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INDIANA CIVIL RIGHTS COMMISSION  
INDIANA GOVERNMENT CENTER NORTH  
100 NORTH SENATE AVENUE, ROOM N103  
INDIANAPOLIS, INDIANA 46204-2255

IN THE MATTER OF: )  
 )  
INDIANA CIVIL RIGHTS )  
COMMISSION PUBLIC MEETING )

**ORIGINAL**

A transcript of the Indiana Civil Rights Commission public meeting held before me, Lisa M. Hobbs, a Notary Public in and for the County of Johnson, State of Indiana, at the Indiana Government Center South, Conference Room B, 402 West Washington Street, Indianapolis, on July 21, 2006, commencing at 2:15 p.m., Alpha Blackburn, Chairperson.

WM. F. DANIELS d/b/a  
ACCURATE REPORTING OF INDIANA  
12922 BRIGHTON AVENUE  
CARMEL, IN 46032

A P P E A R A N C E S

COMMISSIONERS IN ATTENDANCE:

Chairperson Alpha Blackburn

Vice Chair David C. Carter

Commissioner John Garcia

Commissioner Steven A. Ramos

Commissioner Barry Baynard

Commissioner Crenshaw

Commissioner Gidney

FROM INDIANA CIVIL RIGHTS COMMISSION:

Judge Gregory Kellam Scott

Deputy Director Christine Cde Baca

Robert Lange

Terri Falker

Tawanda Sharp

Lisa M. Hobbs,  
Court Reporter

July 21, 2006 2:15 p.m.

1  
2 CHAIRPERSON BLACKBURN: Good afternoon. The Indiana  
3 Civil Rights Commission is now in public session following  
4 our executive session.

5 Are there no minutes to be adopted at this meeting?  
6 My agenda says there are none.

7 And the financial report is the next thing our agenda.  
8 Ms. Faulkner -- Falker, sorry.

9 MS. FALKER: Falker. Okay. Thank you.

10 The end of the state year -- state fiscal year ending  
11 June 30, 2006 financial management report, I believe you  
12 have copies of it in your packet. This covers the year --  
13 the year ending June 30th -- the state fiscal year.

14 Page 1 is the summary of all our account balances.  
15 The operating account totaling 268,000 is what we reverted  
16 back to the general fund at the end of the state fiscal  
17 year.

18 Total revenue from the HUD account was totaling 244  
19 which is the correct amount. That is the portion of the  
20 contract that is to revert back to the general fund that  
21 comes back into the state.

22 The aged case fund has a total balance of a negative  
23 \$3.02 which is pretty much probably just a lot of rounding.

24 And then our Equal Employment Opportunity federal fund  
25 account, which is a mediation contract fund, our total

1 ending balance is \$891.07. Total expenditures for the year  
2 was 45,635 with total revenues totaling \$2600.

3 The IRC workshop continuing legal education account  
4 total ending account balance for June 30, 2006, is 29,260,  
5 with total revenues of 6930, and total expenditures of  
6 5273.

7 The HUD Grant, the case processing, the prior year  
8 funds carried forward with total revenues total of 246,773,  
9 total expenditures totaling 102,834, and the total ending  
10 balance for the year of 143,938.

11 The Home Grant with a total ending balance of 24,732,  
12 with the beginning balance of 25,836, and total  
13 expenditures of 1104.

14 And the FHIP grant public education and outreach total  
15 ending balance was a negative 1904. I believe that's an --  
16 can be contributed to expenditures that needed to be  
17 reclassified and moved to different -- probably to our  
18 administration account as opposed to this Grant award,  
19 which caused us to close out at a negative. But that will  
20 be carried over into our current fiscal year. But the  
21 federal year is still going as opposed to the state year.

22 And our Martin Luther King account -- we had a total  
23 transfer from our administration account of 21,000 with a  
24 carry over balance of \$5.27. Total expenditures were  
25 18,924 with an ending balance of 2380.

1           And our settlements and escrow accounts closing  
2 balance of 8531, our beginning balance was 17,831, total  
3 revenue of 30,407, total expenditures 39,707.

4           And that's our financial report.

5           CHAIRPERSON BLACKBURN: Are there any questions?

6           JUDGE KELLAM SCOTT: I just want to make one comment  
7 regarding the Martin Luther King Jr. Indiana Holiday  
8 Commission. We are planning to seek actual line item  
9 funding from the Legislature. I guess we'll stand in line  
10 with a whole lot of people who are seeking that.

11           But in reality what has happened is the Legislature  
12 has created a -- for lack of better phrasing, an unfunded  
13 mandate in that we are responsible for the support for that  
14 Commission without providing that Commission with funding.  
15 And so whether we're able to do that or not, I just wanted  
16 to mention it because our programs are growing in size and  
17 cost, and the reality is there's an impact then on our  
18 budget based on successful programs.

19           So I just wanted to mention that to you.

20           CHAIRPERSON BLACKBURN: Okay. Thank you very much.

21           Are there any agenda requests?

22                           (No requests were raised.)

23           CHAIRPERSON BLACKBURN: On hearing none, our new  
24 business: We are fortunate to now have on board two new  
25 commissioners.

1 I want to say, first of all, welcome to you both.

2 And introduce them to the rest of the commission and  
3 staff. They are Tehiji Crenshaw from Evansville, Indiana.  
4 She is currently employed as a customer service office  
5 manager at the Community Action Program in Evansville, and  
6 she is -- has a bachelor of science degree in education.

7 Welcome.

8 COMMISSIONER CRENSHAW: Thank you.

9 CHAIRPERSON BLACKBURN: We're delighted to have you  
10 here.

11 And our other commissioner is Charles Dexter Gidney.  
12 He holds a bachelor of arts degree in mass communications,  
13 and currently is an Ivy Tech Community College Assistant  
14 professor. I guess that is in Richmond, Indiana --

15 COMMISSIONER GIDNEY: Yes.

16 CHAIRPERSON BLACKBURN: -- which is your home. Right?  
17 And has a master's from Governor's State University  
18 also in communications.

