

RECEIVED¹

DEC 06 2012

INDIANA
CIVIL RIGHTS COMMISSION

1 BEFORE THE STATE OF INDIANA
2 CIVIL RIGHTS COMMISSION
 - - -

3 PUBLIC MEETING OF NOVEMBER 16, 2012
4

5 - - -
6 PROCEEDINGS

7 In the above-captioned matter, before the
8 Indiana Civil Rights Commission, Alpha
9 Blackburn, Chairman, taken before me, Dabney A.
10 Hill, a Notary Public in and for the State of
11 Indiana, County of Marion, at the Indiana
12 Government Center South, Conference Center,
13 Room A, 402 West Washington Street,
14 Indianapolis, Indiana, on Friday, November 16,
15 2012 at 11:15 o'clock a.m.
16
17
18

19 CIRCLE CITY REPORTING
20 135 North Pennsylvania
 Suite 1720
21 Indianapolis, IN 46204
 (317) 635-7857
22
23
24
25

1 APPEARANCES:

2 COMMISSION MEMBERS:

3 Alpha Blackburn, Chairperson
4 Steven A. Ramos
5 David Carter
6 Charles D. Gidney

7 INDIANA CIVIL RIGHTS COMMISSION

8 By Jamal Smith, Director/Secretary
9 Joshua Brewster, Deputy Director

10 Indiana Government Center North
11 100 North Senate Avenue, Room N103
12 Indianapolis, Indiana 46204

13
14 OTHER COMMISSION STAFF PRESENT:

15
16 Pamela Cook
17 Debbie Rincones Chavez

18
19 - - -

20
21
22
23
24
25

1 11:15 o'clock a.m.
November 16, 2012

2

- - -

3

CHAIRMAN BLACKBURN: The Indiana Civil
Rights Commission is now in public session.

4

5

You have in front of you an agenda. I
would ask for the approval and adoption of the
minutes.

6

7

8

VICE-CHAIRMAN CARTER: I move we approve
and adopt the minutes.

9

10

COMM. RAMOS: Second.

11

CHAIRMAN BLACKBURN: And all in favor?

12

VICE-CHAIRMAN CARTER: Aye.

13

COMM. RAMOS: Aye.

14

COMM. GIDNEY: Aye.

15

CHAIRMAN BLACKBURN: Anyone opposed?

16

(No response.)

17

CHAIRMAN BLACKBURN: Thank you.

18

You have in your packet, seen already, the
financial report, but I would encourage our
going over that a little bit and then see if
there are any questions.

19

20

21

22

MS. COOK: Good morning.

23

COMM. RAMOS: Good morning.

24

CHAIRMAN BLACKBURN: Good morning.

25

MS. COOK: You have had a chance to review

1 the October report. I would like to highlight
2 just a few items.

3 On Page 1 of the summary from the audit
4 sheet, we have received in our Cooperative
5 Agreement Fund currently \$222,500 from EEOC.
6 That fulfilled our contractual agreement.

7 Also from HUD we received \$438,196, and
8 for our HUD partnership fund \$62,500. We are
9 currently anticipating receiving an additional
10 \$187,500 in partnership funds. That completes
11 all our agreements for this fiscal year. And
12 those figures are included in Business Funds
13 Items 61400 and 61401.

14 CHAIRMAN BLACKBURN: I have a question
15 about the Commission for Women, the Women's
16 Commission Special Fund.

17 MS. COOK: Uh-huh.

18 CHAIRMAN BLACKBURN: Those dollars, what
19 do we do with them?

20 MS. COOK: The --

21 DIRECTOR SMITH: I'll answer that, Madam
22 Chair. Each of the commissions -- let me make
23 sure I'm saying that correctly. I do believe
24 each of them have access to a special fund
25 legislatively, and it is their right to do with

1 that whatever they choose to do assuming that
2 they are not breaking any laws. Considering
3 they are under the ICRC umbrella, I have and we
4 have encouraged them to utilize the -- I'm not
5 a big fan, I'll say that -- I am not a big fan
6 of the public approving a special fund. I
7 think in the past they have had fundraisers and
8 things of that nature and you are co-mingling
9 that with taxpayer dollars and spending that on
10 whatever you like, I think there's a perception
11 to be dealt with and one that they need to be
12 really considerate of.

13 And so one of the biggest events that the
14 Women's Commission hosts as I'm sure you are
15 familiar with is the Torchbearer Awards, which
16 I think at one point cost somewhere in the
17 neighborhood of 40 grand to host. So we are in
18 the process of kind of going through that
19 budget and ensuring that we do a very, very
20 nice event for as less expensive as we can
21 possibly do it for, keeping in mind that it is
22 a state agency, and we are dealing with
23 taxpayer dollars. So by statute as a law man,
24 you hear me saying, they have that mandate to
25 have that special fund and the right to do with

1 it for the most part --

2 CHAIRMAN BLACKBURN: But for the purposes
3 of our budget, it's merely a pass-through or do
4 you assume some oversight in terms of
5 scrutinizing their programmatic activities?

6 DIRECTOR SMITH: The latter is correct.
7 We take responsibility not just for that fund,
8 but the Commission as a whole, the Women's
9 Commission as well as all the other cultural
10 commissions. All of their budgets, they have
11 to pass through the ICRC and we manage those
12 funds, their appropriation as well as their
13 special funds, which is why we have encouraged
14 them to be extremely mindful of how they use
15 those funds, even though it is a special fund.
16 But there is a delicate line that we kind of
17 walk there because, you know, they are supposed
18 to drive the objective and the mission of that
19 Women's Commission and we don't want to
20 interfere with that.

21 But on the same token, we want to make
22 sure, again, that we are mindful that this is a
23 state agency, all of us are state agencies, and
24 we do, in general, deal with taxpayer dollars.
25 So we are responsible for making sure that we

1 achieve that goal of making sure that we are
2 good stewards of those funds, special fund or
3 not.

4 CHAIRMAN BLACKBURN: I understand. Thank
5 you so much for that explanation.

6 DIRECTOR SMITH: Yes, ma'am.

7 CHAIRMAN BLACKBURN: I just want to make a
8 minor request. I notice that when you do the
9 charts, you use a color printer. So for you,
10 the reports are quite clear and easy to read.
11 On the other hand, when we get the copies, the
12 colored portion obliterates the typed material
13 so we can't read it.

