
11 Anyone opposed?

12 Thank you very much.

13 Commissioner Gidney.

14 MR. GIDNEY: Okay.

15 In the case of Saunders versus Herman & Kittle
16 Properties, I recommend that we uphold the Deputy
17 Director's findings of no probable cause.

18 CHAIRMAN BLACKBURN: May I have a
19 motion that we accept that recommendation?

20 MR. CARTER: So moved.

21 MS CRENSHAW: Seconded.

22 CHAIRMAN BLACKBURN: All in favor?
23 Anyone opposed?

24 Thank you.

25 And--

1 MR. GIDNEY: In the case of Brown
2 versus McDonald's Funeral Home, I recommend that we
3 uphold the Deputy Director's finding of no probable
4 cause.

5 CHAIRMAN BLACKBURN: May I have a
6 motion to accept that recommendation?

7 MR. CARTER: So moved.

8 MS CRENSHAW: Second.

9 CHAIRMAN BLACKBURN: All in favor?
10 Anyone opposed?

11 Thank you.

12 And now we will assign appeals to the
13 Commissioners.

14 Commissioner Carter: Perez versus Tyson foods;
15 Irwin versus Southern Bells, Inc.

16 Commissioner Baynard: Harris versus Concord
17 Eagle Creek Homes; and Jukonis versus Summer Tree
18 Property Owners Association, Inc. and First American
19 Management Company.

20 Commissioner Crenshaw: Coney versus Steak 'N'
21 Shake.

22 Commissioner Garcia: Thompkins v Sodexo.

23 Commissioner Gidney: Mitchell-Holder versus Ivy
24 Tech College.

25 And in light of the fact-- If I may make a

1 correction there.

2 In light of the fact that, Mr. Gidney, you do
3 have an association with the Community College, can
4 we just switch those cases? I'll assign your case to
5 Commissioner Garcia; and Mr. Garcia, if you would
6 take Thompkins versus Sodexo.

7 Is that clear?

8 MR. GARCIA: You want me to take
9 Mitchell-Holder, and he takes-- Okay.

10 CHAIRMAN BLACKBURN: Yes.

11 And I would will take the cases that have been
12 so listed. That's Lupton versus Teaberry's
13 Restaurant; and Tardi versus Tambria Rinkle and Maple
14 Tree Apartments.

15 And we move now to the exciting report on our
16 administrative activities here at the Commission, and
17 have--

18 Mr. Brewster, if you wouldn't mind, could you
19 introduce our new Executive Director?

20 MR. GARCIA: Excuse me. It just
21 dawned on me. On the basis that Ivy Tech Community
22 College-- They are a client of mine.

23 CHAIRMAN BLACKBURN: Your client? I
24 need to reassign that case--

25 MR. GARCIA: I'm sorry.

1 CHAIRMAN BLACKBURN: --yet again.

2 Could you take it, Commissioner Carter?

3 MR. CARTER: Sure.

4 CHAIRMAN BLACKBURN: All right. Thank
5 you.

6 MR. CARTER: I've been to an Ivy
7 Tech--

8 [Laughter.]

9 CHAIRMAN BLACKBURN: Well, now that
10 that is declared for the record, I think it would be
11 perfectly fun.

12 And now we will move to Mr. Joshua Brewster.

13 MR. BREWSTER: Yes. Madam Chair and
14 Commissioners, I would like to introduce to you our
15 new Executive Director, Jamal Smith. He comes to us
16 from the Governor's office. He's been with us now
17 full term, two weeks, and--

18 Do you want to say anything?

19 MR. SMITH: No.

20 CHAIRMAN BLACKBURN: We insist that he
21 say something, whether he wants to or not!

22 MR. SMITH: Good afternoon.

23 My name is Jamal Smith. Glad to be here. It's
24 a pleasure to meet everyone that I've had an
25 opportunity to meet.

1 I think we've an opportunity to do the
2 introductions.

3 Thank you.

4 CHAIRMAN BLACKBURN: Would you want to
5 tell us a little bit about your background?

6 MR. SMITH: I am, as Josh--Mr.
7 Brewster stated, I immediately come from--or most
8 recently come from the Governor's office. Prior to
9 that, I was with the-- That was a while back.

10 I was with the Olympics, and I headed a--prior
11 position was with the Aquatics Boards for the USOC,
12 based out of Indianapolis. I was the business
13 program director for the USA's international, doing
14 marketing, mostly for diving, synchronized swimming,
15 and so on and so forth.

16 Prior to that, I did a stint with the Black
17 Coaches' Association. I don't know, actually in fact
18 it was for the NCAA, and I was a graduate recruiter
19 for Purdue University.

20 And prior to that I played a little college
21 basketball at the University, that--

22 CHAIRMAN BLACKBURN: We were waiting
23 for you to get to the punch line!

24 MR. SMITH: So that is me in a
25 nutshell. I have a few more war stories in my time

1 line, and I'll be more than happy to share those at a
2 more appropriate time. But outside of that, that's
3 it.

4 CHAIRMAN BLACKBURN: We're glad to
5 welcome you and wish you well at your new post.

6 MR. SMITH: Appreciate that.

7 CHAIRMAN BLACKBURN: Now, are there
8 announcements, other than those listed, that contain
9 meeting dates? Any announcements?

10 MR. BREWSTER: I would just mention
11 for the record that we just did complete a successful
12 37th Annual Consortium of state and local Human
13 Rights Commission Conferences, the past week, here in
14 Terre Haute, that went very well. Hosted by the
15 Terre Haute Human Relations Commission. And we think
16 it went well.

17 CHAIRMAN BLACKBURN: No highlights?

18 MR. BREWSTER: Well, yesterday
19 evening's reception was very interesting. We had a
20 great speaker, a 1956 Gold Medal--Olympic Gold
21 Medalist, Dr. Bell, presented his story, which was
22 very interesting; also read poetry. It was a really
23 moving presentation by Dr. Bell.

24 CHAIRMAN BLACKBURN: Sounds great.

25 You were there--

1 MR. GIDNEY: Yes.

2 CHAIRMAN BLACKBURN: --Commissioner
3 Gidney?

4 MR. GIDNEY: Yes.

5 CHAIRMAN BLACKBURN: Is there anything
6 you want to comment about the evening?

7 MR. GIDNEY: No, other than the fact
8 that, you know, it was a great climax to the--some of
9 the events that led up to, that were all included the
10 conference.

11 And again, the speaker was dynamic, talked about
12 his local ties, and just his kind of untraditional
13 track to Olympic glory, and some of the challenges
14 that he dealt with in life as an African-American in
15 Indiana. So it was a, you know, a very dynamic
16 closing to the conference.

17 Thank you.

18 CHAIRMAN BLACKBURN: And thank you
19 very much.

20 Oh, yes, thank you! A program we can share over
21 lunch.

22 MR. GIDNEY: Yes.

23 CHAIRMAN BLACKBURN: Thanks,
24 everybody, for driving to Terre Haute, and the things
25 that we've experienced today.

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And, there being no other official
announcements, the meeting is adjourned.

[The meeting was concluded at 1:08.]

