

INDIANA CIVIL RIGHTS COMMISSION

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IN RE:

COMMISSIONER/STAFF/ATTORNEY TRAINING
CONTINUING LEGAL EDUCATION SEMINAR and
WORKPLACE HARASSMENT

The public hearing was held before the Honorable
Robert Brookins on the 23rd day of September,
2005, at 402 N. Washington Street, Conference
Center 4, Indianapolis, Indiana, and reported by
me, Margaret A. McNamara, Notary Public in and for
the County of Hamilton, State of Indiana.

ACCURATE REPORTING OF INDIANA
William F. Daniels, Prop., RPR/CP, CM
12922 Brighton Avenue
Carmel, Indiana 46032
(317) 848-0088

APPEARANCES

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GREGORY KELLAM SCOTT, DIRECTOR
Indiana Government Center North
100 North Senate Avenue, RM N103
Indianapolis, Indiana 46204

ROBERT BROOKINS, Arbitrator and Professor of Law
Indiana University Law School, Indianapolis

CHRISTINE DeBACA, Deputy Director

JOAN ESSEX, Assistant Director of Administration

COMMISSIONER BAYNARD

COMMISSIONER BLACKBURN

COMMISSIONER CARTER

COMMISSIONER GARCIA

COMMISSIONER RAMOS

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2:45 P.M.

JUNE 23, 2005

MADAME CHAIR BLACKBURN: Good afternoon. The Indiana Civil Rights Commission is now convening the public session.

We have received the minutes of July and August. May I have a motion to accept the minutes -- just July?

All in favor?

(Unanimous response.)

MADAME CHAIR BLACKBURN: Thank you.

We have new business, an Educational Initiative, and if we can have the Deputy Director to speak to that?

DEPUTY DIRECTOR DeBACA: Yes. The Commission has been provided with copies of the statutory basis for having the Educational Initiative and having the Commission look at education. The Commission has also been provided with the Members of the Indiana Civil Rights Commission staff that will be assisting us in that initiative and the initial area of inquiry, and there is no action to take on that today. But we have provided you with that information.

MADAME CHAIR BLACKBURN: Okay. The financial

1 report?

2 MS. ESSEX: Since you just received the
3 financial reports today, if you have had a chance
4 to look at it I will entertain any questions on
5 that, but if you would like to go ahead, and we
6 will bring this financial statement back next time
7 so that if you do have any questions we can talk
8 about this.

9 We had some computer issues, and my computer
10 decided to take a holiday without permission so we
11 were a little late, and it didn't make the packet
12 this time. But we're all back up and running and
13 feeling much healthier now.

14 MADAME CHAIR BLACKBURN: Anyone have any
15 questions regarding the financial report, or would
16 you just as soon take your time and peruse it and
17 report on it at the next meeting?

18 Why don't we just take that course of action and
19 vote on it at the next meeting?

20 We have several consent agreements listed in
21 your agenda, and I would entertain a motion to
22 accept those.

23 COMMISSIONER BAYNARD: Second.

24 MADAME CHAIR BLACKBURN: All in favor?

25 (Unanimous Response.)

1 MADAME CHAIR BLACKBURN: Anyone opposed?
2 Thank you.
3 There are no findings of fact, conclusions of
4 law and order submitted this month and no other
5 orders or motions and orders and a single no
6 probable cause finding -- no. There are 33 cases
7 of no probable cause.
8 May I have a motion to dismiss those?
9 COMMISSIONER BAYNARD: So moved.
10 MADAME CHAIR BLACKBURN: Why is there one on the
11 notice of finance only?
12 MS. DOBBINS: I know. There is two months so
13 you have August and September.
14 MADAME CHAIR BLACKBURN: I see. And the case
15 was withdrawn in two cases.
16 May I have a motion to dismiss those?
17 COMMISSIONER CARTER: So moved.
18 COMMISSIONER BAYNARD: Second.
19 MADAME CHAIR BLACKBURN: All in favor?
20 (Unanimous Response.)
21 MADAME CHAIR BLACKBURN: Anyone opposed?
22 There are two cases were there was a failure to
23 cooperate or failure to locate in both cases.
24 May I have a motion to dismiss them?
25 COMMISSIONER CARTER: So moved.