14 MS. COOK: Okay.

15 CHAIRMAN BLACKBURN: And that was a
16 problem in two or three of the reports.

17 DIRECTOR SMITH: So we need those printed
18 in color?

19 CHAIRMAN BLACKBURN: So you don't -- just
20 don't use the color or use some other means to
21 highlight the portions that you want to
22 highlight.

23 MS. COOK: Will do.

24 CHAIRMAN BLACKBURN: Thank you.

25 DIRECTOR SMITH: So just to clarify that,

1 Madam Chair, you do not want them printed in
2 color?

3 CHAIRMAN BLACKBURN: Well, if you see the
4 examples that I have put before you --

5 DIRECTOR SMITH: Okay. I've got you.

6 CHAIRMAN BLACKBURN: Can you see that?

7 DIRECTOR SMITH: Yes, ma'am.

8 CHAIRMAN BLACKBURN: The gray portion has
9 numbers, figures but you can't read any of that
10 because when it goes through a color printer
11 and it's printed in black and white, it's just
12 the value of the color is so close to that of
13 the print that you can't read it.

14 COMM. RAMOS: There's only one penny in
15 the expanded special fund?

16 DIRECTOR SMITH: Yeah, we -- they had at
17 one point quite a bit of money in the special
18 fund and used it for some programming and
19 decided not to replenish it but to use the
20 appropriated funds to achieve the objectives of
21 the commission. So they are moving in what I
22 would consider to be the right direction as it
23 relates to the special fund, and we are
24 encouraging the other cultural commissions to
25 follow suit.

1 COMM. RAMOS: Thank you.

2 VICE-CHAIRMAN CARTER: Just out of
3 curiosity since we are picking this apart,
4 there are two Martin Luther King, Junior,
5 holiday commissions. One has quite a lot of
6 money and the other has \$42.89. What is the
7 difference between them? Obviously, there
8 is -- there must be a difference between them,
9 especially since that's an event that is coming
10 up and presumably hasn't been paid for yet.

11 MS. COOK: Okay. The larger amount under
12 Fund 17100 is the actual general fund. The \$42
13 that was left was some individual funds that
14 came in that they have never spent.

15 VICE-CHAIRMAN CARTER: And it has a
16 different number --

17 MS. COOK: Yes.

18 VICE-CHAIRMAN CARTER: -- because that's
19 the way it goes on the card?

20 MS. COOK: Yes, had to keep it separated.

21 VICE-CHAIRMAN CARTER: Okay.

22 DIRECTOR SMITH: So the MLK Commission
23 also has a special fund with that \$42 -- was it
24 \$42?

25 VICE-CHAIRMAN CARTER: Uh-huh.

1 DIRECTOR SMITH: And so just like the
2 other commissions, we are encouraging those
3 special funds to be replete and achieve the
4 objectives of that agency or that commission
5 with the appropriated funds from the general
6 account. 42 bucks is all that's remaining.

7 VICE-CHAIRMAN CARTER: To the penny.

8 CHAIRMAN BLACKBURN: All right. Thank you
9 very much.

10 COMM. RAMOS: One final question.

11 CHAIRMAN BLACKBURN: Yes.

12 COMM. RAMOS: If individuals -- I don't
13 know that we actually solicit, but say the
14 Martin Luther King fund, someone wanted to
15 contribute \$10,000 because they want to put an
16 exhibit or something in. Do you expect that --

17 MS. COOK: That goes into -- the special
18 fund, I believe it's designated, also not only
19 special funds, but as a donation account.

20 COMM. RAMOS: Okay.

21 DIRECTOR SMITH: Any other special fund
22 questions? No, this is good. I think we
23 should have this conversation and it should be
24 on record, so if you guys have questions,
25 shoot, by all means.

1 COMM. RAMOS: We are good.

2 CHAIRMAN BLACKBURN: Are you invited to
3 the meetings of those various commissions or do
4 you hold a special gathering with each of them
5 at some point?

6 DIRECTOR SMITH: Well, the directors of
7 all of the commissions are now housed by
8 statute at ICRC and they report up through to
9 me. The direct report is Danny Lopez, who is
10 the executive director of the Hispanic
11 Commission but serves as primary function as
12 one of the deputies in the agency for outreach
13 communication, education and communication.

14 CHAIRMAN BLACKBURN: So does he convene
15 them all or does he just deal individually with
16 them?

17 DIRECTOR SMITH: Individually with each of
18 the directors, and they, in essence, run their
19 individual commissions, so to speak, and they
20 work with their commissioners to achieve the
21 objectives of that specific, you know,
22 commission. And then we -- I mean, we go --
23 Danny attends the majority of their meetings..
24 I attend them. As of late, because they have
25 just recently moved over, I have been attending

1 them probably more frequently than not. Danny
2 attends them all and addresses any concerns or
3 questions that their commissioners might have,
4 i.e., a special fund.

5 CHAIRMAN BLACKBURN: Which is way too soon
6 for this. What do you --

7 DIRECTOR SMITH: But they are used to --
8 at one point, for example, the social status of
9 black males to go to a conference, and people
10 who had to pay a registration fee to attend
11 that conference, that money can't go back into
12 the special fund, so -- I mean go back into the
13 general fund, so those are captured in the
14 special fund.

15 The advice was given and I concurred that
16 if the objective was to help a certain segment
17 of the population, many of which didn't have
18 the funds to pay a registration fee anyway,
19 that those registration fees should be waived
20 and that we should leverage and use the general
21 fund monies to put on said conference or
22 education seminar, panel discussion, what have
23 you.

24 COMM. RAMOS: But can't you establish this
25 kind of a fee in -- put it into a designated

1 fund that is used for transportation for the
2 students to attend the MLK kind of thing? So
3 it is a designated fund; not a special fund, a
4 designated fund?

5 DIRECTOR SMITH: I would argue against
6 creating any more additional funds is my
7 personal thought but, for example, if we need
8 to transport, you know, young folks from Point
9 A to Point B, you know, we could do so with the
10 funds that are allocated out of the general
11 account, you know, which we do now.

12 So that's why, you know, I think the MLK
13 is somewhere around, I think, 20 grand to
14 accomplish that one event, and you know, we
15 have to plan accordingly so that we can get
16 done everything that we need to get done within
17 that 20 grand. And that includes the
18 transportation, feeding the young people, guest
19 speakers, printing, you know, all of the above.
20 And we negotiate best price. You know, we
21 leverage the fact that we are the state, and
22 like I said, being stewards and mindful of the
23 fact that we are dealing with taxpayer dollars.
24 You know, if we were doing originally,
25 something --

1 CHAIRMAN BLACKBURN: Creative?

2 DIRECTOR SMITH: -- that exceeded the 20
3 grand, you know, and I think -- and I have
4 always been a big advocate of partnerships. I
5 think that is where we -- for example, and I'll
6 talk about this when I get to the report, you
7 know, in regards to the MLK event specifically,
8 there is a traveling MLK exhibit that someone
9 got the amount of money and actually put it
10 together. We can't afford it, whether we had a
11 special fund or not, all right, so J.P. Morgan
12 is the sponsor of that piece, and you know, we
13 will reach out and work with whomever we need
14 to work with to partner to make sure we get
15 that here pending availability.

