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BEFORE THE STATE OF INDIANA
CIVIL RIGHTS COMMISSION

- - -

PUBLIC MEETING OF MAY 19, 2006

ORIGINAL

- - -

PROCEEDINGS

in the above-captioned matter, before the
Indiana Civil Rights Commission, Alpha
Blackburn, Chairperson, taken before me, Lindy
L. Meyer, Jr., a Notary Public in and for the
State of Indiana, County of Shelby, at the
Indiana Government Center South, Conference
Center, Room C, 402 West Washington Street,
Indianapolis, Indiana, on Friday, May 19, 2006
at 2:11 o'clock p.m.

- - -

William F. Daniels, RPR/CP CM d/b/a
ACCURATE REPORTING OF INDIANA
12922 Brighton Avenue
Carmel, Indiana 46032
(317) 848-0088

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APPEARANCES:

COMMISSION MEMBERS:

Alpha Blackburn, Chairperson
David C. Carter
Steven A. Ramos
Barry Baynard
John E. Garcia

INDIANA CIVIL RIGHTS COMMISSION
By Gregory Kellam Scott, Director/Secretary
& Christine Cde Baca, Dep. Director
Indiana Government Center North
100 North Senate Avenue, Room N103
Indianapolis, Indiana 46204
On behalf of the Commission.

OTHER COMMISSION STAFF PRESENT:

Barbara Dobbins
Robert D. Lange
Terri Falker
Kathryn Lee
Tamika Henderson
Tawanda Sharp

- - -

2:11 o'clock p.m.
May 19, 2006

- - -

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3 CHAIRPERSON BLACKBURN: The Indiana
4 Civil Rights Commission meeting of May 19th is
5 in session. I'd like a motion to adopt the
6 minutes from February.

7 COMM. CARTER: So moved.

8 COMM. RAMOS: Second.

9 CHAIRPERSON BLACKBURN: All in
10 favor?

11 COMM. BAYNARD: Aye.

12 COMM. CARTER: Aye.

13 COMM. RAMOS: Aye.

14 COMM. GARCIA: Aye.

15 CHAIRPERSON BLACKBURN: Anyone
16 opposed?

17 (No response.)

18 CHAIRPERSON BLACKBURN: Thank you.
19 Financial Report, Terry Falker. Terri
20 has that.

21 MS. FALKER: Okay. I think
22 everyone should have a copy of the Financial
23 Report. The revised report actually says

1 "technical corrections" on it, and basically
2 all that is, is I changed a period here,
3 corrected a misspelling, and changed the name
4 of a file, but none of the numbers. The
5 numbers remain the same. Everything else is
6 just trying to clean up the report, basically.

7 And as the -- on the summary page,
8 you'll find all of the accounts listed within
9 the Civil Rights Commission, giving our total
10 balances as of April 30th, 2006, from operating
11 all of the way down to our settlements and
12 escrows. Our total agency balances total
13 643,569.

14 I believe you had a question last week
15 on the building and supplies, a question that I
16 believe Comm. Baynard had asked about, and that
17 was actually related to the moving of the
18 offices when they actually reorganized and
19 moved everybody, I think, from the front to the
20 back of the office, so it was pertaining to all
21 of the buildings and supplies that they used to
22 construct the offices, so that's what that was.

23 COMM. BAYNARD: I appreciate you

1 following up on that and bringing it to this
2 meeting. Thank you.

3 MS. FALKER: You're welcome.

4 Other than that, I don't have any
5 other --

6 CHAIRPERSON BLACKBURN: Okay. Are
7 there any questions?

8 COMM. GARCIA: Yes. The vehicular
9 telephones in the HUD grant --

10 MS. FALKER: Uh-huh.

11 COMM. GARCIA: -- are those cell
12 phones?

13 MS. FALKER: Are they cell phones?

14 COMM. GARCIA: Is that what that
15 is?

16 MS. FALKER: Those are -- are they
17 blackberries?

18 COMM. GARCIA: Oh, blackberries?

19 MS. CDE BACA: Which, what page?

20 COMM. GARCIA: Page five. I'm
21 looking at the one from the 12th.

22 COMM. BAYNARD: It's .218, page
23 five.

1 MS. FALKER: 218?

2 COMM. GARCIA: 218.

3 MS. FALKER: Yeah, I believe that
4 has --

5 COMM. GARCIA: And 304.

6 MS. DOBBINS: We'll have to look
7 into that. We hadn't noticed that.

8 COMM. GARCIA: And 304 is CDP
9 Billback. What is that?

10 MS. FALKER: That's what the state
11 does when they bill us back for services
12 that -- like if data processing or information
13 technology comes down, or any entitlement
14 services --

