

CRC 11-20-15

1

1 BEFORE THE STATE OF INDIANA
2 CIVIL RIGHTS COMMISSION

3 - - -

4

5

PUBLIC MEETING OF NOVEMBER 20, 2015

6

7

8

- - -

9

PROCEEDINGS

10 in the above-captioned matter, before the Indiana
11 Civil Rights Commission, Alpha Blackburn,
12 Chairperson, held at the Indiana Government
13 Center South, Conference Center, Rooms 1 & 2,
14 402 West Washington Street, Indianapolis,
15 Indiana, on Friday, November 20, 2015, and
16 transcribed from digital recording by me,
17 Lindy L. Meyer, Jr., a Notary Public in and for
18 the State of Indiana, County of Shelby.

19

- - -

20

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

‡

2

1 APPEARANCES:

CRC 11-20-15

2 COMMISSION MEMBERS:

- 3 Alpha Blackburn, Chairperson
- 4 Steven A. Ramos
- 5 Sheryl Edwards
- 6 Suzanne R. Gaidoo
- 7 Michelle Gough McKeown
- 8 Ahmed Young

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 Angela Blackwell
- 18 Debbie Rincones-Chavez

19 - - -

♀

3

20 Friday Afternoon
 21 November 20, 2015

22 - - -

23 CHAIRPERSON BLACKBURN: Good
 24 afternoon. The Indianapolis -- I'm sorry. The
 25 Indiana Civil Rights Commission is now in
 26 session, and we do have a quorum. We have

7 Comms. Gaidoo, Edwards, Young, Blackburn, Ramos
8 and McKeown.

9 You have an agenda before you, which we
10 will follow, and I would ask first for approval
11 and adoption of the minutes. May I have a
12 motion?

13 COMM. RAMOS: So moved.

14 COMM. MCKEOWN: Second.

15 CHAIRPERSON BLACKBURN: Thank you.

16 All in favor?

17 COMM. EDWARDS: Aye.

18 COMM. YOUNG: Aye.

19 COMM. RAMOS: Aye.

20 COMM. MCKEOWN: Aye.

21 COMM. GAIDOO: Aye.

22 CHAIRPERSON BLACKBURN: Aye.

23 Anyone opposed?

♀

4

1 (No response.)

2 CHAIRPERSON BLACKBURN: Thank you.

3 And now, the Executive Director's Report.

4 MR. SMITH: well, good afternoon.

5 CHAIRPERSON BLACKBURN: Go afternoon.

6 COMM. EDWARDS: Good afternoon.

7 MR. SMITH: So, as we close out -- or
8 we're near closing -- for the year, this is about
9 the time during the year where the Commission, I
10 want to say, eases a bit, right, as we prepare
11 for the holidays.

12 From a budgetary standpoint, of course,
13 our relatively new CFO is being brought up to
14 speed on the trainings that she needs,
15 certifications that she needs. There's a ton
16 that goes into that, but everything is on par
17 there, so we're excited about that, and you guys
18 should have the financial report in front of you.
19 There's no issues there in terms of finances.
20 Everything is on par, so we are officially good
21 to go.

22 From an outreach standpoint, we're
23 relatively silent until after the first of the

‡

5

1 year as well. The next major event will be the
2 MLK event, which, of course, takes place just
3 prior to the Monday that's the MLK holiday. So,
4 we'll have that Thursday event as well as the
5 Friday morning day of service, and I just want to
6 echo the attendance, if at all possible, of the
7 Commission at that event, as well as the --
8 and/or that Friday morning, which is when we do
9 the community service component in Indianapolis.

10 Other events, we'll have another CLE,
11 which will conclude -- on December 11th -- which
12 will conclude our -- the series for the year, and
13 that last one will take place in Evansville,
14 Indiana.

15 And I will make one more mention, of
16 course, from an outreach standpoint, we've made

17 it our business to partner with as many
18 organizations as we can. One of the newly
19 founded partners is that of UNCF, and through
20 that partnership, what we do is we try to
21 leverage some of their constituents and some of
22 the outreach things that they're currently doing.
23 So, they're in a lot of the inner city

♀

6

1 schools throughout the state, and as they go into
2 some of those schools to educate the students,
3 the teachers and so on, and parents, about some
4 of the things that UNCF does, by way of our
5 partnership, we are also able to go in and talk
6 about some of the things that the ICRC has going
7 on as well. So, we're extremely excited about
8 that.

