



**INDIANA  
CIVIL  
RIGHTS  
COMMISSION**



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**INDIANA  
CIVIL RIGHTS COMMISSION**

**Minutes of the  
January 25, 2008 Meeting**

Chair Alpha Blackburn, called the regular monthly meeting of the Indiana Civil Rights Commission ("Commission" or "ICRC") to order. As set forth in public notices, the meeting was held in Room A of the State Conference Center, Indiana Government Center South, Indianapolis, Indiana.

**ATTENDEES:**

The Commissioners present in person were: Alpha Blackburn, Barry Baynard, David C. Carter, Tehiji Crenshaw, and Steven Ramos. Four Commissioners being present and constituting a majority of the commissioners, a quorum is present and represents a number of commissioners sufficient to conduct business and take final actions.

Commission Director Gregory Kellam Scott and several staff members, including Deputy Director Christine Cde Baca, were present in person.

**A. AGENDA REQUESTS:**

There were no Agenda requests received for this meeting.

**B. APPROVAL OF THE MINUTES OF THE COMMISSION'S DECEMBER MEETING:**

It was moved by Commissioner Carter and seconded by Commissioner Crenshaw to approve and adopt the minutes from the Commission's December meeting. The motion carried by unanimous vote of all Commissioners present.

"Morality cannot be legislated, but behavior can be regulated." – Dr. Martin Luther King, Jr

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**C. NEW BUSINESS:**

Director Gregory Kellam Scott ("Director Scott" or "Judge Scott") reported a new Bill has been introduced in the House of the State General Assembly for the purpose of transferring Age Discrimination regulation from the Department of Labor to the Commission. In response, the General Assembly's Office of Legislative Services (LS) prepared a Fiscal Impact Statement (FIS), indicating there would not be a material fiscal impact. While we agree the fiscal impact of the proposed legislation is not great; we do not approve of the FIS due to several inaccurate statements. However, before addressing the inaccuracies, the Commission's Director spoke with the author of the FIS. The author of the FIS acknowledged the inaccuracies and has agreed to make more accurate statements in the next draft.

Among the areas of concern, the early draft of the FIS incorrectly states there are thirteen (13) vacancies at the Commission. In fact, there are only five vacancies, including two positions that may not be filled. The two positions were eliminated as a consequence of centralizing personnel and IT services. As a result, we lost and in lieu of such an agency employee we agreed to obtain our human resources services through a centralized State Personnel Department. The other position, that of an IT supervisor was likewise eliminated and needed services were provided through the state IT department. In the second position, our IT supervisor was eliminated when our IT staffer was transferred to the state IT agency, which now provides our computer and other related services through its staff. Rather than a total of thirteen positions, we have five positions on the manning chart that are vacant, including the two positions that can't be filled. The remaining two positions are for two Intake Specialists. We are in the interview stage of filling those positions at the moment.

There are a couple of other minor errors that will be corrected in the next version of the FIS..

Director Scott reported Commissioner Ramos has made him aware of certain matters of concern among Latinos. In response, Judge Scott invited John Broyles, from the Immigration Law Association, to speak regarding an important immigration issue and certain matters being addressed by the Immigration Law Association and others.

Mr. John Broyles made a brief presentation to the Commission regarding the recent number of times immigrants have been deported, including times when Federal law was not followed. He advised the Commission the Immigration Law Association is developing a way to educate people and police with the involvement of state and local police in efforts amounting to deportation. Mr. Boyles noted Latinos, some of whom are citizens, are being arrested on one basis and then being taken into custody to investigate if they are legal citizens or

not. Judge Scott offered to meet with Mr. Broyles to obtain additional information and agreed to report any developments to the Commission..

Director Scott indicated the State Board of Accounts (SBoA) conducted an Audit of the Commission. The Commission's financial affairs are under the direction of the Commission's Office Operations Manager, Robin Degner, who reports to the Deputy Director. In light of Audit results, noting deficiencies reported previously, the Commission's "Official Response" has been submitted to SBoA. In the course of preparing an Official Response, the Commission secured the assistance of Mr. Charles Johnson, former State Auditor, and his firm Engaging Solutions. In Mr. Johnson's view, the Audit was critical of certain accounting practices that can be easily modified to comply with state accounting procedures but did not reveal any areas of substantive concern. Interestingly, at the recommendation of Mr. Johnson, the manner and actions of the staff auditor was raised with the current State Auditor. (By way of example, when providing copies of minutes of the Commission's meetings or meetings of the Dr. Martin Luther King, Jr. Indiana Holiday Commission (Dr. King Commission), unlike national public accounting firms the Director has worked with in the past, the staff auditor refused to sign any receipt for the documents presented at her request. The State Auditor agreed her conduct was not a proper.) In any event, we included corrective actions in the Official Response, including transferring the Manager of Operations from the Deputy Director to the Director. In accord with the corrective actions, the Director has asked Robin Degner to prepare a detailed report, consistent with the Official Response, that will allow the Director and Manager of Operations to develop actions and identified staff responsibilities that will lead to procedures that will correct past erroneous accounting practices and establish particular responsibilities and duties for particular members of the Commission staff in order to assure full implementation of corrective actions.

