

1 BEFORE THE STATE OF INDIANA

2 CIVIL RIGHTS COMMISSION

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5

PUBLIC MEETING OF AUGUST 28, 2015

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9 PROCEEDINGS

10 in the above-captioned matter, before the Indiana

11 Civil Rights Commission, Steven A. Ramos,

12 Chairman, taken before me, Lindy L. Meyer, Jr., a

13 Notary Public in and for the State of Indiana,

14 County of Shelby, at the Indiana Government

15 Center South, Conference Center, Rooms 1 & 2,

16 402 West Washington Street, Indianapolis,

17 Indiana, on Friday, August 28, 2015 at 1:07

18 o'clock p.m.

19 - - -

20

21 William F. Daniels, RPR/CP CM d/b/a  
ACCURATE REPORTING OF INDIANA

22 12922 Brighton Avenue

23 Carmel, Indiana 46032

(317) 848-0088

1 APPEARANCES:

2 COMMISSION MEMBERS:

3 Steven A. Ramos, Chairman  
Kent Hull

4 Sheryl Edwards  
Suzanne R. Gaidoo

5 Michelle Gough McKeown  
Ahmed Young

6

7 INDIANA CIVIL RIGHTS COMMISSION

By Jamal Smith, Director/Secretary

8 & Akia Haynes, Deputy Director

Indiana Government Center North

9 100 North Senate Avenue, Room N103

Indianapolis, Indiana 46204

10 On behalf of the Commission.

11

OTHER COMMISSION STAFF PRESENT:

12

Debbie Rincones-Chavez

13

14 OTHERS PRESENT:

15 Rong Fan

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1 1:07 o'clock a.m.  
2 August 28, 2015

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3 CHAIRMAN RAMOS: I call to order the  
4 meeting of the Indiana Civil Rights Commission.  
5 Today is August 28th. It's officially 1:08. I  
6 call this meeting to order for the Indiana Civil  
7 Rights Commission. We have an agenda in front of  
8 you. The first element is to make sure that we  
9 have a quorum, and we do in fact have a quorum,  
10 so having that, I'd like to get approval and  
11 adoption of the meeting minutes.

12 COMM. YOUNG: So moved.

13 CHAIRMAN RAMOS: So, I have a motion.  
14 Do I hear a second?

15 COMM. MCKEOWN: Second.

16 COMM. EDWARDS: Second.

17 CHAIRMAN RAMOS: Motioned and  
18 seconded. All those in favor, signify by saying  
19 aye.

20 COMM. MCKEOWN: Aye.

21 COMM. HULL: Aye.

22 COMM. EDWARDS: Aye.

23 COMM. YOUNG: Aye.

1           COMM. GAIDOO: Aye.

2           CHAIRMAN RAMOS: Aye.

3           Any opposed?

4           (No response.)

5           CHAIRMAN RAMOS: Any abstentions?

6           (No response.)

7           CHAIRMAN RAMOS: So, motion carries.

8           So, the first item on our agenda beyond

9 the minutes is the Executive Director Report.

10          Mr. Smith.

11          MR. SMITH: Sorry about that. Good

12 afternoon, everyone.

13          COMM. EDWARDS: Good afternoon.

14          MR. SMITH: Fairly short ED's Report

15 this afternoon. Discussing the budget first, we

16 are on par, no questions -- are no concerns in

17 terms of the budget. Communications plan,

18 actually we're going into the black, if anything.

19 Full of events, the majority of -- the majority

20 of the budget outside of personnel is going to

21 obviously education and outreach.

22          Which brings me to the point for you guys

23 to -- if you haven't already had a chance to,

1 take a look at the calendar of events, it's  
2 starting to black out was we're moving throughout  
3 the year. We're obviously well into and almost  
4 done with August.

5 Moving into September, what's important is  
6 to note, I think, a couple of things. One is the  
7 list of Native American related events there, as  
8 well as Hispanic Heritage Month related. There's  
9 quite a few that lead well into October as well.

10 So, notably -- well, moving back to and  
11 aside from those, there's also two -- a growing  
12 Haitian population that we have in Washington,  
13 Indiana that's migrating up north to Indianapolis  
14 as well, so the Commission is kind of keeping our  
15 eyes and ears open as to what's going on there.

16 Southern Indiana has historically been  
17 fairly homogenous, and the onset of various  
18 groups of immigrants, there tends to be issues  
19 from time to time. So, we just want to make sure  
20 that we are proactive and engaged in those  
21 respective communities so that we can curb any  
22 issues that may or may not arise.