9 CHAIRPERSON BLACKBURN: Was it your
10 understanding that what we would do in the
11 partnership is take what they are doing and make
12 it part of our --

13 MR. SMITH: Yes. So, their ultimate,
14 I think, objective is to educate folks on UNCF,
15 right, some of the scholarship opportunities they
16 may have, some of the college opportunities they
17 have for students. The nature of the partnership
18 allows us to travel with them, if you will, so
19 that we don't have to reinvent the event or the
20 program, but we can just kind of piggy-back.

21 So, where they'll have a college fair --

22 for example, we did one in Gary with them about a
23 month and a half ago, and they had upwards of

♀

7

1 eight to nine hundred students there, all from
2 Lake County, mainly black and Latino students,
3 but we were able to set up shop in a booth and
4 talk about some of the things that ICRC has going
5 on with some of the parents there.

6 And I think the message in that arena for
7 us is not necessarily equal employment or fair
8 housing, but a lot more to do with some of the
9 educational rights that the kids have, right, you
10 know, living in Indiana and having school choice
11 as an idea, the idea that they have the right to
12 ensure, as a parent, that their kid has equal
13 access to a quality education.

14 But within that process, things like, you
15 know, suspension and expulsion, which affects
16 minority kids at a disproportionate rate, and
17 what that means as a parent. If the child has --
18 especially if they have -- they're special ed or
19 have special needs, the idea of having due
20 process and what that means. And so, we're able
21 to educate some of the audience on that.

22 And because of the partnership, it gives
23 us the freedom to not have to do a lot of the

♀

8

1 legwork in terms of creating the event, but still
2 having the opportunity to go in and deliver the
3 message. And they have a respectable brand, and
4 so, you know, I feel comfortable in partnering
5 with them, knowing that, you know, the event that
6 they will be putting on will be legitimate, so
7 that's always a concern when, you know, we're
8 considering partnerships.

9 CHAIRPERSON BLACKBURN: That's great.
10 Thank you.

11 MR. SMITH: Yes, ma'am.

12 Any other questions, thoughts or concerns?

13 (No response.)

14 MR. SMITH: I will save the
15 transition conversation for the December
16 Commission meeting. If there are no other
17 comments or questions from the Commission, that
18 includes -- or concludes the Executive Director's
19 Report.

20 CHAIRPERSON BLACKBURN: Thank you
21 very much.

22 MR. SMITH: Yes, ma'am.

23 CHAIRPERSON BLACKBURN: Under Old

‡

1 Business, there being no Oral Arguments, we will
2 move to Reports by Commissioners on Complaint
3 Appeals. The first one, if you would,
4 Comm. Edwards.

5 COMM. EDWARDS: Barry Stewart versus
Page 7

6 Indiana National Guard Hoosier Challenge Academy,
7 I recommend that we uphold the ruling of no
8 probable cause.

9 CHAIRPERSON BLACKBURN: Are there any
10 questions about it?

11 (No response.)

12 CHAIRPERSON BLACKBURN: Hearing none,
13 may I have a motion to accept that
14 recommendation?

15 COMM. YOUNG: So moved.

16 CHAIRPERSON BLACKBURN: And a --

17 COMM. GAIDOO: Second.

18 CHAIRPERSON BLACKBURN: -- second?

19 All in favor?

20 COMM. EDWARDS: Aye.

21 COMM. YOUNG: Aye.

22 COMM. RAMOS: Aye.

23 COMM. MCKEOWN: Aye.

♀

10

1 COMM. GAIDOO: Aye.

2 CHAIRPERSON BLACKBURN: Aye.

3 Anyone opposed?

4 (No response.)

5 CHAIRPERSON BLACKBURN: Thank you,

6 Comm. Edwards.

7 Comm. Young.

8 COMM. YOUNG: In the matter of Rong
9 Fan versus Summerlakes Home Owners Association, I
10 recommend upholding the finding of no cause.