16 So I would advocate for partnerships and,
17 you know, just being really -- you know,
18 budgeting really well with the money that we
19 have been allocated versus establishing more
20 funds. Because I think you get into crosshairs
21 as a state agency dealing with taxpayer dollars
22 when you start fundraising and doing things of
23 that nature. You know, when you are doing it
24 in the political arena and election season and
25 all of those things, some things can get

1 misconstrued, and I would rather stay out of
2 those and stay very clear and concise as to
3 what our main objectives are.

4 COMM. RAMOS: In your relationship with
5 J.P. Morgan, Chase Morgan, do they request a
6 letter that says, "This has been used for X, Y
7 and Z," and selective tax status so that they
8 can receive benefit from, you know, tax?

9 DIRECTOR SMITH: Actually, they have --
10 their agreement's with the folks that are kind
11 of putting on the MLK piece. We aren't the
12 first to tap into the exhibit. The exhibit was
13 here -- it was during Black Expo initially.
14 That is how we got wind of it. There is a
15 process that we have to go through to bid to
16 have anything come. There are a few different
17 sizes of the exhibits and there is a minimum
18 amount of time that they have to stay up. I'm
19 sure there is a checklist of things that we
20 would have to agree to for them to even deliver
21 it, but the tax exempt piece, I'm not aware of
22 it.

23 COMM. RAMOS: Okay, and having worked in
24 nonprofit, a lot of times they will contribute,
25 but they want your tax status that says you are

1 a 501, you are a C3, you are a C6.

2 DIRECTOR SMITH: Yeah.

3 COMM. RAMOS: That way they can receive
4 tax --

5 DIRECTOR SMITH: Our agreement isn't with
6 them specifically. They are sponsoring this
7 thing nationally. We are just hitching along
8 to the -- we are hitching onto the wagon here
9 and going along for the ride because they have
10 already established it, so they are going to
11 partner with all parties involved and see if we
12 can take advantage of the fact that it is
13 already paid for, you know, and we can bring it
14 in. So we don't have to, you know, spend any
15 of the allocated money that we have to get
16 something like that.

17 COMM. RAMOS: Thank you.

18 CHAIRMAN BLACKBURN: Thank you very much.
19 I'm sure Ms. Cook shares your view of having
20 fewer instead of more special funds. Thank
21 you.

22 Next is old business and reports by
23 commissioners on their Complaint appeals. Do
24 we have any report from Commissioner Crenshaw?

25 MS. CHAVEZ: Madam Chair, we do. For

1 Debra White versus Heart of CarDon, it's upheld
2 with no probable cause.

3 CHAIRMAN BLACKBURN: May I have a motion
4 to accept?

5 COMM. GIDNEY: So motioned.

6 COMM. RAMOS: Second.

7 CHAIRMAN BLACKBURN: All in favor?

8 COMM. RAMOS: Aye.

9 COMM. GIDNEY: Aye.

10 VICE-CHAIRMAN CARTER: AYE.

11 CHAIRMAN BLACKBURN: Anyone opposed?

12 (No response.)

13 CHAIRMAN BLACKBURN: Thank you.

14 MS. CHAVEZ: Thank you. And Rosalind
15 Cammack versus Lincoln Life is also upheld with
16 no probable cause.

17 CHAIRMAN BLACKBURN: May I have a motion
18 to accept?

19 COMM. GIDNEY: I'll motion.

20 VICE-CHAIRMAN CARTER: Second.

21 CHAIRMAN BLACKBURN: All in favor?

22 COMM. GIDNEY: Aye.

23 COMM. RAMOS: Aye.

24 VICE-CHAIRMAN CARTER: Ayes.

25 CHAIRMAN BLACKBURN: Anyone opposed?

1 (No response.)

2 CHAIRMAN BLACKBURN: Thank you.

3 MS. CHAVEZ: Thank you.

4 CHAIRMAN BLACKBURN: Thank you.

5 Commissioner Carter?

6 VICE-CHAIRMAN CARTER: Madam Chair, in the
7 matter of Derek Kelley versus Advance Auto
8 Parts, I recommend we uphold the no probable
9 cause finding.

10 CHAIRMAN BLACKBURN: Thank you. May I
11 have a motion to accept that recommendation?

12 COMM. GIDNEY: So moved.

13 COMM. RAMOS: Second.

14 CHAIRMAN BLACKBURN: All in favor?

15 VICE-CHAIRMAN CARTER: Aye.

16 COMM. RAMOS: Aye.

17 COMM. GIDNEY: Aye.

18 CHAIRMAN BLACKBURN: Anyone opposed?

19 (No response.)

20 CHAIRMAN BLACKBURN: Thank you.

21 Commissioner Ramos?

22 COMM. RAMOS: Madam Chair, in the case of
23 Robert Bailey versus VPA and versus Trinity
24 Health Corporation and Memorial Hospital South
25 Bend, I recommend that we uphold the executive

1 director's finding of no probable cause.

2 And in the case of Chris Sellers-Hegg
3 versus Belden Wire and Cable Company, I also
4 recommend that we uphold the executive
5 director's finding of no probable cause.

6 CHAIRMAN BLACKBURN: Thank you very much.
7 In both cases, may I ask for a recommendation
8 to accept?

9 VICE-CHAIRMAN CARTER: I recommend we
10 accept all four as recommended --

11 CHAIRMAN BLACKBURN: All right, great.

12 VICE-CHAIRMAN CARTER: -- or I move for
13 the acceptance of all four.

14 CHAIRMAN BLACKBURN: Indeed. Thank you.

15 COMM. GIDNEY: I second.

16 CHAIRMAN BLACKBURN: And all in favor?

17 COMM. RAMOS: Aye.

18 VICE-CHAIRMAN CARTER: Aye.

19 COMM. GIDNEY: Aye.

20 CHAIRMAN BLACKBURN: Anyone opposed?

21 (No response.)