23 CHAIRMAN RAMOS: Is there any idea

1 from a numbers standpoint? Is that hundreds? Is  
2 it thousands?

3 MR. SMITH: Well, we're closer to the  
4 thousands than we are the hundreds.

5 CHAIRMAN RAMOS: Okay.

6 MR. SMITH: Not accurate yet. We're  
7 still gathering information. I'd like to get it,  
8 because it feels very similar to the Burmese  
9 piece that we had in Fort Wayne, that onset in  
10 Fort Wayne that migrated down to Indy as well.  
11 I'm not sure where the numbers are yet. I know  
12 that the original settlement was in Washington,  
13 Indiana, and different things forced many of them  
14 to make their way here to Indianapolis.

15 So, not so much of an issue, only in that  
16 Southern Indiana as been fairly homogenous and it  
17 was a little bit of a -- some culture shock that  
18 we're having to contend with, so -- but excited  
19 to be engaged in those communities nonetheless.  
20 You know, of course, the agency is kind of  
21 barricaded in the area diversity and disparities  
22 and so on and so forth, so happy to have that  
23 opportunity. I just want to make sure that we

1 have a good finger on the pulse of what's going  
2 on and what that changing demographic looks like.

3 Any questions about that at all?

4 (No response.)

5 MR. SMITH: And I didn't mean to  
6 skate over the budget. I just mention that all  
7 of these outreach events, a good chunk of our  
8 outreach of our outreach and education piece of  
9 the budget is consumed, and next couple of months  
10 we'll see some pretty heavy travel. But are  
11 there any questions concerning the budget at all?

12 (No response.)

13 MR. SMITH: Okay. The other piece  
14 that I mentioned was a lot of the Hispanic  
15 Heritage Month events, El Grito Independence Day.  
16 We have the Family Night Language Assistance  
17 Program, Family Night Fiesta Indianapolis,  
18 Indiana Latino Heritage Day.

19 Then moving into October, will be up north  
20 quite a bit, the Hammond Hispanic Community  
21 Committee, Latino Resource Fair, and there's  
22 actually two or three that we need to update. I  
23 think we're finalizing a few details on some

1 others as well. So, excited about that piece.  
2 The Native American component is a growing  
3 piece that hasn't been in the -- or on the  
4 calendar historically. Of course, that agency  
5 has been newly seated as of the last five months  
6 or so, and Kerry, who is the ED of the Native  
7 American Commission, has been very, very active  
8 in a lot of the things that she's been pushing  
9 for as far as a stick, and so a lot of those  
10 events are starting to surface, and you'll see  
11 those on the calendar as well.

12 So, unique in that they're not some of the  
13 traditional things that you see, and not  
14 necessarily some of the traditional programming  
15 that the agency has had an opportunity to be  
16 involved in. So, we're excited about that as  
17 well, because that brings up a whole 'nother  
18 onset of commentary and projects and initiatives  
19 that we'll be taking ahold of.

20 So, anyway, excited about the amount of  
21 activity. Had an agency head meeting a few weeks  
22 ago. We had a discussion about activity per  
23 agency, per capita, per personnel came up, and



1 I'm just excited to say that we -- for the size  
2 that we are, we do just as much, and in many  
3 cases, more than agencies that are three, four  
4 and five times our size. So, excited about that.

5 Any thoughts, questions or feedback?

6 CHAIRMAN RAMOS: How was the baseball  
7 game?

8 MR. SMITH: The Indiana Civil Rights  
9 Game was absolutely awesome. The essay winners  
10 were in attendance. The first- and second-place  
11 winners were there. We had an opportunity to  
12 speak on behalf of the agency and get our message  
13 out on radio. We had a live broadcast. That was  
14 awesome. Sold out; twelve, fourteen thousand  
15 people were in attendance.

16 Obviously the weather was beautiful; good  
17 day to be at the park -- in the ballpark, but --  
18 and as you guys know, of course, we do the  
19 throw-back jerseys. Our embattled Chair,  
20 Ms. Blackburn, was in attendance as well. The  
21 players wear the throw-back jerseys, and then we  
22 auction them off.

23 Moneys and proceeds from the jerseys

1 actually go to an inner-city youth baseball  
2 programs, to help sustain some of the programming  
3 that goes on. I think it's called the RBI  
4 program, and so there's that. And a specific  
5 program was picked out along the near west side  
6 for Indiana to support. So, that was exciting.

7 In fact, to follow up, in early September,  
8 we'll be presenting the big, you know, Price is  
9 Right check right to the kids for the RBI  
10 program, so we're excited about that as well.  
11 But it went off without a hitch. I think that  
12 has been a partnership well worth the investment.