11 CHAIRPERSON BLACKBURN: Any questions
12 at all about that?

13 (No response.)

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

16 COMM. GAIDOO: So moved.

17 CHAIRPERSON BLACKBURN: And a second?

18 COMM. RAMOS: Second.

19 CHAIRPERSON BLACKBURN: All in favor?

20 COMM. EDWARDS: Aye.

21 COMM. YOUNG: Aye.

22 COMM. RAMOS: Aye.

23 COMM. GAIDOO: Aye.

♀

11

1 CHAIRPERSON BLACKBURN: Aye.

2 Anyone opposed?

3 COMM. MCKEOWN: Nay.

4 CHAIRPERSON BLACKBURN: One opposed.

5 Okay. Thank you.

6 Comm. Ramos?

7 COMM. RAMOS: Madam Chair, in the
8 case of Bruce Hardiman versus Metaldyne M & A
9 Bluffton, I recommend that we uphold the finding
10 of no probable cause.

11 CHAIRPERSON BLACKBURN: Thank you.

12 May I have a motion to accept that
13 recommendation?

14 COMM. GAIDOO: So moved.

15 COMM. EDWARDS: Second.

16 CHAIRPERSON BLACKBURN: All in favor?
17 COMM. EDWARDS: Aye.
18 COMM. YOUNG: Aye.
19 COMM. RAMOS: Aye.
20 COMM. MCKEOWN: Aye.
21 COMM. GAIDOO: Aye.
22 CHAIRPERSON BLACKBURN: Aye.
23 Anyone opposed?

♀

12

1 (No response.)
2 CHAIRPERSON BLACKBURN: Comm. McKeown.
3 COMM. MCKEOWN: In the matter of
4 Stepp v. General Cable, I would recommend that we
5 send back for additional investigation,
6 specifically around the employee evaluations.
7 CHAIRPERSON BLACKBURN: May I have a
8 motion to accept?
9 COMM. RAMOS: So moved.
10 COMM. EDWARDS: Second.
11 MS. HAYNES: I would like to clarify
12 what exactly -- what type of information are you
13 looking for the investigator to gather?
14 COMM. MCKEOWN: Sure. So, when it
15 came -- when he appealed, the case file included
16 information that he had received two employee
17 evaluations that did not raise any kind of
18 concern about teamwork, and had rated him at
19 least average or above. I did not see the
20 employee evaluations in the case file, unless it

21 just wasn't on my PDF, if which case, we could
22 just come back to this next month, but -- and for
23 me to completely analyze through the burden

♀

13

1 shifting, I thought that it would be helpful to
2 have those.

3 COMM. EDWARDS: So, to be clear, to
4 confirm whether his assertion is correct that he
5 met expectation on two performance evaluations?

6 COMM. MCKEOWN: One of which was
7 within seven days of the termination.

8 COMM. EDWARDS: Okay. Thank you.

9 COMM. MCKEOWN: Thank you.

10 CHAIRPERSON BLACKBURN: And a second?

11 COMM. GAIDOO: Second.

12 CHAIRPERSON BLACKBURN: All in favor?

13 COMM. EDWARDS: Aye.

14 COMM. YOUNG: Aye.

15 COMM. RAMOS: Aye.

16 COMM. MCKEOWN: Aye.

17 COMM. GAIDOO: Aye.

18 CHAIRPERSON BLACKBURN: Aye.

19 Anyone opposed?

20 (No response.)

21 CHAIRPERSON BLACKBURN: Thank you.

22 we do have a report from Comm. Hull, in
23 the case of Jamal L. Smith as Executive Director

♀

1 of the Commission versus The Woods of Eagle
2 Creek. The recommendation from Comm. Hull is to
3 remand with instructions that the matter proceed
4 through the administrative process.

5 May I have a motion to accept his
6 recommendation to remand?

7 COMM. YOUNG: So moved.

8 CHAIRPERSON BLACKBURN: Thank you.

9 MS. HAYNES: I must ask a question
10 about that. Did you receive any additional
11 information about that? Because a -- going
12 through the administrative process would actually
13 be a reversal, so I wanted to clarify whether the
14 case is going back for further investigation.

