



**INDIANA
CIVIL
RIGHTS
COMMISSION**

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INDIANA CIVIL RIGHTS COMMISSION
Minutes of the
August 24, 2007 Meeting

Chair Alpha Blackburn called the regular monthly meeting of the Indiana Civil Rights Commission ("Commission" or "ICRC") to order. The meeting was held at the Terre Haute Community Center in Terre Haute, Indiana.

ATTENDEES:

The Commissioners present were: Commissioners Alpha Blackburn, Barry Baynard, David C. Carter, Tehji Crenshaw, John Garcia and Steven Ramos. Six Commissioners being present and constituting more than a majority of the commissioners, a quorum exists—being a number sufficient to conduct business and take final actions.

Commission Director Gregory Kellam Scott and several staff members, including Da Mica O Bryant and Tawanda Sharp, were present as were a number of members of the public. Representatives from the Mayor's office, NAACP and the Evansville Human Rights Commission and its chair were also present.

A. AGENDA REQUEST:

No Agenda requests were received for this month.

B. APPROVAL OF THE MINUTES:

It was moved by Commissioner Carter and seconded by Commissioner Baynard to adopt the minutes of the Commission's June 2007 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 ("Judge Scott" or "Director Scott") stated the General Assembly recently adopted new legislation modifying staff procedures regarding staff support of the Dr. Martin Luther King, Jr. Indiana Holiday Commission (King Commission). The new language amending existing law explicitly prohibits either the staff or the Director from making "policy decisions" for the King Commission unless such authority is delegated by the King Commission. Unfortunately, the new law does not define "policy decisions". Moreover, despite this language and without a resolution by the King Commission delegating such authority to the Director, the Chair of the King Commission and several King Commissioners asked the Director to allow ICRC staff to engage in work to plan the 2008 King Holiday program. The Director agreed to do so even though the King Commission has not passed a resolution to delegate such authority (not having a quorum at a meeting to do so). The Director has so acted in light of how close we are to the designated holiday program event in January 2008. The Director is advising the Commission of this action.

D. OLD BUSINESS

Director Scott reported the Commission has the ability to readopt regulations, even those not expected to currently expire, so that the readoption would occur in the future on an on-time basis. Thus, there is a form of resolution which in effect takes on that task of readopting all the regulations of the Commission, and directing the Director to take the administrative actions necessary to effect such action. It was moved by Commissioner Baynard and seconded by Commissioner Carter to approve the resolution to re-adopt existing regulations. The motion carried by unanimous vote of all Commissioners present.

Director Scott agency staff members are still working to draft retaliation regulations which direct the staff how to conduct the investigations or how the proceedings should be carried out and authorizing the award of damages and how such administrative proceedings should be handled. The agency is engaged in continuing discussions with the Attorney General's office, that currently sees a more limited role.

E. COMMITTEE REPORTS:

Financial Report

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

F. CONSENT AGREEMENTS:

None this month.

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

None this month.

H. REPORT FROM COMMISSIONERS ON COMPLAINANT APPEALS:

It was moved by Commissioner Ramos and seconded by Commissioner Cewnshaw to accept the recommendation of Commissioner Carter to uphold the Director's or the Deputy Director's finding of No Probable Cause in the case of *Smith v Riverside Café, Inc.*. The motion was adopted unanimously.

A vote was not required to accept the recommendation by Commissioner Ramos to remand the Director or the Deputy Director's findings of No Probable Cause to the staff for further review. The remand is limited to reviewing the improvements made to the apartments and to determine if they were successful improvements required by law in the case of *Barnes v Summer Place Apartments.* The motion carried unanimously

I. ASSIGNMENT OF APPEALS TO COMMISSIONERS:

Complainant Appeals were assigned to the Commissioners as follows:

Commissioner Barry Baynard was assigned review of the appeal filed in the case of Gray v Taylor University EMha060680326.

J. ADMINISTRATIVE UPDATE :

Director's Report

Director Scott reported we have seen a slight growth in the number of cases on the docket during the month of July. Director Scott stated that July is a month with many activities requiring the staff's attention, such as Black Expo. However, the staff asks the Commission to defer review of the actual numbers until the Commission's next meeting.

Director Scott reported that there have been five cases settled and resulting in closures. The total monetary settlements amount to a total of \$18,250.00.

Director Scott stated that Da Mica Obryant, Director for Public Outreach and Education, and her staff prepared the Commission's annual report. The annual report will be available to the public on-line in the near future. Hard copies will be made available to Coimmissioners.

Director Scott reported a significant increase in the number of cases that have resulted in Director and Deputy Director findings of probable or reasonable cause. Director Scott stated that the agency will be proposing to the Commissioners a process to expeditiously review such cases. Under Indiana law, the Administrative Procedures and Orders Act of Indiana, certain procedures may be adopted that would have the Commissioners reviewing any objections to recommendations of the administrative law judge by panels, as opposed to requiring every case to be reviewed by the entire Commission. If objections are heard by panels of two or three Commissioners, we would be more efficient. This would allow two cases to be heard at the same time, which would reduce by fifty percent the amount of time necessary to review any of those proposed orders.

More details as to the process will be provided by the Director and Judge Lange in the future.

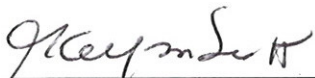
K. ANNOUNCEMENTS:

Chairperson Alpha Blackburn reported the upcoming meeting dates as September 21, October 26, November 16, and December 14, 2007.


Comments were accepted from the public.

L. ADJOURNNMENT:

There being no further business to come before the Commission, on motion duly made and seconded, the meeting was adjourned.



Gregory Kellam Scott
Director
Dated: _____



Alpha Blackburn
Chair
Dated: 10/30/07