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BEFORE THE STATE OF INDIANA

CIVIL RIGHTS COMMISSION

- - -

PUBLIC MEETING OF SEPTEMBER 18, 2023

- - -

PROCEEDINGS

in the above-captioned matter, before the Indiana  
Civil Rights Commission, Adrienne L. Slash,  
Chairperson, taken before me, Lindy L. Meyer,  
Jr., a Notary Public in and for the State of  
Indiana, County of Shelby, at the Indiana  
Government Center North, 100 North Senate Avenue,  
Room N300, Indianapolis, Indiana, on Monday,  
September 18, 2023 at 1:12 o'clock p.m.

- - -

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1 APPEARANCES:

2 COMMISSION MEMBERS:

3 Adrienne L. Slash, Chairperson  
4 Steven A. Ramos  
5 Holli Harrington (via Zoom)  
6 Sue Silberberg  
7 Terry Tolliver  
8 James W. Jackson

9 INDIANA CIVIL RIGHTS COMMISSION  
10 By David Fleischhacker, Deputy Director  
11 Indiana Government Center North  
12 100 North Senate Avenue, Room N300  
13 Indianapolis, Indiana 46204  
14 On behalf of the Commission.

10

11 OTHER COMMISSION STAFF PRESENT:

12 Christiana Afuwape  
13 James Hodges  
14 Marcus Norris

14

15 ALSO PRESENT:

15

16 Marc Brooks

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1 1:12 o'clock p.m.  
2 September 18, 2023

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4 CHAIRPERSON SLASH: All right. It  
5 is 1:13 p.m., September 18th. We'll call this  
6 meeting of the Indiana Civil Rights Commission to  
7 order.

8 MR. LOSTUTTER: Please be advised no  
9 party will be allowed to speak directly to the  
10 Commission during any Commission meeting except  
11 during a previously scheduled oral argument. The  
12 Commissioners will make their initial  
13 determination based on the complaint, the notice  
14 of finding, the appeal, and the final  
15 investigative report.

16 You must not address the Commission  
17 members except and unless you are addressed  
18 directly by them, and if you have any questions  
19 about your case, please wait to speak to the  
20 Docket Clerk after the Commission meeting.

21 Thank you.

22 CHAIRPERSON SLASH: All right. We  
23 have -- absolutely for the first time we have a  
quorum. We've got a very strong quorum. We have

1 all but one of us today, so fantastic. Thanks,  
2 everyone, for joining us.

3 If you'd like to announce the agenda.

4 MR. LOSTUTTER: On our agenda, we  
5 will be going over approval of previous meeting  
6 minutes, and then we will have a presentation of  
7 the ICRC Director's Report, Old Business, Appeals  
8 that we will be either upholding the decision on  
9 or remanding, and then New Business, Appointment  
10 of Commissioners to Complainants' Appeals, then  
11 Review of Director's Findings and Review of the  
12 ALJ Decisions and Orders, which there are a few,  
13 and then also a few Final Orders that the ALJ  
14 automatically confirmed that have to be read into  
15 the record.

16 CHAIRPERSON SLASH: Thank you.

17 Okay. At this time, we'll call for  
18 approval of the previous meeting minutes. Is  
19 there a motion?

20 VICE-CHAIR RAMOS: So moved.

21 COMM. TOLLIVER: So moved.

22 VICE-CHAIR RAMOS: Second.

23 COMM. TOLLIVER: Second.

1                   CHAIRPERSON SLASH: All right. We'll  
2 take Comm. Tolliver for the motion and Vice-Chair  
3 Ramos as the second.

4                   MR. LOSTUTTER: All right. And we'll  
5 go ahead and call the roll.

6                   Comm. Harrington?

7                   COMM. HARRINGTON: Aye.

8                   MR. LOSTUTTER: Comm. Tolliver?

9                   COMM. TOLLIVER: Aye.

10                  MR. LOSTUTTER: Comm. Silberberg?

11                  COMM. SILBERBERG: Aye.

12                  MR. LOSTUTTER: Vice-Chair Ramos?

13                  VICE-CHAIR RAMOS: Aye.

14                  MR. LOSTUTTER: Comm. Jackson?

15                  COMM. JACKSON: Aye.

16                  MR. LOSTUTTER: And Chair Slash?

17                  CHAIRPERSON SLASH: Aye.

18                  MR. LOSTUTTER: The ayes have it.

19                  CHAIRPERSON SLASH: Thank you.

20                  Now we'll hear the Director's Report.

21                  MR. FLEISCHHACKER: Thank you, Chair  
22 Slash.

23                  We've got a few things going on. The next

1 two days, Tuesday and Wednesday, we have our Days  
2 of Service, where we will be doing a number of  
3 beautification projects up along Martin Luther  
4 King Jr. Boulevard by Watkins Park, and there's a  
5 nearby pocket park that -- we're going to be  
6 doing a lot of work in there on Wednesday as  
7 well.