15 CHAIRPERSON BLACKBURN: His
16 recommendation does not state that.

17 MS. HAYNES: Okay.

18 CHAIRPERSON BLACKBURN: I read it to
19 you verbatim.

20 MS. HAYNES: Thank you, Madam Chair.

21 CHAIRPERSON BLACKBURN: The case
22 assigned to me, Shawn Carraher -- oh, I'm sorry.
23 we didn't complete the motion. All in favor --

‡

1 COMM. RAMOS: We need a second to
2 that.

3 CHAIRPERSON BLACKBURN: -- of

4 accepting the recommendation of Comm. Hull?

5 First of all, is there a motion to accept?

6 COMM. YOUNG: So moved.

7 CHAIRPERSON BLACKBURN: And a second?

8 COMM. EDWARDS: Second.

9 CHAIRPERSON BLACKBURN: All in favor?

10 COMM. EDWARDS: Aye.

11 COMM. YOUNG: Aye.

12 COMM. RAMOS: Aye.

13 COMM. MCKEOWN: Aye.

14 COMM. GAIDOO: Aye.

15 CHAIRPERSON BLACKBURN: Aye.

16 Anyone opposed?

17 (No response.)

18 CHAIRPERSON BLACKBURN: Thank you

19 very much.

20 The case assigned for my review is that of

21 Shawn Carraher versus Indiana Wesleyan

22 University. Without giving you a synopsis of the

23 case, let me simply say that there have been a

♀

16

1 number of additional documents submitted that

2 comprise a few days' reading on my part, so I

3 want that case continued until next month, to

4 allow me some more time, and ask for a motion to

5 accept that.

6 COMM. MCKEOWN: So moved.

7 COMM. RAMOS: Second.

8 CHAIRPERSON BLACKBURN: All in favor?

9 CRC 11-20-15
COMM. EDWARDS: Aye.
10 COMM. YOUNG: Aye.
11 COMM. RAMOS: Aye.
12 COMM. MCKEOWN: Aye.
13 COMM. GAIDOO: Aye.
14 CHAIRPERSON BLACKBURN: Aye.
15 Anyone opposed?
16 (No response.)
17 CHAIRPERSON BLACKBURN: Thank you so
18 much.
19 To assign new appeals, if we could have,
20 please, Comm. Gaidoo, if you would review Timothy
21 Smith versus Pizza Supply of Indiana. If
22 Comm. Young, you would please review Donald Clay
23 versus the Indiana Department of Labor

‡

17

1 Occupational Safety and Health Administration,
2 and the following case, which is Roger Wilson
3 versus the Indiana State Fairgrounds. If you
4 would, Comm. Ramos, review Timothy Easter versus
5 Conway Freight and Joyce Spencer [sic] versus
6 Fifth Third Bank. I'll review Ann Swartz versus
7 Lori Pickering and Pui Yeu Phoon versus Sensient
8 Flavors.
9 working my way back around the room, I
10 want to assign, please, if you would,
11 Comm. Gaidoo, Jonathan Garza versus Focus
12 Hospitality Services. Comm. Young, have I
13 overloaded you already?

14 CRC 11-20-15
COMM. YOUNG: No, ma'am.

15 CHAIRPERSON BLACKBURN: Well, then,
16 would you please review Julie Powers versus
17 Lowe's? Comm. Ramos, if you would please review
18 Eddie Salinas versus Holiday Rent-A-Car. And if
19 you would please review, Ms. McKeown, Kylee
20 Tremanine versus Golden Living. And I'll pick up
21 the last one, which is Angela Cosner versus
22 Portage Township Schools.

23 COMM. EDWARDS: Madam Chair, you said

♀

18

1 another name. Did you intend for me to pick up a
2 couple of those?

