



INDIANA CIVIL RIGHTS COMMISSION
PUBLIC MEETING

COPY

Transcript of the proceedings held on the 21st day of
October, 2011, at 402 W. Washington Street, Conference
Center Room A, Indianapolis, Indiana, before Heather S.
Orbaugh, Notary Public in and for the County of Boone, State
of Indiana, CCR: LA.

ACCURATE REPORTING OF INDIANA
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1 A P P E A R A N C E S

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3 David C. Carter - Vice Chairman

4 Joshua Brewster - Deputy Director

5 David Lange

6 Steven A. Ramos - Commissioner

7 Barry Baynard - Commissioner

8 Tehiji G. Crenshaw - Commissioner

9 Christina Catalan

10 Danny Lopez

11 Pamela Cook

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1 11:20 AM

2 OCTOBER 21, 2011

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5 MR. CARTER: Good morning. I call the October
6 meeting of the Indiana Civil Rights Commission to order and
7 note that we do have a quorum. I think we are expecting two
8 more commissioners and we will recognize their arrival when
9 it happens. Otherwise, we have in your packet minutes from
10 September. If someone could make a motion to approve the
11 minutes or discuss said minutes, I would appreciate it.

12 MR. BAYNARD: I will make a motion to approve
13 the minutes.

14 MR. RAMOS: Second.

15 MR. CARTER: All in favor?

16 (All responded aye.)

17 MR. CARTER: Financial report.

18 MS. COOK: Good morning. In your packet in
19 Section B you have the September financial report.
20 Currently we have no outstanding issues. If you reviewed it
21 and you have any questions at this time, I would like to go
22 ahead and take those.

23 MR. CARTER: Thank you. There appears to be
24 no Old Business and no New Business or no Consent Agreement
25 for that matter or Findings of Fact, Conclusions of Law, and

1 Order, which brings us with lightning swiftness to the
2 Report by Commissioners on Complainant Appeals.

3 Do we have news from Commissioner Blackburn?

4 MS. CATALAN: She is still reviewing cases.
5 Additional evidence was submitted after the last Commission
6 meeting so she is reviewing the new information.

7 MR. CARTER: We will continue her cases.
8 Mr. Baynard?

9 MR. BAYNARD: In the case of Kilburn versus
10 North Harrison Middle School and Robin Ray versus Indiana
11 Department of Corrections, I would recommend to the
12 Commission that we uphold the deputy director's finding of
13 no probable cause.

14 MR. CARTER: May I have a motion to accept
15 that recommendation, please.

16 MR. RAMOS: So moved.

17 MS. CRENSHAW: Second.

18 MR. CARTER: All in favor?

19 (All responded aye.)

20 MR. CARTER: Thank you. In my two cases of
21 Deanna L. Carter versus Kingsley Property Management, Inc.
22 and the case of Carlos White versus Camco Manufacturing, I
23 recommend we uphold the no probable cause finding and would
24 entertain a motion to accept that recommendation.

25 MR. RAMOS: So moved.

1 MR. BAYNARD: Second.

2 MR. CARTER: All in favor?

3 (All responded aye.)

4 MR. CARTER: I am not asking opposed because I
5 heard three voices and that's all of you. Ms. Crenshaw?

6 MS. CRENSHAW: In the case of Carla Hawkins
7 versus The Image House and the second case of Edward Carnes,
8 Sr., on behalf of Edward Carnes Jr., versus LaPorte
9 Community School Corporation, I make a recommendation we
10 uphold the deputy director's finding of no probable cause.

11 MR. CARTER: Thank you. May I have a motion
12 to accept that recommendation?

13 MR. BAYNARD: So moved.

14 MR. RAMOS: Second.

15 MR. CARTER: All in favor?

16 (All responded aye.)

17 MR. CARTER: Thank you. Do we have news from
18 Commissioner Garcia?

19 MS. CATALAN: They were to come to the meeting
20 so he didn't do any reporting on his cases.

21 MR. CARTER: That will be continued unless he
22 shows up in which case we will come back to him.
23 Commissioner Ramos?

24 MR. RAMOS: Correction, on the form it says
25 Judith Brantley versus Care Ambulance Service, the case I

1 have is actually Judith Branson versus Consumer Credit
2 Counselor, and in the case I uphold the director's finding
3 of no probable cause.

4 MR. CARTER: May I have a motion to accept
5 that recommendation?

6 MS. CRENSHAW: So moved.

7 MR. BAYNARD: Second.

8 MR. CARTER: All in favor?

9 (All responded aye.)