8 So, we're excited about that. I think we  
9 have around 150-plus volunteers that are going to  
10 be coming out over the next couple of days to  
11 engage in those beautification projects, so we're  
12 excited about that, and have put a lot of work  
13 into making that successful, and it looks like  
14 we'll have good weather for it as well.

15 This is a busy week, because we've got the  
16 Circle City Classic Parade this weekend as well,  
17 and then we'll also have a presence at the ILE  
18 Health Expo on Saturday, and actually I'll be  
19 doing a little presentation there, too. So,  
20 again, a lot going on this week.

21 And then as far as some upcoming events,  
22 normally in the past we've had the Holocaust  
23 Remembrance event in November. We're -- in

1 working with the partners that we work with on  
2 that, we're pushing it back into January to  
3 hopefully encourage and get more legislators  
4 attending as well, so that's -- more information  
5 on that will be distributed to the Commissioners  
6 as that gets put together and finalized.

7 As far as ongoing projects, CMS and  
8 Genesys continue to be -- you know, have their  
9 perks, but also challenges, with just technology  
10 in general. We've got Fair Housing Testing.  
11 We've got close to about 20 Director-initiated  
12 complaints that have resulted from the Fair  
13 Housing Testing that we've engaged in.

14 And then we're in the last couple of weeks  
15 of our EEOC contract, and we're on pace to  
16 fulfill that contract as it's been within -- for  
17 this year, it was 350 cases processed, which was  
18 an increase from the last couple of years. And  
19 then we recently just got the paperwork to close  
20 out the HUD contract that ended at the end of  
21 June.

22 So, we're trying to make sure that we get  
23 all of our funding in place and withdrawn, in the

1 event that there's any federal shutdown and how  
2 that may or may not impact the availability of  
3 those funds. So, we're trying to get all of the  
4 ducks in a row before the end of the month, to  
5 get those funds in our pocket and not elsewhere.

6 As far as some metrics go, our -- again,  
7 as I've reported in prior months, our numbers are  
8 up this year. Year to date August, for 2023  
9 compared to 2022, our calls, especially with the  
10 better tracking that's enabled through our  
11 Genesys system, we've tracked 6,724 calls through  
12 the end of August, compared to just under 3,000  
13 last year through the same time period.

14 Our inquiries are up 15.3 percent,  
15 from 1589 to 1832. Our formalized complaints are  
16 up 39 percent, from 501 in 2022 to 697 in 2023.  
17 We did 791 total complaints all of last year, so  
18 we're -- we may hit that here in September.  
19 We'll see how September goes.

20 And then funds recovered through  
21 settlement agreements, in 2022 there was 512,000  
22 through August. We're at 576 through August  
23 of 2023, which is a twelve-and-a-half-percent



1 increase.

2           We've been turning more inquiries into  
3 formalized complaints. Last year through August  
4 we had a 31-and-a-half-percent rate from  
5 inquiries to formalized complaints, and we're  
6 sitting at 38 percent this year, so I think part  
7 of that is our staff are better positioned, and  
8 our core -- from all of our groups, really, from  
9 Intake to the various investigatory units, the  
10 core staff in each of those have been together  
11 now for around a year and a half, which is  
12 awesome employee retention, but it also does  
13 wonders for being able to process things and work  
14 with complainants to get to a formalized  
15 complaint and ask the right questions. So, I  
16 think that that's a big part of that.

17           And then as far as open litigation cases  
18 go, at the end of August in 2022, we had 67 open  
19 litigation cases, and we have 60 open as of the  
20 end of August here in 2023. So, moving cases  
21 along, staff are doing great work, and things are  
22 humming along.

23           CHAIRPERSON SLASH: Thank you.

1 MR. FLEISCHHACKER: Yeah.

2 CHAIRPERSON SLASH: Are any of the  
3 Commissioners participating in Day of Service?

4 (No response.)

5 CHAIRPERSON SLASH: I couldn't pull  
6 it off myself this year either, so I just wanted  
7 to check. Well, we're looking forward to hearing  
8 great things about it, and thank you for sharing  
9 that update.

10 Does anyone have any questions?

11 (No response.)

12 CHAIRPERSON SLASH: Okay. With that,  
13 we'll go ahead and we'll move to Old Business.  
14 As I was looking through them all, I noticed that  
15 many of them have more than one issue, so -- and  
16 many of them were under more than one thing --  
17 so, try hard to state the entire recommendation.  
18 That would probably be helpful for the record.

19 So, in the first case of Rakeisha Nall  
20 versus Family and Social Services Administration,  
21 EMra22040175, the case was assigned to  
22 Comm. Harrington.

23 What's your recommendation?

1                   COMM. HARRINGTON:   Okay.   On this  
2   one, on the first issue, I uphold the finding of  
3   no probable cause, and on the second issue, I  
4   also uphold the finding of no probable cause.