#### **D. OLD BUSINESS**

Director Scott reported on this year's Dr. Martin Luther King, Jr. Indiana Holiday Celebration. In doing so he called on Chair Blackburn and Commissioner Crenshaw, both of whom attended the program. All noted this year's program was held to acknowledge those who worked to bring about the state Holiday, past and present members of the General Assembly, including former Representative Summers, who is credited with leading the way for adoption of the Indiana Holiday acknowledging Dr. King, his work and legacy. The Dr. King Commission presented awards to members of the General Assembly who were instrumental and happily many were present to receive their awards. The Commission acknowledged the life and work of Congresswoman Julia Carson, US Marshall James Burks [CHECK SPELLING], who is depicted in the Norman Rockwell painting guarding [INSERT NAME] as she integrated

schools in the South and Commission staffer Burnetta Sloss-Tanner, who has worked for many years in the civil rights vineyard, through our "Spirit of Justice Award." The Dr. Martin Luther King, Jr. Indiana Holiday Celebration was held at the Indiana State Museum for the first time on Thursday January 17, 2008 at 12:00 noon. The program was a great success. In particular, this was the first time in several years that the Dr. King Commission has actually met with a quorum to approve the program. One note as to the program, our staff Program Committee was chaired by Debra Bluitt and included Burnetta Sloss-Tanner and Judy Kochanzyk. It should be noted, under Debra's direction, the Program Committee presented a full and comprehensive program that was unanimously approved by the Dr. King Commission at its December 14, 2007 meeting. After the event, the Governor expressed his pleasure with the program.

**E. COMMITTEE REPORTS:**

**Financial Report**

The Commission's monthly financial report was presented by Robin Degner, the Commission's Office Operations Manager. The Report was accepted without any questions.

**F. CONSENT AGREEMENTS:**

There were no consent agreements this month.

**G. FINDINGS OF FACT. CONCLUSIONS OF LAW. AND ORDERS:**

It was moved by Commissioner Carter and seconded by Commissioner Baynard, that the Commission accept the proposed findings of fact, conclusions of law and order submitted in the case *Eddie Govain-Latimer vs. Ridgelawn Funeral Home*. The motion was approved unanimously and the Commission's judgment will be prepared consistent with ALJ Robert Lange's recommendation.

**H. REPORT FROM COMMISSIONERS ON COMPLAINANT APPEALS:**

The commissioners present then offered their reports and recommendations regarding Complainant appeals. It was moved by Commissioner Crenshaw and seconded by Commissioner Carter to accept the recommendation of Commissioner Blackburn to uphold the Deputy Director's finding of No Probable Cause in the case of *Wright v. Gene B. Glick Management*. The motion was approved unanimously.

It was moved by Commissioner Crenshaw and seconded by Commissioner Carter to accept the recommendation of Commissioner Blackburn to uphold the Deputy Director's finding of No Probable Cause in the case of Reed v. General Motors Corporation. The motion was approved unanimously.

It was moved by Commissioner Crenshaw and seconded by Commissioner Carter to accept the recommendation of Commissioner Blackburn to uphold the Director's finding of No Probable Cause in the case of Gilbert o/b/o Schwartz v. St. Vincent New Hope. The motion was approved unanimously.

It was moved by Commissioner Crenshaw and seconded by Commissioner Carter to accept the recommendation of Commissioner Blackburn to uphold the Director's finding of No Probable Cause in the case of Gilbert o/b/o Schwartz v. St. Vincent New Hope. The motion was approved unanimously.

It was moved by Commissioner Cater and seconded by Commissioner Gidney to accept the recommendation of Commissioner Baynard to uphold the Director's finding of No Probable Cause in the case of Drake v. Ecolab. The motion was approved unanimously.

It was moved by Commissioner Cater and seconded by Commissioner Gidney to accept the recommendation of Commissioner Baynard to uphold the Deputy Director's finding of No Probable Cause in the case of Montgomery v. SIHO Insurance Service. The motion was approved unanimously.