19 Thank you.

20 Would either of you like to say anything?

21 COMMISSIONER CRENSHAW: I'm looking forward to this.  
22 This is not my first appointment to a board. I left the  
23 Indiana Tobacco Prevention Cessation Board for this Board.  
24 So I'm excited and looking into getting more involved.

25 At the agency I work at, I'm getting more involved in

1 housing development as well as assisting low income  
2 households with purchasing homes, obtaining more affordable  
3 homes either by purchasing or renting. So I want to get  
4 more involved in Fair Rights -- Fair Housing Law Rights and  
5 things of that nature.

6 So my executive director is putting me out there to do  
7 what I can and hopefully do some good.

8 CHAIRPERSON BLACKBURN: Very good.

9 COMMISSIONER GIDNEY: I'll be brief. I'm just, you  
10 know, looking forward to being here, and, you know, looking  
11 forward to the work that lies ahead. And that's it.

12 CHAIRPERSON BLACKBURN: Okay. You should know that  
13 we're not going to teach you to swim, as one of our  
14 commissioners suggested or said, by throwing you in the  
15 ocean this time. Regularly, our work entails the review of  
16 appeals and sometimes they are quite thick and involved.  
17 So we're not going to put you in the fire this meeting, but  
18 probably by next meeting you'll be assigned a case to  
19 review.

20 And if you have any questions about any of that, you  
21 may call me or any of the commissioners or our director if  
22 you have any concerns or questions about the process of  
23 what you're doing with it. Okay?

24 Okay. Welcome again.

25 Next on our agenda is an explanation of the education

1 initiative and educational program.

2 DEPUTY DIRECTOR CDE BACA: I already passed it out. I  
3 passed out prior to the start of the meeting a couple of  
4 documents. One of them is the Indiana statute, the Civil  
5 Rights Statute, the very beginning of our statute that  
6 provides that it is the public policy of the state to  
7 provide all of its citizens equal opportunity for  
8 education.

9 And so I -- this sheet is what I have been providing  
10 to those that I meet with when I ask them to participate on  
11 our Indiana Civil Rights Commission Education Steering  
12 Committee.

13 The second part of that is with regards to educational  
14 programs specifically. And I won't read that part, but  
15 when I've -- I just want you to know that when I've been  
16 providing this to those that I meet with, they are all  
17 very excited about that that -- that education exists  
18 within the Civil Rights statute, excited to learn that  
19 education is a Civil Right in the state of Indiana, and  
20 then also excited to know that the Civil Rights Commission  
21 is going to research this and do something about it.

22 The second sheet on that is just a paragraph kind of  
23 outlining what we are doing. So it kind of condenses the  
24 statute and then talks about our education steering  
25 committee, that we plan on meeting in September, and the



1 first area that we want to look at is discipline --  
2 disparate discipline.

3 And then with guidance from the Committee we will  
4 focus our work on researching those problems within  
5 selected school districts, providing solutions to the  
6 problem that include culturally competent behavior support  
7 systems in order to reduce the harmful effects of disparate  
8 discipline procedures that may exist.

9 So these are the two pieces of paper that I've been  
10 providing to those that I meet with.

11 The second packet that you got is a resolution that we  
12 would like for the Commission to sign today and to vote on.  
13 And if the chair would bear with me as I read this  
14 resolution: "Resolution Establishing the Indiana Civil  
15 Rights Commission Education Steering Committee," with  
16 today's date.

17 "Be it resolved that under the Indiana Civil Rights  
18 Law the state is to provide equal opportunity for education  
19 for each individual; and

20 "Be it further resolved that education is a civil  
21 right; and

22 "Be it further resolved that the Commission is charged  
23 with preparing a comprehensive educational program in  
24 cooperation with the State Department of Education and the  
25 universities and colleges of the state; and

1           "Be it further resolved that the Commission hereby  
2 acknowledges its interest in the education of all citizens  
3 whether by public or private institutions; and

4           "Be it further resolved that the Commission may create  
5 such advisory agencies and conciliation councils as will  
6 aid in effectuating the purposes of the Indiana Civil  
7 Rights Law; and

8           "Be it further resolved such agencies and councils may  
9 make recommendations to the Commission for the development  
10 of policies and procedures and that such agencies created  
11 by the Commission shall be composed of representative  
12 citizens serving without pay, but with reimbursement for  
13 reasonable and necessary expenses; and

14           "Now therefore, the Indiana Civil Rights Commission  
15 hereby appoints and establishes the Indiana Civil Rights  
16 Commission Education Steering Committee which shall be made  
17 up of no fewer than twenty-five individuals living in  
18 Indiana and may include no more than five non-residents of  
19 Indiana.

20           "The Committee is charged with identifying and  
21 combating education matters which have an adverse impact on  
22 persons of color regardless of natural origin. In  
23 addition, the Deputy Director shall serve as Chair of the  
24 Committee and is authorized and directed to convene the  
25 Steering Committee on or before October 1, 2006, and

1 thereafter as frequently as necessary in order to  
2 periodically report progress to the Commission.

3 "Signed and dated this 21st day of July, 2006."

4 There is a place at the bottom for each of your  
5 signatures, and at the end of the meeting, Ms. Sharp will  
6 come and obtain your signatures on the document. So we ask  
7 that each of you sign this resolution.

8 Attached to that is also a list of those that have  
9 already agreed to serve on the committee. The list is now  
10 actually at about 51 participants. We didn't list all of  
11 them because they haven't all -- they've -- they're -- they  
12 are all aware that we are having our initial meeting on  
13 September the 12th, and I will provide all of you with that  
14 information as well.