22 CHAIRMAN BLACKBURN: Thank you.

23 Next case is Irene Tillman versus the
24 Indianapolis Housing Agency, and in that case I
25 recommend that we uphold the no probable cause

1 finding.

2 May I have a motion to accept that?

3 VICE-CHAIRMAN CARTER: So moved.

4 COMM. GIDNEY: Second.

5 CHAIRMAN BLACKBURN: And all in favor?

6 VICE-CHAIRMAN CARTER: Aye.

7 COMM. RAMOS: Aye.

8 VICE-CHAIRMAN CARTER: Aye.

9 CHAIRMAN BLACKBURN: Anyone opposed?

10 (No response.)

11 CHAIRMAN BLACKBURN: Thank you. I want to
12 move now to -- do we have a report from
13 Commissioner Baynard?

14 MS. CHAVEZ: He hadn't posted them in time
15 and we'll have them at the next meeting.

16 CHAIRMAN BLACKBURN: All right.

17 MS. CHAVEZ: Thank you.

18 CHAIRMAN BLACKBURN: Commissioner Gidney?

19 COMM. GIDNEY: Yes. In the case of Dipert
20 versus St. Joseph County Juvenile Center, my
21 recommendation is to uphold the finding of no
22 probable cause.

23 CHAIRMAN BLACKBURN: All right. May I
24 have a motion to accept?

25 VICE-CHAIRMAN CARTER: So moved.

1 COMM. RAMOS: Second.

2 VICE-CHAIRMAN CARTER: Aye.

3 COMM. GIDNEY: Aye.

4 COMM. RAMOS: Aye.

5 CHAIRMAN BLACKBURN: Thank you very much.

6 Anyone opposed?

7 (No response.)

8 CHAIRMAN BLACKBURN: And do we have a
9 report from Commissioner Garcia?

10 MS. CHAVEZ: Yes, we do. Also, deputy
11 directors upheld to no probable cause.

12 CHAIRMAN BLACKBURN: I'm sorry, what did
13 you say?

14 MS. CHAVEZ: The deputies director was
15 upheld to no probable cause. That means you.

16 CHAIRMAN BLACKBURN: Thank you.

17 VICE-CHAIRMAN CARTER: I move we accept
18 that recommendation.

19 CHAIRMAN BLACKBURN: Thank you.

20 COMM. RAMOS: Second.

21 CHAIRMAN BLACKBURN: And all in favor?

22 VICE-CHAIRMAN CARTER: Aye.

23 COMM. GIDNEY: Aye.

24 COMM. RAMOS: Aye.

25 CHAIRMAN BLACKBURN: Thank you. Any

1 opposed?

2 (No response.)

3 CHAIRMAN BLACKBURN: And now we would like
4 to assign the commissioners to review the cases
5 that you have listed in your agenda.
6 Commissioner Carter, Gotoimonana and Eloisa
7 Aguilar Luna versus Golden Corral. The first
8 case is Summers versus Elkhart Products
9 Corporation.

10 And then Commissioner Gidney, if you would
11 review Dorothy Morgan versus Essling Cleaners.
12 I'll review Nadia Thomas versus Premier Rental.

13 Commissioner Ramos, Robert F. Bailey, Jr.
14 versus Pfeifer, Morgan and Stesiak. And I'll
15 take that second case (inaudible).

16 COMM. RAMOS: Sure.

17 CHAIRMAN BLACKBURN: So that's that. And
18 the Findings of Fact, Conclusions of Law and
19 Order, we have a number of them to consider.
20 Heather Bottomley versus Shelby Animal Rescue,
21 Inc., doing business as Red Wolf Lodge. May I
22 have a motion to accept the findings?

23 VICE-CHAIRMAN CARTER: So moved.

24 COMM. GIDNEY: Second.

25 CHAIRMAN BLACKBURN: All in favor?

1 COMM. GIDNEY: Aye.

2 COMM. RAMOS: Aye.

3 VICE-CHAIRMAN CARTER: Aye.

4 CHAIRMAN BLACKBURN: Anyone opposed?

5 (No response)

6 CHAIRMAN BLACKBURN: In the case of Blaire
7 Duncan versus Indiana Mentors Network, may I
8 have a motion to accept?

9 COMM. RAMOS: So moved.

10 VICE-CHAIRMAN CARTER: Second.

11 CHAIRMAN BLACKBURN: All in favor?

12 COMM. GIDNEY: Aye.

13 COMM. RAMOS: Aye.

14 VICE-CHAIRMAN CARTER: Aye.

15 CHAIRMAN BLACKBURN: Anyone opposed?

16 (No response.)

17 CHAIRMAN BLACKBURN: Thank you very much.

18 In the case of Jamal L. Smith in his
19 official Capacity as Executive Director versus
20 M. Investments, LLC, may I have a motion to
21 accept?

22 COMM. GIDNEY: So moved.

23 VICE-CHAIRMAN CARTER: Second.

24 COMM. RAMOS: Aye.

25 COMM. GIDNEY: Aye.

1 VICE-CHAIRMAN CARTER: Aye.

2 CHAIRMAN BLACKBURN: Any opposed?

3 (No response.)

4 CHAIRMAN BLACKBURN: Thank you very much.
5 An Order Denying Motion to Lift Stay. Now, I
6 understood that we were going to delay that?

7 MS. CHAVEZ: I'm sorry, say again?

8 CHAIRMAN BLACKBURN: Did I receive
9 something in writing?

10 MS. CHAVEZ: It's been changed from the
11 original package.

12 CHAIRMAN BLACKBURN: So it has been
13 changed already? This is the new package?

14 MS. CHAVEZ: This is the new one.

15 CHAIRMAN BLACKBURN: All right. Have you
16 had a chance to look at that, Commissioners?
17 All right. In that case, then, we are ready to
18 move on the acceptance of the order as you have
19 read it, denying Motion to Lift Stay. May I
20 have a motion to accept?

21 VICE-CHAIRMAN CARTER: So moved.

22 COMM. GIDNEY: Second.

23 CHAIRMAN BLACKBURN: And all in favor?

24 COMM. RAMOS: Aye.

25 COMM. GIDNEY: Aye.

1 VICE-CHAIRMAN CARTER: Aye.

2 CHAIRMAN BLACKBURN: Anyone opposed?

3 (No response.)