10 MR. CARTER: Thank you. And Commissioner
11 Gidney we will come back to or it will be continued if he
12 does not show up.

13 Okay. Assignment of Appeals to Commissioners. Where
14 was that other typo in this form? Back under Section E,
15 Mr. Garcia's cases it says Indiana Gaming Commission so it
16 has been corrected since and is not an issue anymore.

17 Let's see, I am going to mark Commissioner Garcia and
18 Mr. Gidney's cases and if someone will -- if they don't show
19 up by the end of the meeting if someone will remind me, we
20 will assign them later. Otherwise we are assuming they are
21 going to show up and they will get those cases.

22 Mr. Baynard, if you would review Joseph Marcum versus
23 Claudeen Crump and Kim Kay versus The Villages of Eagle
24 Creek Homeowners Association, Kim Timms and Steven Whitaker.
25 I will review Kara Moore versus King Gyro's. Commissioner

1 Crenshaw, please review Larry Fullington versus Claudeen
2 Crump. And I guess for the record, Commissioner Garcia will
3 get Karen Johnson versus The Waters of Indianapolis and
4 Mr. Gidney will get Brian Davis versus Kingston Square
5 Apartments, unless they don't show up and in which case we
6 will assign those two cases to those present. And
7 Commissioner Ramos, if you will review Brian Stevens versus
8 Matthew Grantham, which brings us to the Administrative
9 Update.

10 MR. BREWSTER. If I may, I just noticed that
11 there is two cases here against Claudeen Crump, they are
12 very -- they involve the same issues so I was wondering
13 maybe if you want to have the same commissioner review those
14 two. They are very related and it might be more
15 appropriate.

16 MR. CARTER: Well, Commissioner Baynard has
17 two cases and Commissioner Crenshaw, you have the other one,
18 would you take the two cases?

19 MS. CRENSHAW: Sure.

20 MR. CARTER: We can provisionally assign
21 Commissioner Baynard, let's see, Commissioner Garcia's case
22 for now, and I will take Commissioner Gidney's case, Brian
23 Davis. Is that hopelessly confused? The cases as I read
24 them plus Commissioner Baynard gets Kevin Johnson and I will
25 get Brian Davis, unless the other two commissioners both

1 show up. Administrative Update?

2 MR. BREWSTER: Well, I guess I don't know what
3 the difference is between administrative update and
4 Executive Director's Report, I will go ahead with the
5 Executive Director's Report.

6 MR. CARTER: It is your report.

7 MR. BREWSTER: On behalf of Mr. Smith, he is
8 in Evansville today doing some meetings and media stuff. I
9 will just --

10 MS. CRENSHAW: Deputy Director, I am sorry to
11 interrupt you, could you give me his contact information
12 because I am heading back to Evansville and I know there are
13 some questions regarding next week's training that Ava might
14 want me to participate in.

15 MR. BREWSTER: Sure, I can get you that
16 information before we leave. We have been pretty busy as
17 far as our education outreach efforts in October. So far we
18 have been to East Chicago where we had -- we were there all
19 day long presenting information about what we do.
20 We had a table, answered some questions for people. It was
21 a pretty good turnout at that event.

22 Just earlier this week, Tuesday, we were up in South
23 Bend where we presented information to a big group, about 70
24 some people, in regards to fair housing. We did that in
25 collaboration with the Department of Housing and Urban

1 Development and also the Housing Authority there in South
2 Bend.

3 Let's see, next week we will be down in Evansville to
4 do an afternoon of training on various aspects of civil
5 rights, employment, fair housing, et cetera. Then we will
6 be in Indianapolis again later this month at a -- I guess a
7 meeting of the Multiple Sclerosis Society where we will
8 provide information. We have a couple more trainings in
9 November. We do a couple CLEs in December, one in
10 Evansville, one here in Indianapolis. And you can find all
11 that information in your packet as far as our schedule of
12 events.

13 You should be receiving the monthly newsletters that
14 we have been starting to distribute via E-mail. That
15 includes copies of links to our notices of findings, at
16 least the probable cause findings, and some other relevant
17 information. Brad Meadows has been doing a good job of
18 keeping that up to date and relevant.

19 In the past couple months we have issued several
20 press releases involving various things. We have now a
21 formal relationship with the City of West Lafayette to do
22 some outreach up in that area. We are still working on --
23 they have actually three agencies there; they have
24 Lafayette, West Lafayette, and also Tippecanoe County, Human
25 Rights Commission. We are trying to get a more formal

1 agreement with all three of them, as I mentioned, the South
2 Bend Fair Housing Training; Evansville.

