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BEFORE THE STATE OF INDIANA  
CIVIL RIGHTS COMMISSION

- - -

PUBLIC MEETING OF FEBRUARY 24, 2006

ORIGINAL

- - -

PROCEEDINGS

in the above-captioned matter, before the  
Indiana Civil Rights Commission, David C.  
Carter, Chairman, 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, February 24,  
2006 at 2:13 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:

David C. Carter, Chairman  
John E. Garcia  
Barry Baynard  
Steven A. Ramos

INDIANA CIVIL RIGHTS COMMISSION  
By Gregory Kellam Scott, Director  
Indiana Government Center North  
100 North Senate Avenue, Room N103  
Indianapolis, Indiana 46204  
On behalf of the Commission.

OTHER COMMISSION STAFF PRESENT:

Christine Baca Cde  
Barbara Dobbins  
Robert D. Lange  
Da Mica O'Bryant  
Eric Chandler

OTHERS PRESENT:

Kathy Britta  
Natalie Nelson

- - -

2:13 o'clock a.m.  
February 24, 2006

- - -

1  
2  
3 CHAIRMAN CARTER: Okay. The  
4 February meeting of the Indiana Civil Rights  
5 Commission will come to order, please. We have  
6 present Commissioners Ramos, Baynard and  
7 Garcia, and I'm David Carter, Vice-Chair of the  
8 Commission, and we apparently have not gotten  
9 to adopt minutes because we don't have them  
10 available, so we move right to the financial  
11 report.

12 Mr. Chandler.

13 MR. CHANDLER: Okay. First of all,  
14 good afternoon to everyone. There should be in  
15 the packets that were sent out the January '06  
16 financial management trial balance report. On  
17 the first page of that, you'll see that I've  
18 got the breakdown for each of the funds from  
19 the agency, what their current fund balances  
20 are, and total agency fund balance. Currently,  
21 at the end of January 31, we're sitting at a  
22 million one hundred and thirty-four thousand.

23 On each of the following pages, you can

1 see the breakdown of each fund in terms of the  
2 appropriation, what we have, the expenditures  
3 that we have to date, and what all of the  
4 remaining allotments are, as well as the  
5 encumbrances, and all of that balances back to  
6 the original balances that I've got on the  
7 summary page at the front.

8 Other than that, I don't know if you  
9 guys have any questions with regards to any  
10 specific funding or anything like that. I will  
11 make note also -- I think I mentioned this at  
12 the last meeting -- that our SEO account is  
13 reconciled to date, and we are in the process  
14 now of reimbursing that account right now. I  
15 know we've received funds, reimbursement funds,  
16 back to it of about \$4900.

17 CHAIRMAN CARTER: Thank you.

18 Any questions?

19 (No response.)

20 CHAIRMAN CARTER: Hearing none, we  
21 move to New Business, and we have a guest,  
22 Ms. Britta.

23 MS. BRITTA: Thank you. My name is

1 Kathy Britta. I have been a member of the U.S.  
2 Commission on Civil Rights for, I think,  
3 probably about 18 years, but they've just  
4 passed that rule about ten years is the limit,  
5 and so I may be on my way out, but I had not  
6 intended to be here today. I am with my  
7 friend, Natalie Nelson. We both work Fulton  
8 Community Schools, and we're here for a  
9 conference.

10 And Natalie was at Circle Center last  
11 night shopping at Talbot's, and -- up close to  
12 the checkout desk -- and the sales clerk and  
13 two customers were having a conversation about  
14 the Ku Klux Klan and referred to it in a  
15 positive manner, saying that they both -- that  
16 they knew people in the Klan and that they  
17 agreed that the Klan was a good way to protect  
18 property rights.

19 And so, you know, as I'm sure for you,  
20 it just sent up red flags for me, and I've made  
21 a phone call to Talbot's and introduced myself  
22 as being a member of the Commission, and the  
23 manager was not there today. I explained the

1 situation to the person who said she could  
2 address a concern and gave them my cell phone  
3 number and asked them to return my call, and  
4 said, you know, "I want to be updated on what  
5 action is going to be taken on this," and that  
6 I would be phoning the home office as well as  
7 my home office at the U.S. Commission on Civil  
8 Rights.