15 COMM. GARCIA: Oh, okay.

16 MS. FALKER: -- that they provide,
17 then they actually bill us through what we call
18 a Cause Allocation Plan.

19 COMM. GARCIA: Okay.

20 MS. FALKER: And it's on a comp fee
21 basis.

22 COMM. GARCIA: That's all I have.

23 CHAIRPERSON BLACKBURN: Okay.

1 Thank you very much.

2 Next on our agenda is the agenda
3 requests at this point. Are there any?

4 MS. DOBBINS: They should be on the
5 new one, Ms. Blackburn.

6 CHAIRPERSON BLACKBURN: Okay. We
7 have a consent agreement, in the case of Carter
8 versus Apria Healthcare, Inc., that we'll
9 consider as the consent agreements; okay? Any
10 other?

11 (No response.)

12 CHAIRPERSON BLACKBURN: Okay. New
13 business, none submitted this month, so -- and
14 no old business. We will go to consent
15 agreements, the one just read, along with
16 Anderson versus Patriot Supply, Inc., doing
17 business as Capitol Supply & Service. May I
18 have a motion to accept those two consent
19 agreements?

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

22 COMM. CARTER: Second.

23 CHAIRPERSON BLACKBURN: All in

1 favor?

2 COMM. BAYNARD: Aye.

3 COMM. CARTER: Aye.

4 COMM. RAMOS: Aye.

5 COMM. GARCIA: Aye.

6 CHAIRPERSON BLACKBURN: Anyone

7 opposed?

8 (No response.)

9 CHAIRPERSON BLACKBURN: Thank you.

10 Skipping G, were there no findings?

11 No?

12 (No response.)

13 CHAIRPERSON BLACKBURN: I'm --
14 excuse me. It says "vote and signature," but
15 none submitted?

16 MS. DOBBINS: That's for future.
17 That's always on there.

18 CHAIRPERSON BLACKBURN: Okay.
19 Thank you very much.

20 MS. DOBBINS: Yes, ma'am.

21 CHAIRPERSON BLACKBURN: And no
22 additional orders, so if you'll please go to
23 page five, Report from Commissioners on

1 Complainant Appeals, we'll begin with
2 Comm. Baynard.

3 COMM. BAYNARD: Yes. Madam Chair,
4 in the case of Werth versus Bobeck Real Estate,
5 I recommend to the Commission that we uphold
6 the Director's finding of no probable cause.

7 CHAIRPERSON BLACKBURN: May I have
8 a motion to accept that recommendation?

9 COMM. CARTER: So moved.

10 COMM. GARCIA: I'll move -- second.

11 CHAIRPERSON BLACKBURN: All in
12 favor?

13 COMM. BAYNARD: Aye.

14 COMM. CARTER: Aye.

15 COMM. RAMOS: Aye.

16 COMM. GARCIA: Aye.

17 CHAIRPERSON BLACKBURN: Anyone
18 opposed?

19 (No response.)

20 CHAIRPERSON BLACKBURN: Thank you.

21 Comm. Ramos?

22 COMM. RAMOS: Okay. Chair, I
23 reviewed the case of Slutzky versus EG and G

1 Technical Services, and I propose that we
2 uphold the Director's finding of no probable
3 cause.

4 CHAIRPERSON BLACKBURN: May I have
5 a motion to accept that recommendation?

6 COMM. BAYNARD: So moved.

7 COMM. CARTER: Second.

8 CHAIRPERSON BLACKBURN: All in
9 favor?

10 COMM. BAYNARD: Aye.

11 COMM. CARTER: Aye.

12 COMM. RAMOS: Aye.

13 COMM. GARCIA: Aye.

14 CHAIRPERSON BLACKBURN: Anyone
15 opposed?

16 (No response.)