3 We also issued a press release with regards to a
4 couple of housing charges that we recently settled. One of
5 those was against an apartment management, Zinder Property
6 Management here in Indianapolis. They agreed to change
7 their policy with regard to requiring proof of employment
8 for their applicants. They now will accept in lieu of proof
9 of employment, they will accept proof of receipt of Social
10 Security Disability Insurance, which we think will be
11 beneficial to persons with disabilities.

12 The other case involved an apartment down in
13 Bloomington that was designed and constructed without the
14 proper accessibility features. We settled that complaint
15 and they have agreed to make some modifications.
16 Unfortunately, it would have been excessively expensive and
17 unreasonable to demand complete compliance without basically
18 gutting every unit so they will be making some changes in
19 the next year to make those more accessible.

20 Other things, I don't know, I think, Danny, were you
21 going to talk about your meeting with the NAACP?

22 MR. LOPEZ: Yes. The NAACP came to see us.
23 They have asked to come to next month's meeting and speak to
24 you folks about the initiative they are working on. They
25 are looking at disproportionality of -- with respect to

1 suspensions and expulsions under the zero tolerance policies
2 in the schools.

3 So we have spoken to them on that and we have, you
4 know, they have asked for support in that and we talked to
5 them about working with them to help create some
6 partnerships and leverage some of the resources in the
7 community that can help. We have also talked to them about
8 looking at not just the systemic issue but also community,
9 collaboration with communities, to work with families to
10 ensure that there we can decrease these numbers. And
11 talking also about cultural competency in the classroom,
12 addressing it from multiple angles.

13 But they do want to come next week and talk to you
14 about that.

15 MR. BREWSTER: Next month?

16 MR. LOPEZ: I am sorry, next month. So you
17 can anticipate that and if you want any information on local
18 zero tolerance policies, we can provide that.

19 MR. BREWSTER: Training, we did send our two
20 mediators, Jonathan Gordon and Diane Graves to DC earlier
21 this month for some training at the National Fair Housing
22 Training Academy. That is a HUD training program, it is a
23 five-week program. That's the first time that Jonathan and
24 Diane have gone out there. Most of our housing people have
25 gone to all five weeks at this point, so that was good that

1 worked out.

2 Personnel updates, our housing investigator Tonya
3 Patterson, we had an opening coming up, one of the
4 employment unit, one of our investigators left for other
5 employment, so she wanted to move over to the employment
6 side so we did that. We're currently interviewing or have
7 interviewed for two vacant investigator positions and also
8 are interviewing for an open position in our case management
9 section. So we should be hiring those individuals here in
10 the next few weeks. And I think that about fills all of our
11 open positions. There may be a few that we don't intend to
12 fill at this time. As far as our investigative positions,
13 we are operating with full staff. That's all I have. Any
14 questions about anything?

15 MR. CARTER: Thank you. Are there additional
16 announcements? Make note of the remaining meeting dates and
17 that the December meeting is on Beethoven's birthday, a
18 piece of information from Peanuts from years ago. When
19 something is done over and over and over again I finally
20 learn it. And otherwise, we can adjourn. Stay for
21 signatures and that does it.

22 (Proceedings adjourned at 11:38 a.m.)

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24 AND FURTHER DEPONENT SAITH NOT

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1 CERTIFICATE

2 STATE OF INDIANA)
) ss:
 3 COUNTY OF BOONE)

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5 I, Heather S. Orbaugh, the undersigned Court Reporter
 and Notary Public residing and maintaining offices in the
 6 City of Zionsville, Boone County, Indiana, do hereby
 certify:

7

8 That I reported to the best of my ability in machine
 shorthand all of the words spoken by all parties in
 attendance during the course of the ensuing proceedings,
 9 including objections, if any, made by all counsel present;

10 That I later reduced my shorthand notes into the
 foregoing typewritten transcript form, which typewritten
 11 transcript is a true record to the best of my ability of the
 testimony given by the witness as stated above;

12

13 That I am not a relative or employee or attorney or
 counsel of any of the parties, nor am I a relative or an
 employee of such attorney or counsel, and that I am not
 14 financially interested in this action.

15

16 IN WITNESS HERETO, I have affixed my Notarial Seal and
 subscribed my signature below this 9th day of November,
 17 2011.

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24 _____
 Notary Public
 County of Residence: Boone (Seal)
 25 My Commission Expires on: April 27, 2017