4 CHAIRMAN BLACKBURN: Thank you.

5 DEPUTY DIR. BREWSTER: Madam Chair, if I
6 may, I have a couple of new things that came to
7 us before we -- or after we put out this
8 agreement that we would ask for your vote and
9 approval of. One is in order in the case of
10 Daniel Tripp versus Gary Meyer, we had filed
11 a -- one of our staff attorneys had filed a
12 Motion for Default because the respondent had
13 not responded; however, they have since
14 responded, so we have asked that we would
15 withdraw that Order for Default that had
16 already be issued by Judge Lungi. Judge Lungi
17 has issued his proposal for granting that
18 motion and would seek your approval to -- for
19 that.

20 CHAIRMAN BLACKBURN: You want to read the
21 language of it, please.

22 DEPUTY DIR. BREWSTER: Yes, sure. "On
23 November 5th, Robert Lungi, administrative law
24 judge for the Indiana Civil Rights Commission
25 issued his Order by Default and Notice of

1 Hearing on Damages. On the same date Michael
2 Healy, staff counsel for the Indiana Civil
3 Rights Commission and the public interest on
4 behalf of the Complainant filed by Complainant
5 Daniel Tripp filed a Motion for Withdrawal of
6 Application for Order by Default and Motion to
7 Set Aside Motion by Default. Having carefully
8 considered the foregoing and being duly advised
9 in the premises, the undersigned chairman of
10 the ICRC finds and rules as follows: The ICRC
11 prefers that matters be resolved on their
12 merits. It is therefore ordered the Motion for
13 Withdrawal of Application, Order by Default and
14 Motion to Set Aside the Order by Default is
15 granted."

16 CHAIRMAN BLACKBURN: Do you need to vote
17 or do you just need my signature?

18 DEPUTY DIR. BREWSTER: I think I just need
19 your signature on that one.

20 CHAIRMAN BLACKBURN: Not a problem. Okay.

21 DEPUTY DIR. BREWSTER: So the other one is
22 concerning a consent Agreement that has been
23 worked out just in the past couple of days on a
24 case where we had found probable cause and it
25 has been scheduled for a hearing. It has not

1 been heard yet, but we have -- Fred Brehmer has
2 worked out a settlement on behalf of the
3 Complainant and we have a consent agreement
4 here for your consideration. Rather than
5 putting this off until December, there is a
6 matter of expediency here. The Complainant is
7 incarcerated, and basically the settlement he
8 has reached would allow him to post bond and
9 get out of jail so that he can be with his wife
10 who is soon to have his child. So rather than
11 put this off until December, we were hoping
12 that you would approve this consent agreement
13 in a matter where we had found probable cause.

14 CHAIRMAN BLACKBURN: Mr. Brehmer, since
15 you are here, that's a worthy achievement.
16 Would you like to read your recommendation?

17 ATTY. BREHMER: I didn't hear you.

18 CHAIRMAN BLACKBURN: Would you like to
19 read what you have submitted?

20 ATTY. BREHMER: Oh, the Consent agreement
21 is a very small amount of money, \$705. The
22 case has to do with a man who said that he was
23 discriminated against on the basis of his race
24 in terms of being able to return to his
25 particular place of employment, which has a

1 very liberal policy about hiring felons. In
2 his situation, he was charged with a homicide
3 and had a jury trial and was able to prove that
4 he was innocent. So he was gone a good number
5 of months, but then they made him go back
6 through an employment agency which they use to
7 forward people like this to them.

8 He made out an application there, which he
9 didn't tell them about another offense that he
10 had had about 20 years before that, and that
11 disqualified him. As far as the employer was
12 concerned, if this door-keeping agency
13 disqualifies him, they wouldn't rehire him.
14 The point was, as far as discrimination, that
15 we had found some evidence of some other people
16 who are white who had had some brushes with the
17 law like this, but not gone that long, a
18 shorter period of time, less serious, but we
19 were prepared to go forward to a hearing about
20 that. His situation is that he is just
21 desperate to do this. (inaudible)

22 CHAIRMAN BLACKBURN: Thank you so much. I
23 don't see any problem with either one of these.

24 ATTY. BREHMER: This has to be a
25 provisional because we don't have signatures

1 yet. We just --

2 CHAIRMAN BLACKBURN: Yes, right. Thank
3 you so much. We'll do that as defined as of
4 today and move forward next to our
5 administrative updates and the executive
6 director's report.

7 DIRECTOR SMITH: Yes, ma'am. I'm sorry
8 about that. We were having just a little fun,
9 bit of conversation.

10 Really quick, just a couple of things to
11 mention. One is -- and we have already
12 mentioned it -- the MLK program. We have come
13 to a pretty good place with that. It will be
14 held Thursday --

15 UNIDENTIFIED SPEAKER: January 17th.

16 DIRECTOR SMITH: -- January 17th; right?
17 Thursday, January 17th will be the main
18 program. There will be probably a youth summit
19 in the morning like we typically do with the
20 young people at the State Museum. That will be
21 followed by the overall program held at the
22 State House where we will give out a few awards
23 recognizing a few individuals throughout the
24 state as well as one of the awards to the young
25 people from our arts, multimedia and writing

1 contest, so that should be exciting.

2 Keynote speaker that day will be Gary
3 Brackett, formerly of the Indianapolis Colts
4 and still here locally, so this will be an
5 exciting event. That will be followed by that
6 Friday having our second annual -- we want to
7 keep this going -- our Day of Service. So
8 Thursday is kind of a dog-and-pony show. We
9 give out the awards, we pat each other's back,
10 and then Friday we spend some time in the
11 community doing some community service in the
12 spirit of King, so we'll be doing some
13 community cleanup, we'll be doing some
14 painting, you know, some neighborhood
15 assistance. If it's snowing that day, we'll do
16 some shoveling like we did last year, so on and
17 so forth.

18 So that is turning out to be a great event
19 and we are looking forward to that. I
20 encourage all of you if you are available to
21 attend, to attend that and take part in it as
22 well. Any questions on that?

23 The last thing that I want to mention is
24 we will -- and I'm not sure why this ever
25 stopped, but we will restart, if you will,

1 submitting the annual report for the
2 commission, which should be done. And we
3 didn't do one last year because I needed to set
4 a baseline with measured events, so we spent
5 that year as the establishment for baseline
6 metrics, and then when we are concluded this
7 year, we will do an analysis of everything that
8 we have done including the objectives,
9 outlines, and our strategic plan, everywhere we
10 have been as it relates to our education and
11 outreach, how the money's spent, and our
12 analysis for how effective those things have
13 been, including the surveys that were given out
14 at every event that we have put on. So it's in
15 kind of its final stages now. It will be done
16 and completed by the next commission meeting.
17 I will submit it prior to Madam Chair for
18 review prior to that commission meeting for
19 approval and we will make sure we get it out to
20 all the commissioners so you guys have an
21 opportunity to review it. So I just wanted to
22 plant that seed and let you know that that is
23 in the works and we will get this process
24 started again. Are there any questions on
25 that?