1 MADAME CHAIR BLACKBURN: All in favor?
 2 (Unanimous Response.)
 3 MADAME CHAIR BLACKBURN: Anyone opposed?
 4 The cases withdrawn with settlement, may I have
 5 a motion to dismiss those?
 6 COMMISSIONER CARTER: So moved.
 7 MADAME CHAIR BLACKBURN: And those are with
 8 settlement or consent agreements.
 9 Listed in your agenda are also the agreements
 10 that were mediated. May I have a motion to
 11 dismiss those?
 12 COMMISSIONER BAYNARD: So moved.
 13 COMMISSIONER CARTER: Second.
 14 MADAME CHAIR BLACKBURN: Anyone opposed?
 15 There were four cases of probable cause that are
 16 listed in the agenda. May I have a motion to
 17 accept those?
 18 COMMISSIONER CARTER: So moved.
 19 COMMISSIONER BAYNARD: Second.
 20 MADAME CHAIR BLACKBURN: All in Favor?
 21 (Unanimous response.)
 22 MADAME CHAIR BLACKBURN: Anyone opposed?
 23 We have under J, Other Motions, Re-adoption of
 24 Existing Rules and Regs, and I'd like a motion to
 25 accept those.

1 COMMISSIONER CARTER: Second.

2 COMMISSIONER BAYNARD: Second.

3 MADAME CHAIR BLACKBURN: All in favor?

4 (Unanimous Response.)

5 MADAME CHAIR BLACKBURN: Anyone opposed?

6 It's been a long day already. We'll go now to
7 the reports from the Commissioners on
8 Complainants' Appeals and begin with Commissioner
9 Baynard.

10 COMMISSIONER BAYNARD: Madame Chair, in the case
11 of Weller versus S.E. Title Incorporated and
12 Douglas versus Terre Haute Nursing and Rehab I
13 would recommend that we go with the Director's
14 findings of no probable cause.

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

17 COMMISSIONER CARTER: So moved.

18 MADAME CHAIR BLACKBURN: All in favor?

19 (Unanimous response.)

20 MADAME CHAIR BLACKBURN: Anyone opposed?

21 Thank you.

22 COMMISSIONER BAYNARD: Madame Chair, in the case
23 of Malone Hyte Community Center Board versus City
24 of Terre Haute/Department of Parks and Recreation
25 I would just ask to continue this.

1 MADAME CHAIR BLACKBURN: All right. Thank you.
2 I'll skip my report and go to Commissioner
3 Carter.

4 COMMISSIONER CARTER: Madame Chair, in the cases
5 of Haskins versus Baynes and Shirey, Powell versus
6 Wishard Hospital and Tunnercliffe versus Notre
7 Dame University I recommend that we uphold the
8 Director's no probable cause finding.

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

11 COMMISSIONER BAYNARD: So moved.

12 COMMISSIONER CARTER: Second.

13 MADAME CHAIR BLACKBURN: All in favor.

14 (Unanimous Response.)

15 MADAME CHAIR BLACKBURN: Anyone opposed? Thank
16 you.

17 Commissioner Garcia?

18 COMMISSIONER GARCIA: In the case of Tyson
19 versus Yorktown Farm Community, Venessa Dolden,
20 Manager, my recommendation is to concur with the
21 Executive Director's determination of no probable
22 cause.

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

25 COMMISSIONER CARTER: So moved.

1 COMMISSIONER BAYNARD: Second.

2 MADAME CHAIR BLACKBURN: All in favor?

3 (Unanimous Response.)

4 MADAME CHAIR BLACKBURN: Anyone opposed? Thank
5 you.

6 Do we have a report from Mr. Gibson?

7 MS. DOBBINS: No. We do not.

8 MADAME CHAIR BLACKBURN: All right. And I'll
9 report that my recommendation in all three cases,
10 Barber versus the City of Anderson, Slaughter
11 versus Strack and Van Till Supermarket, Inc., and
12 Harris versus Weiss Homes, Inc., that we uphold
13 the Director's finding of no probable cause, and I
14 would ask for a motion to accept the
15 recommendation.

16 COMMISSIONER CARTER: So moved.

17 COMMISSIONER BAYNARD: Second.

18 MADAME CHAIR BLACKBURN: All in favor?

19 (Unanimous Response.)

20 MADAME CHAIR BLACKBURN: Thank you very much.

21 I would like to assign now cases for appeal -- I
22 mean, assignment of appeals to Commissioners.

23 Commissioner Baynard, Felder versus Carriage
24 House West and Gene B. Glick Company, Inc.,
25 Commissioner Carter, Bonn versus Lowe's Companies,

1 Inc., Commissioner Garcia, Witherspoon versus
2 Kevin Krulewitch and Ladywood Estates, LLC, and
3 I'll review Tyson versus Star and News.