13 And I think we've got it down to a  
14 science, if you will, so I think we can explore  
15 the idea of taking that initiative to Fort Wayne,  
16 who also has a minor league team, and/or perhaps  
17 Gary, who has one as well. The idea there is  
18 obviously to make sure that we're touching base  
19 with as many pockets of the Indiana population as  
20 we can.

21 CHAIRMAN RAMOS: Okay. Thank you.

22 Any other questions --

23 MR. SMITH: Any other questions.

2 Director?

3 (No response.)

4 CHAIRMAN RAMOS: Thank you.

5 MR. SMITH: Thank you, guys.

6 CHAIRMAN RAMOS: Next on the agenda  
7 is Old Business. There are no Oral Arguments, so  
8 we'll step past that. We do have Reports from  
9 the Commissioners on Appeals. Comm. Gaidoo, on  
10 the case of Brittany Copack versus Mante's  
11 Restaurant.

12 COMM. GAIDOO: I recommend that we  
13 uphold the finding of no cause.

14 CHAIRMAN RAMOS: I need a motion to  
15 approve.

16 COMM. MCKEOWN: So moved.

17 CHAIRMAN RAMOS: Second?

18 COMM. YOUNG: Second.

19 CHAIRMAN RAMOS: All those in favor,  
20 signify by saying aye.

21 COMM. MCKEOWN: Aye.

22 COMM. HULL: Aye.

23 COMM. EDWARDS: Aye.

1 COMM. YOUNG: Aye.

2 COMM. GAIDOO: Aye.

3 CHAIRMAN RAMOS: Aye.

4 Any opposed?

5 (No response.)

6 CHAIRMAN RAMOS: Any abstentions?

7 (No response.)

8 CHAIRMAN RAMOS: Motion carries.

9 Thank you.

10 Comm. Hull, the case of Diana Hayes versus

11 Redwood Property Management.

12 COMM. HULL: Well, I'm afraid I'm

13 going to have to ask for more time, because we

14 had a mixup with to the pledge drive, so if we

15 can carry that over, and it should be ready for

16 the next time.

17 CHAIRMAN RAMOS: Okay. So, we'll

18 just add additional time to this particular case

19 and review it in September.

20 All right. Next on the list, under New

21 Business, we have two cases to assign to appeals.

22 The first one is Monica Clay versus Capitol City

23 Ford, and I'll take that case, and the second one

1 is Sherry Nash versus Centaur Acquisition, and

2 we'll start from the right, so -- Comm. Gaidoo,

3 you just had one, so I'm going to delegate it to

4 Sheryl.

5 COMM. EDWARDS: Okay.

6 CHAIRMAN RAMOS: I'm sorry.

7 Comm. Edwards, if you would take that one.

8 COMM. EDWARDS: All right.

9 CHAIRMAN RAMOS: All right. So,

10 there are no motions to be made before the

11 Commission, and the next item are Findings of

12 Facts, Conclusions, Law and Order, and we have

13 several of those, so you've had the opportunity

14 to review them on your homework assignments, so I

15 would need a motion and approval for each one of

16 these Facts and Conclusions of Law and Order.

17 So, the first one is Antonio Galvin versus

18 the Alliance EMS/Transport Loving Care, Inc. I

19 need a motion to approve facts and findings and

20 law and order.

21 COMM. HULL: I will move. So, moved.

22 CHAIRMAN RAMOS: Comm. Hull makes the

23 motion.

14

1 COMM. MCKEOWN: Second.

2 CHAIRMAN RAMOS: I know everybody by

3 their first names. Comm. McKeown seconds this.

4 All those in favor, signify by saying aye.

5 COMM. MCKEOWN: Aye.

6 COMM. HULL: Aye.

7 COMM. EDWARDS: Aye.

8 COMM. YOUNG: Aye.

9 COMM. GAIDOO: Aye.

10 CHAIRMAN RAMOS: Aye.

11 Any opposed?

12 (No response.)

13 CHAIRMAN RAMOS: Motion carries.

14 The next one is Caesarea Nash versus

15 Indiana Department of Corrections-Camp Summit

16 Boot Camp. I need a motion to approve for that.

17 COMM. GAIDOO: So moved.

18 CHAIRMAN RAMOS: And a second?

19 COMM. EDWARDS: Second.

20 CHAIRMAN RAMOS: All those in favor,

21 signify by saying aye.