1 CHAIRMAN BLACKBURN: No. We will look
2 forward to it.

3 COMM. RAMOS: Just a question. It doesn't
4 have to be in that report, but at least
5 separately, if you have a scorecard or a
6 dashboard, just as a reflection of, you know,
7 where we were, your basepoint, where we are at,
8 and what you anticipate over the next two to
9 three years as a part of that. And I don't
10 know if you give an annual report because I
11 haven't seen the format of it, but at least on
12 this side, if we could see that. It's
13 important.

14 DIRECTOR SMITH: I agree, and it will
15 include a lot of that. Some things that
16 predate my tenure as the executive director, we
17 won't be able to pull such specific
18 information, but we will list some things in
19 general terms. That's one of the reasons we
20 didn't submit it last year because I needed a
21 baseline measure, and so we sent out the
22 surveys as you guys remember that first year.

23 That information will be included which
24 outlines a lot of the feedback that we got, a
25 lot of the numbers that we saw in way of

1 complaints, in way of investigations and so on
2 and so forth. That will be compared to this
3 past year in how it relates in terms of where
4 we are going, and then we do deliver kind of a
5 forecast for what we see to be, you know, the
6 next steps.

7 What we do is we evaluate all the
8 partnerships. We have established a number of
9 different partnerships, and the idea is to
10 evaluate whether they have been effective and
11 we continue them or if they have been
12 ineffective and we need to discontinue them and
13 look at other partnerships. So all of that will
14 be included in the report. And you know, once
15 I get it to you guys, I definitely want you to
16 take a look and if we are missing anything
17 else, you know, let us know and we will make
18 sure that it's included. And if we need to
19 omit something, you know, let us know that as
20 well. Because once it is submitted, obviously
21 it goes to the general assembly, it goes to the
22 public, so we want to make sure that it is as
23 inclusive and comprehensive, but as thorough as
24 we possibly can make it.

25 Any other questions?

1 CHAIRMAN BLACKBURN: I don't believe we
2 have any questions.

3 COMM. RAMOS: I don't have any questions
4 on that, but I have a separate question. And
5 that is with a change in administration, do you
6 anticipate any of that within the organization
7 as we move forward into next year?

8 DIRECTOR SMITH: Well, it's not directly
9 effected the change in administration, but a
10 few things are changing. One is that, as you
11 guys are aware, we are losing our deputy
12 director. He is going on hopefully to do some
13 bigger and better things. He's moving out of
14 state. So we will be looking to replace -- not
15 replace him. We can never replace Mr. Joshua
16 Brewster, but fill the position, the void that
17 it leaves in part of the agency.

18 I have been asked the question, of course,
19 a number of times whether I will be here or
20 not. The answer to that question is I have
21 heard nothing, but I would say that I'm not
22 going to be the executive director, so as of
23 right now I am the executive director of the
24 Indiana Civil Rights Commission and that will
25 remain until I hear otherwise.

1 COMM. RAMOS: Thank you, sir.

2 DIRECTOR SMITH: Any other questions?

3 CHAIRMAN BLACKBURN: I have a question
4 from your submitted report. Under
5 investigation by the agency, the number shows a
6 22 percent -- 22 percent of the cases in
7 education, which surprises me because I don't
8 read much about that in the cases that we get
9 to review. Can you comment on why you think
10 that number is second only to employment? We
11 expect there to be a number of complaints, a
12 high number in employment, and my expectation
13 always also is that there would be a number of
14 complaints in housing, but I don't know if that
15 is included in the accommodation numbers or
16 where the housing investigation numbers are
17 shown.

18 DEPUTY DIR. BREWSTER: Let me see if I can
19 rephrase your question so that --

20 The first part is: Is there an
21 explanation as to why it would be --

22 CHAIRMAN BLACKBURN: If you have a view,
23 can you explain why there would be 22 percent
24 of cases under investigation around in the area
25 of education and can you characterize them for

1 me?

2 DIRECTOR SMITH: My guess is that in the
3 midst of all of the education reform in the
4 last year and-a-half and all the things
5 swirling around education, some of the changes
6 in terms of the way that education is laid out,
7 school choice, kids get an opportunity to move
8 and to change schools, I think that had
9 brightened, if you will, people being educated
10 about what their rights and responsibilities
11 are in that area, especially for the kids.

12 In addition to that, I think a lot of
13 times when we go out and do the outreach, we
14 get, surprisingly, a number of questions
15 surrounding education, you know, IEP plans,
16 special education and things of that nature
17 that parents were, I think, historically just
18 signing over and not really understanding what
19 effect that it had on their kids. And now,
20 coupled with all the education reform, in
21 addition to all of our knowledge and education
22 about where they can file with somebody if they
23 have a complaint, I think it's starting to
24 create more of a buzz, you know, for parents as
25 it relates to education.

1 Now, education cases typically take a
2 longer time to investigate because you have to
3 do it in the summer when the school is out and
4 to be honest, most schools and school districts
5 aren't that willing to relinquish information,
6 so it makes the process a bit longer than,
7 let's say, a housing or employment case. So
8 those tend to stick in the report a lot longer
9 than, let's say, the housing does, which is why
10 the numbers, I think, may be a little bit more
11 lower than they normally would. I think those
12 numbers will pan out once everyone kind of gets
13 a hang of all the changes in education and the
14 landscape for what education looks like in
15 Indiana. I think they will kind of even out,
16 but other than that, I really have no other
17 explanation as to why they are the way they
18 are.

19 I think before it evens out, though, we
20 could -- I wouldn't be surprised to see the
21 rise -- the charter schools have taken -- you
22 know, the charter schools have been integrated,
23 you know, a lot more here in the last year.
24 You know, given the school choice and people
25 transferring schools, the change in

1 demographics, you have, you know, a lot more
2 Hispanic kids in schools with IEP plans. We
3 have Burmese kids attending schools, dealing
4 with some of those issues. We have school
5 closings and schools being taken over by the
6 state. Those things are still in the works,
7 and I think until all of that kind of pans out,
8 I think, No. 1, we will continue to see an
9 uptick in our education area, but then once
10 those type of things kind of even out, I think
11 that our caseload will kind of pan out as well.
12 That's my speculation.

