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BEFORE THE STATE OF INDIANA
CIVIL RIGHTS COMMISSION

- - -

PUBLIC MEETING OF MARCH 27, 2009

- - -

ORIGINAL

PROCEEDINGS

in the above-captioned matter, before the Indiana
Civil Rights Commission, Alpha Blackburn,
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 South, Conference Center,
Room A, 402 West Washington Street, Indianapolis,
Indiana, on Friday, March 27, 2009 at 11:02
o'clock a.m.

- - -

William F. Daniels, RPR/CP CM d/b/a
ACCURATE REPORTING OF INDIANA
12922 Brighton Avenue
Carmel, Indiana 46032
(317) 848-0088

1 APPEARANCES:

2 COMMISSION MEMBERS:

3 Alpha Blackburn, Chairperson
4 David C. Carter
5 Barry Baynard

6 INDIANA CIVIL RIGHTS COMMISSION
7 By Tony A. Kirkland, Director/Secretary
8 & Barbara Malone, Dep. Director
9 Indiana Government Center North
10 100 North Senate Avenue, Room N103
11 Indianapolis, Indiana 46204
12 On behalf of the Commission.

13 OTHER COMMISSION STAFF PRESENT:

14 Robert D. Lange
15 Joan Essex
16 Cindy Haynes

17 ALSO PRESENT:

18 Jasmine Alpha Stephenson
19
20
21
22
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1 11:02 o'clock a.m.
2 March 27, 2009

3 CHAIRPERSON BLACKBURN: The Indiana
4 Civil Rights Commission is now in public meeting.

5 In that we do not have a quorum at this time, we
6 will consider the agenda items not requiring
7 action, in hopes that the quorum is reached
8 before the conclusion of the meeting.

9 Let us begin then with the financial
10 report.

11 MS. ESSEX: You should all have a
12 copy of the finance report in your packet. I'll
13 entertain any questions that you might have. We
14 are well on track to meet our expected reversion
15 that the Budget Agency and the Governor's Office
16 has asked us to give back of \$300,000. We are on
17 track to do that, and we are moving right along.
18 We've -- things are looking well.

19 CHAIRPERSON BLACKBURN: Excellent.

20 I notice in our audience -- or I did
21 notice in our audience -- has Virgil left?

22 MS. ESSEX: Yes, he did.

23 CHAIRPERSON BLACKBURN: -- that we

1 did have the Governor's assistant here, and that
2 would be good news for him, I'm sure.

3 MS. ESSEX: I'm sure.

4 CHAIRPERSON BLACKBURN: Thank you
5 very much.

6 Any questions regarding the budget or
7 finances?

8 (No response.)

9 CHAIRPERSON BLACKBURN: Hearing none,
10 we'll go on then to old business. Do we have any
11 lingering items?

12 MR. KIRKLAND: No, the only -- and I
13 will -- if I remember correct, I know we did talk
14 about possible -- doing at least once a quarter,
15 one of the meetings, and Ms. Crenshaw agreed to
16 assist in hosting the first one if we go to
17 Evansville, she said, and I remember, I guess,
18 the gang and I were doing, so that's something
19 that we might want to look at maybe for May or
20 either the June meeting, possibility, just try to
21 make sure -- we'll work out the details and make
22 sure everybody has a heads-up, get enough timely
23 notice, because I'm pretty sure that may require

1 some overnight for some of us.

2 CHAIRPERSON BLACKBURN: Uh-huh.

3 MR. KIRKLAND: So, we can have a
4 10:00 o'clock meeting.

5 CHAIRPERSON BLACKBURN: Right.

6 COMM. CARTER: Well, if there's a
7 time change in Evansville and we have to get
8 there at 100 a.m. --

9 (Laughter.)

10 COMM. CARTER: -- I'm already
11 confused.

12 MR. KIRKLAND: You're already
13 confused. So, that is something I guess we can
14 decide on if there is a quorum today.

15 CHAIRPERSON BLACKBURN: If there's
16 going to be a vote, I'd vote for June instead of
17 May --

18 MR. KIRKLAND: Uh-huh.

19 CHAIRPERSON BLACKBURN: -- but that
20 sounds fine. We can poll the --

21 MR. KIRKLAND: Okay.

22 CHAIRPERSON BLACKBURN: -- other
23 Commissioners.

1 MR. KIRKLAND: Well, currently some
2 of the things that we've been doing, of course,
3 the staff is getting ready to go to D.C. for
4 training for the first week of intake
5 investigation. Yesterday part of the staff
6 attended supervisors training.

7 Joan, it was you all, you, Josh.

8 MS. ESSEX: Wednesday.

9 MR. KIRKLAND: It was Wednesday;
10 right?

11 MS. MALONE: It was basic
12 supervision.

13 MR. KIRKLAND: Yeah, basic
14 supervision.

15 Other things that -- I've been pretty much
16 trying to keep my ear to the ground on different
17 policy changes, being involved with the
18 legislation -- the legislators. One, the hate
19 crime bill that Comm. Ramos was interested in did
20 not leave out of committee, so that's still up
21 for grabs.

22 And the pay equity bill is looking for
23 some tag-along to get involved, you know, be a

1 tag-along on another Senate bill that -- they
2 shared with me this morning that they would get
3 back with me on the legislative side from the
4 Governor's Office, because they don't know who's
5 going to take that, but they'd try to see if they
6 can make a run for it. It was brought up by
7 Representative Linda Lawson, who was the author
8 of the pay equity bill, so it's looking like it's
9 trying to get some support.

10 CHAIRPERSON BLACKBURN: All right.

11 MR. KIRKLAND: And that's pretty
12 much -- on average, we are pretty much on target
13 with our HUD and public accommodation cases. We
14 met the contract; is that right, Internet
15 analysis?

16 MS. ESSEX: Yes.

17 MR. KIRKLAND: And we seem to be
18 definitely on track with our EEOC cases right now
19 this quarter, so it looks like we're going to
20 meet that contract as well.

21 And third, we finally -- our ADR Mediation
22 Section seems to be taking off real good, so when
23 you see Josh Brewster, tell him congratulations.

1 He's hitting the ground running and making it
2 happen, so --

3 MS. MALONE: It's been a little slow
4 for them, though.

5 MR. KIRKLAND: Right.

6 MS. MALONE: ADR, they -- the process
7 is once the cases come in through case control,
8 Josh is initially assigning those cases for like
9 cold calls between he, Diane and Jonathan Gordon,
10 and they give the respondent about two weeks in
11 which to get the complaint and maybe make some
12 answer to the complaint, and -- before contacting
13 the respondent.

