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BEFORE THE STATE OF INDIANA
CIVIL RIGHTS COMMISSION

- - -

PUBLIC MEETING OF MAY 22, 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, May 22, 2009 at 10:15 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

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APPEARANCES :

COMMISSION MEMBERS :

Alpha Blackburn, Chairperson
David C. Carter
John E. Garcia
Barry Baynard
Steven A. Ramos
Tehiji G. Crenshaw
Charles D. Gidney

INDIANA CIVIL RIGHTS COMMISSION
By Tony A. Kirkland, Director/Secretary
Indiana Government Center North
100 North Senate Avenue, Room N103
Indianapolis, Indiana 46204
On behalf of the Commission.

OTHER COMMISSION STAFF PRESENT :

Joshua Brewster
Robert D. Lange
Joan T. Essex
Tawanda Sharp

- - -

1 10:15 o'clock a.m.
2 May 22, 2009
3 - - -

4 CHAIRPERSON BLACKBURN: Good morning.
5 The Indiana Civil Rights Commission is now in
6 public meeting. You have an agenda in front of
7 you, and are there any additions to the agenda,
8 any requests?

9 (No response.)

10 CHAIRPERSON BLACKBURN: If not, I
11 would like a motion to approve the minutes --

12 COMM. CARTER: So moved.

13 CHAIRPERSON BLACKBURN: -- of the
14 last meeting. And a second?

15 COMM. GARCIA: Second.

16 CHAIRPERSON BLACKBURN: All in favor?

17 COMM. CARTER: Aye.

18 COMM. BAYNARD: Aye.

19 COMM. CRENSHAW: Aye.

20 COMM. RAMOS: Aye.

21 COMM. GIDNEY: Aye.

22 COMM. GARCIA: Aye.

23 CHAIRPERSON BLACKBURN: Aye.

Anyone opposed?

1 (No response.)

2 CHAIRPERSON BLACKBURN: And we'll
3 move next to the Financial Report.

4 Joan Essex.

5 MS. ESSEX: You should have a
6 Financial Report in your packets. We are closing
7 in on the end of the fiscal year, and all is
8 looking well. We look to be able to meet our
9 reversion comfortably, and I don't anticipate any
10 problems or any adverse items coming up for you
11 in the fiscal year.

12 We obviously don't know what next fiscal
13 year's appropriation will be, as the budget has
14 not been set. I would anticipate that it is
15 either going to be the appropriation that we had
16 going into this fiscal year, or it could possibly
17 be less, and we are taking some -- doing some
18 analysis in our office to make sure that if we do
19 have to make cuts, that we know how deep the cuts
20 have to be. We're trying to make sure that that
21 will not put us at any adverse risk and that we
22 can maintain all of our core services and carry
23 on as we need to.

1 COMM. RAMOS: Are there any --

2 CHAIRPERSON BLACKBURN: I want the
3 crystal ball that you have.

4 (Laughter.)

5 CHAIRPERSON BLACKBURN: What do you
6 have that's going to figure out how you're going
7 to not exceed it?

8 MS. ESSEX: Well, you know, there are
9 some little tricks that I have, let's say that.
10 We are fortunate to have the contracts with HUD
11 and EEOC, and those do assist us in reimbursement
12 amounts of 20 percent of our outlay, so that
13 gives us a bit of a cushion.

14 CHAIRPERSON BLACKBURN: Very good.

15 COMM. RAMOS: Are there any stimulus
16 dollars or anything related to that at all?

17 MS. ESSEX: There is no stimulus
18 dollars that have been set aside for Civil Rights
19 at all, so --

20 CHAIRPERSON BLACKBURN: Okay. Any
21 more questions of Ms. Essex?

22 (No response.)

23 CHAIRPERSON BLACKBURN: Old Business.

1 (No response.)