5                   CHAIRPERSON SLASH:   Thank you.

6                   Is there a motion?

7                   VICE-CHAIR RAMOS:   So moved.

8                   CHAIRPERSON SLASH:   Is there a  
9   second?

10                  COMM. SILBERBERG:   Second.

11                  COMM. TOLLIVER:   Second.

12                  CHAIRPERSON SLASH:   We can take  
13   Comm. Silberberg.

14                  MR. LOSTUTTER:   We'll call the roll.

15                  Comm. Harrington?

16                  COMM. HARRINGTON:   Aye.

17                  MR. LOSTUTTER:   Comm. Jackson?

18                  COMM. JACKSON:   Aye.

19                  MR. LOSTUTTER:   Comm. Silberberg?

20                  COMM. SILBERBERG:   Aye.

21                  MR. LOSTUTTER:   Comm. Tolliver?

22                  COMM. TOLLIVER:   Aye.

23                  MR. LOSTUTTER:   Vice-Chair Ramos?

1 VICE-CHAIR RAMOS: Aye.

2 MR. LOSTUTTER: Chair Slash?

3 CHAIRPERSON SLASH: Aye.

4 MR. LOSTUTTER: The ayes have it.

5 CHAIRPERSON SLASH: Thank you.

6 The next case was Robert Lawson versus  
7 Crownpointe Communities, LLC, Case HOha23030299.  
8 That case was assigned to me. It has two issues,  
9 and on the first issue, I recommend that we  
10 uphold the Deputy Director's finding of no  
11 reasonable cause under the Fair Housing Act, and  
12 no probable cause under the Indiana Civil Rights  
13 Law.

14 Under the second issue, I uphold the  
15 Deputy Director's finding of no reasonable cause  
16 under the Indiana Fair Housing Act, and no  
17 probable cause under the Indiana Civil Rights  
18 Law.

19 Is there a motion?

20 VICE-CHAIR RAMOS: So moved.

21 CHAIRPERSON SLASH: Is there a  
22 second?

23 COMM. TOLLIVER: Second.

1 CHAIRPERSON SLASH: Thank you.

2 MR. LOSTUTTER: We will now call the  
3 roll.

4 Comm. Harrington?

5 COMM. HARRINGTON: Aye.

6 MR. LOSTUTTER: Comm. Jackson?

7 COMM. JACKSON: Aye.

8 MR. LOSTUTTER: Comm. Silberberg?

9 COMM. SILBERBERG: Aye.

10 MR. LOSTUTTER: Comm. Tolliver?

11 COMM. TOLLIVER: Aye.

12 MR. LOSTUTTER: Vice-Chair Ramos?

13 VICE-CHAIR RAMOS: Aye.

14 MR. LOSTUTTER: Chair Slash?

15 CHAIRPERSON SLASH: Aye.

16 MR. LOSTUTTER: The ayes have it.

17 CHAIRPERSON SLASH: Thank you.

18 The next case, Maria Nunez versus Humane  
19 Fort Wayne, Case EMha22090511. The case was  
20 assigned to Vice-Chair Ramos.

21 VICE-CHAIR RAMOS: Madam Chair, in  
22 this case, I recommend that we uphold on both  
23 issues, no probable cause under Civil Rights --

1 the Indiana Civil Rights Law in regards to  
2 reasonable accommodation, and no probable cause  
3 under the Indiana Civil Rights Law on unlawful  
4 termination.

5 CHAIRPERSON SLASH: Thank you.

6 Is there a motion?

7 COMM. TOLLIVER: So moved.

8 CHAIRPERSON SLASH: Thank you.

9 Is there a second?

10 COMM. SILBERBERG: Second.

11 CHAIRPERSON SLASH: Thank you.

12 MR. LOSTUTTER: We'll call the roll.

13 Comm. Harrington?

14 COMM. HARRINGTON: Aye.

15 MR. LOSTUTTER: Comm. Jackson?

16 COMM. JACKSON: Aye.

17 MR. LOSTUTTER: Comm. Silberberg?

18 COMM. SILBERBERG: Aye.

19 MR. LOSTUTTER: Comm. Tolliver?

20 COMM. TOLLIVER: Aye.

21 MR. LOSTUTTER: Vice-Chair Ramos?

22 VICE-CHAIR RAMOS: Aye.

23 MR. LOSTUTTER: Chair Slash?

1 CHAIRPERSON SLASH: Aye.

2 MR. LOSTUTTER: The ayes have it.  
3 It's upheld.

4 CHAIRPERSON SLASH: Thank you.

5 The next case, Tresha Saffold versus  
6 Driveco Learning Center, Case EDha22090511. The  
7 case was assigned to Comm. Tolliver.

8 COMM. TOLLIVER: Thank you.

9 There's just one single issue, and I ask  
10 that we uphold the Commission's finding of no  
11 probable cause under the Indiana Civil Rights  
12 Law.