14 Business has been a little bit slow in
15 that regard, because what's happened is, is that
16 once the respondent says it has invested a little
17 bit of money into the process; i.e., hiring an
18 attorney, they aren't necessarily willing to
19 mediate at that point. Now, that process may be
20 further along the line, and they may come back
21 and say, "Oh, let's mediate. Let's, you know,
22 come to an agreement."

23 So, I don't know if you noted, but we've

1 had -- in the past month, we've had four probable
2 cause findings, and year to date -- the two
3 months we've had seven, so I don't know what
4 significance that may mean to you. For me it
5 means that I think we've -- we're digging a
6 little bit harder and deeper into trying to
7 establish probable cause or reasonable cause
8 findings.

9 And that's -- that's what I've seen. I
10 try to -- and I probably -- I won't say this, but
11 I think that I want to task our investigators and
12 also our legal attorneys to find more probable
13 cause, because I don't necessarily think that we
14 have to stand still and just apply -- a legal
15 standard is whether they can get past summary
16 judgment or prevail on summary judgment.

17 CHAIRPERSON BLACKBURN: Or even
18 appeal.

19 MS. MALONE: Right. Well, the other
20 thing is, is that that's not our standard for
21 determining the viability or whether there's
22 probable cause. So, the degree of analysis that
23 may go into what respondent's counsel may do or

1 complainant's counsel may do at the point in time
2 that it's filed in federal court is not the same
3 standard in which we have to -- to which we
4 should adhere or abide, so -- and then sometimes
5 just giving the complainant somewhat the benefit
6 of the doubt in some instances, but not
7 completely.

8 That's all I have.

9 CHAIRPERSON BLACKBURN: Okay.

10 COMM. CARTER: I was noticing --

11 CHAIRPERSON BLACKBURN: I like the
12 tracking report.

13 COMM. CARTER: Yeah, the production
14 report has 29 additions and 68 dispositions.
15 That's better than in a long time.

16 MS. MALONE: Well, I think I
17 mentioned this to you last month. We went
18 through what we call purge of cases, and what
19 that did, it kind of put the -- put them on the
20 spot, put the investigators on the spot, to get
21 cases out, but not only put them on the spot; a
22 better thing I thought it did was to encourage
23 them that "This case is really complete for

1 investi -- to complete the investigation. You're
2 ready to write this up."

3 Maybe with a little bit more information
4 here or -- and we sent some investigators back to
5 get some more investigation -- get some more
6 information, but for the most part, there were
7 significantly -- a number of cases were ready to
8 be written up, they just didn't feel necessarily
9 comfortable writing them up. So, that has, I
10 think, boded well in getting cases moved out.

11 CHAIRPERSON BLACKBURN: Okay. Very
12 good. Thank you.

13 Are there any announcements?

14 MR. KIRKLAND: What about the --
15 what's the IAOHRA -- what are they doing as far
16 as that?

17 MS. MALONE: Oh, IAOHRA Convention?

18 MR. KIRKLAND: Yeah, IAOHRA
19 Convention.

20 CHAIRPERSON BLACKBURN: Oh, where?
21 When?

22 MS. ESSEX: Los Angeles, and it's in
23 September, I think the end of September. I don't

1 know exactly.

2 MR. KIRKLAND: Right.

3 MS. ESSEX: We don't have an agenda
4 yet, but as soon as I get an agenda, we'll
5 forward it on to you.

6 CHAIRPERSON BLACKBURN: Okay.

7 MR. LANGE: Do you have a date
8 somewhere?

9 MS. ESSEX: Somewhere.

10 MR. KIRKLAND: Then there's the --

11 MR. LANGE: I wondered, that's why I
12 asked.

13 MR. KIRKLAND: Then there is the
14 state conference -- our state conference in
15 Evansville, I want to say June --

16 MS. MALONE: It's June 14 -- let me
17 see.

18 MR. KIRKLAND: Do you have that?

19 MS. MALONE: June 16th through the
20 19th --

21 MR. KIRKLAND: Through the 19th.

22 MS. MALONE: -- at the Casino Aztar
23 Hotel.

1 MR. KIRKLAND: Aztar Hotel.

2 MS. MALONE: There will be some
3 Commissioners training --

4 MR. KIRKLAND: Commissioners
5 training.

6 MS. MALONE: -- as well.

7 CHAIRPERSON BLACKBURN: Could we have
8 our meeting at the same time?

9 MS. MALONE: Uh-huh.

10 MR. KIRKLAND: That's not a bad idea.

11 MS. ESSEX: I have an e-mail here
12 saying that the conference is from August 31st
13 through September 4th, so it's the end of August.

14 CHAIRPERSON BLACKBURN: August 31st?

15 MS. ESSEX: Through December 4th.

16 CHAIRPERSON BLACKBURN: Through
17 December 4th.

18 MR. LANGE: September.

19 MR. KIRKLAND: September.

20 MR. LANGE: You said December.
21 That's what I heard.

22 MS. ESSEX: I'm sorry. You could
23 have.

1 MR. LANGE: That's a heck of a
2 conference.

3 (Laughter.)

4 MR. KIRKLAND: You don't come back at
5 all. So --

6 COMM. CARTER: Are we allowed to have
7 a state government meeting in a casino?

8 MR. KIRKLAND: No, it wouldn't be
9 there. We'd probably have it --

10 CHAIRPERSON BLACKBURN: It's at the
11 hotel actually.

12 MR. KIRKLAND: It's the -- you know,
13 for those that don't know, when they say casino,
14 I guess the true meaning now in Evansville, they
15 have a conference center that's outside the
16 casino.

17 COMM. CARTER: Oh, okay.

18 MR. KIRKLAND: And so, the new
19 conference center is out -- it's not in the
20 casino.

21 COMM. CARTER: So, it's --

22 MR. KIRKLAND: It's like adjacent,
23 but it's around the corner.

1 MR. LANGE: No slot machines.

2 MR. KIRKLAND: No slot machines or
3 nothing like that. It is strictly a conference
4 center.

5 MR. LANGE: A different building.

6 COMM. CARTER: Yeah.

7 MR. KIRKLAND: A conference center,
8 so I think we should be fine there with that.

9 If any of the other Commissioners that are
10 interested, due to the state's new policy on
11 out-of-state travel, I will have to make the
12 requisition, and so once we lock in, and those
13 that definitely want to go, I have to do my thing
14 and get it approved.