13 CHAIRMAN BLACKBURN: The housing numbers,
14 where are they?

15 DEPUTY DIR. BREWSTER: That is identified
16 as real estate.

17 CHAIRMAN BLACKBURN: Real estate?

18 DEPUTY DIR. BREWSTER: Yeah. We cover not
19 only housing, but actually commercial property
20 as well.

21 CHAIRMAN BLACKBURN: May I suggest you not
22 do that?

23 DEPUTY DIR. BREWSTER: Okay.

24 CHAIRMAN BLACKBURN: The reason is that
25 they are of a distinctly different character.

1 If someone is denied admission to an apartment
2 complex for some reason, that is quite a
3 different issue from someone not being able to
4 buy a house in a neighborhood. It is a
5 different character. It doesn't translate to
6 me, and I don't know about the other
7 commissioners. It doesn't suggest the real
8 reason for the complaint by simply calling it
9 real estate.

10 I think of a transactional thing with real
11 estate, like a business agreement, quite
12 different from the problems that one has when
13 they are discriminating on the basis -- usually
14 it's upon race. So I believe -- you are
15 leaving. I'm giving this speech to the wrong
16 person.

17 DEPUTY DIR. BREWSTER: It will be passed
18 on.

19 CHAIRMAN BLACKBURN: But may I suggest to
20 you for the record that it's a recommendation
21 that housing be a distinct area that we would
22 track and follow in our numbers.

23 DIRECTOR SMITH: Separate from everything
24 else related to that area or just change the
25 heading? So you don't want to see real

1 estate --

2 CHAIRMAN BLACKBURN: Well, maybe you want
3 to explain to me a little bit better what you
4 mean by real estate.

5 DEPUTY DIR. BREWSTER: Well, real
6 estate -- the reason we use real estate is
7 because that is what the statute talks about,
8 real estate in the broader sense to include not
9 only rentals but purchase and also commercial
10 properties. But the fact is these numbers are
11 almost exclusively housing. We don't receive
12 that many cases of discrimination about, "They
13 wouldn't rent me a place for my business." So
14 most of these cases, even though it is termed
15 real estate, it is housing, and it's primarily
16 rentals.

17 CHAIRMAN BLACKBURN: That argues for my
18 position.

19 VICE-CHAIRMAN CARTER: And so they would
20 be HUD cases --

21 DIRECTOR SMITH: Yes, almost all of them.

22 VICE-CHAIRMAN CARTER: -- and HUD doesn't
23 have (inaudible).

24 DIRECTOR SMITH: So the argument is to
25 change, from a recording standpoint, these from

1 real estate to, let's say, housing?

2 CHAIRMAN BLACKBURN: Absolutely. And if
3 it's not housing, you can call it real estate,
4 but that number would be one percent,
5 perhaps --

6 DIRECTOR SMITH: Right.

7 CHAIRMAN BLACKBURN: -- or fewer. And
8 that's why from a standpoint of the chart
9 providing us accurate information, which is the
10 only reason for doing it, I would suggest you
11 make that change.

12 DIRECTOR SMITH: And when you look at the
13 22 percent, which that was the initial piece of
14 the question --

15 CHAIRMAN BLACKBURN: Yes.

16 DIRECTOR SMITH: -- this is for the aged
17 cases. That's not the number of cases that are
18 in.

19 CHAIRMAN BLACKBURN: That's not?

20 DIRECTOR SMITH: No, ma'am, so --

21 CHAIRMAN BLACKBURN: That's the number of
22 cases under investigation?

23 DIRECTOR SMITH: Right. But what it's
24 saying is these are -- because there's a
25 timeframe in which we expect all the cases to

1 be investigated, and once they have surpassed
2 that timeframe, then they are considered aged.

3 One of the reasons -- that is the
4 reason -- because education -- here's what I'm
5 trying to explain. Educations tend to take
6 longer -- we've been over all of those
7 factors -- so their percentage of aged cases in
8 that area will always -- well, not always, but
9 are typically more than the other areas.

10 CHAIRMAN BLACKBURN: Right.

11 DIRECTOR SMITH: But there is another
12 page -- that's why we need to number these
13 pages -- that talks about the number of
14 cases --

15 DEPUTY DIR. BREWSTER: It's actually just
16 right below that. We have a breakdown of the
17 actual numbers of cases we have currently
18 pending.

19 DIRECTOR SMITH: Currently pending.

20 DEPUTY DIR. BREWSTER: So that top portion
21 is the percentage of aged cases; the bottom
22 portion is the actual raw number of cases,
23 yeah.

24 VICE-CHAIRMAN CARTER: And Josh, what you
25 were saying about the statute is the statute

1 lists the areas of our jurisdiction. One of
2 them is real estate --

3 DEPUTY DIR. BREWSTER: Right.

4 VICE-CHAIRMAN CARTER: -- which in the
5 intent of the statute includes housing.

6 DEPUTY DIR. BREWSTER: Right.

7 DIRECTOR SMITH: But if you see down
8 there, Madam Chair, there are 22 education
9 cases and there are 51 housing cases currently
10 open in the inventory.

11 CHAIRMAN BLACKBURN: And where is the 51
12 number?

13 DIRECTOR SMITH: If you look -- see right
14 underneath there where we had 22 percent, just
15 underneath there, employment.

16 CHAIRMAN BLACKBURN: In closures? No.

17 DIRECTOR SMITH: No, no, no, up above
18 closures.

19 CHAIRMAN BLACKBURN: And below the dark
20 line that I can't read what's --

21 DIRECTOR SMITH: Oh, I'm sorry.

22 DEPUTY DIR. BREWSTER: I'll show you
23 where. Yeah, your dark area is printed out
24 much darker than ours. These are the
25 percentage that are aged and these are the raw

1 numbers of cases that are based on different
2 areas, employment, housing, et cetera. So
3 right now we have 22 education, but most, I
4 would assume, we have in employment.

5 CHAIRMAN BLACKBURN: So essentially it is
6 not different? The number is different. I'm
7 looking in the wrong place. The numbers are
8 the same.

9 DEPUTY DIR. BREWSTER: Right. Well, these
10 are this year's numbers. These are
11 percentages. It's just coincidence that it's
12 22.

13 DIRECTOR SMITH: 22.

14 CHAIRMAN BLACKBURN: Right, but it is
15 likewise in the closures?

16 DEPUTY DIR. BREWSTER: Yeah, these are the
17 numbers of cases closed.

18 CHAIRMAN BLACKBURN: So the proportions of
19 them really is not different?

20 DEPUTY DIR. BREWSTER: Right.

21 CHAIRMAN BLACKBURN: Okay.

22 DIRECTOR SMITH: I didn't hear that last
23 part.

24 CHAIRMAN BLACKBURN: I said the proportion
25 of the cases is really not essentially

1 different from the number that are aged.