4 MS. DOBBINS: Madame Chair, there is one that
5 you missed under Commissioner Carter's name,
6 Eagle-Sonier versus Indiana DOC.

7 MADAME CHAIR BLACKBURN: All right. It's not
8 listed on my agenda. Thank you very much.

9 The Administrative Update and the Director's
10 Report.

11 DIRECTOR SCOTT: Yes. As you noticed, the
12 Commission has directed us, and we have been
13 involved in the Education Initiative, and we have
14 provided reports to the Commission, and in part,
15 realizing the Executive Session for some of that
16 information, but we have no actions to be taken,
17 no matters to be voted on today regarding that
18 initiative. And we will have an agenda item
19 involving the introduction of the members of the
20 support staff who will be working in that area at
21 the next meeting.

22 The second area is to welcome our new
23 Commissioner, Commissioner Stephen Ramos. It is
24 good to have you on board, and we appreciate the
25 fact that IBM has allowed you to serve as a Member

1 of the Commission. And for those who are not
2 aware of some of the Commissioner's background,
3 which I think is really important for the
4 Commission, in his work with IBM -- I know I'm
5 using a phrase that you have not provided me, but
6 I would call him a futurist.

7 And some of his work involves determining the
8 impact of decisions that are made looking at what
9 would happen if A is chosen versus B and those
10 alternatives and the impact that it could have on,
11 certainly, IBM's business and its activities. And
12 I think that attribute is one that is very welcome
13 here in the Commission to assist us if we have
14 cause to make recommendations to the Legislature
15 or the Governor's Office as the statute
16 authorizes, to be able to provide that kind of
17 insight and assist the other Commissioners who
18 have done so well in the past providing that kind
19 of information.

20 So I thank you for serving after going through
21 the experience of the Governor's Office and being
22 cleared to become an appointee.

23 COMMISSIONER RAMOS: Thank you very much. I
24 look forward to it.

25 DIRECTOR SCOTT: Thank you. And with that I

1 think I'm going to hold the announcements until
2 after the Deputy Director speaks.

3 DEPUTY DIRECTOR DeBACA: With regard to our
4 pending case inventory, we have a total of 470
5 pending cases. During the month of August we had
6 one probable cause finding. In July we had
7 reported 452 pending cases. There have been 57
8 additions to that inventory, and 38 are
9 dispositions or cases closed since then and thus
10 470 -- I apologize, 471 pending cases.

11 With regard to ADR, during the month of August
12 ten cases resulted in successful settlements, and
13 in addition to monetary benefits in the amount of
14 \$9,720 complainants also received other benefits
15 such as respondents agreeing to attend Fair
16 Housing training and other types of dispositions.

17 And that is it.

18 DIRECTOR SCOTT: And actually, Madame Chair,
19 there is one other matter that I would like to
20 take note of. The staff, under the direction of
21 the Deputy Director, conducted an audit of our
22 files and our records, and in the course of
23 several weeks Ms. DeBaca with other members of the
24 staff actually engaged in an eye-ball I which
25 resulted in a closure of a significant number of

1 cases that had previously been completed but had
2 not been fully closed and also gave us comfort in
3 knowing that the files we have, we have, and the
4 cases that we have, we have files for.

5 Again, also in assisting in that regard, that
6 has been very helpful for us in having a comfort
7 that we are proceeding in the, "proper manner,"
8 with respect to these files, and I would like to
9 publically thank the Deputy Director for her
10 effort in marshalling the staff and resources and
11 the help of those members who are also here,
12 including Joan Essex and Barbara and also Debra in
13 that work, which was in our view very important
14 work in having the Commissioners handling the
15 cases remain current and continuing to be current.

16 So thank you.

17 MADAME CHAIR BLACKBURN: In that we have
18 dismissed the motions and orders for August in the
19 previous statements I want to make sure that we
20 dismiss the orders and motions for September.
21 There were 25 cases of no probable cause, five of
22 failure to cooperate or to locate and 20 cases
23 that were withdrawn with settlement or consent
24 agreements, and no cases over which we lacked
25 jurisdiction.

1 But I would like a motion to dismiss those
2 cases.

3 COMMISSIONER CARTER: So moved.

4 COMMISSIONER BAYNARD: Second.

5 MADAME CHAIR BLACKBURN: All in favor?

6 (Unanimous response.)

7 MADAME CHAIR BLACKBURN: Thank you. A couple of
8 announcements before we conclude.

9 There is in an invitation from HUD for the
10 Director and one of the Commissioners to go for an
11 open-house in Washington -- or an open-house in
12 Washington at the training academy, and it's at
13 the National Fair Housing Training Academy. It is
14 scheduled for October 3rd, and I told the Director
15 that I will try to go, but I need to look at my
16 schedule. So I'm announcing it so that you are
17 all on notice that if I can't go one of you may be
18 called to see if you can go.