15 CHAIRPERSON BLACKBURN: And save
16 money so that we can afford it.

17 MR. KIRKLAND: Yes, ma'am.

18 CHAIRPERSON BLACKBURN: Okay.

19 (Laughter.)

20 CHAIRPERSON BLACKBURN: All right.
21 Any other announcements?

22 (No response.)

23 CHAIRPERSON BLACKBURN: None?

1 MS. MALONE: I have one.

2 CHAIRPERSON BLACKBURN: All right.

3 MS. MALONE: We're working on it,
4 working on doing a consumer-type housing
5 conference for consumers for some time in August
6 or September, and providing some perhaps legal
7 advice in regard to fair lending, predatory
8 lending --

9 CHAIRPERSON BLACKBURN: Good.

10 MS. MALONE: -- on a Saturday.

11 CHAIRPERSON BLACKBURN: Sounds good.

12 Thank you very much.

13 Hearing no other announcements, the
14 meeting is adjourned.

15 - - -
16 Thereupon, the proceedings of
17 March 27, 2009 were concluded
18 at 11:17 o'clock a.m.
19 - - -

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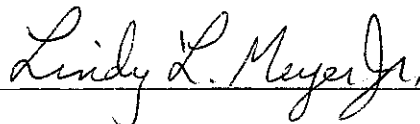
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1 CERTIFICATE