9 And then I was out in the hall taking a  
10 little break and glanced up, and there is your  
11 agenda for the day, and I thought, "Well, isn't  
12 this fortuitous?" And I believe Natalie and I  
13 needed to visit to your meeting and let you  
14 know what occurred.

15 This is -- I'm appalled. It's just a  
16 horrifying experience, and one certainly -- you  
17 know, it's just not acceptable, period, not  
18 acceptable.

19 CHAIRMAN CARTER: Certainly this  
20 state has a peculiar history with the Klan --

21 MS. BRITTA: Uh-huh.

22 CHAIRMAN CARTER: -- but I  
23 appreciate your bringing it to our attention,

1 and I'm sure the Director will --

2 JUDGE SCOTT: Yes.

3 CHAIRMAN CARTER: -- follow up on  
4 this.

5 JUDGE SCOTT: We certainly will,  
6 Mr. Chair. We've already exchanged  
7 information. Both Christine and I have  
8 provided information to Ms. Britta and she has  
9 provided us information, and we certainly  
10 intend to remain in contact.

11 MS. BRITTA: Okay. And you'll keep  
12 us informed.

13 MS. BACA CDE: I just have one  
14 question for you: Is -- it was a conversation  
15 between a customer and an employee of Talbot's?

16 MS. NELSON: Two customers and an  
17 employee.

18 MS. BACA CDE: Two customers and an  
19 employee; okay.

20 COMM. RAMOS: Was there -- at this  
21 point it's not indicative of Talbot's, it's  
22 really individuals, but you're waiting to hear  
23 back from Talbot's?

1 MS. NELSON: Yes.

2 MS. BRITTA: Yes. If Talbot's  
3 doesn't take action, then it is indicative of  
4 Talbot's.

5 MS. DOBBINS: Uh-huh.

6 CHAIRMAN CARTER: I'm just  
7 concerned. To play devil's advocate about the  
8 issue of free speech as well, as long as they  
9 don't do anything, there's really nothing we  
10 can do to prevent what they think. I'm  
11 referring to Dr. King's quote that we use as  
12 our logo, "Morality can't be legislated, but  
13 behavior can be regulated."

14 MS. BRITTA: Uh-huh.

15 CHAIRMAN CARTER: It's  
16 inappropriate public speech, perhaps, but isn't  
17 it protected, to a point?

18 MS. BRITTA: But -- I agree. I  
19 agree.

20 CHAIRMAN CARTER: It's distasteful.

21 MS. BRITTA: Distasteful, but as  
22 long as that person is wearing a Talbot's sales  
23 clerk tag, Talbot's needs to address this.



1                   CHAIRMAN CARTER: Talbot's  
2                   presumably has the power --

3                   MS. BRITTA: Right.

4                   CHAIRMAN CARTER: -- to control  
5                   their workplace.

6                   MS. BRITTA: If we had overheard  
7                   three people standing out in the mall talking  
8                   about it, there's nothing we can do about that,  
9                   but yeah, I agree.

10                  CHAIRMAN CARTER: It can be hoped  
11                  that Talbot's will take the appropriate action.

12                  MS. BRITTA: Right.

13                  MS. NELSON: The customer said, "I  
14                  know people who are in the Klan who all they  
15                  want -- and they're good people in the Klan,  
16                  and they just want to protect their property.  
17                  What about you?" she said to the clerk, and the  
18                  clerk said, "Me, too. I know people, too, in  
19                  the Klan who are good people," as I was  
20                  standing two feet from her, looking at the  
21                  sales rack, and her eyes and my eyes met, and  
22                  she knew exactly what she was saying. I mean  
23                  she --

1 MS. BRITTA: But didn't act  
2 embarrassed or --

3 MS. NELSON: No.

4 MS. BRITTA: -- curtail the  
5 conversation.

6 MS. NELSON: No, the conversation  
7 continued.

8 CHAIRMAN CARTER: As you were  
9 standing there.

10 MS. NELSON: Uh-huh, and then when  
11 I walked away, another colleague was with me,  
12 and when she came up and approached me to see  
13 if I was ready to go, I said, "You won't  
14 believe what I'm hearing," and I told her, and  
15 she couldn't believe it either, so we were  
16 leaving the store and the sales clerk says,  
17 "Oh, can I help you?"