19 DIRECTOR SCOTT: As I mentioned, in that
20 facility that I'm making reference to, our staff
21 has had the benefit of that training and traveled
22 to Washington, DC. There are several stages of
23 the program, and they are on their return
24 recorded. There are certain benefits in the
25 training and we appreciate that support, and it's

1 another relationship opportunity in terms of our
2 dealings with HUD. So that hopefully we can
3 continue to provide the contracts and the payments
4 that the agency receives for our work in the
5 housing cases.

6 MADAME CHAIR BLACKBURN: On a personal note the
7 academy has been operating in some temporary
8 quarters awaiting the renovation of one of the
9 buildings on the main campus of Howard University,
10 which is my alma mater, and the ribbon cutting is
11 going to occur in the primary auditorium, one of
12 my old haunts. So I hope I'll be able to go.

13 MS. ESSEX: One thing I wanted to mention with
14 regard to the training in Washington, it also has
15 allowed staff members that handle the housing
16 cases to become certified for handling those
17 cases, which is something new, and I think it
18 helps the investigators feel that they have the
19 proper training that they need on a National level
20 as well as a local level. So it's been very
21 beneficial for them.

22 MADAME CHAIR BLACKBURN: Are there any other
23 announcements?

24 DIRECTOR SCOTT: Yes. I have a couple other
25 announcements which I deferred until after the

1 Deputy Director had spoken.

2 One in particular is we had received a first
3 invitation from the Chief Justice to participate
4 in one of the Court's programs regarding certified
5 interpreters and creation of a certified
6 interpreter registry in which the Deputy Director
7 and the Director both attended, and we received
8 thanks again from the Chief Justice afterwards in
9 terms of the support that the Commission is
10 providing to that program.

11 In addition I would like the Commissioners to
12 note that we have scheduled six dates covering
13 three years for the MLK, Jr. holiday celebration,
14 which for 2006 will be Thursday, January 12th, for
15 2007 it will be Thursday, January 11th and for
16 2008, Thursday, January 17th. And as you know we
17 always look forward to having the Commissioners
18 participate as we do with these dates as well.

19 And then as you may recall, the Commission of
20 the Martin Luther King, Jr. Holiday Commission
21 also hosts the Holocaust observance, and the dates
22 have been set for the next three years, Tuesday,
23 April 25th in 2006, Tuesday, April 17th in 2007
24 and Tuesday, April 29th in 2008.

25 MADAME CHAIR BLACKBURN: Would you repeat the

1 date for this coming January for the MLK
2 celebration?

3 DIRECTOR SCOTT: Yes. Thursday, January, 12th.

4 MADAME CHAIR BLACKBURN: Thank you.

5 DIRECTOR SCOTT: And in addition, while I have
6 not received the final written letter, I wanted to
7 mention that the agency has been commended by EEOC
8 regarding a review of HUD, regarding a review of
9 our operations and our offices and files that are
10 being done, and we are awaiting a letter. But
11 having been so commended at least I wanted to let
12 the Commission be aware of that in terms of the
13 work that the staff has been doing, and we do have
14 good staff who do well on behalf of the
15 Commission.

16 And I believe that concludes the announcements
17 that I have.

18 MADAME CHAIR BLACKBURN: I'd like to announce
19 that the first fund-raising event for the Indiana
20 Museum of African American History will be held
21 February 4th at the Weston Hotel, and tickets are
22 \$150 a piece, And there are corporate tables
23 available at the 25 and 3500 level.

24 And on a personal note, your Chair is being
25 honored with the Hope Award on December 7th and

1 being honored by the Fashion Group International
2 on October 21st, and I don't know the name of the
3 award.

4 DIRECTOR SCOTT: May we obtain some more
5 detailed information from you regarding that?

6 MADAME CHAIR BLACKBURN: I'm sure I can follow
7 up on that. Thank you.

8 DIRECTOR SCOTT: If the Commission is able to
9 have -- if they are interested in African American
10 Museum history event it certainly would be on an
11 individual basis and no compulsion from the
12 office, obviously, but if we do have enough to get
13 a table is there a way that the Commission can be
14 represented?

15 MADAME CHAIR BLACKBURN: Absolutely. I will
16 anticipate your check for \$3500. Thank you.

17 And hearing no other announcements, the meeting
18 is adjourned.

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