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, March 27, 2009 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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|--|---|---|--|
| <p>\$</p> | <p>adjacent [1] - 15:22 adjourned [1] - 17:14 Administrative [1] - 6:23 ADR [2] - 8:21, 9:6 advice [1] - 17:7 afford [1] - 16:16 Agency [1] - 3:15 agenda [3] - 3:6, 13:3, 13:4 agreed [1] - 4:15 agreement [1] - 9:22 Akers [1] - 6:14 allowed [1] - 15:6</p> | <p>3:19, 3:23, 4:4, 4:9, 5:2, 5:5, 5:15, 5:19, 5:22, 6:3, 6:9, 6:11, 6:17, 6:20, 8:10, 10:17, 11:9, 11:11, 12:11, 12:20, 13:6, 14:7, 14:14, 14:16, 15:10, 16:15, 16:18, 16:20, 16:23, 17:2, 17:9, 17:11</p> | <p>comfortable [1] - 12:9 Comm [3] - 6:13, 6:17, 7:19 COMM [10] - 5:6, 5:10, 6:16, 6:19, 11:10, 11:13, 15:6, 15:17, 15:21, 16:6 COMMISSION [4] - 1:2, 2:2, 2:5, 2:10 Commission [4] - 1:11, 2:8, 3:4, 18:15 Commissioners [5] - 5:23, 6:13, 14:3, 14:4, 16:9 committee [1] - 7:20 Company [1] - 6:15</p> |
| <p>\$300,000 [1] - 3:16</p> | <p>1</p> | <p>Blackburn [2] - 1:11, 2:3 boded [1] - 12:10 Brewster [1] - 8:23 Brighton [1] - 1:22</p> | <p>complainant [1] - 11:5 complainant's [1] - 11:1 complaint [2] - 9:11, 9:12 complete [2] - 11:23, 12:1 completely [1] - 11:7 concluded [1] - 17:16 conclusion [1] - 3:8 Conclusions [1] - 6:5 Conference [1] - 1:15 conference [3] - 13:14, 14:12, 15:2, 15:15, 15:19, 16:3, 16:7, 17:5 confused [2] - 5:11, 5:13 congratulations [1] - 8:23 consider [1] - 3:6 consumer [1] - 17:4 consumer-type [1] - 17:4 consumers [1] - 17:5 contacting [1] - 9:12 contract [2] - 8:14, 8:20 control [1] - 9:7 Convention [2] - 12:17, 12:19 copy [1] - 3:12 corner [1] - 15:23 correct [2] - 4:13, 18:6 counsel [2] - 10:23, 11:1 County [2] - 1:14, 18:4 course [1] - 7:2 Court [1] - 18:3 court [1] - 11:2 Crenshaw [1] - 4:15 crime [1] - 7:19</p> |
| <p>100 [2] - 2:7, 5:8 10:00 [1] - 5:4 11:02 [2] - 1:17, 3:1 11:17 [1] - 17:16 12922 [1] - 1:22 14 [1] - 13:16 16th [1] - 13:19 19th [2] - 13:20, 13:21</p> | <p>Alpha [3] - 1:11, 2:3, 2:14 ALSO [1] - 2:13 analysis [2] - 8:15, 10:22 Angeles [1] - 12:22 announcements [3] - 12:13, 16:21, 17:13 answer [1] - 9:12 anyway [2] - 6:8, 6:10 Apartments [1] - 6:22 appeal [1] - 10:18 Appeals [1] - 6:12 APPEARANCES [1] - 2:1 apply [1] - 10:14 approved [1] - 16:14 assign [1] - 6:12 assigning [1] - 9:8 assist [1] - 4:16 assistant [1] - 4:1 attended [1] - 7:6 attorney [1] - 9:18 attorneys [1] - 10:12 audience [2] - 3:20, 3:21 August [4] - 14:12, 14:13, 14:14, 17:5 author [1] - 8:7 Avenue [2] - 1:22, 2:7 average [1] - 8:12 Aztec [2] - 13:22, 14:1</p> | <p>brought [1] - 8:6 budget [1] - 4:6 Budget [1] - 3:15 building [1] - 16:5 Business [1] - 9:14 business [3] - 4:10, 6:1, 6:4</p> | <p>conclude [1] - 17:16 conclusion [1] - 3:8 Conclusions [1] - 6:5 Conference [1] - 1:15 conference [3] - 13:14, 14:12, 15:2, 15:15, 15:19, 16:3, 16:7, 17:5 confused [2] - 5:11, 5:13 congratulations [1] - 8:23 consider [1] - 3:6 consumer [1] - 17:4 consumer-type [1] - 17:4 consumers [1] - 17:5 contacting [1] - 9:12 contract [2] - 8:14, 8:20 control [1] - 9:7 Convention [2] - 12:17, 12:19 copy [1] - 3:12 corner [1] - 15:23 correct [2] - 4:13, 18:6 counsel [2] - 10:23, 11:1 County [2] - 1:14, 18:4 course [1] - 7:2 Court [1] - 18:3 court [1] - 11:2 Crenshaw [1] - 4:15 crime [1] - 7:19</p> |
| <p>2</p> | <p>B</p> | <p>C</p> | <p>D</p> |
| <p>2009 [5] - 1:5, 1:17, 3:1, 17:16, 18:7 2016 [1] - 18:15 27 [6] - 1:5, 1:17, 3:1, 17:16, 18:7, 18:15 29 [1] - 11:14</p> | <p>bad [1] - 14:10 Barbara [1] - 2:6 Barry [1] - 2:4 basic [2] - 7:11, 7:13 Baynard [2] - 2:4, 6:13 BAYNARD [1] - 6:16 BEFORE [1] - 1:1 begin [1] - 3:9 behalf [1] - 2:8 benefit [1] - 11:5 better [2] - 11:15, 11:22 between [1] - 9:9 bill [4] - 7:19, 7:22, 8:1, 8:6 bit [4] - 9:14, 9:17, 10:6, 12:3 BLACKBURN [3] - 3:3, 3:19, 3:23, 4:4, 4:9, 5:2, 5:5, 5:15, 5:19, 5:22, 6:3, 6:9, 6:11, 6:17, 6:20, 8:10, 10:17, 11:9, 11:11, 12:11, 12:20, 13:6, 14:7, 14:14, 14:16, 15:10, 16:15, 16:18, 16:20, 16:23, 17:2, 17:9, 17:11 Chairperson [2] - 1:12, 2:3 change [1] - 5:7 changes [1] - 7:17 Cindy [1] - 2:12 City [1] - 18:4 CIVIL [2] - 1:2, 2:5 Civil [2] - 1:11, 3:4 CM [1] - 1:21 cold [1] - 9:8</p> | <p>Cambridge [1] - 6:21 captioned [1] - 1:10 Carmel [1] - 1:22 Carter [2] - 2:3, 6:17 CARTER [9] - 5:6, 5:10, 6:19, 11:10, 11:13, 15:6, 15:17, 15:21, 16:6 case [3] - 6:14, 9:7, 11:23 cases [8] - 8:13, 8:18, 9:7, 9:8, 11:18, 11:21, 12:7, 12:10 Casino [1] - 13:22 casino [4] - 15:7, 15:13, 15:16, 15:20 Center [3] - 1:15, 2:7 center [4] - 15:15, 15:19, 16:4, 16:7 Certainly [1] - 6:19 CERTIFICATE [1] - 18:1 certify [1] - 18:5 CHAIRPERSON [3] - 3:3, 3:19, 3:23, 4:4, 4:9, 5:2, 5:5, 5:15, 5:19, 5:22, 6:3, 6:9, 6:11, 6:17, 6:20, 8:10, 10:17, 11:9, 11:11, 12:11, 12:20, 13:6, 14:7, 14:14, 14:16, 15:10, 16:15, 16:18, 16:20, 16:23, 17:2, 17:9, 17:11 Chairperson [2] - 1:12, 2:3 change [1] - 5:7 changes [1] - 7:17 Cindy [1] - 2:12 City [1] - 18:4 CIVIL [2] - 1:2, 2:5 Civil [2] - 1:11, 3:4 CM [1] - 1:21 cold [1] - 9:8</p> | <p>Company [1] - 6:15 complainant [1] - 11:5 complainant's [1] - 11:1 complaint [2] - 9:11, 9:12 complete [2] - 11:23, 12:1 completely [1] - 11:7 concluded [1] - 17:16 conclusion [1] - 3:8 Conclusions [1] - 6:5 Conference [1] - 1:15 conference [3] - 13:14, 14:12, 15:2, 15:15, 15:19, 16:3, 16:7, 17:5 confused [2] - 5:11, 5:13 congratulations [1] - 8:23 consider [1] - 3:6 consumer [1] - 17:4 consumer-type [1] - 17:4 consumers [1] - 17:5 contacting [1] - 9:12 contract [2] - 8:14, 8:20 control [1] - 9:7 Convention [2] - 12:17, 12:19 copy [1] - 3:12 corner [1] - 15:23 correct [2] - 4:13, 18:6 counsel [2] - 10:23, 11:1 County [2] - 1:14, 18:4 course [1] - 7:2 Court [1] - 18:3 court [1] - 11:2 Crenshaw [1] - 4:15 crime [1] - 7:19</p> |
| <p>3</p> | <p>A</p> | <p>C</p> | <p>D</p> |
| <p>317 [1] - 1:23 31st [2] - 14:12, 14:14</p> | <p>author [1] - 8:7 Avenue [2] - 1:22, 2:7 average [1] - 8:12 Aztec [2] - 13:22, 14:1</p> | <p>Cambridge [1] - 6:21 captioned [1] - 1:10 Carmel [1] - 1:22 Carter [2] - 2:3, 6:17 CARTER [9] - 5:6, 5:10, 6:19, 11:10, 11:13, 15:6, 15:17, 15:21, 16:6 case [3] - 6:14, 9:7, 11:23 cases [8] - 8:13, 8:18, 9:7, 9:8, 11:18, 11:21, 12:7, 12:10 Casino [1] - 13:22 casino [4] - 15:7, 15:13, 15:16, 15:20 Center [3] - 1:15, 2:7 center [4] - 15:15, 15:19, 16:4, 16:7 Certainly [1] - 6:19 CERTIFICATE [1] - 18:1 certify [1] - 18:5 CHAIRPERSON [3] - 3:3, 3:19, 3:23, 4:4, 4:9, 5:2, 5:5, 5:15, 5:19, 5:22, 6:3, 6:9, 6:11, 6:17, 6:20, 8:10, 10:17, 11:9, 11:11, 12:11, 12:20, 13:6, 14:7, 14:14, 14:16, 15:10, 16:15, 16:18, 16:20, 16:23, 17:2, 17:9, 17:11 Chairperson [2] - 1:12, 2:3 change [1] - 5:7 changes [1] - 7:17 Cindy [1] - 2:12 City [1] - 18:4 CIVIL [2] - 1:2, 2:5 Civil [2] - 1:11, 3:4 CM [1] - 1:21 cold [1] - 9:8</p> | <p>conclude [1] - 17:16 conclusion [1] - 3:8 Conclusions [1] - 6:5 Conference [1] - 1:15 conference [3] - 13:14, 14:12, 15:2, 15:15, 15:19, 16:3, 16:7, 17:5 confused [2] - 5:11, 5:13 congratulations [1] - 8:23 consider [1] - 3:6 consumer [1] - 17:4 consumer-type [1] - 17:4 consumers [1] - 17:5 contacting [1] - 9:12 contract [2] - 8:14, 8:20 control [1] - 9:7 Convention [2] - 12:17, 12:19 copy [1] - 3:12 corner [1] - 15:23 correct [2] - 4:13, 18:6 counsel [2] - 10:23, 11:1 County [2] - 1:14, 18:4 course [1] - 7:2 Court [1] - 18:3 court [1] - 11:2 Crenshaw [1] - 4:15 crime [1] - 7:19</p> |
| <p>4</p> | <p>A</p> | <p>C</p> | <p>D</p> |
| <p>402 [1] - 1:16 46032 [1] - 1:22 46204 [1] - 2:8 4th [3] - 14:13, 14:15, 14:17</p> | <p>author [1] - 8:7 Avenue [2] - 1:22, 2:7 average [1] - 8:12 Aztec [2] - 13:22, 14:1</p> | <p>Cambridge [1] - 6:21 captioned [1] - 1:10 Carmel [1] - 1:22 Carter [2] - 2:3, 6:17 CARTER [9] - 5:6, 5:10, 6:19, 11:10, 11:13, 15:6, 15:17, 15:21, 16:6 case [3] - 6:14, 9:7, 11:23 cases [8] - 8:13, 8:18, 9:7, 9:8, 11:18, 11:21, 12:7, 12:10 Casino [1] - 13:22 casino [4] - 15:7, 15:13, 15:16, 15:20 Center [3] - 1:15, 2:7 center [4] - 15:15, 15:19, 16:4, 16:7 Certainly [1] - 6:19 CERTIFICATE [1] - 18:1 certify [1] - 18:5 CHAIRPERSON [3] - 3:3, 3:19, 3:23, 4:4, 4:9, 5:2, 5:5, 5:15, 5:19, 5:22, 6:3, 6:9, 6:11, 6:17, 6:20, 8:10, 10:17, 11:9, 11:11, 12:11, 12:20, 13:6, 14:7, 14:14, 14:16, 15:10, 16:15, 16:18, 16:20, 16:23, 17:2, 17:9, 17:11 Chairperson [2] - 1:12, 2:3 change [1] - 5:7 changes [1] - 7:17 Cindy [1] - 2:12 City [1] - 18:4 CIVIL [2] - 1:2, 2:5 Civil [2] - 1:11, 3:4 CM [1] - 1:21 cold [1] - 9:8</p> | <p>conclude [1] - 17:16 conclusion [1] - 3:8 Conclusions [1] - 6:5 Conference [1] - 1:15 conference [3] - 13:14, 14:12, 15:2, 15:15, 15:19, 16:3, 16:7, 17:5 confused [2] - 5:11, 5:13 congratulations [1] - 8:23 consider [1] - 3:6 consumer [1] - 17:4 consumer-type [1] - 17:4 consumers [1] - 17:5 contacting [1] - 9:12 contract [2] - 8:14, 8:20 control [1] - 9:7 Convention [2] - 12:17, 12:19 copy [1] - 3:12 corner [1] - 15:23 correct [2] - 4:13, 18:6 counsel [2] - 10:23, 11:1 County [2] - 1:14, 18:4 course [1] - 7:2 Court [1] - 18:3 court [1] - 11:2 Crenshaw [1] - 4:15 crime [1] - 7:19</p> |
| <p>6</p> | <p>A</p> | <p>C</p> | <p>D</p> |
| <p>68 [1] - 11:14</p> | <p>A</p> | <p>C</p> | <p>D</p> |
| <p>8</p> | <p>A</p> | <p>C</p> | <p>D</p> |