15 We have the first meeting set up for September 12th  
16 from 12:30 p.m. to 4 o'clock p.m. so that we can provide  
17 all of the information that we've been gathering thus far.  
18 So that will be the first -- the date of the first meeting.

19 COMMISSIONER RAMOS: Christine?

20 DEPUTY DIRECTOR CDE BACA: Yes?

21 COMMISSIONER RAMOS: Appointment to this is done by  
22 deputy director? It's not -- I mean, what's the process  
23 for getting appointed to that?

24 DEPUTY DIRECTOR CDE BACA: The process for getting  
25 appointed is that we first approached the Department of

1 Education and sought the assistance of, as you see, the  
2 very first person on that list is Bob Marra from the  
3 Indiana Department of Education. He is an associate  
4 superintendent.

5 So we first approached him and asked him who within  
6 the Department of Education -- the key people that we would  
7 like, you know, his assistance in identifying to be on that  
8 committee.

9 The others were, as I've stated before in both the  
10 executive session and then in prior public sessions, those  
11 at IU that have done extensive research within the area of  
12 discipline across the state.

13 They have named others. I think we previously  
14 mentioned, you know, community organizations. Amy Mendoza  
15 -- you see that she's --

16 COMMISSIONER RAMOS: Uh-huh.

17 DEPUTY DIRECTOR CDE BACA: -- you see that she's on  
18 the list as well.

19 So those were just suggestions as far as appointments  
20 because we wanted it to be statewide.

21 COMMISSIONER RAMOS: Sure.

22 DEPUTY DIRECTOR CDE BACA: We've also traveled to  
23 various areas across the state, you know, asked  
24 individuals. So that's how we've been getting the  
25 committee members, just with suggestions from experts

1 across the state.

2 COMMISSIONER RAMOS: Great. But the actual  
3 appointment is by the chair of the commission.

4 The -- question on the commissioner for higher  
5 education, Stan Jones --

6 DEPUTY DIRECTOR CDE BACA: Uh-huh.

7 COMMISSIONER RAMOS: -- what is your relationship in  
8 there with that?

9 DEPUTY DIRECTOR CDE BACA: I have met with him once,  
10 and that was in your presence, and I haven't met with him  
11 since then. But he is on our list. So --

12 COMMISSIONER RAMOS: Great.

13 DEPUTY DIRECTOR CDE BACA: Yes.

14 JUDGE KELLAM SCOTT: We have a very -- I don't want to  
15 say impressive, but we have a very good list that's  
16 impressive to me of people who Christine and Kathryn -- and  
17 mostly Christine -- have met with and have obtained their  
18 interest. And they are very excited about the fact that  
19 the Commission is taking this step.

20 COMMISSIONER RAMOS: Are commissioners excluded from  
21 that list?

22 DEPUTY DIRECTOR CDE BACA: No. As a matter of fact, I  
23 would welcome any commissioner that would -- and I will  
24 send you the information regarding the September the 12th  
25 meeting. It's September 12th. It's gonna be, I believe,

1 in this conference room from twelve-thirty to four o'clock  
2 p.m. We will provide national trends and -- with regard to  
3 discipline, you know, nationally, and then focus on  
4 Indiana.

5 Commissioner Carter?

6 VICE CHAIR CARTER: I -- yeah, I was wondering why the  
7 Committee is charged with identifying and combating  
8 education matters which have an adverse impact on person of  
9 color regardless of natural origin. Why is it limited to  
10 that?

11 There's certainly lots of evidence that there is  
12 discrimination against people with disabilities and that  
13 there are people with language differences regardless of  
14 color. You know, there are other areas of discrimination  
15 as well that this committee could address. And the  
16 committee might decide to address issues of persons of  
17 color as a first step, but I'm just wondering why this  
18 resolution makes that --

19 DEPUTY DIRECTOR CDE BACA: Actually --

20 VICE CHAIR CARTER: -- limitation to begin with.

21 DEPUTY DIRECTOR CDE BACA: -- that was an oversight on  
22 my part because I prepared this resolution shortly before  
23 the meeting. So I --

24 VICE CHAIR CARTER: Oh.

25 DEPUTY DIRECTOR CDE BACA: -- need to widen that and

1 include --

2 VICE CHAIR CARTER: I think in --

3 DEPUTY DIRECTOR CDE BACA: Yes.

4 VICE CHAIR CARTER: -- in a court of law wouldn't that  
5 be called leading the witness?

6 DEPUTY DIRECTOR CDE BACA: Yes.

7 (Laughter.)

8 CHAIRPERSON BLACKBURN: I think so.

9 DEPUTY DIRECTOR CDE BACA: That was an oversight on my  
10 part. I prepared this shortly before the meeting. So I  
11 will -- before we send it for all of your signatures, we  
12 will include all of those that are covered, all --

13 VICE CHAIR CARTER: Protected classes.

14 DEPUTY DIRECTOR CDE BACA: -- protected classes that  
15 are included within the statute. Thank you, Commissioner  
16 Carter. I appreciate that.

17 CHAIRPERSON BLACKBURN: Okay. I've been shuffling  
18 through my papers.

19 We'll have the director now talk a little bit about  
20 the advisory panel.

21 JUDGE KELLAM SCOTT: Before we do that, if the Chair  
22 doesn't mind, could we take a vote in any event on this  
23 resolution with the change that would indicate all the  
24 protected classes, and just have that a matter of the  
25 record of this meeting?

1           And then, of course, we would go through the  
2           administrative matter of making this change. And before  
3           everyone leaves the building, have the updated one. But  
4           I --

5           CHAIRPERSON BLACKBURN: All right. May I have a  
6           motion to approve the resolution as amended by Commissioner  
7           Carter?