17 CHAIRPERSON BLACKBURN: And I
18 reviewed the case of -- thank you very much. I
19 reviewed the case of Williams versus Denny's
20 Restaurant, and recommend that we uphold the
21 finding of no probable cause. May I have a
22 motion to accept the recommendation?

23 COMM. CARTER: So moved.

1 COMM. BAYNARD: Second.

2 CHAIRPERSON BLACKBURN: All in
3 favor?

4 COMM. BAYNARD: Aye.

5 COMM. CARTER: Aye.

6 COMM. RAMOS: Aye.

7 COMM. GARCIA: Aye.

8 CHAIRPERSON BLACKBURN: Anyone
9 opposed?

10 (No response.)

11 CHAIRPERSON BLACKBURN: Thank you.

12 I'd like to assign appeals for review,
13 but we don't have any this month. And we'll
14 move then to the Administrative Update,
15 Director's Report.

16 JUDGE SCOTT: Well, I want to speak
17 to recent events and be able to state to those
18 here gathered in the public session, the
19 Commission recently had a review by HUD of the
20 agency's activities, and HUD passed on the
21 agency's work and stated very clearly that they
22 were very pleased with the leadership Henrietta
23 Poindexter has provided to the REPACE team.

1 would exceed those of any state in the
2 district. And so, we're very pleased with
3 that.

4 And in with that, we certainly had some
5 additional matters occur. We had the Holocaust
6 observance, which occurred at the State Capitol
7 and was well received, and really a program
8 that we have -- this is our second year during
9 my tenure as having such an event, and it was
10 well attended. The rotunda was full, and this
11 year, unlike the previous year, we had the
12 presence of the Governor, who made remarks
13 during the course of the program. So, we were
14 very pleased with that program.

15 Also, we had a question regarding the
16 administrative proceedings, and the
17 administrative law judge recently ruled in a
18 case indicating that motions to dismiss that
19 are filed prior to the completion of an
20 investigation are premature, and that while the
21 movant would have the opportunity to raise that
22 motion once the investigation is completed,
23 that at that time it was not an appropriate

1 matter and should no longer forestall the
2 conduct of investigations.

3 And then finally, we have an addition
4 to our staff, and I am going to defer to the
5 hiring authority in this situation, the Deputy
6 Director, who hired Kathryn Lee, who has joined
7 us now.

8 MS. CDE BACA: I want to introduce
9 Kathryn Lee to the --

10 MS. LEE: Hello.

11 MS. CDE BACA: -- Commissioners.
12 Kathryn comes to us from the State of
13 Washington; in the last five years has moved
14 back to Indiana. She was previously a speech
15 language pathologist, and also has worked in
16 the building industry.

17 In the two weeks that she has been with
18 the Commission, she has taken -- or learned a
19 lot, done a lot of research, made a lot of
20 contacts with -- I just gave her a stack of
21 information and she has managed to sort through
22 that information and pull from that stack of
23 materials the information that we needed in

1 order to progress with our education
2 initiative, and so we're very pleased to have
3 Kathryn --

4 MS. LEE: Thank you.

5 MS. CDE BACA: -- on board.

6 CHAIRPERSON BLACKBURN: Well done.

7 MS. LEE: Thanks.

8 CHAIRPERSON BLACKBURN: Do you want
9 to say anything?

10 MS. LEE: This is all very new to
11 me, and it's very interesting.

12 CHAIRPERSON BLACKBURN: Good.
13 Well, we welcome you to the fold.

14 Are there any other announcements?

15 JUDGE SCOTT: Yes, just that -- I
16 just want to indicate that the Indiana
17 consortium of state and local human rights
18 agencies is going to have a conference
19 June 14th through the 16th, and the public is
20 invited, and it certainly will be a conference
21 for the agency staff, reviewing new advances in
22 the law, and also various techniques regarding
23 investigations and administering the laws and

1 ordinances that the agencies have within their
2 purview.

3 In addition, the National Association
4 of Human Rights Workers is at least at this
5 point planning to conduct a conference, which
6 will be a national conference, which will be
7 held in November in Indianapolis, and so we're
8 very pleased with those aspects or those
9 programs.