18 MS. NELSON: I said nothing.

19 (Laughter.)

20 CHAIRMAN CARTER: Right.

21 COMM. RAMOS: Mr. Chair --

22 MR. LANGE: Talbot's?

23 MS. DOBBINS: And they're almost

1 into bankruptcy, so they really are --

2 COMM. RAMOS: Oh.

3 MR. LANGE: It may not matter.

4 COMM. RAMOS: As a follow-up, is it  
5 applicable to at least get a follow-up update  
6 on it at our next meeting, to understand --

7 MS. BACA CDE: Uh-huh.

8 COMM. RAMOS: -- what happens? I'd  
9 be interesting in knowing --

10 MS. BRITTA: Yeah.

11 COMM. RAMOS: -- what response you  
12 get from Talbot's as well.

13 MS. DOBBINS: And this has always  
14 been Talbot's way. This is nothing new as far  
15 as minorities in their store. They have  
16 always -- I have even been exposed to it from  
17 them, and I don't go in there for that simple  
18 reason. They do not want minorities or  
19 African-Americans in their store.

20 MR. LANGE: What are they selling?

21 MS. DOBBINS: Clothes.

22 MR. LANGE: Men's clothing?

23 MS. DOBBINS: No, women's knits.

1 It's a knit company, Talbot Knits.

2 MR. LANGE: Okay.

3 MS. DOBBINS: And they've always  
4 been this way.

5 CHAIRMAN CARTER: Okay. I've got  
6 it. They have a uniformity of image. They  
7 wouldn't even let us put up a sticker on their  
8 window in the Bloomington store saying that  
9 they were accessible to people with  
10 disabilities.

11 MS. DOBBINS: Yeah, they're very --  
12 yeah.

13 CHAIRMAN CARTER: They were  
14 accessible, but they didn't want to advertise  
15 it.

16 MS. BRITTA: Oh, my.

17 MS. BACA CDE: Save that.

18 MS. O'BRYANT: I think it might be  
19 worth the time and interest to perform a couple  
20 of tests at Talbot's, and then if we find  
21 reason to do so, then perhaps this might be one  
22 of those issues that the Director might be  
23 interested in filing a Director's complaint

1 about.

2 CHAIRMAN CARTER: That's --

3 JUDGE SCOTT: Well, we can, but I  
4 think we have to be cognizant of speech versus  
5 conduct.

6 MS. O'BRYANT: Right, and that's  
7 what I'm saying do a test.

8 JUDGE SCOTT: And I think right  
9 now, in terms of the issues before us, unless  
10 we get a report that indicates something and  
11 are able to obtain something more, it would be  
12 difficult to do something different. But  
13 Christine and I have already discussed the  
14 question of writing a letter and raising some  
15 questions, raising concerns regarding that  
16 establishment.

17 And then also, I think if we have an  
18 opportunity to speak with others in authority,  
19 raising the question as to -- if only for their  
20 business, in terms of having customers in the  
21 store who may not appreciate that kind of free  
22 speech --

23 MS. BRITTA: Yes.

1 JUDGE SCOTT: -- I mean certainly  
2 the store, not being the state, has the ability  
3 to control the speech of its employees --

4 MS. BRITTA: Uh-huh.

5 JUDGE SCOTT: -- and has the  
6 ability to terminate somebody for that  
7 speech --

8 MS. BRITTA: Uh-huh.

9 JUDGE SCOTT: -- which we cannot  
10 do. We represent state government. We are  
11 limited by the First Amendment, but private  
12 individuals and companies are not.