8           COMMISSIONER RAMOS: So moved.

9           VICE CHAIR CARTER: I'll second that.

10          CHAIRPERSON BLACKBURN: All in favor?

11                           (The entire Commission voted in favor.)

12          CHAIRPERSON BLACKBURN: Anyone opposed?

13                           (No one opposed.)

14          CHAIRPERSON BLACKBURN: Thank you. Thank you, Judge  
15          Scott.

16          JUDGE KELLAM SCOTT: With respect to the Director's  
17          Advisory Panel, the individuals that have been contacted  
18          have already been appointed, but there's two individuals  
19          who I have not been able to receive feedback that they  
20          would, indeed, serve, and those were the individuals I had  
21          intended to have appointed at this meeting. So, in  
22          essence, I would ask that we table Item 3.

23          CHAIRPERSON BLACKBURN: Okay. Item 4, the  
24          Confidential and Non Public Information Policy.

25          JUDGE KELLAM SCOTT: If you recall at the previous



1 meeting, you were provided with a copy of the policy. We  
2 made some minor changes, very minor, nothing of  
3 significance. But I wanted you to have the policy which is  
4 now in effect within the Agency and that is current. And  
5 so the copy now is the existing policy that exists in the  
6 Agency.

7 CHAIRPERSON BLACKBURN: Any questions about it,  
8 concerns?

9 (Nothing was raised.)

10 CHAIRPERSON BLACKBURN: Okay. And Item 5, Armstead v.  
11 Northeastern Wayne School Corporation. Your --

12 JUDGE LANGE: Madame Chairwoman, I'll excuse myself.

13 (Judge Lange left the meeting at this time.)

14 JUDGE KELLAM SCOTT: Yes. The Administrative Law  
15 Judge is going to excuse himself --

16 If you can have that in the record, please.

17 -- that he is excusing himself while discussion ensues  
18 regarding this particular case.

19 And for purposes of the record, the Notice of Finding  
20 has been issued. You'll notice the date on it is two weeks  
21 ago. But I wanted to raise it at this meeting. It's an  
22 important decision at least with respect as to probable  
23 cause.

24 And it's a matter in which will now become a docket  
25 matter for the administrative law judge and the parties as

1 well as their counsel. And we will be issuing a news  
2 release by Monday indicating the fact that the Commission  
3 has taken this action. And I believe it to be a noteworthy  
4 and matter of high public interest that this action the  
5 Commission has taken should be a matter of record.

6 And unless there are any questions, I really have  
7 nothing else to state.

8 COMMISSIONER GARCIA: I have a question. Is that  
9 going to be a statewide news release?

10 DEPUTY DIRECTOR CDE BACA: Yes.

11 JUDGE KELLAM SCOTT: Yes, yes. It will be statewide,  
12 and we'll make certain that it gets reported.

13 COMMISSIONER GARCIA: Or Northwest Indiana at least.

14 CHAIRPERSON BLACKBURN: Yes.

15 JUDGE KELLAM SCOTT: And hopefully we'll make sure the  
16 Commission gets reported to.

17 CHAIRPERSON BLACKBURN: Under old business you see a  
18 reminder that our meeting scheduled for Portage which was  
19 postponed is now rescheduled and will occur September 22nd.  
20 Commissioner Garcia will be our host for that meeting so to  
21 speak.

22 COMMISSIONER GARCIA: Okay.

23 VICE CHAIR CARTER: I hope you saved the tennis courts  
24 you had for us.

25 (Laughter.)

1 CHAIRPERSON BLACKBURN: Refreshments I presume will be  
2 served?

3 COMMISSIONER GARCIA: We'll figure something out.

4 (Laughter.)

5 CHAIRPERSON BLACKBURN: I'm just kidding you.

6 So we look forward to making that trip to northern  
7 Indiana.

8 Consent agreements: There being none listed we will  
9 go to the Finding of Fact which you should have a copy of  
10 in your packet, Johnson and Johnson v. Shordon Estates  
11 Community Association, Inc. And I'd like a motion accept  
12 the Findings.

13 VICE CHAIR CARTER: So moved.

14 COMMISSIONER RAMOS: Second.

15 CHAIRPERSON BLACKBURN: All in favor?

16 (The entire Commission voted in favor.)

17 CHAIRPERSON BLACKBURN: Any on opposed?

18 (No one opposed.)

19 CHAIRPERSON BLACKBURN: Thank you.

20 There being no other orders this month, we'll go to  
21 the report of commissioners on the complaint appeals.

22 Do you have anything to report, Commission Baynard?

23 COMMISSIONER BAYNARD: Yes, Madame Chair.

24 In the case of Cochran V. IUPUI, I would recommend to  
25 the Commission that we uphold the Director's Finding of No

1 Probable Cause.

2 CHAIRPERSON BLACKBURN: May I have a motion to accept  
3 that recommendation?

4 VICE CHAIR CARTER: So moved.

5 COMMISSIONER GARCIA: Second.

6 CHAIRPERSON BLACKBURN: All in favor?

7 (The entire Commission voted in favor.)

8 CHAIRPERSON BLACKBURN: Anyone opposed?

9 (No one opposed.)