22 COMM. MCKEOWN: Aye.

23 COMM. HULL: Aye.

1 COMM. EDWARDS: Aye.

2 COMM. YOUNG: Aye.

3 COMM. GAIDOO: Aye.

4 CHAIRMAN RAMOS: Aye.

5 Any opposed?

6 (No response.)

7 CHAIRMAN RAMOS: Any abstentions?

8 (No response.)

9 CHAIRMAN RAMOS: Motion carries.

10 Next we have Rene Wilson versus Honda

11 Manufacturing of Indiana. I need a motion to

12 approve that.

13 COMM. EDWARDS: So moved.

14 CHAIRMAN RAMOS: Comm. Edwards

15 approves. I need a second.

16 COMM. YOUNG: Second.

17 CHAIRMAN RAMOS: Comm. Young approves

18 the second. All those in favor, signify by

19 saying aye.

20 COMM. MCKEOWN: Aye.

21 COMM. HULL: Aye.

22 COMM. EDWARDS: Aye.

23 COMM. YOUNG: Aye.

16

1 COMM. GAIDOO: Aye.

2 CHAIRMAN RAMOS: Aye.

3 All opposed?

4 (No response.)

5 CHAIRMAN RAMOS: Any abstentions?

6 (No response.)

7 CHAIRMAN RAMOS: Motion carries.

8 Next is Jamal L. Smith, in his official  
9 capacity as the Executive Director of the Indiana  
10 Civil Rights Commission versus Donald and  
11 Jacqueline Boyer. I need a motion to approve.

12 COMM. MCKEOWN: So moved.

13 COMM. EDWARDS: So moved.

14 COMM. MCKEOWN: Second.

15 CHAIRMAN RAMOS: Okay. Comm. Edwards  
16 motions, Comm. McKeown seconds. All those in  
17 favor, signify by saying aye.

18 COMM. MCKEOWN: Aye.

19 COMM. HULL: Aye.

20 COMM. EDWARDS: Aye.

21 COMM. YOUNG: Aye.

22 COMM. GAIDOO: Aye.

23 CHAIRMAN RAMOS: Aye.

17

1 Any opposed?

2 (No response.)

3 CHAIRMAN RAMOS: Any abstentions?

4 (No response.)



5 CHAIRMAN RAMOS: Motion carries.

6 The next item is on Consent Decrees [sic].

7 We have none, so we can go past that one.

8 And then we have -- our next area is for

9 public comments, and we have an appeal that --

10 that has been remanded, and the individuals from

11 Rong Fan versus Summerlakes Home Owners

12 Association, and Mr. Fan would like to provide a

13 few minutes of comment.

14 So, Mr. Fan, if you would approach the

15 podium, please. So, I'm just going to kind of

16 state the rules of this, so that we're -- in the

17 interest of everybody's time here. So, again,

18 this is an opportunity for us to hear your

19 comments as -- we before we go into the process,

20 which would be the next month's time. So, we're

21 hearing your comments for information. We'll

22 provide ten minutes of comments for discussion,

23 and then if there are any questions from any of

18

1 the Commissioners, we'll provide that

2 opportunity, and if there's any clarification,

3 we'll do so.

4 Do you understand? Are you clear with

5 that?

6 MR. FAN: I think so.

7 CHAIRMAN RAMOS: Okay.

8 MR. FAN: My name is Rong Fan.

9 First of all, I want to just thank you  
10 people to allow me to have this opportunity to  
11 comment on my case. The case is small, and the  
12 notice is important for me as an individual, so  
13 that's the reason I need to be here and plead my  
14 cause. People here, you review cases time to  
15 time, and many cases permanent ones.

16 I imagine that things happen in your mind  
17 in two ways. One, that you will be growing  
18 hardened to the fact so many things going on, or  
19 you will become more sensitive to the injustice  
20 still prevalent in our society. Which type of  
21 person you are, you have to judge for yourself.

22 I received notice of finding from Deputy  
23 Director regarding my complaint against my

19

1 homeowner association, issued August 17th, last  
2 week, which did not support the complaint, as her  
3 first one, dated back in January, despite remand  
4 from the Commission. I'm here to make my plea  
5 and petition.

6 Commissioners, Chairperson, Director, and  
7 Deputy Director, I find the second time finding  
8 and opinion profoundling -- profoundly troubling,  
9 more than first time, for some major reasons.  
10 Number one, the finding that many complaints  
11 submitted supporting the selective  
12 discriminative -- discriminative practices of my  
13 homeowner association unanswered and not noticed.

14 Number two, for the factual evidence, this  
15 finding did notice many were grossly, even  
16 intentionally, twisted.