13 CHAIRPERSON SLASH: Thank you.

14 Is there a motion?

15 COMM. SILBERBERG: So moved.

16 CHAIRPERSON SLASH: Is there a  
17 second?

18 COMM. JACKSON: Aye.

19 COMM. HARRINGTON: Second.

20 CHAIRPERSON SLASH: We'll take  
21 Comm. Harrington.

22 MR. LOSTUTTER: All right. We'll  
23 call the roll.

1 Comm. Harrington?

2 COMM. HARRINGTON: Aye.

3 MR. LOSTUTTER: Comm. Jackson?

4 COMM. JACKSON: Aye.

5 MR. LOSTUTTER: Comm. Silberberg?

6 COMM. SILBERBERG: Aye.

7 MR. LOSTUTTER: Comm. Tolliver?

8 COMM. TOLLIVER: Aye.

9 MR. LOSTUTTER: Vice-Chair Ramos?

10 VICE-CHAIR RAMOS: Aye.

11 MR. LOSTUTTER: Chair Slash?

12 CHAIRPERSON SLASH: Aye.

13 MR. LOSTUTTER: The ayes have it. It  
14 is upheld.

15 CHAIRPERSON SLASH: Okay. The next  
16 case, Kocho Long versus Indianapolis Housing  
17 Agency, Case EMse23020184. This case was  
18 assigned to Comm. Jackson.

19 COMM. JACKSON: This case said it was  
20 dismissed, and it's the first one I've had that  
21 read like that.

22 CHAIRPERSON SLASH: Is there any  
23 guidance from staff?



1 MR. FLEISCHHACKER: I'd have to go  
2 and look at the case, so --

3 CHAIRPERSON SLASH: Okay.

4 COMM. JACKSON: So, there was no like  
5 roll calls or anything. It just says the case  
6 was dismissed.

7 CHAIRPERSON SLASH: For the sake of  
8 record, can we continue to -- can we continue to  
9 October, just to make sure we do what we're  
10 supposed to do with it?

11 MR. FLEISCHHACKER: Or you can just  
12 table it for right now, I'll take a look, and we  
13 can --

14 CHAIRPERSON SLASH: Okay.

15 MR. FLEISCHHACKER: -- come back to  
16 it later.

17 CHAIRPERSON SLASH: We'll table to  
18 the end of the meeting.

19 All right. The next case is Marc Brooks  
20 versus Gene B. Glick Company, Case EMra22120730.  
21 This case was also assigned to Comm. Jackson.

22 COMM. JACKSON: Uphold the Director's  
23 finding of no probable cause.

1 CHAIRPERSON SLASH: Okay.

2 Is there a motion?

3 COMM. TOLLIVER: So moved.

4 CHAIRPERSON SLASH: Is there a  
5 second?

6 COMM. HARRINGTON: Second.

7 CHAIRPERSON SLASH: Okay. Thank you.

8 MR. LOSTUTTER: We'll call the roll.

9 Comm. Harrington?

10 COMM. HARRINGTON: Aye.

11 MR. LOSTUTTER: Comm. Jackson?

12 COMM. JACKSON: Aye.

13 MR. LOSTUTTER: Comm. Silberberg?

14 COMM. SILBERBERG: Aye.

15 MR. LOSTUTTER: Comm. Tolliver?

16 COMM. TOLLIVER: Aye.

17 MR. LOSTUTTER: Vice-Chair Ramos?

18 VICE-CHAIR RAMOS: Aye.

19 MR. LOSTUTTER: Chair Slash?

20 CHAIRPERSON SLASH: Aye.

21 MR. LOSTUTTER: The ayes have it. It  
22 is upheld.

23 CHAIRPERSON SLASH: Okay.

1           And the next case, Victoria Johnson versus  
2 Micronutrients USA, LLC, Case No. EMse22120734.  
3 That case was assigned to Vice-Chair Ramos.

4           VICE-CHAIR RAMOS: Madam Chair, I  
5 recommend that we uphold the Director's finding  
6 of no probable cause under Indiana Civil Rights  
7 Commission Law, and there's just one issue.

8           CHAIRPERSON SLASH: Okay. Thank you.

9           Is there a motion?

10          COMM. TOLLIVER: So moved.

11          CHAIRPERSON SLASH: Is there a  
12 second?

13          COMM. SILBERBERG: Second.

14          COMM. JACKSON: Second.

15          CHAIRPERSON SLASH: Thank you.

16          MR. LOSTUTTER: We'll call the roll.

17          Comm. Harrington?

18          COMM. HARRINGTON: Aye.

19          MR. LOSTUTTER: Comm. Jackson?

20          COMM. JACKSON: Aye.

21          MR. LOSTUTTER: Comm. Silberberg?

22          COMM. SILBERBERG: Aye.

23          MR. LOSTUTTER: Comm. Tolliver?

1                   COMM. TOLLIVER:   Aye.

2                   MR. LOSTUTTER:   Vice-Chair Ramos?

3                   VICE-CHAIR RAMOS:   Aye.

4                   MR. LOSTUTTER:   Chair Slash?

5                   CHAIRPERSON SLASH:   Aye.

6                   MR. LOSTUTTER:   The ayes have it.   It  
7   is upheld.

8                   CHAIRPERSON SLASH:   Okay.   The next  
9   case, Dermorus Bonds versus Clif Bar Baking  
10   Company of Indianapolis, LLC, Case EMra22070330.  
11   That case was assigned to Comm. Silberberg.

12                  COMM. SILBERBERG:   There were four  
13   issues, and I uphold the findings of no probable  
14   cause under Indiana Civil Rights Law for all  
15   four.