10 CHAIRPERSON BLACKBURN: Commissioner Carter, do you  
11 have anything to report?

12 VICE CHAIR CARTER: No, I don't.

13 CHAIRPERSON BLACKBURN: Commissioner Garcia, anything?

14 COMMISSIONER GARCIA: No.

15 CHAIRPERSON BLACKBURN: Commissioner Ramos, anything?

16 COMMISSIONER RAMOS: No.

17 CHAIRPERSON BLACKBURN: None?

18 We'll assign now appeals to commissioners for review  
19 for next meeting.

20 Commissioner Baynard, if you'd please review Cochran  
21 v. I --

22 COMMISSIONER BAYNARD: Is that an --

23 CHAIRPERSON BLACKBURN: You already did that.

24 COMMISSIONER BAYNARD: -- additional one to append?

25 CHAIRPERSON BLACKBURN: Is that another one?

1 COMMISSIONER BAYNARD: That's what I'm asking. Is it  
2 -- yeah, is it -- is that a new one --

3 JUDGE LANGE: Is that the one where the complainant  
4 was --

5 JUDGE KELLAM SCOTT: Yes.

6 JUDGE LANGE: -- close to --

7 JUDGE KELLAM SCOTT: Yes.

8 JUDGE LANGE: -- deceased?

9 JUDGE KELLAM SCOTT: Yes.

10 CHAIRPERSON BLACKBURN: He's already reviewed them.

11 JUDGE LANGE: So Barbara sent that to you to expedite  
12 it because of that.

13 COMMISSIONER BAYNARD: Yes, she did.

14 JUDGE LANGE: So it caught my -- I'm assuming it's the  
15 same case as the one listed here.

16 CHAIRPERSON BLACKBURN: All right. Castillo v. --

17 JUDGE LANGE: If that's not the case, we'll fix it  
18 next month.

19 CHAIRPERSON BLACKBURN: All right. Thank you.

20 Castillo v. Circle City Products, Inc.

21 I'll review Hoffman v. Delaware County Historical  
22 Society, and Lisa Maple o/b/o Ann Maple.

23 Commissioner Carter, Williams v. Anthony Wayne Rehab  
24 Center for Handicapped ND Blind Inc., Halpin v. Michigan  
25 City Housing Authority, and Moore v. The Orchard Apartments

1 d/b/a Arcon.

2 Commissioner Ramos, Armstead v. American Cold Storage.

3 And, Commissioner Garcia, Bell v. W. Hare & Son, Inc.,

4 Hensley v. The Kroger Company, two cases there, and

5 Gonzales v. M.R. Partnerships d/b/a McDonalds.

6 And next the administrative updates beginning with the  
7 Director's report.

8 JUDGE KELLAM SCOTT: And with respect to the report,  
9 the matters of -- under our memos of understanding I think  
10 have already been reported to the Commission, and we are --  
11 we have entered into an understanding that's not reflected  
12 in the memo, but the memo will be completed next week  
13 regarding the Department of Human Resources.

14 And I do want to state that we have been receiving  
15 very good service from Justin Height, who is the member of  
16 the staff of the Department of Personnel, and have been  
17 pleased with his efforts on our behalf.

18 The Department of Workforce Development memorandum of  
19 understanding, if you recall, we discussed that, and that  
20 memorandum of understanding -- I'm sorry. Two new  
21 commissioners.

22 I'm going to backtrack a little bit for your benefit.  
23 The State Department of Human Resources -- I'm going back  
24 to Item 1 -- has determined that it's going to centralize  
25 the Department of Human Resources so that agencies that

1 have staff members that provide Human Resources work will  
2 become members of their office and will be taken out, in  
3 effect, of our Agency.

4 We had an individual, Helen Scott, who provided Human  
5 Resources work for us, and we now have several individuals  
6 who've been identified who provide Human Resources support  
7 for our Agency, but they're not part of our Agency. They  
8 are employees of the State Department -- personnel  
9 department. And that is what the memorandum of  
10 understanding is with respect to the Department of Human  
11 Resources.

12 With respect to the Department of Workforce  
13 Development, often we seek to obtain information regarding  
14 employers, in particular the number of employees, because  
15 that becomes a jurisdictional issue as to whether there are  
16 six employees, fifteen employees.

17 And we have in the past been able to receive  
18 information from the Department of Workforce Development.  
19 All of the sudden for whatever reason, in an inquiry to  
20 that Department on one of our cases, we received a response  
21 that they are not providing us with information.

22 I met with the head of the Department, and both of us  
23 perused the statute which states that the Commission has  
24 the right to access information even without a subpoena.  
25 And more accurately, the provision actually states that

1 state departments, subdivisions, rules, and offices, et  
2 cetera, have to provide information to the Commission upon  
3 the Commission's request.

4 As a consequence of that, we are now working out a  
5 memorandum of understanding which, in essence, says that  
6 the Department of Workforce Development will provide us  
7 whatever we ask for in light of that statutory position.  
8 And so that's what that memorandum of understanding deals  
9 with.

10 CHAIRPERSON BLACKBURN: Is that it?

11 JUDGE KELLAM SCOTT: And the deputy director has  
12 requested me to provide her report as she has -- is going  
13 over to update or amend the resolution so that it will  
14 reflect the concerns raised by Commissioner Carter.

15 If you look at our pending case inventory, the number  
16 is 421. You'll notice that we had six probable cause  
17 findings this month which is a high number, at least, in  
18 relation to past experience.

19 And in addition you will see how the 421 cases are  
20 spread between the total cases pending, inventory reported  
21 in May, adjustments to the total pending case inventory,  
22 additions to the inventory, and dispositions from the  
23 inventory in June.

24 And this additions exceed the dispositions this month,  
25 but --



1 MS. FALKER: Judge, I don't know if everyone has  
2 copies.

3 COMMISSIONER GARCIA: I don't think we've got that.

4 JUDGE KELLAM SCOTT: Oh, you don't have copies?

5 Well, I apologize. I thought they were in the packet,  
6 so I apologize.

7 (Ms. Sharp is passing out the report.)

8 JUDGE KELLAM SCOTT: And I don't know if it's  
9 necessary for me to go through the numbers, but I think  
10 you'll see them on the front page of the report.

11 Also, though, if there is additional information that  
12 any of the commissioners would like to have included in our  
13 reports, it would be helpful if you would let me know,  
14 because I certainly want to provide information that is  
15 helpful to the commissioners.