17 Number three, the motivations and  
18 conclusions the finding drew are logically  
19 erroneous. They are simply not supported by the  
20 facts, and therefore not consequential. I will  
21 briefly address my concerns here.

22 First, the facts and evidence not  
23 answered. The finding is very strange on why my

20

1 homeowner association litigation bills predated  
2 the alleged violation, which is clear evidence  
3 something fishy was going on. If you have  
4 litigation and your legal bills happen two, three  
5 weeks before the alleged violation, you would

6 question that. Nothing I see in the finding.

7 Next, the finding deliberately took no  
8 notice that direct evidence that expressed within  
9 the homeowner association minutes. In that  
10 minute, it clearly documented its intention to  
11 litigate against me. The evidence can get no  
12 stronger than this, when our -- when the other  
13 party stated its intention, the discriminative  
14 intention.

15 In that minutes, they documented they  
16 wished to litigate against me, only refraining to  
17 do so when other homeowners had the same  
18 situation. It is clear that when the wood  
19 pallets surfaced, they immediately acted on the  
20 excuse. Allow me to ask: Where was the judgment  
21 of Deputy Director here?

22 Next, the finding paid no attention that  
23 alleged violation and threatened legal actions

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1 are based on nonexisting fabrications. If  
2 nonexisting violations can be excuse to level  
3 against homeowners, well, where will they stop?  
4 I don't think the finding mentioned anything on  
5 that subject.

6 While the finding does try to provide some

7 information of while my neighbors, who had much  
8 more situation with exact same situation, wood  
9 pallets displayed in front of his yard for much  
10 longer period of time, even upon being questioned  
11 by this Committee, it made no mention of other  
12 wood pallets accumulation instances.

13 I brought to the attention of this  
14 Committee there are too many same situations of  
15 exact same type happen in our community all of  
16 the time. I don't know why the finding does not  
17 mention that at all. How can this double  
18 standard practice of my homeowner association be  
19 more obvious? I'm very perplexed why the  
20 investigation overlooked this.

21 Next, considering my home subdivision is a  
22 Caucasian residence predominant, the finding did  
23 not address issue the disproportionate rate and

22

1 number of litigations is leveled against  
2 minority, while simply choose to notice  
3 litigations filed against majority as well. The  
4 selective use of data out of context, I believe,  
5 is biased. I believe finding you put in there is  
6 not neutral. The language you use, the facts you

7 select is not -- not neutral. It is biased

8 position.

9 Under this category, there are many trash  
10 cans left in plain views [sic] as frequently as  
11 evidential photos document, while only minority  
12 ones being litigated or threatened with legal  
13 actions. I wonder why the drafter of this  
14 finding was uninterested to consider that.

15 The second heading I would address, the  
16 twisted facts in the finding in October 17th.  
17 For the trash bags, for the trash -- big -- that  
18 tree branches in my neighbor's yard, the fact my  
19 homeowner association was aware of this violation  
20 was particularly passed on and submitted as part  
21 of new evidence in my appeal.

22 However, the finding, Deputy Dir -- in the  
23 finding, Deputy Director states no evidence was

23

1 provided or uncovered to show Respondent is aware  
2 of the violation. This is a simple denial of the  
3 basic facts. Being errored [sic] -- being  
4 errored on this fundamental -- most fundamental  
5 competent fact of this case, I found very  
6 worrisome. Makes one wonder where the moral  
7 compass of the fact-finder is set.

8 In the finding, it comes to the sequence  
9 of events as homeowner association litigated  
10 against me after 49 days of public display of  
11 wood pallets.

12 CHAIRMAN RAMOS: One more minute,  
13 Mr. Fan.

14 MR. FAN: Could -- it's about -- it's  
15 about -- well, will you please give me a few more  
16 minutes to finish it?

17 CHAIRMAN RAMOS: If you can get to  
18 the point --

19 MR. FAN: I think this is --

20 CHAIRMAN RAMOS: -- I don't mind, but  
21 we're aware that this a matter -- we understand  
22 you had the opportunity.

23 MR. FAN: Yeah, it's very important.

24

1 I will try to be brief.

2 CHAIRMAN RAMOS: Thank you.

3 MR. FAN: Okay. Code -- ultimately,  
4 Respondent used complaint for this violation as  
5 well as making improvements without consent.  
6 Nothing could be more further from the truth.  
7 Nothing could be further from the truth. The

8 facts are homeowner association litigated me  
9 within two weeks of alleged wood spot being  
10 spotted, not -- not 45, 49 days, not ultimately.