16                  CHAIRPERSON SLASH:   Thank you.

17                  Is there a motion?

18                  COMM. TOLLIVER:   So moved.

19                  VICE-CHAIR RAMOS:   Second.

20                  CHAIRPERSON SLASH:   Thank you.

21                  MR. LOSTUTTER:   We'll call the roll.  
22   Comm. Harrington?

23                  COMM. HARRINGTON:   Aye.

1 MR. LOSTUTTER: Comm. Jackson?

2 COMM. JACKSON: Aye.

3 MR. LOSTUTTER: Comm. Silberberg?

4 COMM. SILBERBERG: Aye.

5 MR. LOSTUTTER: Comm. Tolliver?

6 COMM. TOLLIVER: Aye.

7 MR. LOSTUTTER: Vice-Chair Ramos?

8 VICE-CHAIR RAMOS: Aye.

9 MR. LOSTUTTER: Chair Slash?

10 CHAIRPERSON SLASH: Aye.

11 MR. LOSTUTTER: The ayes have it. It  
12 is upheld.

13 CHAIRPERSON SLASH: Thank you.

14 The next case, Cheyenne Wray-Mumford  
15 versus C. Clips Corporation, Case EMse22110658.  
16 The case was assigned to Comm. Tolliver.

17 COMM. TOLLIVER: This was a single  
18 issue, and I ask that we uphold the Commission's  
19 finding of no probable cause under -- no probable  
20 finding under the Indiana Civil Rights Law.

21 CHAIRPERSON SLASH: All right. Thank  
22 you.

23 Is there a motion?

1                   COMM. JACKSON:    So moved.

2                   CHAIRPERSON SLASH:   Is there a  
3 second?

4                   COMM. SILBERBERG:    Second.

5                   CHAIRPERSON SLASH:    Thank you.

6                   MR. LOSTUTTER:        We'll call the roll.  
7                   Comm. Harrington?

8                   COMM. HARRINGTON:    Aye.

9                   MR. LOSTUTTER:        Comm. Jackson?

10                  COMM. JACKSON:        Aye.

11                  MR. LOSTUTTER:        Comm. Silberberg?

12                  COMM. SILBERBERG:    Aye.

13                  MR. LOSTUTTER:        Comm. Tolliver?

14                  COMM. TOLLIVER:     Aye.

15                  MR. LOSTUTTER:        Vice-Chair Ramos?

16                  VICE-CHAIR RAMOS:    Aye.

17                  MR. LOSTUTTER:        Chair Slash?

18                  CHAIRPERSON SLASH:    Aye.

19                  MR. LOSTUTTER:        The ayes have it.    It  
20 is upheld.

21                  CHAIRPERSON SLASH:    Thank you.

22                   The next case is Karin Y. Burner versus  
23 Zimmer Production, Inc., case EMha23050483.    The

1 case was assigned to Vice-Chair Ramos.

2 VICE-CHAIR RAMOS: Madam Chair, there  
3 were two issues in this case as well, and I  
4 recommend that we uphold the Director's finding  
5 of no probable cause under the Indiana Civil  
6 Rights Law.

7 CHAIRPERSON SLASH: For both issues?

8 VICE-CHAIR RAMOS: For both issues.

9 CHAIRPERSON SLASH: Okay. Thank you.

10 Is there a motion?

11 COMM. TOLLIVER: So moved.

12 CHAIRPERSON SLASH: That was  
13 Comm. Tolliver, very quietly.

14 Is there a second?

15 COMM. JACKSON: Second.

16 CHAIRPERSON SLASH: Comm. Jackson,  
17 thank you.

18 MR. LOSTUTTER: We'll call the roll.

19 Comm. Harrington?

20 COMM. HARRINGTON: Aye.

21 MR. LOSTUTTER: Comm. Jackson?

22 COMM. JACKSON: Aye.

23 MR. LOSTUTTER: Comm. Silberberg?

1                   COMM. SILBERBERG:   Aye.

2                   MR. LOSTUTTER:   Comm. Tolliver?

3                   COMM. TOLLIVER:   Aye.

4                   MR. LOSTUTTER:   Vice-Chair Ramos?

5                   VICE-CHAIR RAMOS:  Aye.

6                   MR. LOSTUTTER:   Chair Slash?

7                   CHAIRPERSON SLASH: Aye.

8                   MR. LOSTUTTER:   The ayes have it.  It  
9   is upheld.

10                  CHAIRPERSON SLASH:  Thank you.

11                  The case is Lisa Goodson versus Phreesia,  
12   Inc., Case EMre23050527.  The case was assigned  
13   to me.  My recommendation in both issues is that  
14   we uphold the Deputy Director's finding of no  
15   probable cause under Indiana Civil Rights Law.

