



# Indiana Civil Rights Commission

## **Public Meeting**

October 19, 2018

**1:00p.m.-3:00p.m.**

ICRC Conference Room  
100 North Senate Avenue, Room N300  
Indiana Government Center North  
Indianapolis, IN 46204

# Agenda

- I. Meeting convened and quorum established
- II. Announcement of Agenda
- III. Approval of previous meeting minutes
- IV. ICRC Directors' Report
- V. Old Business
  - i. Commissioners Appointed to Appeals Report Determinations:  
*Appointments are noted in the August 17, 2018 Appointment Log*
    1. Mark Zak v. Lowes, 470-2016-00626, Commissioner Edwards  
*Appeal Date: 8/16/2018*
- VI. New Business
  - i. Appointment of Commissioners to Complainants' Appeals of Director's Findings

*"The Chair shall appoint a Commissioner to review and rule on each appeal." 910 IAC 1-3-2(h).*

    1. Bridget Williams v. Intelenet Global Services,  
*(470-2016-00626)*  
*Appeal Date: 8/16/2018*
    2. Jennifer Parker v. Schmitt Backhoe & Dump Truck, Inc.,  
*(EMha17091259)*  
*Appeal date: 10/9/2018*
    3. Carla Burran v. Herff Jones, LLC., (EMha18020108)  
*Appeal Date: 10/2/2018*
    4. Angelique Kelley v. Hopebridge LLC., (EMra18010011)  
*Appeal Date: 9/26/2018*

5. Jackie Hutchinson v. Pedigo's Auto Sales-Glen Pedigo,  
(EMha1712139)  
Appeal Date: 9/28/2018
6. Tiffany King v. National Mentor Healthcare, LLC D/B/A  
Indiana Mentor, (EMra17121401)  
Appeal Date: 9/28/2018
7. Francis Santos v. Michigan City Area Schools,  
(EMha17101300)  
Appeal Date: 10/12/2018
8. Robyn Montgomery v. BSN Sports, (EMRA18010050)  
Appeal Date: 10/16/2018

**ii. Appointment of Administrative Law Judge**

"The commission may appoint administrative law judges other than commissioners, when an appointment is deemed necessary by a majority of the commission." Ind. Code § 22-9-1-6(i).

**iii. Motions presented**

**Notice of Elections**

Under the Indiana Fair Housing Act, an election is valid if made within 20 days from the date that the Notice of Finding and Charge was received or made within 20 days from the date that the Notice of Finding and Charge was signed if the party electing is the Complainant. Ind. Code § 22-9.5-6-12(b). Additionally, an election must be filed with the Docket Clerk and served on the Respondent, Aggrieved Party, all Attorneys, and the Director of the Indiana Civil Rights Commission. 910 IAC 2-6-6(h)(2). "If the complainant, the respondent, or the aggrieved person on whose behalf a complaint was filed makes a timely election..." the agency "...shall dismiss the administrative proceeding." 910 IAC 2-7-9(a).

Under the Indiana Civil Rights Law, an election is valid if: 1) it is made prior to the start of a hearing on the merits, 2) the election is made in writing on a form provided by the Indiana Civil Rights Commission, and 3) all parties agree to the election. Ind. Code § 22-9-1-16(a). Additionally, the election must be served on all parties, including the Docket Clerk, Respondent, Complainant, Aggrieved Party, and all attorneys. 910 IAC 1-5-1(b). "If all parties have filed a timely election ...the commission shall dismiss the case, without prejudice." 910 IAC 1-3-6.

1. **Gregory L. Wilson, Sr. in his official capacity as Executive Director of the Indiana Civil Rights Commission (VAJA) v. Tuscany Village Community Association, Inc. and Mainstreet Management, LLC, (HOha18020053)**

Complainant, Director Wilson, filed a notice of election under the Indiana Fair Housing Act on June 25, 2018, seven (7) days after the Director of the ICRC signed the Notice of Election and Charge, and served all parties to the administrative proceeding, including the Director, Respondent, Aggrieved Party, all Attorneys, and the Docket Clerk. Prior to the beginning of a hearing on the merits and on July 17, 2018, Respondent and Complainant filed a written joint notice of election under the Indiana Civil Rights Law, again serving all parties and using the form provided by the Indiana Civil Rights Commission. The Aggrieved Party did not intervene in the administrative case, despite having private counsel during the investigation. The Commission must decide whether or not to grant the parties' notices of election such that the administrative case will be dismissed so that the case can proceed in state court.

