

October 23, 2023, Agenda

- I. Meeting convened and *quorum* established
- II. Announcement of Agenda
- III. Approval of previous meeting minutes
- IV. ICRC Directors' Report
- V. Old Business
 - a. Commissioners Appointed to Appeals Report Determinations:

- i. Steven LeMaster, obo Minor Child K. L. v. Vigo County School Corporation (EDra23020186)
Appeal Date: August 17, 2023

Commissioner Silberberg

- ii. Roderick Killebrew v. Meijer (PAra23020191)
Appeal Date: August 31, 2023

Vice-Chair Ramos

- iii. Andrey Hall v. Chase Bank (PAra22110647)
Appeal Date: September 1, 2023

Commissioner Tolliver

- iv. Vivian Kernstein v. Millenia Housing Management, LLC, Angel Martin, & BHF-Indiana 4, LLC (HOha23050446)
Appeal Date: August 30, 2023

Commissioner Jackson

- v. Lacle Bennett v. Forest River, Inc. (EMha22110682)
Appeal Date: September 25, 2023

Commissioner Tolliver

- vi. Shirl Davies v. Premium Brands Services, LLC (EMha23030280)
Appeal Date: October 2, 2023

Commissioner Jackson

- vii. Sarah Jones v. New Style Of Anderson, LLC D/B/A Sports Clips Haircuts (EMha23060568)
Appeal Date: September 25, 2023

Commissioner Silberberg

- viii. Quinn Tailor v. Government Employees Insurance Company (GEICO) (EMse23030315)
Appeal Date: September 21, 2023

Commissioner Harrington

- ix. Derek Randolph v. Alliance Technical Group (EMha23020123)
Appeal Date: October 11, 2023

Chair Slash

b. Motions and Other Filings:

VI. New Business

a. Appointment of Commissioners to Complainants' Appeals of Director's Findings

- i. Keith McCoy v. Biomat USA, Inc. A/K/A Grifols Plasma (PAse22080393)
Appeal Date: September 21, 2023

- ii. Melvin Lipscomb v. Meijer (PAra23040381)
Appeal Date: September 29, 2023

"The Chair shall appoint a Commissioner to review and rule on each appeal." 910 IAC 1-3-2(h).

b. Motions and Other Filings:

- i. ICRC/John Chubb v. Fike Investments, Et. Al.
Verified Motion For Leave To File Respondents' Objections To Recommended Findings Of Fact, Conclusions Of Law, And Order As To Damages (HOha15070510 and HOrt15090649)

Respondent is respectfully moving the ALJ issue an order allowing them to late file their Objections to the Recommended Findings Of Fact, etc., due

to their never having received a copy of the Order electronically on or around the date it was issued (September 7th, 2023).

Filed with the Commission 09/27/2023

In response, Complainant filed Complainant's Response In Opposition To Respondents' Verified Motion For Leave To File Objections stating Respondents' filing was outside of the allotted Fifteen (15) days for filing an objection and the Commission does not have the authority to extend the deadline.

Filed with the Commission 09/28/2023

Respondents then filed a Second Verified Supplemental Motion For Leave To File Objections To Recommended Findings Of Fact, etc., in order to present more evidence and exhibits in support of their original filing on this matter, all from its IT provider, Aanalytics

Filed with Commission 10/11/2023

c. Review of ALJ Decisions and Orders

"The Administrative Law Judge's Order Disposing of the proceeding becomes a final order when affirmed under [IC 4-21.5-3-29]." IC 4-21.5-3-27(a). Votes Required.

- i. ICRC/Eric Harden v. John Johnson (HOha23010061) Submitted to the Commission on September 6, 2023

Proposed Default Order, was issued on August 7, 2023, in which it was stated that the allegations contained in the Notice Of Finding and Issuance Of Charge by the ICRC, dated June 29, 2023, were accepted as true. The Administrative Law Judge decides in favor of the Complainant, ordering the Respondent to cease and desist from discriminating against people because of disability in the protected area of housing, citing in its Order the actions and steps necessary to demonstrate and prove their compliance with said Order. **The objection period in this matter has closed, but objections to the Proposed Order were filed by the Complainant on 09/22/2023. Respondent has thirty (30) days to respond to the Objections, of which time has not yet expired. Oral arguments will be scheduled for the November meeting.**

- ii. ICRC/Tara Wolfe v. Jeff Welborn (HOse22090487)
Submitted to the Commission on October 3, 2023

The Administrative Law Judge in this matter held a public hearing in this matter on September 28, 2023. The Complainant Tara Wolfe and the ICRC General Counsel appeared personally, the Respondent did not. The ALJ issued Notice Of Proposed Default Order on August 29, 2023 because Respondent failed to attend a properly noticed prehearing conference. The ALJ issued a Default Order on September 7, 2023, after the Respondent failed to timely respond to the Notice Of Proposed Default Order. The Default Order states that the allegations contained in the Notice

Of Finding and Issuance Of Charge are accepted as true, that the Respondent must cease and desist from discriminating against people on the basis of sex on the protected area of housing, that the sum of two thousand dollars and thirteen cents (\$2,026.13) is as awarded as compensatory damages to the Complainant, with the sum of thirty thousand (\$30,000.00) awarded as compensation for emotional distress. The Respondent must also follow other measures as put forward in the Default Order. **The objection period in this matter has closed and no objections have been filed.**

- iii. ICRC/John Chubb v. Fike Investments, LLC, Jim Fike and Kim Fike (HOra15070510 & HOrt15090649) Submitted to the Commission on September 8, 2023

The Administrative Law Judge in this matter incorporated all Findings Of Facts contained in the Order Granting the ICRC's Motion For Summary Judgment and Notice Of Final Prehearing Conference from March 26, 2021, and the ICRC Motion For Summary Judgment filed December 22, 2021, as well as any Conclusion Of Law deemed a Finding Of Fact and this Order's Statement Of Procedural History. Based on this and Conclusions Of Law, John Chubb's July 16, 2015 and September 11, 2015 complaints and the ICRC's Director's Charge are DISMISSED with prejudice, the Respondent must cease and desist from discriminating against people on the basis of disability in the protected area of housing, and awards to Mr. Chubb the amount of twenty-six

thousand six hundred and seventeen dollars and eleven cents (\$26,617.11), along with other forms of compensation as listed in this Order, and must provide proof of compliance to the ICRC again according to the guidelines put forth in this Order. **The objection period in this matter has closed, but objections to the Proposed Order were filed by the Complainant on 09/25/2023. Respondent has thirty (30) days to respond to the Objections, for which time has not yet expired. There is a pending motion from Respondent to allow Respondent to file late objections (09/27/2023, and again 10/11/2023), to which Complainant filed a response on 09/28/2023.**

d. ALJ Decisions Automatically Confirmed

Automatically Confirmed under Commission's Order on Automatic Adoption and Approval of Certain Non-Final Decisions—No Vote Required.

- i. ICRC/Karen Gooding v. Bonaparte Residence & Shane Bonaparte (HOha21040114)
Submitted to the Commission October 2, 2023

- ii. Nellie Cathey v. JC Penny Op Co LLC
(PAra22110653)
Submitted to the Commission October 12, 2023

VII. Meeting Dates for 2023

November 17, 2023

December 15, 2023

VIII. Election/Training/Other

IX. Announcements

X. Public Comment

XI. Adjournment