2 CHAIRPERSON BLACKBURN: And New
3 Business.

4 COMM. RAMOS: I'm sorry; Madam Chair,
5 can I ask another question --

6 CHAIRPERSON BLACKBURN: Absolutely.

7 COMM. RAMOS: -- before we go on?

8 MS. ESSEX: I'm sorry.

9 COMM. RAMOS: Caseload, are you
10 seeing peaks again in caseload?

11 MS. ESSEX: Actually it's kind of
12 leveled off. I do have the numbers, and I hope
13 to have some graphs and charts for you here
14 shortly. I know I've been promising that, but
15 we've been trying to work through some issues
16 here as far as getting some of our end-of-year
17 purchasing done, so I apologize for not having
18 those to you before now, but hopefully I should
19 have that analysis to you shortly.

20 COMM. RAMOS: But nothing dramatic?

21 MS. ESSEX: Nothing dramatic, no.

22 COMM. RAMOS: Thank you.

23 CHAIRPERSON BLACKBURN: We have a

1 Consent Agreement, Glen Young and Jackie Young
2 versus James Davis and Laura Davis. May I have a
3 motion to accept the agreement?

4 COMM. BAYNARD: I'll make the motion
5 to accept the agreement.

6 COMM. CARTER: Second.

7 CHAIRPERSON BLACKBURN: And all in
8 favor?

9 COMM. CARTER: Aye.

10 COMM. BAYNARD: Aye.

11 COMM. CRENSHAW: Aye.

12 COMM. RAMOS: Aye.

13 COMM. GIDNEY: Aye.

14 COMM. GARCIA: Aye.

15 CHAIRPERSON BLACKBURN: Aye.

16 Anyone opposed?

17 (No response.)

18 CHAIRPERSON BLACKBURN: Thank you.

19 We have listed Findings of Fact,
20 Conclusions of Law and Order. Harris versus
21 Goodyear & Phillips Corporation, and Chuck
22 Goodyear; Murphy versus Family Christian Stores;
23 and Crutchfield versus Papa Bud's Pub; and

1 finally, Harney and Red Apple -- I'm sorry --
2 versus Red Apple Restaurant. May I have a motion
3 to accept those findings of fact, conclusions of
4 law and order?

5 COMM. BAYNARD: So moved.

6 COMM. CRENSHAW: So moved.

7 CHAIRPERSON BLACKBURN: A second?

8 COMM. CRENSHAW: Second.

9 CHAIRPERSON BLACKBURN: All in favor?

10 COMM. CARTER: Aye.

11 COMM. BAYNARD: Aye.

12 COMM. CRENSHAW: Aye.

13 COMM. RAMOS: Aye.

14 COMM. GIDNEY: Aye.

15 COMM. GARCIA: Aye.

16 CHAIRPERSON BLACKBURN: Aye.

17 Anyone opposed?

18 (No response.)

19 CHAIRPERSON BLACKBURN: Next we'll
20 have a Report by Commissioners on the Complainant
21 Appeals. I will go ahead and go first with mine,
22 even though I usually go last. In Green versus
23 TGI Fridays, I recommend to the Commission that

1 we uphold the Deputy Director's finding of no
2 probable cause, and would ask for a motion to
3 approve that.

4 COMM. CARTER: So moved.

5 CHAIRPERSON BLACKBURN: And a second?

6 COMM. BAYNARD: Second.

7 CHAIRPERSON BLACKBURN: And all in
8 favor?

9 COMM. CARTER: Aye.

10 COMM. BAYNARD: Aye.

11 COMM. CRENSHAW: Aye.

12 COMM. RAMOS: Aye.

13 COMM. GIDNEY: Aye.

14 COMM. GARCIA: Aye.

15 CHAIRPERSON BLACKBURN: Aye.

16 Anyone opposed?

17 (No response.)

18 CHAIRPERSON BLACKBURN: Thank you.

19 I thought I'd already made a
20 recommendation on Tillman versus Cambridge Square
21 North Apartments.

22 MS. SHARP: I believe you held that
23 one, too, last month.

1 CHAIRPERSON BLACKBURN: I'm sorry?

2 MS. SHARP: I think you held that
3 one, too.

4 CHAIRPERSON BLACKBURN: Really? I
5 didn't bring it with me today, so sorry about
6 that.

7 Comm. Carter?

8 COMM. CARTER: Yes, ma'am. In the
9 cases of McQuern versus Atlas Orthopedics &
10 Sports Medicine, Isom versus Bloomington Police
11 Department, and Glackman versus Henderson, I
12 recommend that we uphold the finding of no
13 probable cause in all three -- or no reasonable
14 cause. One of them's a housing matter.