11 The wood pallets were quickly removed from  
12 public view. I have submitted evidence to  
13 support that. There was no making improvement  
14 without prior consentment [sic] on my part  
15 whatsoever. It is not certain that investigator  
16 has paid any attention to details of the case;  
17 they simply chose to ignore the truth.

18 Finally, the finding claims at least two  
19 otherwise, one African-American, was sued. It is  
20 another unforgiving twisting of the truth. The  
21 facts are only one white family was sued, to my  
22 knowledge, originated most likely from personal  
23 spite, and was also quickly settled with

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1 negotiation, but litigation against me was  
2 malignantly pursued, and minorities in this  
3 community were litigated over slightest excuses.

4 It is so obvious --

5 CHAIRMAN RAMOS: One more minute.

6 MR. FAN: It is ob -- I'm getting to  
7 the final part. It is obvious that the  
8 investigation never bothered to look at the fact,



9 the disproportionate number and frequency of  
10 minorities in this community being litigated and  
11 occasions -- on what occasions these litigations  
12 will trigger. The finding, therefore, I found  
13 was hastily generalized [sic].

14 Well, since you don't allow me to go on,  
15 let me just read conclusion part. Well, I would  
16 appeal the Commission here to independently  
17 review the case, all of the materials submitted,  
18 along with new and additional evidence, to reach  
19 your own independent conclusion. You either  
20 reverse the case or reaffirm it, but please do  
21 not remand back to original investigator and  
22 Deputy Director.

23 Before you issue the opinion, which

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1 perhaps will be final, consider this: If the  
2 same situation happened to you, to you, to you,  
3 to you, to you, to your family, to your friend,  
4 will you -- will your opinion be the same? If  
5 the facts were complicated, the simple reflection  
6 from common sense may bring out and point out the  
7 general picture. Would a reasonable homeowner  
8 association bother to litigate over such minor

9 issue with so many bigger issues at large?

10 CHAIRMAN RAMOS: Thank you.

11 MR. FAN: Ms. Deputy Director, if  
12 there are any response you want to make to mine,  
13 I think the time do that. Otherwise, I hope the  
14 points with --

15 CHAIRMAN RAMOS: Mr. Fan, you're  
16 addressing the Commission.

17 MR. FAN: Yes. This is my last part.

18 CHAIRMAN RAMOS: Thank you.

19 Are there any questions for Mr. Fan?

20 COMM. HULL: Mr. Chair, can I ask;  
21 what is the procedural posture of this case right  
22 now?

23 CHAIRMAN RAMOS: We'll ask the

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1 Assistant Director.

2 MS. HAYNES: Yes, Commissioner. So,  
3 this case was initially filed previously. A  
4 notice of no probable cause -- or no reasonable  
5 cause, as it is a housing matter -- was issued.  
6 The case went to appeal, and it was remanded by  
7 Comm. McKeown.

8 COMM. HULL: I remember that.

9 MS. HAYNES: On approximately -- yes.

10 On approximately August 17th, 2015, a notice of  
11 finding upon remand was issued. Since Mr. Fan  
12 stated that this was to be considered his appeal,  
13 an appeal has now been timely filed, so at this  
14 point, the Commission would have the ability to  
15 essentially assign this matter for review again,  
16 where the notice upon remand can be reviewed and  
17 either upheld or reversed, and we will have the  
18 opportunity to gather the jump drive and  
19 distribute that so it can be issued then to the  
20 Commissioner who this case is assigned.

21           COMM. HULL: So, it is still within  
22 the administrative processes right now?

23           MS. HAYNES: Correct. A notice of

28

1 finding upon remand was issued. There was no  
2 reasonable cause, and at this point, due to  
3 Mr. Fan's statement that this -- he would like  
4 this to constitute his appeal, he has filed an  
5 appeal of that notice upon remand.

6           COMM. HULL: And it would eventually  
7 come up here again?

8           MS. HAYNES: Correct.

9           COMM. HULL: Okay.

10 MS. HAYNES: And in fact, actually  
11 the Vice-Chair can actually assign that matter to  
12 a Commissioner today. We will provide the  
13 documentation so that Commissioner can review it.

14 COMM. HULL: All right. May I ask,  
15 Mr. Fan -- I have --

16 MR. FAN: Yes, sir.

17 COMM. HULL: This is my question:  
18 Have you ever -- have you spoken with --

19 MR. SMITH: Mr. Fan.

20 COMM. HULL: I'm sorry, Mr. Fan --  
21 with a local housing counseling agency about your  
22 case?

23 MR. FAN: Well, the case was

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1 originally submitted to HUD, Federal Housing and  
2 Urban Development, and HUD actually directed the  
3 case to this Committee.