It was moved by Commissioner Crenshaw and seconded by Commissioner Baynard to accept the recommendation of Commissioner Carter to uphold the Deputy Director's finding of No Probable Cause in the case of Retica v. Heritage Meadows Homeowners Association. The motion was approved unanimously.

It was moved by Commissioner Crenshaw and seconded by Commissioner Baynard to accept the recommendation by Commissioner Carter to remand the Deputy Director's findings of No Probable Cause in the case of McGhee v. Stephanie Royer, Sheehan Property Management, and James Curtis. The motion was approved unanimously and the case is remanded for further investigation in light of additional information provided on appeal.

It was moved by Commissioner Ramos and seconded by Commissioner Carter to accept the recommendation of Commissioner Crenshaw to uphold the Deputy Director's finding of No Probable Cause in the case of Ferrell v. Middlebury School System. The motion was approved unanimously.

It was moved by Commissioner Ramos and seconded by Commissioner Carter to accept the recommendation of Commissioner Crenshaw to uphold the Deputy Director's finding of No Probable Cause in the case of Johnson v. One Force Staffing. The motion was approved unanimously.

It was moved by Commissioner Ramos and seconded by Commissioner Baynard to accept the recommendation of Commissioner Gidney to uphold the Director's finding of No Probable Cause in the case of Bigbee v. Grady Elder/Arby's Roast Beef Restaurant. The motion was approved unanimously.

It was moved by Commissioner Crenshaw and seconded by Commissioner Carter to accept the recommendation of Commissioner Gidney to uphold the Director's finding of No Probable Cause in the case of Spradlin v. Affordable Homes, Inc. The motion was approved unanimously.

It was moved by Commissioner Baynard and seconded by Commissioner Carter to accept the recommendation of Commissioner Ramos to uphold the Director's finding of No Probable Cause in the case of Johnson v. Wal-mart. The motion was approved unanimously

**I. ASSIGNMENT OF APPEALS TO COMMISSIONERS:**

Complainant Appeals were assigned to Commissioners as follows:

**Commissioner Blackburn:**

Lasley v. Indiana Department of Environmental Management, Emha07040184  
(Deputy Director)

**Commissioner Baynard:**

Blake v. Clark, Hohs07080368 (Deputy Director)

**Commissioner Carter:**

Wolters Baldauf v. Hatch and Portage Real Estate, Inc & Hatch Construction & Shults, HOfs07070357 (Deputy Director)

**Commissioner Crenshaw:**

*Price v. Indiana Joint Forces Adjutant General's Department*, EMra06010028  
(Deputy Director)

**J. ADMINISTRATIVE UPDATE:**

**Director's Report**

Director Scott reported that the Emmett Till bill has passed the House and is before the United States Senate. In order to report the Commissions support for passage of the Bill, Director Scott has written to both Senators and a copy of the Resolution was included with the letters.

Director Scott reported the EEOC has encouraged the agency to send at least one Commissioner to the Atlanta conference and training program that will be held April 8 through April 12, 2008. Commissioners are asked to consider attending the program. The Director indicated her intent to attend. Judge Scott asked other Commissioners to consider joining the Director and we will seek funding to support that effort. Judge Scott asked Commissioners to advise the Chair or to call him directly, as soon as possible to indicate such an interest; many other jurisdictions bring their commissioners for training, which has been proven to be valuable.

**Deputy Director's Report**

Deputy Director Cde Baca reported the Education Steering Committee met on December 12, 2007. At the meeting, Dr. Maur presented the Department of Education's plan to implement a three tier program utilizing an integrated focus systems approach to improve student outcomes. At the suggestion of Director Scott and Kathryn Lee, the Steering Committee was re-organized around five subcommittees, with two designated committee chairs and a vice chair. The subcommittees will meet and provide recommendations for the entire Steering Committee to consider submitting a report, with recommendations to the Commission.

Deputy Director Cde Baca reported that the Education Week magazine released its quality counts report and Indiana ranked 12<sup>th</sup> overall in the nation on the factors that were measured.

**K. ANNOUNCEMENTS:**

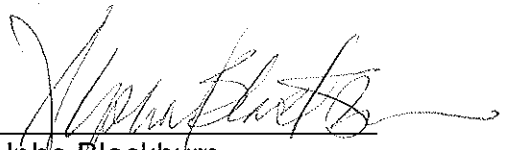
Chairperson Blackburn stated a Celebration of Black History in the form of a free concert will be held on February 5, 2008 featuring David Baker and The Ashanti Dance Theater.

**L. ADJOURNMENT:**

There being no further business to come before the Commission, the meeting was adjourned.

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Gregory Kellam Scott  
Director  
February 22, 2008



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Alpha Blackburn  
Chair  
February 22, 2008