15 CHAIRPERSON BLACKBURN: All right.
16 May I have a motion to approve that?

17 COMM. BAYNARD: So moved.

18 COMM. CRENSHAW: Second.

19 CHAIRPERSON BLACKBURN: All in favor?

20 COMM. CARTER: Aye.

21 COMM. BAYNARD: Aye.

22 COMM. CRENSHAW: Aye.

23 COMM. RAMOS: Aye.

1 COMM. GIDNEY: Aye.

2 COMM. GARCIA: Aye.

3 CHAIRPERSON BLACKBURN: Aye.

4 Anyone opposed?

5 (No response.)

6 CHAIRPERSON BLACKBURN: And

7 Comm. Baynard?

8 COMM. BAYNARD: Yes, Madam Chair. In
9 the case of Brummett versus Bennett Innovations,
10 I recommend to the Commission that we uphold the
11 Deputy Director's finding of no probable cause.

12 CHAIRPERSON BLACKBURN: May I have a
13 motion to approve that?

14 COMM. GARCIA: So moved.

15 COMM. CARTER: Second.

16 COMM. RAMOS: Second.

17 CHAIRPERSON BLACKBURN: All in favor?

18 COMM. CARTER: Aye.

19 COMM. BAYNARD: Aye.

20 COMM. CRENSHAW: Aye.

21 COMM. RAMOS: Aye.

22 COMM. GIDNEY: Aye.

23 COMM. GARCIA: Aye.

1 CHAIRPERSON BLACKBURN: Aye.

2 Anyone opposed?

3 (No response.)

4 CHAIRPERSON BLACKBURN: Thank you.

5 Comm. Garcia?

6 COMM. GARCIA: In the case of Darlene
7 Sigman versus Fashion Bug, I concur with the
8 Deputy Director's conclusion of no probable
9 cause.

10 CHAIRPERSON BLACKBURN: May I have a
11 motion to approve that?

12 COMM. GIDNEY: So moved.

13 COMM. CARTER: Second.

14 CHAIRPERSON BLACKBURN: All in favor?

15 COMM. CARTER: Aye.

16 COMM. BAYNARD: Aye.

17 COMM. CRENSHAW: Aye.

18 COMM. RAMOS: Aye.

19 COMM. GIDNEY: Aye.

20 COMM. GARCIA: Aye.

21 CHAIRPERSON BLACKBURN: Aye.

22 Anyone opposed?

23 (No response.)

1 CHAIRPERSON BLACKBURN: Thank you.

2 And now to the Assignment of Appeals.
3 They are listed. For Comm. Baynard, Howard
4 versus Eagle Transport Group; Comm. Carter,
5 Buckley versus Landry's Seafood House;
6 Comm. Crenshaw, Diaz versus M & M Transport
7 Services; Comm. Garcia, Jones versus Finlay Fine
8 Jewelry Corp.; and Comm. Ramos, Russell versus
9 KCA Financial Services, Inc.

10 And Administrative Update, please.

11 MR. KIRKLAND: Well, good morning,
12 Commissioners.

13 CHAIRPERSON BLACKBURN: Good morning.

14 MR. KIRKLAND: We've been pretty busy
15 doing quite a few things around the agency. One,
16 we're getting prepared -- HUD is supposed to be
17 in the week of June the 10th for our audit, the
18 year -- the annual audit that they do with us, so
19 we're looking forward to them coming over and
20 checking out the agency, making sure we're
21 staying on track and doing things that we need to
22 do.

23 We have completed the HUD contract, so

1 anything that we do currently right now is sort
2 of like, might we say, just extra gravy at the
3 time we start back up, so we're doing excellent
4 there.

5 On our EEOC contract, we are on target and
6 it looks like we're going to probably be ahead
7 with meeting that contract as well. So, in the
8 process, as you know, my Deputy Director has been
9 on family medical leave, and Mr. Joshua Brewster
10 here at the end is serving as our interim Deputy
11 Director so that we can still be able to operate
12 and function, so we'll still get to keep pace and
13 move forward, so we're staying on top of that.