16                  Is there a motion?

17                  VICE-CHAIR RAMOS:  So moved.

18                  CHAIRPERSON SLASH:  Is there a  
19   second?

20                  COMM. TOLLIVER:  Second.

21                  CHAIRPERSON SLASH:  Thank you.

22                  MR. LOSTUTTER:  We'll call the roll.  
23   Comm. Harrington?



1                   COMM. HARRINGTON: Aye.

2                   MR. LOSTUTTER: Comm. Jackson?

3                   COMM. JACKSON: Aye.

4                   MR. LOSTUTTER: Comm. Silberberg?

5                   COMM. SILBERBERG: Aye.

6                   MR. LOSTUTTER: Comm. Tolliver?

7                   COMM. TOLLIVER: Aye.

8                   MR. LOSTUTTER: Vice Chair Ramos?

9                   VICE-CHAIR RAMOS: Aye.

10                  MR. LOSTUTTER: Chair Slash?

11                  CHAIRPERSON SLASH: Aye.

12                  MR. LOSTUTTER: The ayes have it. It  
13 is upheld.

14                  CHAIRPERSON SLASH: Thank you.

15                         That concludes our Old Business. I just  
16 want to thank everyone for your -- for your  
17 detailed diligence. Some of those cases had more  
18 issues than we normally have, and so, the  
19 detailed review is appreciated.

20                         Moving to New Business, I will assign them  
21 as follows: The first case, Steven LeMaster, on  
22 behalf of Minor Child, K.L., versus Vigo County  
23 School Corporation, Case EDra230240186, I'll

1 assign that one to Comm. Silberberg; the next  
2 one, Roderick Killebrew versus Meijer,  
3 Case PAra23020191, Vice-Chair Ramos; Andrey Hall  
4 versus Chase Bank, Case PAra22110647,  
5 Comm. Tolliver; Vivian Kernstein versus Millenia  
6 Housing Management, LLC, Angel Martin &  
7 BHF-Indiana 4, LLC, Case HOha23050446,  
8 Comm. Jackson.

9 Okay. Moving to our next section,  
10 Administrative Law Judge's Orders, some of these  
11 have decisions -- or actions for us and some of  
12 them do not. The first case is Torrance Sanders  
13 versus Keene Urquhart Group & Urquhart Group,  
14 LLC, Case HOse22110642. I'm going to actually  
15 read this. I'm going to read these today.

16 Okay. The Administrative Law Judge states  
17 that the Complainant has no presented -- has not  
18 presented any evidence showing a connection  
19 between the Respondent's knowledge of the  
20 Complainant's mental disability and the  
21 Respondent's action of terminating the lease, nor  
22 any showing that the Respondent has treated other  
23 tenants with disabilities less favorably than

1 those without.

2 Thus, the Complainant has filed to -- I'm  
3 sorry -- the Complainant has failed to meet his  
4 burden of proof, rules against the Complainant,  
5 and that the Complainant's case against the  
6 Respondent should be dismissed with prejudice.

7 The objection period in this matter has  
8 closed, so we do need to make an action here to  
9 affirm, remand --

10 MR. FLEISCHHACKER: Or reject.

11 CHAIRPERSON SLASH: -- or reject.

12 MR. FLEISCHHACKER: Or modify.

13 CHAIRPERSON SLASH: Yes, or modify.

14 VICE-CHAIR RAMOS: Madam Chair, I  
15 recommend that we uphold the decision of  
16 dismissal with prejudice.

17 CHAIRPERSON SLASH: Okay. That's an  
18 affirmation for a dismissal with prejudice.

19 Is there a second?

20 COMM. TOLLIVER: Second.

21 CHAIRPERSON SLASH: Okay.

22 MR. LOSTUTTER: All right. We'll  
23 call the roll.

1 Comm. Harrington?

2 COMM. HARRINGTON: Aye.

3 MR. LOSTUTTER: Comm. Jackson?

4 COMM. JACKSON: Aye.

5 MR. LOSTUTTER: Comm. Silberberg?

6 COMM. SILBERBERG: Aye.

7 MR. LOSTUTTER: Comm. Tolliver?

8 COMM. TOLLIVER: Aye.

9 MR. LOSTUTTER: Vice-Chair Ramos?

10 VICE-CHAIR RAMOS: Aye.

11 MR. LOSTUTTER: Chair Slash?

12 CHAIRPERSON SLASH: Aye.

13 MR. LOSTUTTER: The ayes have it.

14 CHAIRPERSON SLASH: Okay. The next

15 case, ICRC/Eric Harden versus John Johnson,

16 Case HOha23010061.

17 Proposed Default Order was issued on  
18 August 7th, 2023, in which it was stated that the  
19 allegations contained in the Notice of Finding  
20 and Issuance of Charge by the ICRC, dated  
21 June 29th, 2023, were accepted as true.

22 The Administrative Law Judge decides in  
23 favor of the Complainant, ordering the Respondent

1 to cease and desist from discriminating against  
2 people because of ability [sic] in the protected  
3 area of housing, citing in its order the --  
4 citing in its order the actions and steps  
5 necessary to demonstrate and prove their  
6 compliance with said order.

7 The objection period in this matter has  
8 not yet closed, so no action is required to be  
9 taken at this time. We will see this case next  
10 month.