13 CHAIRMAN CARTER: Well, thank you,  
14 Ms. Britta.

15 MS. BRITTA: Thank you. We really  
16 appreciate your time.

17 CHAIRMAN CARTER: We appreciate you  
18 bringing it to our attention.

19 MS. BRITTA: This was very  
20 fortunate that you were all here today.

21 JUDGE SCOTT: And I thank you as  
22 well for coming in.

23 MS. NELSON: Thank you.

1                   CHAIRMAN CARTER: Ms. Dobbins,  
2                   under Consent Agreements, there is only the  
3                   Fair Housing Council on the --

4                   MS. DOBBINS: Yes, sir.

5                   CHAIRMAN CARTER: -- agenda we got  
6                   in the mail.

7                   MS. DOBBINS: I understand that,  
8                   because Attorney Healy had to pull that consent  
9                   agreement because of some --

10                  CHAIRMAN CARTER: Okay.

11                  MS. DOBBINS: -- kind of problem  
12                  within it, and they didn't get all of the  
13                  signatures or the money or anything like that.

14                  CHAIRMAN CARTER: Okay. Just  
15                  checking.

16                  Okay. Consent agreements, we have Fair  
17                  Housing Council, Inc. versus Daniel Fletcher.  
18                  May I have a motion to accept that consent  
19                  agreement?

20                  COMM. GARCIA: I'll move to accept  
21                  it.

22                  COMM. RAMOS: Second.

23                  CHAIRMAN CARTER: All in favor?

1                   COMM. RAMOS:  Aye.

2                   COMM. BAYNARD:  Aye.

3                   COMM. GARCIA:  Aye.

4                   CHAIRMAN CARTER:  Aye.

5                   Any opposed?

6                                 (No response.)

7                   CHAIRMAN CARTER:  Findings of fact,  
8 conclusions of law and order, we have -- is  
9 that Nguyen?  Is that how that's pronounced?

10                  MR. LANGE:  Nguyen, I think.

11                  CHAIRMAN CARTER:  Nguyen versus  
12 Delphi.  May I have a motion to accept that?

13                  COMM. GARCIA:  I'll move we accept  
14 it.

15                  CHAIRMAN CARTER:  And a second?

16                  COMM. BAYNARD:  I'll second.

17                  CHAIRMAN CARTER:  All in favor?

18                  COMM. BAYNARD:  Aye.

19                  CHAIRMAN CARTER:  Aye.

20                  COMM. GARCIA:  Aye.

21                  COMM. RAMOS:  I oppose.

22                  CHAIRMAN CARTER:  And one

23 opposition, so that brings up a whether --



1 MR. LANGE: Back to the --

2 CHAIRMAN CARTER: -- whether we  
3 have a quorum of --

4 MR. LANGE: The statute --

5 CHAIRMAN CARTER: -- those present  
6 or a quorum --

7 MR. LANGE: The statute in terms of  
8 what it takes for a quorum is a majority of the  
9 agency.

10 CHAIRMAN CARTER: Okay.

11 MR. LANGE: And since there are six  
12 of you --

13 MS. DOBBINS: You have to have --

14 MR. LANGE: -- three is not a  
15 majority. It's as close as you can get, if my  
16 math is right.

17 COMM. RAMOS: And it has to be done  
18 in a public forum?

19 MR. LANGE: Yes.

20 COMM. RAMOS: It can't be done  
21 through --

22 CHAIRMAN CARTER: So, we bring it  
23 back --

1 MR. LANGE: Correct, we --

2 CHAIRMAN CARTER: Next time.

3 COMM. GARCIA: Table it?

4 CHAIRMAN CARTER: Alpha can --

5 MR. LANGE: Well, yeah, I suppose.

6 She's scheduled to be back. We could do -- get  
7 a telephonic participation by somebody, and  
8 then maybe that would yield a majority vote.

9 CHAIRMAN CARTER: Well, in any  
10 case, for now we'll table it and move on.

11 MR. LANGE: And I promise that  
12 we'll consider it telephonically for next  
13 month. I'll take it up with the Director.