14 Also, I passed out to all of you all
15 before, before you is our new policy manual that
16 we've given out to the employees there at the
17 Civil Rights, so this will be going forward to
18 them next week, so I just wanted to make sure
19 that you all had a copy of it first so that you
20 all will be well abreast of the standards we have
21 going on here at the agency.

22 So, as we approach the summer months, some
23 of the things that -- we've had some outreach

1 going on, and I know that we're going to be tied
2 up extensive with Indiana Black Expo, in
3 particular on the educational side. The U.S.
4 Department of Education, the new educational
5 director, will be coming in on Thursday to do the
6 educational summit.

7 So, we look forward to that being a pretty
8 good time for the Civil Rights to have its
9 outreach at its best, and we have anticipated
10 numbers of approximately -- last year was over
11 600, so we definitely want to have a presence
12 there.

13 And we do also have several other events
14 that's going to be going on throughout the summer
15 as we lead up to our September Fair Housing Act
16 activity, so we're working trying to put that
17 together as well.

18 Other than that, we have five interns on
19 board right now. We have two that are currently
20 law students; is that correct, Josh?

21 MR. BREWSTER: One.

22 MR. KIRKLAND: Is it two -- there's
23 one law student, and Kelly is -- I think Kelly

1 is --

2 MR. BREWSTER: The rest of them are
3 in college. Kelly's planning to go to law
4 school. The rest of them are in college.

5 MR. KIRKLAND: Right. So, I know one
6 is a poli-sci major, a major in business
7 administration and finance, and one -- Diana is
8 what, accounting?

9 MS. ESSEX: Accounting major.

10 MR. KIRKLAND: Accounting major. So,
11 they seem to be pretty much engrossed with the
12 process right now. We have them on a three-week
13 rotation from the different branches of the
14 department so they're getting a full grasp of
15 what the agency does at the end of the summer.
16 They also are required to have several meetings
17 with the Governor from time to time during the
18 summer. He has meetings with all -- they are all
19 Governor's interns, so they will be meeting with
20 him, getting ideas about some of the things that
21 they're doing and how that's supposed to
22 progress.

23 So, other than that -- is there anything

1 else?

2 MS. ESSEX: Huh-uh.

3 MR. LANGE: The next meeting.

4 MR. KIRKLAND: Oh, yes.

5 MR. LANGE: You wanted to talk about
6 going to Evansville.

7 MR. KIRKLAND: Yeah, that's -- the
8 challenge, yeah, because I know that's the next
9 agenda item --

10 MR. LANGE: Oh, I'm sorry.

11 MR. KIRKLAND: -- so I didn't want to
12 get ahead of myself, but Madam Chair, the
13 challenge is, as we talk about the IAOHRA
14 Conference, one of the things that we wanted to
15 do was try to have our meeting on a Friday on --
16 there while the conference is going on.
17 Unfortunately, we know that you're going to be
18 out on that Friday.

19 We could probably still have the meeting.
20 The challenge would be that we wanted you there
21 if possible as the Chair. Because of the way
22 that they have the schedule laid out, pretty much
23 it would be, even if we went to -- say if we did

1 a special meeting the to meet that schedule, we
2 can't make it happen, because they have a big
3 banquet and all of this stuff with the mayor.

4 So, you know, I guess I can come back to
5 this -- to the Board here to decide, do we want
6 to do it without you being present, or do you --
7 you know, because I really was hoping that we
8 could -- I could get something moved around, but
9 it just -- Diane said she just can't make it
10 work, so --

11 CHAIRPERSON BLACKBURN: Well --

12 MR. KIRKLAND: -- unless we stick
13 with the Friday, so --

14 CHAIRPERSON BLACKBURN: How many of
15 us are going to be there for the meeting?

16 COMM. GARCIA: We're going to have a
17 meeting there?

18 CHAIRPERSON BLACKBURN: In
19 Evansville.

20 MR. KIRKLAND: In Evansville.

21 COMM. BAYNARD: On the 26th?

22 MR. KIRKLAND: No, that would be
23 the --

1 MR. LANGE: 19th.

2 MR. KIRKLAND: -- 19th.

3 CHAIRPERSON BLACKBURN: Because you
4 can certainly function in my absence. I was
5 looking forward to going down for that meeting,
6 but that's June 19th, and I have a special thing
7 going on here in town that I can't miss, so --

8 MR. KIRKLAND: Do we need to get you
9 a flight so you can be there?

10 (Laughter.)