16 We are now setting up our information database so that  
17 it will, for example, identify Latino complainants versus  
18 complaintants who are African American versus complainants  
19 who are neither one of those two. And so we'll be trying  
20 to provide more information along that line.

21 COMMISSIONER RAMOS: How is that determined?

22 JUDGE KELLAM SCOTT: Pardon?

23 COMMISSIONER RAMOS: I mean, from the Latino  
24 standpoint, how is that determined, self-determination?

25 JUDGE KELLAM SCOTT: Well, it would be

1 self-determination, in essence. However the -- virtually  
2 every complainant is interviewed, and so it would not be  
3 difficult to have them make that determination and provide  
4 us that information.

5 If members of the Commission think that it's  
6 inappropriate to ask for that information, that's a  
7 discussion we certainly can have.

8 CHAIRPERSON BLACKBURN: I don't -- I --

9 JUDGE KELLAM SCOTT: But we've had a request from the  
10 Commission on Hispanic and Latino Affairs to provide that  
11 information to them.

12 CHAIRPERSON BLACKBURN: I wouldn't have any objection  
13 to getting the information. I just don't want interviewers  
14 to guess.

15 JUDGE KELLAM SCOTT: I'm sorry?

16 CHAIRPERSON BLACKBURN: I just don't want anybody to  
17 guess about it because they meet them and see them and  
18 presume they're something they may not be.

19 JUDGE KELLAM SCOTT: No, the intention is not that we  
20 could guess. It would not be based on a surname or --

21 COMMISSIONER RAMOS: Right.

22 JUDGE KELLAM SCOTT: It would be based on actual  
23 statements that were made. And I apologize if I didn't  
24 make that clear.

25 COMMISSIONER RAMOS: No, I just -- as they go through

1 the process of providing a complaint, then there should be  
2 some process in there that identifies, you know, are you  
3 Hispanic, or gives them the option. They may choose to not  
4 provide that information. Right? But that would be  
5 self-determination. Right?

6 CHAIRPERSON BLACKBURN: Right.

7 JUDGE LANGE: It obviously depends on what the  
8 complaint is about, too. If they're complaint is because  
9 of their national origin, we need to know that their  
10 national origin is. But if it's not, we don't necessarily.

11 CHAIRPERSON BLACKBURN: Right.

12 Tell me what credit and non credit refers to. I'm not  
13 sure I know.

14 JUDGE KELLAM SCOTT: Well, the credit is the  
15 financial, for example, red lighting.

16 CHAIRPERSON BLACKBURN: Oh.

17 JUDGE KELLAM SCOTT: Lending --

18 CHAIRPERSON BLACKBURN: Oh, okay.

19 JUDGE KELLAM SCOTT: -- practices, predatory lending.

20 CHAIRPERSON BLACKBURN: Okay. And --

21 JUDGE KELLAM SCOTT: And that comes out of our PACE,  
22 P-A-C-E, acronym. As you know, we have the REPACE team  
23 which is Real Estate and then we get to public  
24 accommodations, and then credit, and then education. And  
25 so that's a unit that, in essence, exists to counterbalance

1 the fact that most of the complaints we receive deal with  
2 employment. But it does cover a large area.

3 CHAIRPERSON BLACKBURN: I'm not understanding the  
4 small box where we have six probable cause findings, one  
5 right to sue case, one credit case, if I understand what  
6 you're saying.

7 JUDGE LANGE: I did that.

8 CHAIRPERSON BLACKBURN: And then -- I'm sorry?

9 JUDGE LANGE: I understand that. I think I can  
10 explain it.

11 CHAIRPERSON BLACKBURN: Okay.

12 JUDGE LANGE: Someone correct me if I'm wrong, but I  
13 think there are cases we get credit from a federal agency  
14 for processing --

15 JUDGE KELLAM SCOTT: Aha.

16 JUDGE LANGE: -- and there are cases for which we  
17 don't.

18 CHAIRPERSON BLACKBURN: Okay.

19 JUDGE LANGE: And that has to do with --

20 CHAIRPERSON BLACKBURN: So that's different than what  
21 the director --

22 JUDGE LANGE: -- what their --

23 CHAIRPERSON BLACKBURN: -- just explained.

24 JUDGE LANGE: -- you know, where our jurisdictions  
25 merge, so to speak. And we do a case that they would

1 otherwise have to do. Then we get some credit for that  
2 case with that agency.

3 CHAIRPERSON BLACKBURN: Okay.

4 VICE CHAIR CARTER: But that's not the same credit as  
5 the top box where it --

6 COMMISSIONER GARCIA: No.

7 VICE CHAIR CARTER: -- says credit over at the right.

8 CHAIRPERSON BLACKBURN: Right.

9 JUDGE LANGE: No.

10 VICE CHAIR CARTER: Yeah. That --

11 JUDGE LANGE: No, no. It's a different kind of credit  
12 for a different purpose.

13 VICE CHAIR CARTER: That's one of those cate -- those  
14 areas where Civil Rights are protected.

15 CHAIRPERSON BLACKBURN: Yes.

16 JUDGE KELLAM SCOTT: Right.

17 JUDGE LANGE: Yeah.

18 CHAIRPERSON BLACKBURN: Okay.

19 COMMISSIONER GARCIA: I think for the benefit of the  
20 new commissioners, there's a few acronyms that are pretty  
21 important.

22 JUDGE LANGE: A few?

23 (Laughter.)