3 CHAIRPERSON BLACKBURN: I did.

4 COMM. EDWARDS: Okay. You said --

5 CHAIRPERSON BLACKBURN: I said
6 somebody else's name instead of yours?

7 COMM. EDWARDS: Yes.

8 CHAIRPERSON BLACKBURN: Jonathan
9 Garza --

10 COMM. EDWARDS: Okay.

11 CHAIRPERSON BLACKBURN: -- versus
12 Focus Hospitality Services.

13 COMM. EDWARDS: Okay. And the first
14 one?

15 CHAIRPERSON BLACKBURN: Timothy Smith
16 versus Pizza Supply of Indiana.

17 COMM. EDWARDS: Okay. I just wanted
18 to make sure --

19 CHAIRPERSON BLACKBURN: Yes.
20 COMM. EDWARDS: -- what I was to do.
21 CHAIRPERSON BLACKBURN: Thank you.
22 Everybody have a full load? Thank you.
23 It's a lot to review this month, but we're coming

♀

19

1 to the end of the calendar year.
2 There being no motions before the
3 Commission, we'll move to the Findings of Fact,
4 Conclusions of Law and Order. You have listed
5 three cases with the findings included in your
6 packets. The first one, Serina St. John versus
7 Nancy's Main Street Diner. May I have a motion
8 to accept the findings?
9 COMM. MCKEOWN: So moved.
10 COMM. RAMOS: Second.
11 CHAIRPERSON BLACKBURN: All in favor?
12 COMM. EDWARDS: Aye.
13 COMM. YOUNG: Aye.
14 COMM. RAMOS: Aye.
15 COMM. MCKEOWN: Aye.
16 COMM. GAIDOO: Aye.
17 CHAIRPERSON BLACKBURN: Aye. Thank
18 you very much.
19 Jamal L. Smith versus Park Regency
20 Apartments and Urban Park Regency. May I have a
21 motion to accept?
22 COMM. YOUNG: So moved.
23 COMM. GAIDOO: Second.

♀

1 CHAIRPERSON BLACKBURN: All in favor?
2 COMM. EDWARDS: Aye.
3 COMM. YOUNG: Aye.
4 COMM. RAMOS: Aye.
5 COMM. MCKEOWN: Aye.
6 COMM. GAIDOO: Aye.
7 CHAIRPERSON BLACKBURN: Aye.
8 And Comm. -- I mean our Executive Director
9 may wish to speak about the results in the
10 Benjamin Shaw versus M&M Stump and Tree and
11 William -- or someone. Would someone like to --
12 MR. SMITH: Not at this time, Madam
13 Chair.
14 CHAIRPERSON BLACKBURN: -- speak a
15 little bit about that?
16 MR. SMITH: Not at this time Madam
17 Chair.
18 CHAIRPERSON BLACKBURN: No?
19 MR. SMITH: Not at this time.
20 CHAIRPERSON BLACKBURN: Okay.
21 May I have a motion to accept --
22 COMM. EDWARDS: So moved.
23 CHAIRPERSON BLACKBURN: -- the

♀

1 findings?
2 COMM. MCKEOWN: Second.
Page 17

3 CHAIRPERSON BLACKBURN: All in favor?
4 COMM. EDWARDS: Aye.
5 COMM. YOUNG: Aye.
6 COMM. RAMOS: Aye.
7 COMM. MCKEOWN: Aye.
8 COMM. GAIDOO: Aye.
9 CHAIRPERSON BLACKBURN: Aye.

10 Anyone opposed?

11 (No response.)

12 CHAIRPERSON BLACKBURN: Thank you.
13 There being no Consent Agreements, are there any
14 public comments at this time?

15 (No response.)

16 CHAIRPERSON BLACKBURN: Hearing none,
17 are there any announcements besides those already
18 made?

19 (No response.)

20 CHAIRPERSON BLACKBURN: Nobody?

21 (No response.)

22 CHAIRPERSON BLACKBURN: In that case,
23 you have on your agenda the meeting dates for

♀

22

1 next year. We know they are subject to change on
2 occasion, but for now, put them into your
3 calendars.

4 And this meeting is now adjourned.

5 - - -
6 Thereupon, the proceedings of
7 November 20, 2015 were concluded
- - -

8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23

♀

23

1
2
3
4
5
6
7
8
9
10
11
12

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, from digital recording, of the proceedings held on Friday, November 20, 2015 in this matter and transcribed by me.

Lindy L. Meyer, Jr.,
Notary Public in and
Page 19

CRC 11-20-15

13

for the State of Indiana.

14

15 My Commission expires October 27, 2016.

16

17

18

19

20

21

22

23