| <p>848-0088 [1] - 1:23</p> | <p>A</p> | <p>C</p> | <p>D</p> |
| <p>A</p> | <p>A</p> | <p>C</p> | <p>D</p> |
| <p>a.m. [4] - 1:18, 3:1, 5:8, 17:16 abide [1] - 11:4 above-captioned [1] - 1:10 accommodation [1] - 8:13 ACCURATE [1] - 1:21 action [1] - 3:7 additions [1] - 1:14 adhere [1] - 11:4</p> | <p>author [1] - 8:7 Avenue [2] - 1:22, 2:7 average [1] - 8:12 Aztec [2] - 13:22, 14:1</p> | <p>Cambridge [1] - 6:21 captioned [1] - 1:10 Carmel [1] - 1:22 Carter [2] - 2:3, 6:17 CARTER [9] - 5:6, 5:10, 6:19, 11:10, 11:13, 15:6, 15:17, 15:21, 16:6 case [3] - 6:14, 9:7, 11:23 cases [8] - 8:13, 8:18, 9:7, 9:8, 11:18, 11:21, 12:7, 12:10 Casino [1] - 13:22 casino [4] - 15:7, 15:13, 15:16, 15:20 Center [3] - 1:15, 2:7 center [4] - 15:15, 15:19, 16:4, 16:7 Certainly [1] - 6:19 CERTIFICATE [1] - 18:1 certify [1] - 18:5 CHAIRPERSON [3] - 3:3, 3:19, 3:23, 4:4, 4:9, 5:2, 5:5, 5:15, 5:19, 5:22, 6:3, 6:9, 6:11, 6:17, 6:20, 8:10, 10:17, 11:9, 11:11, 12:11, 12:20, 13:6, 14:7, 14:14, 14:16, 15:10, 16:15, 16:18, 16:20, 16:23, 17:2, 17:9, 17:11 Chairperson [2] - 1:12, 2:3 change [1] - 5:7 changes [1] - 7:17 Cindy [1] - 2:12 City [1] - 18:4 CIVIL [2] - 1:2, 2:5 Civil [2] - 1:11, 3:4 CM [1] - 1:21 cold [1] - 9:8</p> | <p>conclude [1] - 17:16 conclusion [1] - 3:8 Conclusions [1] - 6:5 Conference [1] - 1:15 conference [3] - 13:14, 14:12, 15:2, 15:15, 15:19, 16:3, 16:7, 17:5 confused [2] - 5:11, 5:13 congratulations [1] - 8:23 consider [1] - 3:6 consumer [1] - 17:4 consumer-type [1] - 17:4 consumers [1] - 17:5 contacting [1] - 9:12 contract [2] - 8:14, 8:20 control [1] - 9:7 Convention [2] - 12:17, 12:19 copy [1] - 3:12 corner [1] - 15:23 correct [2] - 4:13, 18:6 counsel [2] - 10:23, 11:1 County [2] - 1:14, 18:4 course [1] - 7:2 Court [1] - 18:3 court [1] - 11:2 Crenshaw [1] - 4:15 crime [1] - 7:19</p> |
| <p>a.m. [4] - 1:18, 3:1, 5:8, 17:16 abide [1] - 11:4 above-captioned [1] - 1:10 accommodation [1] - 8:13 ACCURATE [1] - 1:21 action [1] - 3:7 additions [1] - 1:14 adhere [1] - 11:4</p> | <p>author [1] - 8:7 Avenue [2] - 1:22, 2:7 average [1] - 8:12 Aztec [2] - 13:22, 14:1</p> | <p>Cambridge [1] - 6:21 captioned [1] - 1:10 Carmel [1] - 1:22 Carter [2] - 2:3, 6:17 CARTER [9] - 5:6, 5:10, 6:19, 11:10, 11:13, 15:6, 15:17, 15:21, 16:6 case [3] - 6:14, 9:7, 11:23 cases [8] - 8:13, 8:18, 9:7, 9:8, 11:18, 11:21, 12:7, 12:10 Casino [1] - 13:22 casino [4] - 15:7, 15:13, 15:16, 15:20 Center [3] - 1:15, 2:7 center [4] - 15:15, 15:19, 16:4, 16:7 Certainly [1] - 6:19 CERTIFICATE [1] - 18:1 certify [1] - 18:5 CHAIRPERSON [3] - 3:3, 3:19, 3:23, 4:4, 4:9, 5:2, 5:5, 5:15, 5:19, 5:22, 6:3, 6:9, 6:11, 6:17, 6:20, 8:10, 10:17, 11:9, 11:11, 12:11, 12:20, 13:6, 14:7, 14:14, 14:16, 15:10, 16:15, 16:18, 16:20, 16:23, 17:2, 17:9, 17:11 Chairperson [2] - 1:12, 2:3 change [1] - 5:7 changes [1] - 7:17 Cindy [1] - 2:12 City [1] - 18:4 CIVIL [2] - 1:2, 2:5 Civil [2] - 1:11, 3:4 CM [1] - 1:21 cold [1] - 9:8</p> | <p>conclude [1] - 17:16 conclusion [1] - 3:8 Conclusions [1] - 6:5 Conference [1] - 1:15 conference [3] - 13:14, 14:12, 15:2, 15:15, 15:19, 16:3, 16:7, 17:5 confused [2] - 5:11, 5:13 congratulations [1] - 8:23 consider [1] - 3:6 consumer [1] - 17:4 consumer-type [1] - 17:4 consumers [1] - 17:5 contacting [1] - 9:12 contract [2] - 8:14, 8:20 control [1] - 9:7 Convention [2] - 12:17, 12:19 copy [1] - 3:12 corner [1] - 15:23 correct [2] - 4:13, 18:6 counsel [2] - 10:23, 11:1 County [2] - 1:14, 18:4 course [1] - 7:2 Court [1] - 18:3 court [1] - 11:2 Crenshaw [1] - 4:15 crime [1] - 7:19</p> |
| <p>a.m. [4] - 1:18, 3:1, 5:8, 17:16 abide [1] - 11:4 above-captioned [1] - 1:10 accommodation [1] - 8:13 ACCURATE [1] - 1:21 action [1] - 3:7 additions [1] - 1:14 adhere [1] - 11:4</p> | <p>author [1] - 8:7 Avenue [2] - 1:22, 2:7 average [1] - 8:12 Aztec [2] - 13:22, 14:1</p> | <p>Cambridge [1] - 6:21 captioned [1] - 1:10 Carmel [1] - 1:22 Carter [2] - 2:3, 6:17 CARTER [9] - 5:6, 5:10, 6:19, 11:10, 11:13, 15:6, 15:17, 15:21, 16:6 case [3] - 6:14, 9:7, 11:23 cases [8] - 8:13, 8:18, 9:7, 9:8, 11:18, 11:21, 12:7, 12:10 Casino [1] - 13:22 casino [4] - 15:7, 15:13, 15:16, 15:20 Center [3] - 1:15, 2:7 center [4] - 15:15, 15:19, 16:4, 16:7 Certainly [1] - 6:19 CERTIFICATE [1] - 18:1 certify [1] - 18:5 CHAIRPERSON [3] - 3:3, 3:19, 3:23, 4:4, 4:9, 5:2, 5:5, 5:15, 5:19, 5:22, 6:3, 6:9, 6:11, 6:17, 6:20, 8:10, 10:17, 11:9, 11:11, 12:11, 12:20, 13:6, 14:7, 14:14, 14:16, 15:10, 16:15, 16:18, 16:20, 16:23, 17:2, 17:9, 17:11 Chairperson [2] - 1:12, 2:3 change [1] - 5:7 changes [1] - 7:17 Cindy [1] - 2:12 City [1] - 18:4 CIVIL [2] - </p> | |