24 CHAIRPERSON BLACKBURN: Just a few.

25 COMMISSIONER GARCIA: Yeah.

1 VICE CHAIR CARTER: There's a dictionary of them

2 COMMISSIONER GARCIA: Yeah. Maybe you need to -- you  
3 know, ADR, the --

4 JUDGE KELLAM SCOTT: We have a glossary that we -- I'm  
5 kidding. If we don't, we need to get one.

6 JUDGE LANGE: We should have one.

7 JUDGE KELLAM SCOTT: We should have one.

8 COMMISSIONER GARCIA: We should, yeah.

9 JUDGE KELLAM SCOTT: Because the terminology and the  
10 acronyms are much like going to any governmental agency.

11 And if there are any that you want to have explained,  
12 certainly feel free to ask.

13 VICE CHAIR CARTER: ADR is the term alternative  
14 dispute resolution, for instance.

15 CHAIRPERSON BLACKBURN: Right.

16 Okay. So now do we have you thoroughly confused?

17 (Laughter.)

18 COMMISSIONER GARCIA: And don't feel bad --

19 JUDGE LANGE: What you need to do is work here.

20 CHAIRPERSON BLACKBURN: Right.

21 VICE CHAIR CARTER: Next month they'll all be  
22 different.

23 COMMISSIONER GARCIA: And don't feel bad. At the HUD  
24 conference they asked who's a FHIP, and I raised my hand.  
25 And then they said, well, who's a FHAP, and --

1 (Laughter.)

2 COMMISSIONER GARCIA: -- I came back, I said, wait a  
3 minute, we're both. Right?

4 CHAIRPERSON BLACKBURN: You can be a FHIP and a FHAP.

5 JUDGE KELLAM SCOTT: We are both.

6 CHAIRPERSON BLACKBURN: We are both.

7 COMMISSIONER GARCIA: We are both.

8 JUDGE KELLAM SCOTT: We are both.

9 COMMISSIONER GARCIA: Yeah.

10 CHAIRPERSON BLACKBURN: We are both.

11 COMMISSIONER GARCIA: We're one of the few agencies  
12 that is both.

13 JUDGE KELLAM SCOTT: We're both. We're one of the few  
14 that is -- that actually is both.

15 CHAIRPERSON BLACKBURN: Right.

16 VICE CHAIR CARTER: If we run for office, we're  
17 accused of FHIP FHAPing on the issue.

18 JUDGE KELLAM SCOTT: Yes.

19 CHAIRPERSON BLACKBURN: Right.

20 (Laughter.)

21 COMMISSIONER RAMOS: It is, remember that thing that  
22 we do.

23 VICE CHAIR CARTER: It's a housing issue, but anyway.

24 JUDGE KELLAM SCOTT: And on the ADR update, I think as  
25 close as we come to one, there is not really a report for

1 this month, but certainly you may want to look at page 3 of  
2 this that indicates some of the settlements that have  
3 occurred. So we will have a report which will cover July  
4 and August at the August meeting.

5 CHAIRPERSON BLACKBURN: Okay.

6 JUDGE KELLAM SCOTT: And then one other matter which  
7 I'd note, often we've received calls -- and I shouldn't say  
8 often. It's not often. We get a call every once in a  
9 while about a case, and -- or every once in a while a  
10 letter will come over from the governor's office because a  
11 citizen wants to know why it's taking so long with a case,  
12 what's happening with a case, et cetera.

13 Well, I had the pleasure this past, oh, about three  
14 weeks ago we received a phone call from Commissioner  
15 Silverman at the D -- what is it?

16 MS. FALKER: BMV.

17 JUDGE KELLAM SCOTT: BMV.

18 I've lived in three states, and neither one uses the  
19 same acronyms, so it gets kind of confusing at times.

20 And they wanted to know what was the status of the  
21 case, Ronald Eastman v. The Indiana Bureau of Motor  
22 Vehicles and the Indiana Department of Revenue.

23 And I had the great pleasure of so quickly being able  
24 to go to the case file, obtain the case while he was on the  
25 phone, and be able to inform him, "Commissioner, that case



1 has been decided. And, in fact --

2 CHAIRPERSON BLACKBURN: Bet that felt good.

3 (Laughter.)

4 JUDGE KELLAM SCOTT: -- "in March of this year. While  
5 you may not have received it, but I want to assure you that  
6 March of this year we had mailed out a notice of decision  
7 in that case."

8 And then, of course, I informed him that it was no  
9 probable cause which made him happy.

10 But it was nice to have that information so readily  
11 available and to be able to report to someone that thought  
12 the case had been lost somewhere along the way.

13 CHAIRPERSON BLACKBURN: Okay. Are there any  
14 announcements, any additional announcements?

15 I receive sometimes in my mail announcements that most  
16 of them are outdated by the time I get them, but in this  
17 case it's not. From the Ronald McDonald House it is a  
18 request or an advertisement for people who collect tabs,  
19 you know, the pull tabs you pull off of sodas. They have a  
20 collection event that's scheduled for Thursday, August 10th  
21 between 10 and 2.

22 They hope to collect six million tabs in four hours.  
23 They turn them in evidently and --

24 COMMISSIONER RAMOS: Wow.

25 CHAIRPERSON BLACKBURN: -- and convert that to money

1           which helps to run the Ronald McDonald Houses.

2           So if you have any, that's the date. You should go by  
3           the circle and drop them off in the southwest quadrant of  
4           the circle.

5           I don't know anybody who collects them, but somebody  
6           must be collecting them.

7           Your kids do?

8           COMMISSIONER GARCIA: Every night at home we knock  
9           over the little cup and they're all over the floor.

10          CHAIRPERSON BLACKBURN: Really? Well in that case,  
11          you guys can come by the circle and drop them off and help  
12          the Ronald McDonald House, which would be a good use for  
13          them.

14          VICE CHAIR CARTER: I have a quick announcement, and  
15          that is --

16          CHAIRPERSON BLACKBURN: Yes.

17          VICE CHAIR CARTER: -- that in five days, on the 26th  
18          will be the 16th anniversary of the signing of the  
19          Americans with Disabilities Act.