11 The next one, ICRC/John Chubb versus Fike  
12 Investments, LLC, Jim Fike and Kim Fike,  
13 Case HOra15070510 and Case HOrt15090649.

14 The Administrative Law Judge in this  
15 matter incorporated all Findings of Facts  
16 contained in the order granting the ICRC's Motion  
17 for Summary Judgment and Notice of Finding -- I'm  
18 sorry -- Notice of Final Prehearing Conference on  
19 March 26th, 2021, and the ICRC Motion for Summary  
20 Judgment filed December 22nd, 2021, as well as  
21 any Conclusion of Law deemed a Finding of Fact in  
22 this Order's Statement of Procedural History.

23 Based on this and Conclusions of Law, John

1 Chubb's July 16th, 2015 and September 11th, 2015  
2 complaints and the ICRC Director's charge are  
3 dismissed with prejudice. The Respondent must  
4 cease and desist from discriminating against  
5 people on the basis of disability in the  
6 protected area of housing, and awards to  
7 Mr. Chubb the amount of \$26,617.11, along with  
8 other forms of compensation as listed in the  
9 order, and must provide proof of compliance to  
10 the ICRC again according to the guidelines put  
11 forth in the order.

12 The objection period in this matter has  
13 not yet closed, so action is not required at this  
14 time. We will see this next month.

15 All right. These are automatically  
16 confirmed under the -- by the ALJ, but we are  
17 reading them into the record, so thanks for  
18 bearing with me, everyone.

19 Case ICRC/Lekesha Mabry versus Mark and  
20 Joline -- Chemiskwy?

21 MR. FLEISCHHACKER: Chmielewski.

22 CHAIRPERSON SLASH: Chmielewski,

23 thank you. I was like, "That's not it." Thank

1 you. Chmielewski, Case HOfs22080385. The next  
2 case, ICRC/Carissa Royal versus Dominion Realty,  
3 Case HOha23020005. Next case, ICRC/Dawn -- how  
4 do I pronounce Dawn's last name?

5 MR. FLEISCHHACKER: Reinoehl.

6 CHAIRPERSON SLASH: Reinoehl, thank  
7 you, versus Open Door Rentals and Real Estate,  
8 Case HOse22110642. The next case, Tatiana  
9 Collier versus At Home, Case PPara23030220. And  
10 the last case is Lucretia Collier versus At Home,  
11 Case PPara23030221. That concludes our cases for  
12 the month.

13 We have made it to the last quarter of the  
14 year. The upcoming meetings that we have as  
15 dates --

16 MR. FLEISCHHACKER: Madam Chair, do  
17 you want to go back to the Kocho Long matter that  
18 we tabled?

19 CHAIRPERSON SLASH: Yes, if you have  
20 clarity to provide.

21 MR. FLEISCHHACKER: The notice that  
22 was issued is a Notice of Administrative  
23 Dismissal. The case was dismissed because the

1 Complainant had filed -- previously filed a  
2 duplicate case with the EEOC, so we deemed our  
3 case to be a duplicate with what was already on  
4 file with the EEOC. So, this is a Notice of  
5 Administrative Dismissal dismissing the case  
6 here, and then the case still remains with the  
7 EEOC, but it's an appealable notice, so -- or  
8 decision.

9 CHAIRPERSON SLASH: Okay. So, on  
10 behalf of the action that needs to be taken, it  
11 is --

12 MR. FLEISCHHACKER: The same type of  
13 action that you would --

14 CHAIRPERSON SLASH: Okay. To  
15 uphold --

16 MR. FLEISCHHACKER: -- for the  
17 regular notice of finding.

18 CHAIRPERSON SLASH: -- or remand?

19 MR. FLEISCHHACKER: Yep.

20 CHAIRPERSON SLASH: Okay.

21 COMM. JACKSON: Uphold the Director's  
22 finding of dismissal.

23 CHAIRPERSON SLASH: Okay. Thank you.



1           Is there a -- is there a motion?

2           COMM. TOLLIVER:   So moved.

3           CHAIRPERSON SLASH:  Is there a  
4 second?

5           COMM. SILBERBERG:  Second.

6           CHAIRPERSON SLASH:  Okay.

7           MR. LOSTUTTER:  All right.  Now we'll  
8 call the roll.

9           CHAIRPERSON SLASH:  All right.  And  
10 for clarity, for the record, do you have the case  
11 number that we're working on?

