



**INDIANA
CIVIL
RIGHTS
COMMISSION**

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**INDIANA
CIVIL RIGHTS COMMISSION**

**Minutes of the
November 09, 2007 Meeting**

Vice-Chair David C. Carter called the regular monthly meeting of the Indiana Civil Rights Commission ("Commission" or "ICRC") to order. The meeting was held in Room C of the State Conference Center, Indiana Government Center South, Indianapolis, Indiana.

ATTENDEES:

The Commissioners present in person were: Barry Baynard, David C. Carter, Tehiji Crenshaw, John Garcia and Charles Gidney. Five Commissioners being present and constituting a majority of the commissioners, a quorum was present; and a number sufficient to conduct business and take final actions.

Commission Director Gregory Kellam Scott and several staff members, including Deputy Director Christine Cde Baca, were present in person.

A. AGENDA REQUESTS:

There were no Agenda requests received for this meeting.

B. APPROVAL OF THE MINUTES:

Due to the short period of time between the October 26 meeting and the November 9 meeting, minutes were not submitted for approval.

"Morality cannot be legislated, but behavior can be regulated." – Dr. Martin Luther King, Jr

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C. NEW BUSINESS:

Director Gregory Kellam Scott ("Director Scott" or "Judge Scott") reported concerns he received from the director of the Richmond Human Rights Commission. We were informed that the Richmond Human Rights Commission is currently experiencing significant budget cuts, as is other city agencies in Richmond. The cuts presently amount to approximately 30% of last year's budget and will lead to laying off at least one of four employees. While the Richmond commissioners are troubled by the cuts, it appears as though the agency will have no choice but to operate with a substantial budget cut. Ron Chappel, the Executive Director of the Richmond Commission, has agreed to keep ICRC informed.

Director Scott reported that Governor Mitch Daniels has made appointments to the Dr. Martin Luther King, Jr. Indiana Holiday Commission. Under applicable law, the governor is entitled to appoint ten (10) members of the fourteen (14) member commission. (Keeping in mind, next year the number of appointees by the governor will be reduced to nine (9), but will not reduce the term of office of any person appointed by the governor. In 2008 and thereafter, the number of members appointed by the governor will drop to nine and, with the four (4) legislative appointees, will eventually result in a commission of thirteen members—reducing the quorum requirement from eight to seven.) In any event, while the governor reappointed Judge Tanya Walton Pratt to the Commission, she will no longer serve as Chair. The governor asked Clayton Graham, a newly appointed Commissioner, to serve as Chair. Former Chair Pratt, new Chair Graham and Director Scott met in Judge Pratt's chambers to assist in a smooth transition of leadership and new commission membership. It was a very good meeting, with efforts in action to assure a strong King Holiday Celebration on January 17, 2008.

D. OLD BUSINESS

Director Scott reported that the staff Retreat will be held on December 6th and the 7th of December. The Retreat's theme will focus on Teamwork & Working Together. Director Scott will chair the Retreat Program Committee and the program will continue beyond December 7, with 2 or more planned meetings occurring over the next six months to assist in anticipated work at ICRC, including goals, performance measures and individual employee work performance measures.

E. COMMITTEE REPORTS:

Financial Report

In light of Robin Degner's absence for medical reasons, the most recent financial report was passed out at the October meeting. No financial report has been provided for this meeting. However, upon Robin Degner's return, reports will be provided to cover the current term through the December meeting.

F. CONSENT AGREEMENTS:

There were no consent agreements this month.

G. FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDERS:

It was moved by Commissioner Garcia and seconded by Commissioner Crenshaw, that the Commission accept the proposed findings of fact, conclusions of law and order submitted in the case *Timmy Menjohans vs. Commercial Transport Incorporated*. The motion was approved unanimously and the Commission's judgment will be prepared consistent with ALJ Robert Lange's recommendation.

H. REPORT FROM COMMISSIONERS ON COMPLAINANT APPEALS:

The commissioners present then offered their reports and recommendations regarding Complainant appeals. It was moved by Commissioner Crenshaw and seconded by Commissioner Baynard to accept the recommendation of Commissioner Carter to uphold the Director's or the Deputy Director's finding of No Probable Cause in the case of Rogers vs. Kirkpatrick Management Company. The motion was approved unanimously.

It was moved by Commissioner Baynard and seconded by Commissioner Gidney to accept the recommendation of Commissioner Carter to uphold the Director's or the Deputy Director's finding of No Probable Cause in the case of Vandervort vs. Hilex Poly Co., LLC. The motion was approved unanimously.