14 CHAIRMAN CARTER: We also have  
15 Miller versus Always Inn. May I have a motion  
16 to accept that one?

17 COMM. BAYNARD: So moved.

18 CHAIRMAN CARTER: And a second?

19 COMM. GARCIA: Second.

20 CHAIRMAN CARTER: All in favor?

21 COMM. RAMOS: Aye.

22 COMM. BAYNARD: Aye.

23 COMM. GARCIA: Aye.

1                   CHAIRMAN CARTER:  Aye.  And moving  
2                   on to Motions and Orders, since the agenda has  
3                   been rewritten, I am -- well, revised from the  
4                   way we used to do it.  I don't mean to imply  
5                   that someone has been exercising editorial  
6                   prerogative -- I will read the motion.  It's  
7                   hereby moved that the following cases be  
8                   dismissed -- that is, the 41 cases of no  
9                   probable cause -- because no probable cause, in  
10                  accordance with the recommendations of the  
11                  Director and the Deputy Director.  May I have a  
12                  second for that motion?

13                   COMM. RAMOS:  Second.

14                   CHAIRMAN CARTER:  All in favor?

15                   COMM. RAMOS:  Aye.

16                   COMM. BAYNARD:  Aye.

17                   COMM. GARCIA:  Aye.

18                   CHAIRMAN CARTER:  Aye.

19                   Any opposed?

20                   (No response.)

21                   CHAIRMAN CARTER:  I hope

22                   Mr. Roberts isn't rolling around in his grave  
23                   on his Rules of Order.

1           It is hereby moved that the following  
2           nine cases each be dismissed because the case  
3           was withdrawn or we lacked jurisdiction, in  
4           accordance with the recommendations of the  
5           Director or the Deputy Director. May I have a  
6           second for that motion?

7           COMM. BAYNARD: Second.

8           CHAIRMAN CARTER: All in favor?

9           COMM. RAMOS: Aye.

10          COMM. BAYNARD: Aye.

11          COMM. GARCIA: Aye.

12          CHAIRMAN CARTER: Aye.

13          Any opposed?

14                   (No response.)

15          CHAIRMAN CARTER: It is hereby  
16          moved that the following cases each be  
17          dismissed because the case was withdrawn, the  
18          following one, two, three, four, five, six --

19          MS. DOBBINS: Nine.

20          CHAIRMAN CARTER: -- seven, eight,  
21          nine, the following nine cases each be  
22          dismissed because the case was withdrawn or  
23          there was a failure to locate, presumably the

1 complainant, in accordance with the  
2 recommendations of the Director or the Deputy  
3 Director.

4 What? Why are you laughing?

5 MS. DOBBINS: Because I'm -- it's  
6 just been that kind of day?

7 CHAIRMAN CARTER: Did I misspeak?  
8 Oh, okay.

9 May I have a second for that motion?

10 COMM. RAMOS: Second.

11 CHAIRMAN CARTER: Okay. All in  
12 favor?

13 COMM. RAMOS: Aye.

14 COMM. BAYNARD: Aye.

15 COMM. GARCIA: Aye.

16 CHAIRMAN CARTER: Aye.

17 Any opposed?

18 (No response.)

19 CHAIRMAN CARTER: It is hereby  
20 moved that the following 18 cases each be  
21 dismissed because the case was withdrawn with  
22 settlement and/or mediation agreement, in  
23 accordance with the recommendations of the

1 Director or the Deputy Director. May I have a  
2 second?

3 COMM. GARCIA: I'll second.

4 CHAIRMAN CARTER: Okay. All in  
5 favor?

6 COMM. RAMOS: Aye.

7 COMM. BAYNARD: Aye.

8 COMM. GARCIA: Aye.

9 CHAIRMAN CARTER: Aye.

10 Any opposed?

11 (No response.)

12 CHAIRMAN CARTER: There are no  
13 other orders or other motions, that I'm aware  
14 of. I'm open to suggestion.

15 We now move to the Report from  
16 Commissioners on complaint appeals.

17 Comm. Baynard?

18 COMM. BAYNARD: Yes, I had one  
19 case. It's Miller versus German Township Water  
20 District, and I'd recommend to the Commission  
21 that we sustain the Director's order of no  
22 probable cause.