11 MR. KIRKLAND: I was approached
12 about, you know, don't we have a private plane?
13 I'm like, "Okay. I wonder how much that is."

14 COMM. CRENSHAW: I think they have
15 commercial flights.

16 MR. KIRKLAND: She'd be -- that'd
17 take her all day. If she took a commercial
18 flight, you've got to fly to -- with Delta,
19 you've got to go to Atlanta and then you work
20 your way back.

21 MS. ESSEX: All over the country.

22 MR. KIRKLAND: Yeah, fly all over --

23 COMM. CRENSHAW: They've got a

1 straight flight back now, I thought.

2 MR. KIRKLAND: On --

3 COMM. CRENSHAW: From Evansville.

4 MR. KIRKLAND: Really?

5 COMM. CRENSHAW: Uh-huh.

6 MR. KIRKLAND: What airlines?

7 COMM. CRENSHAW: I can find out from
8 Mary Reed. Give me one second to call Mary Reed.

9 MR. KIRKLAND: Yeah. I know she'll
10 know what the flight is.

11 CHAIRPERSON BLACKBURN: So, the
12 meeting, then, will be Friday and Saturday?

13 MR. KIRKLAND: No, the meet -- no,
14 the conference is going on like --

15 MS. ESSEX: It ends Friday.

16 MR. KIRKLAND: It ends on Friday, so
17 it's what, Tuesday, Wednesday and Thursday.
18 Thursday's the big banquet. They have -- the
19 mayor's there and all of the -- you know, they're
20 having this big banquet on Thursday night, so
21 after that --

22 CHAIRPERSON BLACKBURN: After that
23 you could fly me back to Indy; is that what

1 you're saying?

2 MR. KIRKLAND: Yes. You know, the
3 meeting would be there Friday morning, so we've
4 got a lot of IAOHRA participants across the state
5 that are looking forward to this, to this
6 meeting, so I was trying to really figure out how
7 we could get you in and get you back. That's the
8 challenge.

9 CHAIRPERSON BLACKBURN: Okay. Well,
10 we'll have to talk about whether or not that can
11 happen, but --

12 MR. KIRKLAND: Yeah. Another thing
13 is that we also will be taking care of you guys'
14 room if you all want to go to the conference, you
15 know, so we will take care of the room and make
16 sure you guys get situated. So definitely I need
17 to know that, and Joan -- definitely let Joan
18 know.

19 MS. ESSEX: Yeah, so we can get your
20 registrations in --

21 MR. KIRKLAND: Right.

22 MS. ESSEX: -- and get the rooms
23 reserved.

1 MR. KIRKLAND: So, whether you're
2 there for one day or two days --

3 COMM. GARCIA: So, the meeting's
4 still at 10:00 o'clock?

5 MR. KIRKLAND: Right, and that would
6 be Evansville time at 10:00 o'clock.

7 COMM. GARCIA: Are they on the same
8 time we're on?

9 MR. KIRKLAND: No, they're an hour
10 behind.

11 MR. BREWSTER: They're on Central
12 Time.

13 MR. KIRKLAND: They're on Central.

14 MR. LANGE: So, it's 11:00.

15 COMM. CARTER: So, it's 11:00 o'clock
16 here.

17 MR. KIRKLAND: Right. It'll be 11:00
18 o'clock here.

19 COMM. CARTER: I've got to make a
20 note of that because I'm not going to remember.
21 All right. It means I don't have to get up quite
22 so early.

23 MR. KIRKLAND: So, that would be

1 helpful, because -- and, you know, I guess today,
2 Madam Chair, if we can get a count of those that
3 might be going, at least -- would we have a
4 quorum at least there? If that's the case, then
5 I want to let them know so that we can get public
6 notice out and that kind of stuff.