12          THE REPORTER:  Yes.

13          CHAIRPERSON SLASH:  Okay.  Fantastic.  
14 So, this is a vote to uphold on

15 Case EMse23020184.

16          MR. LOSTUTTER:  All right.  Calling  
17 the roll.

18          Comm. Harrington?

19          COMM. HARRINGTON:  Aye.

20          MR. LOSTUTTER:  Comm. Jackson?

21          COMM. JACKSON:  Aye.

22          MR. LOSTUTTER:  Comm. Silberberg?

23          COMM. SILBERBERG:  Aye.

1 MR. LOSTUTTER: Comm. Tolliver?

2 COMM. TOLLIVER: Aye.

3 MR. LOSTUTTER: Vice-Chair Ramos?

4 VICE-CHAIR RAMOS: Aye.

5 MR. LOSTUTTER: Chair Slash?

6 CHAIRPERSON SLASH: Aye.

7 MR. LOSTUTTER: It is -- the ayes  
8 have it. It is upheld.

9 CHAIRPERSON SLASH: Thank you.

10 And thank you for drawing back there.

11 MR. FLEISCHHACKER: Uh-huh.

12 CHAIRPERSON SLASH: So, we've made it  
13 to the last quarter of the year. We have had a  
14 pending conversation for the past several months  
15 about moving, potentially, our meeting date from  
16 Friday to another day of the week. Seeing we  
17 have fairly good attendance today, on a Monday,  
18 is there any interest in us having a vote around  
19 Mondays at 1:00 -- the third -- well, what Monday  
20 is this? Is this the fourth Monday?

21 MR. FLEISCHHACKER: It's still the  
22 third.

23 CHAIRPERSON SLASH: It's still --

1     okay.    So, the third Monday.

2                   VICE-CHAIR RAMOS:   For the next month  
3     I will be out of town.

4                   CHAIRPERSON SLASH:   Okay.   You're  
5     going to be the troublemaker for the first one?

6                   VICE-CHAIR RAMOS:   Uh-huh.

7                   CHAIRPERSON SLASH:   Okay.

8                   VICE-CHAIR RAMOS:   I'm going to be in  
9     Israel, so I'm excited.

10                  COMM. SILBERBERG:   Ooh, so, that's a  
11     good reason.

12                  CHAIRPERSON SLASH:   Okay.   This time  
13     you're okay.

14                  MR. FLEISCHHACKER:   Well, there are  
15     five Mondays in October, so I think we should try  
16     the fourth Monday.

17                  CHAIRPERSON SLASH:   Is there any  
18     interest in the fourth Monday of the month?   That  
19     would actually probably be my preference.

20                  MR. FLEISCHHACKER:   The 23rd.

21                                 (No response.)

22                  CHAIRPERSON SLASH:   Okay.   There's no  
23     issue.   Is there anyone who'd be interested in

1 putting a motion on the floor that we move to the  
2 fourth Monday of the month at 1:00 p.m.?

3 COMM. SILBERBERG: I move.

4 CHAIRPERSON SLASH: Is there a  
5 second?

6 COMM. JACKSON: Second.

7 CHAIRPERSON SLASH: Okay.

8 COMM. HARRINGTON: Second.

9 CHAIRPERSON SLASH: I don't know if  
10 we really had to have an official vote, but I  
11 kind of want to make sure that like if we're  
12 moving something that's been standing --

13 MR. LOSTUTTER: I guess we should.

14 CHAIRPERSON SLASH: -- that we may  
15 want to do that.

16 MR. LOSTUTTER: So, we'll go ahead  
17 and call the roll.

18 Comm. Harrington?

19 COMM. HARRINGTON: Aye.

20 MR. LOSTUTTER: Comm. Jackson?

21 COMM. JACKSON: Aye.

22 MR. LOSTUTTER: Comm. Silberberg?

23 COMM. SILBERBERG: Aye.

1 MR. LOSTUTTER: Comm. Tolliver?

2 COMM. TOLLIVER: Aye.

3 MR. LOSTUTTER: Vice-Chair Ramos?

4 VICE-CHAIR RAMOS: Aye.

5 MR. LOSTUTTER: And Chair Slash?

6 CHAIRPERSON SLASH: Aye.

7 MR. LOSTUTTER: It is -- the eyes  
8 have it, and it will be moved to the fourth  
9 Monday of the month of October for this time  
10 around.

11 CHAIRPERSON SLASH: All right. And I  
12 think you can probably look at it as being our  
13 proposed dates for the remainder of the year.  
14 We'll try it out and keep our --

15 MR. FLEISCHHACKER: So, you would  
16 like the fourth Monday of November and December  
17 as well?

18 CHAIRPERSON SLASH: Yes.

19 MR. FLEISCHHACKER: Okay. There  
20 might be a holiday issue there.

21 CHAIRPERSON SLASH: We might run into  
22 a holiday here or there, but let's just try to  
23 give it a whirl --

1 MR. FLEISCHHACKER: Okay.

2 CHAIRPERSON SLASH: -- see what we  
3 can do with that, try to get us a settled  
4 calendar moving forward.

5 And according to our agenda, we have no  
6 Election, Training or Other. Are there any  
7 Announcements?

8 (No response.)

9 CHAIRPERSON SLASH: Okay. Public  
10 Comment. Do we have any?

11 (No response.)

12 CHAIRPERSON SLASH: Okay. Well, at  
13 this time, it is 1:42 p.m. I call this meeting  
14 adjourned.

15 - - -  
16 Thereupon, the proceedings of  
17 September 18, 2023 were concluded  
18 at 1:42 o'clock p.m.  
19 - - -

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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 of the proceedings taken by me on Monday, September 18, 2023 in this matter and transcribed by me.

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

My Commission expires August 26, 2024.

Commission No. NP0690003

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