23 CHAIRMAN CARTER: Okay. May I have

1 a motion to accept that recommendation?

2 COMM. GARCIA: I'll move we accept  
3 it.

4 CHAIRMAN CARTER: Okay. And a  
5 second?

6 COMM. RAMOS: Second.

7 CHAIRMAN CARTER: Okay. All in  
8 favor?

9 COMM. RAMOS: Aye.

10 COMM. BAYNARD: Aye.

11 COMM. GARCIA: Aye.

12 CHAIRMAN CARTER: Aye.

13 Any opposed?

14 (No response.)

15 CHAIRMAN CARTER: In my case,  
16 Kouroupis versus Indy Office Solutions, LLC, I  
17 recommend we sustain the Deputy Director's no  
18 probable cause finding, and may I have a motion  
19 to accept that recommendation?

20 COMM. GARCIA: I'll move we accept  
21 it.

22 CHAIRMAN CARTER: And a second?

23 COMM. BAYNARD: Second.

1 CHAIRMAN CARTER: All in favor?

2 COMM. RAMOS: Aye.

3 COMM. BAYNARD: Aye.

4 COMM. GARCIA: Aye.

5 CHAIRMAN CARTER: Aye. Any

6 opposed?

7 (No response.)

8 CHAIRMAN CARTER: Comm. Garcia?

9 COMM. GARCIA: In the case of  
10 Benita Scott versus Adams and Associates, I  
11 concur with the Deputy Director's  
12 recommendation of no probable cause.

13 CHAIRMAN CARTER: All right. And  
14 may I have a motion to accept that --

15 COMM. BAYNARD: So moved.

16 CHAIRMAN CARTER: -- concurrence?

17 And a second?

18 COMM. RAMOS: Second.

19 CHAIRMAN CARTER: All in favor?

20 COMM. RAMOS: Aye.

21 COMM. BAYNARD: Aye.

22 COMM. GARCIA: Aye.

23 CHAIRMAN CARTER: Aye.



1 Any opposed?

2 (No response.)

3 CHAIRMAN CARTER: Okay. Do we have  
4 news from Commissioner Blackburn?

5 MS. DOBBINS: No, sir.

6 CHAIRMAN CARTER: Okay. We  
7 continue those two cases.

8 And Comm. Ramos?

9 COMM. RAMOS: I had the case of Ted  
10 Czanderna versus the Terre Haute Housing  
11 Authority, and I recommend that we uphold the  
12 Director's finding of no probable cause.

13 CHAIRMAN CARTER: Okay. May I have  
14 a motion to accept that recommendation?

15 COMM. GARCIA: I'll move we accept  
16 it.

17 CHAIRMAN CARTER: And a second?

18 COMM. BAYNARD: Second.

19 CHAIRMAN CARTER: All in favor?

20 COMM. RAMOS: Aye.

21 COMM. BAYNARD: Aye.

22 COMM. GARCIA: Aye.

23 CHAIRMAN CARTER: Aye.

1 Any opposed?

2 (No response.)

3 CHAIRMAN CARTER: Assignment of  
4 appeals to Commissioners. Comm. Baynard, if  
5 you will review Guzman versus J.P. Morgan  
6 Chase & Company, and I will review Miller  
7 versus REMI, or R E M I, Corporation, doing  
8 business as Williamsburg Square.

9 And we move to the Administrative  
10 Update and the Director's Report.

11 JUDGE SCOTT: Thank you. There are  
12 two matters for the Director's Report, and the  
13 first is preventing retaliation against those  
14 who are complainants or witnesses or  
15 individuals who cooperated with the Commission  
16 as a consequence of citizens exercising their  
17 right to file complaints with the Commission,  
18 and it's really just to advise the Commission  
19 that the attorneys within our office have begun  
20 a project of developing rules and regulations  
21 that we would submit to the Commission for its  
22 consideration for purposes of adopting those  
23 rules and providing guidance to the staff as to

1       how we would handle a claim of retaliation or  
2       similar conduct that is prohibited by the  
3       Indiana civil rights law, at least to the  
4       extent that the Commission has been granted the  
5       authority to prevent that conduct.