4 COMM. HULL: Right. I understand.  
5 You filed a complaint with them, but I'm  
6 saying -- what I'm asking: There are agencies in  
7 town that consult with people about housing  
8 issues. For example, there's a housing center, I  
9 believe, in Indianapolis. Have you talked to  
10 anybody at an agency like that? Have you talked

11 to an attorney about your case?

12 MR. FAN: How this has bearing on my  
13 case being here?

14 COMM. HULL: Well, I'm just asking  
15 you in terms of what your options might be,  
16 either here or in other forums, particularly  
17 under federal law. It might be worth your while  
18 to seek advice from other sources about what your  
19 options might be. So, if you haven't done that,  
20 you might want to do that. That's all I'm  
21 saying.

22 MR. FAN: Okay.

23 CHAIRMAN RAMOS: Comm. McKeown?

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1 COMM. MCKEOWN: I just wanted to  
2 clarify just that we have not yet seen the  
3 document -- as Commissioners, we have not seen  
4 the document that went out on August 17th.

5 COMM. HULL: Right.

6 COMM. MCKEOWN: So, just to clarify,  
7 for purposes of Mr. Fan, since this was not on  
8 the agenda for this time, the way that,  
9 procedurally, our materials get to us, we will  
10 review everything, including the comments that

11 you made today, when that is an agenda item. But  
12 just so that you know, we, as Commissioners, have  
13 not yet seen that letter.

14 MS. HAYNES: And that is correct.

15 Because Mr. Fan made a timely appeal today in  
16 verbal form, it now initiates that process.

17 CHAIRMAN RAMOS: So, what we'll do,  
18 then -- thank you, Mr. Fan for your comments.  
19 You may be seated. We'll assign this to one of  
20 the other Commissioners, and Mr. -- Comm. Young,  
21 if you would please take a look at that case and  
22 be prepared to review that --

23 MS. HAYNES: Thank you.

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1 CHAIRMAN RAMOS: -- for us, if you'll  
2 provide the submission to him. And then, of  
3 course, if you have any questions, you can chat  
4 with Comm. McKeown and, of course, the Deputy  
5 Director.

6 MS. HAYNES: And pursuant to  
7 traditional procedure, that information will, of  
8 course, first be provided to Comm. Young. It  
9 will then subsequently be provided for all of you  
10 for your review, upon making your decision.

11 Are there any questions?

12           COMM. MCKEOWN: I have just a couple  
13 of procedural questions.

14           MS. HAYNES: Yes.

15           COMM. MCKEOWN: Your comment that  
16 because he appealed today is why we would be  
17 receiving it, but since that was remanded, we  
18 would have eventually seen that documentation,  
19 presumably at the next meeting; correct?

20           MS. HAYNES: Not exactly. It would  
21 depend on whether he actually issued -- or filed  
22 an appeal, because it would be treated like a  
23 typical notice of finding.

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1           COMM. MCKEOWN: Okay. Thank you.

2           MS. HAYNES: You're welcome.

3           CHAIRMAN RAMOS: Then it's the  
4 timeliness of that whether it gets on the docket  
5 or not.

6           MS. HAYNES: Exactly.

7           CHAIRMAN RAMOS: It might be November  
8 or December, depending on the time and all of the  
9 other elements that are required.

10          MS. HAYNES: Yes.

11          CHAIRMAN RAMOS: Okay. All right.

12 MS. HAYNES: Are there any other  
13 questions?  
14 CHAIRMAN RAMOS: Any other questions?  
15 COMM. GAIDOO: Just so I'm clear --  
16 MS. HAYNES: Yes.  
17 COMM. GAIDOO: -- so, Comm. Young  
18 will get the materials, and then all of us will  
19 have -- ultimately have a chance to review them  
20 before we make a decision; correct?  
21 MS. HAYNES: Correct.  
22 COMM. GAIDOO: Okay.  
23 MS. HAYNES: It is a typical appeal

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1 process.  
2 COMM. GAIDOO: Okay.  
3 MS. HAYNES: Thank you.  
4 CHAIRMAN RAMOS: Thank you.  
5 All right. The next item we have on the  
6 list are really Announcements? Executive  
7 Director Smith kind of covered them, but our  
8 meetings for the next -- coming up are  
9 September 25th, October 23rd, November 20th and  
10 December 18th.  
11 There are a number of activities that are  
12 happening in September and October, as were



13 addressed. Many of them are fun, so I encourage  
14 you to participate in those activities, so -- I  
15 know that I will, and hope to see you all there  
16 as well.