7 CHAIRPERSON BLACKBURN: Right. I
8 think in light of the fact that I do have to be
9 in Indianapolis on the 19th, that, you know, if I
10 can get back here by 2:00 o'clock.

11 MR. KIRKLAND: Yeah, what time would
12 you need to be back?

13 CHAIRPERSON BLACKBURN: What?

14 MR. KIRKLAND: Yeah, what time
15 necessarily would we need to have you back, no
16 later on 2:00 or 3:00 o'clock?

17 CHAIRPERSON BLACKBURN: No later than
18 2:00.

19 MR. KIRKLAND: Okay. So, that --

20 CHAIRPERSON BLACKBURN: And if that
21 can't happen, we'll have our Vice-Chair --

22 MR. KIRKLAND: Vice-Chair.

23 CHAIRPERSON BLACKBURN: -- to conduct

1 the meeting.

2 MR. KIRKLAND: Okay.

3 CHAIRPERSON BLACKBURN: And as many
4 Commissioners as can to participate in the
5 conference, because we don't do that as
6 frequently now as we used to, and I think the --
7 it would be a good experience for all of the
8 Commissioners to do that. So, I'll be sorry that
9 I can't participate.

10 MR. BREWSTER: There is -- if I might
11 add, there is a Commissioner's training, too --

12 MR. KIRKLAND: Right.

13 MR. BREWSTER: -- as part of the
14 conference program. I don't know what day that
15 was to be, but there was someone coming from --
16 who was it -- do you recall who the trainer was
17 that was --

18 MR. KIRKLAND: He was coming -- he's
19 pretty good, because he was -- as a matter of
20 fact, he was doing some of the national stuff,
21 and I want to say -- I'm stuck on Wednesday, for
22 some reason, Wednesday or Thursday morning.

23 CHAIRPERSON BLACKBURN: But it's a

1 three-day conference; right --

2 MR. KIRKLAND: Right.

3 CHAIRPERSON BLACKBURN: -- Wednesday,
4 Thursday and Friday? Okay.

5 MS. ESSEX: And I will give each one
6 of you one of my business cards with my e-mail
7 address on it so that if you are interested in
8 attending, please e-mail me and we'll get you set
9 up with rooms and conference registration.

10 COMM. CRENSHAW: They did have it,
11 but they canceled it. Louisville's our best
12 route.

13 CHAIRPERSON BLACKBURN: Okay.

14 MR. KIRKLAND: I'll call after the
15 meeting and find out who they have for --

16 COMM. CRENSHAW: You know, I don't
17 think it's that much, because I remember --

18 MR. KIRKLAND: Yeah, I know. That's
19 the reason why I thought about that.

20 COMM. CRENSHAW: Yeah, you might
21 contact them. I don't think it's that much.

22 MR. KIRKLAND: Yeah, that's what
23 we'll find out. I'll find out.

1 COMM. CRENSHAW: Chair, just charge
2 Mr. Kirkland.

3 COMM. CARTER: Hire a cropduster.

4 MR. KIRKLAND: Yeah.

5 (Laughter.)

6 CHAIRPERSON BLACKBURN: Because they
7 get to go any time, anywhere they want to.

8 MR. LANGE: You'd have to watch him
9 dust a few crops on the way.

10 COMM. CARTER: But you have to do
11 Cary Grant at the crossroads.

12 COMM. CRENSHAW: Yeah, that's right.

13 CHAIRPERSON BLACKBURN: All right.
14 Are there any other announcements?

15 (No response.)

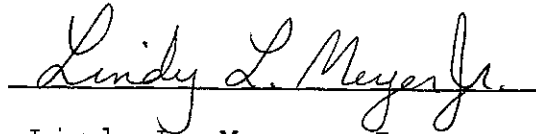
16 CHAIRPERSON BLACKBURN: Hearing none,
17 if you'll remain for signatures and any reports
18 you need to submit, the meeting is adjourned.

19 - - -
20 Thereupon, the proceedings of
21 May 22, 2009 were concluded
22 at 10:34 o'clock a.m.
23 - - -

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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 Friday, May 22, 2009 in this matter and transcribed by me.



Lindy L. Meyer, Jr.,

Notary Public in and
for the State of Indiana.

My Commission expires October 27, 2016.

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