It was moved by Commissioner Gidney and seconded by Commissioner Crenshaw to accept the recommendation of Commissioner Carter to uphold the Director's or the Deputy Director's finding of No Probable Cause in the case of Abshire vs. Bell Industries. The motion was approved unanimously.

It was moved by Commissioner Crenshaw and seconded by Commissioner Gidney to accept the recommendation of Commissioner Carter to uphold the Director's or the Deputy Director's finding of No Probable Cause in the case of **Ream vs. Sweet Traditions LLC d/b/a Krispy Kreme Doughnuts**. The motion was approved unanimously.

It was moved by Commissioner Gidney and seconded by Commissioner Garcia to accept the recommendation of Commissioner Crenshaw to uphold the Director's or the Deputy Director's finding of No Probable Cause in the case of **Cartwright vs. Brinks**. The motion was approved unanimously.

It was moved by Commissioner Garcia and seconded by Commissioner Gidney to accept the recommendation of Commissioner Crenshaw to uphold the Director's or the Deputy Director's finding of No Probable Cause in the case of **Jones vs. Mishawaka Housing Authority**. The motion was approved unanimously.

It was moved by Commissioner Baynard and seconded by Commissioner Garcia to accept the recommendation of Commissioner Crenshaw to uphold the Director's or the Deputy Director's finding of No Probable Cause in the case of **Gonzalez vs. Securitas Services USA**. The motion was approved unanimously.

It was moved by Commissioner Gidney and seconded by Commissioner Garcia to accept the recommendation of Commissioner Crenshaw to not accept the determination of no probable cause and to remand the case to the Director or the Deputy Director for further investigation by the Commission staff and a second submission, thereafter, for a finding of No Probable Cause or Probable Cause in the case of **Carter vs. Product Spectrum**. The motion was approved unanimously.

I. ASSIGNMENT OF APPEALS TO COMMISSIONERS:

Complainant Appeals were assigned to Commissioners as follows:

Commissioner Crenshaw:

Johnson vs. One Force Staffing EMra06100498

Ferrell vs. Middlebury School System EDra06040130

Commissioner Carter:

Bollinger vs. Martin Home Center EMha07060261

Howard vs. Rock Leasing, Inc. EMse07020079

Commissioner Baynard:

Moody vs. Johnson County Public Library Paha06060219

Commissioner Garcia:

Padron vs. The International School of Indiana EMrt07070320

Padron vs. The International School of Indiana EMrtno06090419

Padron vs. The International School of Indiana EMno06090418

Commissioner Gidney:

Bigbee vs. Grady Elder/Arby's Roast Beef Restaurant EMse06100479

Spradling vs. Affordable Homes Inc EMse07010042

J. ADMINISTRATIVE UPDATE:

Director's Report

Director Scott reported the agency has been working on its Annual Report. Despite the clear statutory language addressing the submission of annual reports, the Commission has not submitted annual reports. Completing an annual report serves several purposes. First it creates a written record of the work of the agency. Second, it allows for an assessment of the work effort and the value of the work supported by taxpayer funding. Finally, it allows for a review of the agencies work and permits strategic planning, which can be altered or supplemented to better fit the agency's mission. As a staff, we will utilize our annual reports to serve as an assessment and evaluation of our agency efforts to reach stated goals and, importantly, serve as a measurement of the value of our work to date, allowing for appropriate adjustments in strategy and application of agency resources.

Copies of the Commission's Annual Report, that is available on our web page have been provided to each commissioner.

Deputy Director's Report

The Commission's Deputy Director, Christine Cde Baca provided a report on the status of cases before the Commission. The Commission closed 14 employment cases, 16 housing cases and 7 other cases, including public accommodation and education cases for a total of 37 cases closed.

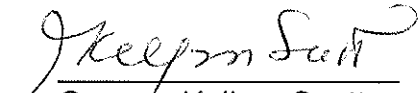
K. ANNOUNCEMENTS:

Commissioner Carter announced that the Governors Council for People with Disabilities conference will be November 17th.

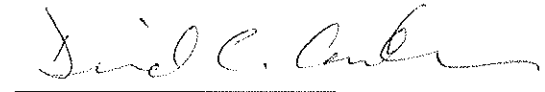
Commissioner Baynard announced he was pleased and proud to see the Commission's housing advertisements and commercials on television.

L. ADJOURNMENT:

There being no further business to come before the Commission, on motion duly made and seconded, the meeting was adjourned.



Gregory Kellam Scott
Director
Dated: 12-14-07



David S. Carter
Vice Chair
Dated: 12/14/07