| | | | |
|---|--|---|--|
| <p>degree [1] - 10:22 Dep [1] - 2:6 details [1] - 4:21 determining [1] - 10:21 Diane [1] - 9:9 different [2] - 7:16, 16:5 digging [1] - 10:5 Director [1] - 2:6 Director/Secretary [1] - 2:6 dispositions [1] - 11:14 doubt [1] - 11:6 due [1] - 16:10</p> | <p style="text-align: center;">G</p> <p>gang [1] - 4:18 Gene [1] - 6:14 Glick [1] - 6:14 Gordon [1] - 9:9 government [1] - 15:7 Government [2] - 1:15, 2:7 Governor's [3] - 3:15, 4:1, 8:4 grabs [1] - 7:21 ground [2] - 7:16, 9:1 guess [3] - 4:17, 5:13, 15:14</p> | <p>investigators [3] - 10:11, 11:20, 12:4 involved [2] - 7:17, 7:23 items [2] - 3:6, 4:11</p> | <p style="text-align: center;">M</p> <p>ma'am [1] - 16:17 machines [2] - 16:1, 16:2 mail [1] - 14:11 MALONE [15] - 7:11, 9:3, 9:6, 10:19, 11:16, 12:17, 13:16, 13:19, 13:22, 14:2, 14:6, 14:9, 17:1, 17:3, 17:10 Malone [1] - 2:6 Management [1] - 6:15 MARCH [1] - 1:5 March [4] - 1:17, 3:1, 17:16, 18:7 matter [2] - 1:10, 18:7 Mays [1] - 6:18 mean [1] - 10:4 meaning [1] - 15:14 means [1] - 10:5 mediate [2] - 9:19, 9:21 Mediation [1] - 8:21 meet [2] - 3:14, 8:20 MEETING [1] - 1:5 meeting [7] - 3:4, 3:8, 4:20, 5:4, 14:8, 15:7, 17:14 meetings [1] - 4:15 MEMBERS [1] - 2:2 mentioned [1] - 11:17 met [1] - 8:14 Meyer [3] - 1:12, 18:2, 18:11 might [2] - 3:13, 4:19 money [2] - 9:17, 16:16 month [2] - 10:1, 11:17 months [1] - 10:3 morning [1] - 8:2 most [1] - 12:6 moved [1] - 12:10 moving [1] - 3:17 MR [39] - 4:12, 5:3, 5:12, 5:18, 5:21, 6:7, 6:10, 7:1, 7:9, 7:13, 8:11, 8:17, 9:5, 12:14, 12:18, 13:2, 13:7, 13:10, 13:11, 13:13, 13:18, 13:21, 14:1, 14:4, 14:10, 14:18, 14:19, 14:20, 15:1, 15:4, 15:8, 15:12, 15:18, 15:22, 16:1, 16:2, 16:5, 16:7, 16:17 MS [26] - 3:11, 3:22, 4:3, 7:8, 7:11, 8:16, 9:3, 9:6, 10:19, 11:16, 12:17, 12:22, 13:3, 13:9, 13:16, 13:19, 13:22, 14:2, 14:6, 14:9, 14:11, 14:15, 14:22, 17:1, 17:3, 17:10</p> |
| <p style="text-align: center;">E</p> | <p style="text-align: center;">H</p> | <p style="text-align: center;">J</p> | <p>Jasmine [1] - 2:14 Joan [2] - 2:11, 7:7 Jonathan [1] - 9:9 Josh [3] - 7:7, 8:23, 9:8 Jr [3] - 1:13, 18:2, 18:11 judgment [2] - 10:16 June [5] - 4:20, 5:16, 13:15, 13:16, 13:19</p> |
| <p>e-mail [1] - 14:11 ear [1] - 7:16 EEOC [1] - 8:18 either [1] - 4:20 encourage [1] - 11:22 end [2] - 12:23, 14:13 entertain [1] - 3:13 equity [2] - 7:22, 8:8 Essex [1] - 2:11 ESSEX [11] - 3:11, 3:22, 4:3, 7:8, 8:16, 12:22, 13:3, 13:9, 14:11, 14:15, 14:22 establish [1] - 10:7 Evansville [4] - 4:17, 5:7, 13:15, 15:14 exactly [1] - 13:1 Excellent [1] - 3:19 expected [1] - 3:14 expires [1] - 18:15</p> | <p>harder [1] - 10:6 hate [1] - 7:18 Haynes [1] - 2:12 heads [1] - 4:22 heads-up [1] - 4:22 hear [1] - 6:6 heard [1] - 14:21 Hearing [3] - 4:9, 6:3, 17:13 heck [1] - 15:1 hereby [1] - 18:5 hiring [1] - 9:17 hitting [1] - 9:1 hopes [1] - 3:7 hosting [1] - 4:16 Hotel [2] - 13:23, 14:1 hotel [1] - 15:11 housing [1] - 17:4 HUD [1] - 8:13</p> | <p style="text-align: center;">K</p> | <p style="text-align: center;">K</p> <p>keep [1] - 7:16 kind [1] - 11:19 Kirkland [1] - 2:6 KIRKLAND [30] - 4:12, 5:3, 5:12, 5:18, 5:21, 7:1, 7:9, 7:13, 8:11, 8:17, 9:5, 12:14, 12:18, 13:2, 13:10, 13:13, 13:18, 13:21, 14:1, 14:4, 14:10, 14:19, 15:4, 15:8, 15:12, 15:18, 15:22, 16:2, 16:7, 16:17</p> |
| <p style="text-align: center;">F</p> | <p style="text-align: center;">I</p> | <p style="text-align: center;">L</p> | <p style="text-align: center;">L</p> <p>LANGE [9] - 6:7, 6:10, 13:7, 13:11, 14:18, 14:20, 15:1, 16:1, 16:5 Lange [1] - 2:11 last [1] - 11:17 Laughter [3] - 5:9, 15:3, 16:19 Law [1] - 6:5 Lawson [1] - 8:7 least [1] - 4:14 leave [1] - 7:20 left [1] - 3:21 legal [3] - 10:12, 10:14, 17:6 legislation [1] - 7:18 legislative [1] - 8:3 legislators [1] - 7:18 lending [2] - 17:7, 17:8 Linda [1] - 8:7 Lindy [3] - 1:12, 18:2, 18:11 line [1] - 9:20 lingering [1] - 4:11 lock [1] - 16:12 look [1] - 4:19 looking [3] - 3:18, 7:22, 8:8 looks [1] - 8:19 Los [1] - 12:22</p> |
| <p>Fact [1] - 6:5 fair [1] - 17:7 far [1] - 12:15 federal [1] - 11:2 filed [1] - 11:2 finally [1] - 8:21 finance [1] - 3:12 finances [1] - 4:7 financial [1] - 3:9 findings [2] - 10:2, 10:8 Findings [1] - 6:5 fine [2] - 5:20, 16:8 first [2] - 4:16, 7:4 foregoing [1] - 18:5 forward [1] - 13:5 four [1] - 10:1 Friday [2] - 1:17, 18:7</p> | <p>i.e [1] - 9:17 IAOHRA [3] - 12:15, 12:17, 12:18 idea [1] - 14:10 INDIANA [3] - 1:1, 1:21, 2:5 Indiana [10] - 1:10, 1:14, 1:17, 1:22, 2:7, 2:8, 3:3, 18:4, 18:13 Indianapolis [2] - 1:16, 2:8 Industries [1] - 6:18 information [2] - 12:3, 12:6 instances [1] - 11:6 instead [1] - 5:16 intake [1] - 7:4 interested [2] - 7:19, 16:10 Internet [1] - 8:14 invested [1] - 9:16 investi [1] - 12:1 investigation [3] - 7:5, 12:1, 12:5</p> | <p style="text-align: center;">L</p> | <p style="text-align: center;">L</p> |