20          CHAIRPERSON BLACKBURN: Wow.

21          VICE CHAIR CARTER: And the fact that we're in many  
22          ways still on Square 1 is not a pleasing thing, but there  
23          also have been a great many advances.

24          CHAIRPERSON BLACKBURN: Is there a --

25          VICE CHAIR CARTER: And --

1 CHAIRPERSON BLACKBURN: -- celebration planned --

2 VICE CHAIR CARTER: There is a celebration planned. I  
3 think it's at the Holiday Inn East in Indianapolis.

4 CHAIRPERSON BLACKBURN: Oh.

5 VICE CHAIR CARTER: I don't know why it's there, but  
6 there is a conference. And I'm going to be speaking at our  
7 Bloomington group about it.

8 CHAIRPERSON BLACKBURN: That's funny. Very good.  
9 Thank you.

10 You want to tell us about the corporate lunch?

11 JUDGE KELLAM SCOTT: Well, I thought the Chair was --  
12 would report on that since she was --

13 CHAIRPERSON BLACKBURN: Since I wasn't the guest of  
14 the ICRC, I think you ought to report.

15 (Laughter.)

16 JUDGE KELLAM SCOTT: Oh, if you say so.

17 (Laughter.)

18 JUDGE LANGE: A little tension here.

19 (Laughter.)

20 CHAIRPERSON BLACKBURN: Ta da.

21 JUDGE KELLAM SCOTT: Well, but the corporate lunch was  
22 a very -- I feel very wonderful affair, and Sydney Poitier  
23 was -- just so wonderfully explained a part of his life  
24 which many of us are not familiar with, including the  
25 swimming lessons and speaking of his mother, and having

1       been tossed as far as she could throw him into the ocean,  
2       and then being saved by his father, as he stated, out of  
3       pity, perhaps, as he sunk.

4                               (Laughter.)

5               JUDGE KELLAM SCOTT:   And then he brought him back to  
6       his mother, and his mother threw him again --

7                               (Laughter.)

8               JUDGE KELLAM SCOTT:   -- into the water as far as she  
9       could throw him.

10              And then as everyone gasped, and after the gasps, he  
11      said, "But it was swimming lessons." And the fact that his  
12      home was on the shore on the beach, and that she knew that  
13      he would wander and would need to be able to swim, and this  
14      was as a babe, younger than the three that we -- children  
15      that we have, three individuals we have here today. And he  
16      learned how to swim.

17              But also I think there was a great message in what he  
18      was saying in terms of the totality of what he said in  
19      terms of raising our children and taking on that  
20      responsibility, and then also in terms of education. And  
21      he spoke about the importance of education.

22              And there's a phrase which I can't recall right now,  
23      and maybe Terri --

24              MS. FALKER:   It went something like education can't  
25      be --

1 JUDGE KELLAM SCOTT: Well it begins with something  
2 before educa -- before that. It starts with learning  
3 accumulates to --

4 MS. FALKER: Knowledge.

5 JUDGE KELLAM SCOTT: -- knowledge, knowledge  
6 accumulates to education or --

7 CHAIRPERSON BLACKBURN: Wisdom.

8 JUDGE KELLAM SCOTT: -- Wisdom, and --

9 CHAIRPERSON BLACKBURN: This is not my --

10 JUDGE KELLAM SCOTT: There was more after that. There  
11 was a part after that.

12 JUDGE LANGE: I can't quote it, but the essence of it  
13 is it has to be earned.

14 JUDGE KELLAM SCOTT: And you can't --

15 JUDGE LANGE: Nobody gives it to you.

16 JUDGE KELLAM SCOTT: You can't give it.

17 CHAIRPERSON BLACKBURN: It can't be given.

18 JUDGE LANGE: You don't inherit it. You have to get  
19 it.

20 CHAIRPERSON BLACKBURN: Okay. And the more --

21 JUDGE LANGE: -- earn it.

22 CHAIRPERSON BLACKBURN: -- important thing I think is  
23 hat it can't be taken away.

24 JUDGE KELLAM SCOTT: Yes.

25 COMMISSIONER RAMOS: That's true.

1 JUDGE KELLAM SCOTT: And that was --

2 MS. FALKER: And I think it was --

3 JUDGE KELLAM SCOTT: That was the point I took.

4 MS. FALKER: -- continually to be fought for or  
5 something at the end.

6 JUDGE LANGE: Yeah.

7 CHAIRPERSON BLACKBURN: Uh-huh.

8 Any other announcements?

9 JUDGE KELLAM SCOTT: And now that it took four of us  
10 to come up with one line --

11 (Laughter.)

12 JUDGE KELLAM SCOTT: -- of Mr. Poitier's speech, you  
13 know how powerful that speech was.

14 JUDGE LANGE: We probably butchered it.

15 (Laughter.)

16 CHAIRPERSON BLACKBURN: Hearing no other  
17 announcements, the meeting is adjourned.

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(The meeting adjourned at 3:00 p.m., July 21, 2006.)

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STATE OF INDIANA        )  
                                  ) SS:  
COUNTY OF JOHNSON     )

I, Lisa M. Hobbs a Notary Public and Shorthand Reporter in and for the County of Johnson, State of Indiana, do hereby certify that on the 21st day of July, 2006, at the Indiana Civil Rights Commission, I took down in stenograph notes and recorded the foregoing proceedings.

I do further certify that the above and foregoing is a true and accurate transcript of my stenograph notes as taken at said time and place, to the best of my knowledge and belief.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed by notarial seal this 2nd day of August, 2006.



\_\_\_\_\_  
Lisa M. Hobbs  
Notary Public  
Residing in Johnson County

My Commission Expires:  
April 27, 2008