6               In addition, I do want to mention to  
7       you, without going into any greater detail, the  
8       Voting Rights Act will be a bill that is up for  
9       renewal of certain provisions. The bill  
10      itself, or the law itself, the Voting Rights  
11      Act of 1965, is a permanent law. However,  
12      there are certain provisions within that Act  
13      which are temporary and require rein -- I'm  
14      sorry -- re adoption by the Congress in order to  
15      continue those provisions, and essentially  
16      those are the provisions that deal with  
17      preclearance.

18               MS. DOBBINS: Uh-huh.

19               JUDGE SCOTT: Certain jurisdictions  
20      within the United States have been required to  
21      provide preclearance if they change for modify  
22      their laws or rules regarding voting, and we  
23      will have an opportunity to discuss that, and

1 we are probably looking at two meetings hence  
2 when we will appear on the agenda as an item  
3 for review by the Commissioners.

4 CHAIRMAN CARTER: Okay. Thank you,  
5 Judge.

6 Deputy Director's Report.

7 MS. BACA CDE: The case processing  
8 report, during the month of January, we had two  
9 probable cause findings. Last year's pending  
10 case inventory, at the end of the month, we had  
11 471 cases. We had 32 new filings during the  
12 month, and between the Director and myself,  
13 there were 65 cases closed during the month of  
14 January, leaving 438 pending cases as of  
15 January 31st.

16 And as you can see, we still haven't  
17 reconciled our pending case inventory with what  
18 the database records as our pending inventory,  
19 but we are still working on that as far as  
20 finding out from EEOC why they have that number  
21 of cases assigned to us, because we found cases  
22 on there where we know they are closed and we  
23 know that they have closed them, but they're

1 still listing them on there, so I think that's  
2 going to be ongoing, but we're very proud of  
3 the fact that we had 65 cases closed last  
4 month.

5 As far as the ADR update, there were  
6 five cases that were mediated during the month  
7 of January. One of those resulted in a  
8 successful settlement.

9 CHAIRMAN CARTER: Thank you,  
10 Ms. Baca Cde.

11 MS. BACA CDE: You're welcome.

12 CHAIRMAN CARTER: Are there any  
13 additional announcements, beyond the fact that  
14 next month is Disability Awareness Month?  
15 Isn't it nice to feel that for one month people  
16 are aware of you?

17 (Laughter.)

18 JUDGE SCOTT: Well, we get that  
19 same feeling, but it only lasts for 28 days.

20 (Laughter.)

21 MR. LANGE: Well, you can get a  
22 31-day feeling.

23 CHAIRMAN CARTER: Well, I guess

1 since 1990 there hasn't been enough history, so  
2 we don't get Disability History Month.

3 MR. LANGE: Disability History  
4 Month.

5 CHAIRMAN CARTER: Julius Caesar had  
6 epilepsy. It's not like it's a new thing, I  
7 guess it's been around for a long time --

8 (Laughter.)

9 MR. LANGE: Point taken.

10 CHAIRMAN CARTER: -- before the  
11 Emancipation Proclamation or anything.

12 So, any other -- I think I've lost my  
13 place. Any other -- just mulling over human  
14 history.

15 I would recommend that we adjourn.

16 JUDGE SCOTT: Oh, I apologize. I  
17 couldn't -- I almost lost that window of  
18 opportunity.

19 CHAIRMAN CARTER: I haven't done  
20 this, so --

21 (Laughter.)

22 MS. DOBBINS: You can still talk.

23 JUDGE SCOTT: I just wanted to

1       indicate to the Commissioners that the staff  
2       has really been very cooperative and they've  
3       been working very hard in terms of the cases  
4       and reducing our docket, and in meeting with  
5       the staff Da Mica O'Bryant, who serves on our  
6       executive staff, Christine, and myself, we've  
7       met with the staff and we have set about  
8       projections of what we call the life of a case.