| | | | |
|---|---|---|---|
| <p style="text-align: center;">N</p> <p>N103 [1] - 2:7 necessarily [3] - 9:18, 10:13, 12:8 new [4] - 6:1, 6:4, 15:18, 16:10 news [1] - 4:2 None [1] - 16:23 none [1] - 4:9 North [3] - 2:7, 2:7, 6:22</p> | <p>PROCEEDINGS [1] - 1:9 process [3] - 9:6, 9:17, 9:19 production [1] - 11:13 providing [1] - 17:6 public [2] - 3:4, 8:13 PUBLIC [1] - 1:5 Public [3] - 1:13, 18:3, 18:12 purge [1] - 11:18 put [4] - 11:19, 11:20, 11:21</p> | <p>seem [1] - 8:17 Senate [2] - 2:7, 8:1 sent [1] - 12:4 September [6] - 12:23, 14:13, 14:18, 14:19, 17:6 seven [1] - 10:3 shared [1] - 8:2 Shelby [2] - 1:14, 18:4 Shelbyville [1] - 18:4 side [1] - 8:3 significance [1] - 10:4 significantly [1] - 12:7</p> | <p>training [4] - 7:4, 7:6, 14:3, 14:5 transcribed [1] - 18:8 transcript [1] - 18:6 travel [1] - 16:11 true [2] - 15:14, 18:5 try [3] - 4:20, 8:5, 10:10 trying [3] - 7:16, 8:9, 10:6 two [2] - 9:10, 10:2 type [1] - 17:4</p> |
| <p>Notary [3] - 1:13, 18:3, 18:12 noted [1] - 9:23 nothing [1] - 16:3 notice [3] - 3:20, 3:21, 4:25 noticing [1] - 11:10 number [1] - 12:7</p> | <p>quarter [2] - 4:14, 8:19 questions [2] - 3:13, 4:6 quorum [3] - 3:5, 3:7, 5:14</p> | <p>slot [2] - 16:1, 16:2 slow [2] - 9:3, 9:14 sometimes [1] - 11:4 somewhat [1] - 11:5 somewhere [1] - 13:8 Somewhere [1] - 13:9 soon [1] - 13:4 sorry [2] - 6:9, 14:22 Sounds [1] - 17:11 sounds [1] - 5:20 South [1] - 1:15 spot [3] - 11:20, 11:21 Square [1] - 6:21 STAFF [1] - 2:10 staff [2] - 7:3, 7:5 stand [1] - 10:14 standard [3] - 10:15, 10:20, 11:3 state [4] - 13:14, 15:7, 16:11 STATE [1] - 1:1 State [2] - 1:13, 18:13 state's [1] - 16:10 Stephenson [1] - 2:14 still [2] - 7:20, 10:14 Street [1] - 1:16 strictly [1] - 16:3 summary [2] - 10:15, 10:16 supervision [2] - 7:12, 7:14 supervisors [1] - 7:6 support [1] - 8:9</p> | <p>undersigned [1] - 18:2 up [6] - 4:22, 7:20, 8:6, 12:2, 12:8, 12:9 Update [1] - 6:23</p> |
| <p style="text-align: center;">O</p> <p>o'clock [4] - 1:18, 3:1, 5:4, 17:16 October [1] - 18:15 OF [3] - 1:1, 1:5, 1:21 Office [2] - 3:15, 8:4 old [1] - 4:10 once [4] - 4:14, 9:7, 9:16, 16:12 One [1] - 7:18 one [3] - 4:15, 4:16, 17:1 Order [1] - 6:5 OTHER [1] - 2:10 out-of-state [1] - 16:11 outside [1] - 15:15 overnight [1] - 5:1</p> | <p style="text-align: center;">R</p> <p>Ramos [1] - 7:19 reached [1] - 3:7 ready [3] - 7:3, 12:2, 12:7 real [1] - 8:22 really [1] - 11:23 reasonable [1] - 10:7 regard [2] - 9:15, 17:7 regarding [1] - 4:6 remember [2] - 4:13, 4:17 report [4] - 3:10, 3:12, 11:12, 11:14 Reporter [1] - 18:3 REPORTING [1] - 1:21 Representative [1] - 8:7 require [1] - 4:23 requiring [1] - 3:6 requisition [1] - 16:12 residing [1] - 18:3 respondent [3] - 9:10, 9:13, 9:16 respondent's [1] - 10:23 response [3] - 4:8, 6:2, 16:22 reversion [1] - 3:14 review [3] - 6:14, 6:18, 6:21 RIGHTS [2] - 1:2, 2:5 Rights [2] - 1:11, 3:4 Robert [1] - 2:11 Room [2] - 1:16, 2:7 RPR/CP [1] - 1:21 run [1] - 8:6 running [1] - 9:1</p> | <p style="text-align: center;">T</p> <p>tag [2] - 7:23, 8:1 tag-along [2] - 7:23, 8:1 target [1] - 8:12 task [1] - 10:11 THE [1] - 1:1 Thereupon [1] - 17:15 third [1] - 8:21 Tillman [1] - 6:21 timely [1] - 4:22 today [1] - 5:14 Tony [1] - 2:6 track [3] - 3:14, 3:17, 8:18 tracking [1] - 11:12</p> | <p style="text-align: center;">V</p> <p>versus [3] - 6:14, 6:18, 6:21 viability [1] - 10:21 Virgil [1] - 3:21 vote [3] - 5:16, 6:6</p> |
| <p style="text-align: center;">P</p> <p>packet [1] - 3:12 part [2] - 7:5, 12:6 past [2] - 10:1, 10:15 pay [2] - 7:22, 8:8 perhaps [1] - 17:6 point [2] - 9:19, 11:1 policy [2] - 7:17, 16:10 poll [1] - 5:20 possibility [1] - 4:20 possible [1] - 4:14 predatory [1] - 17:7 PRESENT [2] - 2:10, 2:13 pretty [4] - 4:23, 7:15, 8:11, 8:12 prevail [1] - 10:16 probable [4] - 10:1, 10:7, 10:12, 10:22 proceedings [2] - 17:15, 18:6</p> | <p style="text-align: center;">S</p> <p>Saran [1] - 6:18 Saturday [1] - 17:10 save [1] - 16:15 Section [1] - 8:22 see [3] - 8:5, 8:23, 13:17</p> | <p style="text-align: center;">W</p> <p>Washington [1] - 1:16 Wednesday [2] - 7:8, 7:9 week [1] - 7:4 weeks [1] - 9:10 West [1] - 1:16 William [1] - 1:21 willing [1] - 9:18 wondered [1] - 13:11 write [1] - 12:2 writing [1] - 12:9 written [1] - 12:8</p> | <p style="text-align: center;">Y</p> <p>year [1] - 10:2 Yesterday [1] - 7:5</p> |