10 Also, we have a Directors Advisory
11 Panel, and I would believe we have potentially
12 three individuals who the Chair had indicated
13 earlier that she would appoint to the Advisory
14 Panel, and those individuals would be the
15 Director as the chair of that panel, and also
16 Denise LaRue and Phillip Ripkin as two members,
17 who will be followed by additional appointments
18 by the Chair over the next month or so to that
19 panel.

20 And then finally, the 1965 Voting
21 Rights Act, many may be aware that it is --
22 certain provisions -- there is confusion that
23 often happens. The Act itself does not have to

1 be extended, but there are certain provisions
2 that will no longer be of effect unless they
3 are extended, and those provisions deal with
4 the clearance required of jurisdictions if
5 certain laws or rules that impact voting are to
6 take effect.

7 And there is a conference in Chicago
8 that we are -- we will send a representative to
9 that conference, and we'll then bring more
10 information to the Commission regarding the
11 matter, which should be on the legislative
12 agenda next year.

13 And with that, unless there are any
14 questions --

15 CHAIRPERSON BLACKBURN: Okay.
16 Thank you very much.

17 And now our Deputy Director's Report.

18 MS. CDE BACA: I want to report on
19 case processing. If you look at your monthly
20 production report, the bottom left-hand corner,
21 you can see that the cases reported in our
22 inventory in March 2006 were 448, the
23 adjustments for the total pending case

1 inventory, based on our databases, was seven
2 below that.

3 During the month of April, we had 37
4 intake cases, and we also closed 37 cases,
5 so -- but I can tell you we're doing much
6 better already in the month of May.

7 CHAIRPERSON BLACKBURN: No, we'll
8 tell you you're doing much better --

9 (Laughter.)

10 CHAIRPERSON BLACKBURN: -- which
11 indeed you are.

12 (Laughter.)

13 MS. CDE BACA: So, our total
14 pending cases as of April 30th were 441.
15 During the month of April we also had four
16 probable cause findings, so that's it for the
17 case inventory.

18 With regard to the ADR Unit, we had
19 seven mediations during the month of April.
20 Five of those resulted in successful media --
21 in successful settlements, with monetary
22 benefits and other benefits as well.

23 Also, our ADR Unit as accepted some

1 IUPUI law students as mediator externs for the
2 summer. They will be receiving training and do
3 mediations supervised by our ADR -- by Steve
4 Tilden, who is the ADR supervisor, and they
5 will be working throughout the summer.

6 CHAIRPERSON BLACKBURN: Okay.
7 Thank you very much.

8 MS. CDE BACA: You're welcome.

9 CHAIRPERSON BLACKBURN: Are there
10 additional announcements?

11 MS. CDE BACA: One additional
12 announcement, and that is: I believe I
13 mentioned last month that -- and I think many
14 of you have received an invitation, hopefully
15 by mail. The Indiana Civil Rights Commission
16 has partnered with the King Center to -- for
17 their 35th celebration, and Myrlie Evers is
18 going to be speaking at the Children's -- the
19 celebration is going to occur -- it's actually
20 going to be a breakfast, and it's June the 3rd,
21 a Saturday morning, at the Children's Museum.

22 And I hope that you receive -- I know I
23 put your names on the list, so I hope you

1 receive invitations separately by mail to
2 attend that event. As I said, we've partnered
3 with the King Center, and we are going to be
4 presenting Ms. Evers Williams with the Spirit
5 of Justice Award, so --

6 JUDGE SCOTT: She is Medgar Evers'
7 widow.

8 CHAIRPERSON BLACKBURN: Okay. Any
9 other announcements?

10 (No response.)

11 CHAIRPERSON BLACKBURN: Hearing
12 none, the meeting is adjourned.

13 Thank you.

14 - - -
15 Thereupon, the proceedings of
16 May 19, 2006 were concluded
at 2:29 o'clock p.m.
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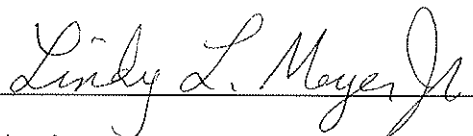
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CERTIFICATE

I, Lindy L. Meyer, Jr., the undersigned Court Reporter and Notary Public residing in the City of Shelbyville, Shelby County, Indiana, do hereby certify that the foregoing is a true and correct transcript of the proceedings taken by me on Friday, May 19, 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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