9               And we have identified essentially  
10       eight stages that the processing of  
11       administrative matters and how it occurs, and  
12       we've indicated days that will be goals and  
13       objectives, that we get through each case  
14       within a designated period of time, and we're  
15       working on that, and I think in the cases that  
16       are now being disposed of, that increased  
17       number as opposed to those that are coming in  
18       is the good news of that.

19              But we are identifying those periods of  
20       time, and we're also going through, in fairness  
21       to, first of all, the staff, and second of all,  
22       my predecessor, we're also going through and we  
23       want to look at some of the cases, because in

1 many instances a lot of the delay is due to the  
2 fine representation that respondents have from  
3 their legal counsel, or perhaps even  
4 complainants have from their legal counsel,  
5 because a lot of that delay is the result of  
6 motions, which are appropriately granted, but  
7 then add to the life of a case.

8 And so, we are trying to get to the  
9 point where cases will have a life of about 270  
10 days. I know that sounds like gestation, but  
11 it was not purposely done that way. It just  
12 ends up that way at this point in time. But  
13 that is a great improvement over the period of  
14 time that could be attributed to cases  
15 previously, and so we're pleased with that.  
16 And so, I just wanted to make note of that  
17 matter before we left the meeting today.

18 COMM. GARCIA: I have a question.  
19 That's the goal, 270 days?

20 JUDGE SCOTT: Correct.

21 COMM. GARCIA: Okay.

22 JUDGE SCOTT: And not that every  
23 case would be decided on 278, 290, but we don't



1 want there to be a case that goes beyond 270  
2 days within the office, and we're working hard  
3 on that.

4 And then also, I wanted to give a great  
5 deal of credit to Christine Cde Baca, the  
6 Deputy Director, who has come in and helped  
7 greatly with the organization of our  
8 administrative processes and how we handle the  
9 matters, how the cases are addressed.

10 And we're now moving into a system  
11 through this administrative process that  
12 Christine has developed, working with the  
13 supervisors, in terms of identifying the cases  
14 and being able to call on those cases at any  
15 given moment as to where they are, or call on  
16 individuals when they have not met this  
17 self-imposed, agreed effort that we believe  
18 will have our docket more timely than it has  
19 been in the past.

20 CHAIRMAN CARTER: I guess a rapid  
21 docket makes people whose complaints are  
22 successful happy. I'm not sure how happy  
23 people are to find out that they have no

1 probable cause quickly.

2 JUDGE SCOTT: Well --

3 MR. LANGE: On the other hand --

4 JUDGE SCOTT: -- there are two  
5 halves. There are two parties to every case.

6 CHAIRMAN CARTER: I forget. There  
7 are always two.

8 JUDGE SCOTT: And to have a --

9 CHAIRMAN CARTER: Somebody's always  
10 a winner.

11 JUDGE SCOTT: Yeah. Well, to have  
12 a respondent with a case that lasts -- we  
13 closed a case just a couple of months ago that  
14 was filed in --

15 MS. CDE: 2001.

16 JUDGE SCOTT: -- 2001, and it was a  
17 determination that there was -- I believe it  
18 was no probable cause.

19 MS. CDE: I think so.

20 JUDGE SCOTT: And to have a  
21 respondent burdened with that --

22 CHAIRMAN CARTER: Right.

23 JUDGE SCOTT: -- shadow regarding

1 its character, regarding its actions and  
2 conduct, I think that saying applies on both  
3 sides of the case, justice delayed is justice  
4 denied.

5 CHAIRMAN CARTER: Quite true.

6 I will entertain a motion to adjourn,  
7 if there are no further questions, comments  
8 or --

9 COMM. GARCIA: I'll move.

10 CHAIRMAN CARTER: -- outbursts.

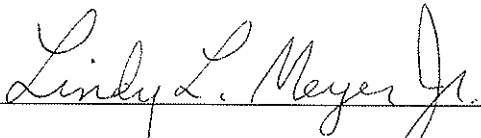
11 CHAIRMAN CARTER: Okay. There we  
12 go. Thank you.

13 - - -  
14 Thereupon, the proceedings of  
15 February 24, 2006 were concluded  
16 at 2:41 o'clock p.m.  
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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, February 24, 2006 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, 2008.

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