17 Executive Director Smith?

18 MR. SMITH: Yes. If you will, I just  
19 wanted to mention the second -- third Thursdays,  
20 and the Commission's television show will begin  
21 here in the next 30 days, and we are now  
22 approaching -- well, we finished the last season  
23 somewhere in the neighborhood of 15,000 viewers,

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1 and we are in seven cities and on 19 different  
2 television stations.

3 So, we're excited about that. I just want  
4 to make you guys, Commissioners, aware, so as we  
5 unveil it, if someone mentions to you, "Hey, I  
6 saw the Commission's TV show," you are aware.  
7 Here in Indianapolis, it's Channel 40, I do know  
8 that, and we'll get the list of the other  
9 stations and the other cities as well.

10 CHAIRMAN RAMOS: Is it on Netflix  
11 yet?

12 MR. SMITH: What's that?

13 CHAIRMAN RAMOS: It's not on Netflix?

14 MR. SMITH: No, we're going to  
15 hopefully look into that next time and all of  
16 that. But the YouTube channel is where it's all  
17 housed, so --

18 CHAIRMAN RAMOS: Okay.

19 MR. SMITH: -- when the newsletters  
20 come out -- and if you guys are not receiving  
21 them, you should be receiving the newsletter.  
22 They're embedded in the newsletters. When you  
23 receive those, you can go out -- go to the -- you

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1 don't have to wait for the television show. You  
2 can actually just view it on the YouTube channel.  
3 So, we're proud of that. It's another --

4 CHAIRMAN RAMOS: Great.

5 MR. SMITH: -- avenue for us to be  
6 able to get the message out, and it's been fairly  
7 successful. So, I just want to make you guys  
8 aware of it.

9 CHAIRMAN RAMOS: Okay. Thank you.  
10 Congratulations. This is a big success.

11 All right. Are there any other  
12 announcements?

13 COMM. HULL: Well, I've just got a

14 question. We had a discussion a couple of months  
15 ago about ethics training for members of the  
16 Commission, and I'm wondering -- it seems like we  
17 were supposed to sign up for something or that  
18 something was going to happen there, and I just  
19 wondered if that is in the works, when we can  
20 expect that.

21 MR. SMITH: Yeah. So, all  
22 Commissioners of all boards in the State  
23 Government are required to do the ethics

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1 training. In light of your question, I'm  
2 assuming you have yet to have that training, so  
3 what we will do is I'll make sure that we  
4 follow-up, get you signed up, and anyone else who  
5 has not had an opportun -- it looks like I'm  
6 seeing some heads shaking. So, we'll make sure  
7 that we get you signed up for that.

8 COMM. HULL: Well, do -- I mean do  
9 they contact us, or do -- I mean is the  
10 initiative with us, or how do we do that?

11 MR. SMITH: So, what will happen, and  
12 assuming it happens, because it's not just you  
13 guys. We all have to take the ethics training as

14 well.

15 COMM. HULL: Right.

16 MR. SMITH: And we receive it in  
17 e-mail, kind of a PeopleSoft-generated e-mail,  
18 with a link that takes you to the training, and  
19 then you take it that way. So, you will be  
20 contacted, more than likely --

21 COMM. HULL: All right.

22 MR. SMITH: -- via e-mail. So, we'll  
23 follow up, make sure that everyone receives that

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1 information and has an opportunity to take that  
2 training stat.

3 CHAIRMAN RAMOS: Is that on-line or  
4 is it physical?

5 MR. SMITH: It's on-line, and I'm  
6 assuming that the training for Commissioners is  
7 identical to the one that we take, so it will be  
8 on-line.

9 CHAIRMAN RAMOS: Okay. That's good.

10 Any other questions for anyone, or any  
11 other announcements?

12 (No response.)

13 CHAIRMAN RAMOS: Hearing none, I  
14 adjourn the meeting.

15 MR. SMITH: Thank you, guys.

16 - - -

17 Thereupon, the proceedings of  
18 August 28, 2015 were concluded  
19 at 1:46 o'clock p.m.

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1 CERTIFICATE

2 I, Lindy L. Meyer, Jr., the undersigned  
3 Court Reporter and Notary Public residing in the  
4 City of Shelbyville, Shelby County, Indiana, do  
5 hereby certify that the foregoing is a true and  
6 correct transcript of the proceedings taken by me  
7 on Friday, August 28, 2015 in this matter and  
8 transcribed by me.

9

10 \_\_\_\_\_

11 Lindy L. Meyer, Jr.,  
12 Notary Public in and  
13 for the State of Indiana.

14

15 My Commission expires October 27, 2016.

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