2. **Gregory L. Wilson, Sr. in his official capacity as Executive Director of the Indiana Civil Rights Commission (WILLIAMS) v. Interstate Realty Management Company/Belleville Apartments (HOha18020067)**

Complainant, Director Wilson, filed a notice of election under the Indiana Fair Housing Act on July 18, 2018, nineteen (19) days after the Director of the ICRC signed the Notice of Election and Charge, and served all parties to the administrative proceeding, including the Director, Respondent, Aggrieved Party, all Attorneys, and the Docket Clerk. Prior to the beginning of a hearing on the merits and on August 15, 2018, Respondent and Complainant filed a written joint notice of election under the Indiana Civil Rights Law, again serving all parties and using the form provided by the Indiana Civil Rights Commission. The Commission must decide whether or not to grant the parties' notices of election such that the administrative case will be dismissed so that the case can proceed in state court.

3. **Gregory L. Wilson, Sr. in his official capacity as Executive Director of the Indiana Civil Rights Commission (FANNON) v. Mishawaka Housing Authority, (HOha17111370)**

Respondent filed a notice of election under the Indiana Fair Housing Act on May 15, 2018, twenty (20) days after Respondent received the Notice of Election and Charge issued by the Director of ICRC, and served all parties to the administrative proceeding, including the Director, Respondent, Aggrieved Party, and all Attorneys. Respondent filed the Notice of Election with the Docket Clerk, although the Docket Clerk is not listed on the certificate of service. Prior to the beginning of a hearing on

the merits and on May 15, 2018, Respondent and Complainant filed a written joint notice of election under the Indiana Civil Rights Law, again serving all parties and using the form provided by the Indiana Civil Rights Commission. The Commission must decide whether or not to grant the parties' notices of election such that the administrative case will be dismissed so that the case can proceed in state court.

### ***Settlements and Withdrawals***

Under 910 IAC 1-2-6, parties to an administrative proceeding may withdrawal complaints before the Commission when the complaint has been resolved. If a hearing has not been set, Complainant may withdraw the complaint. The parties may additionally seek the Commission's written consent to dismiss the complaint and must do so if a hearing has been set.

**1. Brodzinski v. Good Hospitality Services, (EMha16101496)**

The parties engaged in mediation that resulted in a settlement. The parties have jointly moved to dismiss the case as the complaint has been resolved. The parties jointly ask the Commission to dismiss the administrative case with prejudice because the parties no longer wish to litigate the case.

## ***Procedural Motions***

### **1. ICRC (Emily Torres) v. Creative Approach Realty, LLC, (HOha17061143): Motion for Summary Judgement**

Complainant has filed a Motion for Summary Judgment. The Respondent's deadline to respond was September 30, 2018, and no reply has been filed. The Commission must make a decision on the Motion for Summary Judgment. The Commission can grant the motion and set the matter for a hearing on only damages or deny the motion and require that a hearing be held on the merits of the case. The Commission may assign the Motion to an individual Commissioner to review and make a recommendation.

### **2. Lawrence Key v. Campagna Academy, Inc. (EMra16061232): Motion to Reschedule Oral Arguments**

Respondent has filed a request to reschedule the oral argument currently set for November 16, 2018 at 1 PM. Respondent's attorney is scheduled to appear in court at the time the oral argument is currently scheduled.

### **3. Lynne Farmer v. Evansville Vanderburgh School Corporation (EMra16061244): Motion to Reschedule Oral Arguments and Extension of Briefing Schedule**

Complainant and Respondent have Jointly Filed a Motion for Continuance of Argument on Objection, requesting that the date of the oral argument be changed and that more time be granted to the parties to file their briefs. The Attorneys for both parties have conflicts with the dates currently set.

**4. Lawrence Key v. Campagna Academy, Inc.  
(EMra16061232): Motion for Enlargement of Deadline for  
Finding of Objections Briefs**

Complainant filed a motion requesting an extension of the deadline to file briefs. Respondent has no objection to the extension.



## **VII. Announcements**

### **i. Meeting Dates for 2018**

- Friday, November 16, 2018
- Friday, December 21, 2018

## **VIII. Public Comment**

Adjournment