2 DEPUTY DIR. BREWSTER: Right.

3 CHAIRMAN BLACKBURN: The closures -- for
4 example, there are 22 closure settlements
5 and cases -- no, I'm looking at the wrong --

6 DIRECTOR SMITH: No, they are, so for
7 example, in the aged piece, what it's saying is
8 22 percent of all the education cases in that
9 we have exceeded the timeframe --

10 CHAIRMAN BLACKBURN: The time limits for
11 your having closed cases?

12 DIRECTOR SMITH: Right, so we show six for
13 real estate, that's actually a great number,
14 because what it is saying is only 6 percent of
15 the housing cases that come in have exceeded
16 that expiration date. And so our housing
17 investigators, our lead case investigators, are
18 doing a really good job of getting those cases
19 investigated and turned out.

20 CHAIRMAN BLACKBURN: Right.

21 DIRECTOR SMITH: Whereas the education
22 cases are taking a little bit longer, and to
23 their credit, it is not the investigators.
24 It's just more complex, a more cumbersome
25 process.

1 CHAIRMAN BLACKBURN: I understand.

2 DIRECTOR SMITH: And so if you look at the
3 bottom --

4 CHAIRMAN BLACKBURN: I didn't mean to open
5 a can of worms.

6 DIRECTOR SMITH: No. No.

7 CHAIRMAN BLACKBURN: But I do think that
8 for our benefit, if you could make that
9 change --

10 DIRECTOR SMITH: Of course we can.

11 CHAIRMAN BLACKBURN: -- in the report so
12 we know exactly what it's talking about, that
13 would be great.

14 DIRECTOR SMITH: Would it be okay --

15 CHAIRMAN BLACKBURN: And that question was
16 really to be edified on the issue of education,
17 to know, in fact, if that is an area that is
18 growing in the number of complaints that are
19 filed.

20 DIRECTOR SMITH: Yeah, actually --

21 CHAIRMAN BLACKBURN: And I understand your
22 explanation and completely concur that some of
23 the reasons may be just as you suggest.

24 DIRECTOR SMITH: If you look at the
25 overall, we started the year with about 20

1 education cases open. It spiked at about 30 in
2 July, and I think your report -- it might have
3 been dark and you can't see that -- but we are
4 back down at the 22 open cases, which means we
5 are hovering right around where we began the
6 year at. So the education cases aren't
7 necessarily jumping up. They did for a minute,
8 and I'll probably credit that to immediately
9 following the legislative session when we had
10 the school takeovers and things of that nature.

11 CHAIRMAN BLACKBURN: But as you track them
12 over a longer period of time, as you have
13 suggested that you will, you may see a slight
14 increase in those or you think there might be?

15 DIRECTOR SMITH: I do. As a matter of
16 fact, I will say this by increase, currently,
17 looking at these numbers now. If you compared
18 this year to last year at this time that -- and
19 I don't have those numbers with me, but I would
20 venture to say we probably had a few open
21 education cases on the table. But last year
22 was when the plug gets pulled on education with
23 all the legislation for education reform, so I
24 think that kind of began that wave of public
25 education related issues that then popped up,

1 if you will. Again, I think once those kind of
2 even out, then the cases will kind of go back
3 to where they were previously. That, again, is
4 my guess. I don't know when it can possibly
5 be, and I have no scientific data to back that
6 up. That is just kind of my guess.

7 COMM. RAMOS: Based on the information
8 found in the right column, I would conclude
9 that 63 percent of cases coming in will go past
10 that hundred days and 37 percent of them are
11 handled in less than that; is that a logical
12 conclusion?

13 DIRECTOR SMITH: Did you just add all of
14 these up?

15 COMM. RAMOS: I'm sorry?

16 DIRECTOR SMITH: Did you just add of all
17 the percentages up?

18 COMM. RAMOS: Yeah.

19 DIRECTOR SMITH: I'm not really sure the
20 math would work that way.

21 DEPUTY DIR. BREWSTER: No, no. I mean,
22 generally, if you look at them all together,
23 and you have to take an average of those, so it
24 would be around 15 to 20 percent of the overall
25 caseload is aged over 180 days, essentially.

1 CHAIRMAN BLACKBURN: Which means we have
2 improved over time?

3 DEPUTY DIR. BREWSTER: Well, that was the
4 trend.

5 DIRECTOR SMITH: And I would say it's far
6 less than 20. My guess, if I did quick math,
7 we are looking at 15 tops or so, and in our
8 metrics and the goals that we have
9 accomplished, 15 is our marker. So each area
10 has a targeted mark of 15 percent aged cases or
11 fewer, and we're doing employment -- and,
12 obviously, the education figure hovers around
13 20 because of the -- what we previously
14 explained, but education needs work on it.
15 It's an area we definitely need to work on.
16 But in their defense, they deal with the
17 biggest bulk of the cases that come in, and the
18 caseload has to be taken into consideration as
19 well.

20 COMM. RAMOS: That would be good to see.
21 But that's a good number, and just looking at
22 this, I wouldn't come to this conclusion.

23 DIRECTOR SMITH: You have to take the
24 average overall. I mean that's a good point.
25 I'm glad you guys are asking these questions.

1 If you guys recall, a year and a half ago, we
2 put this report together. It didn't exist, but
3 we did it so that we could see some snapshot as
4 to where the agency stood, not only from an
5 investigative standpoint -- outreach standpoint
6 but an investigative standpoint as well. So
7 asking those questions is good stuff.

8 Now I will have a question regarding real
9 estate. Would it be okay if we put
10 housing/real estate, if it can encompass both?

11 CHAIRMAN BLACKBURN: I prefer you call it
12 housing. I don't know what the stats are with
13 regards to complaints at this agency in 25
14 years with regard to real estate in the sense
15 that was described to me that covers anything
16 other than housing.

17 And nationally it is not an issue, at the
18 regional level it is not an issue, and in the
19 state it's not an issue, but housing is.

20 I mean I was reading this in some of the
21 articles that you were good enough to include
22 in our practice this time. There is a
23 coalition of organizations and complainants
24 coming together to file a federal fair housing
25 complaint. And we have those kinds of problems

1 here where people just haven't gotten together,
2 say let's do it all together so we don't have a
3 huge problem, but certainly here traditionally
4 housing has been sometimes the most predominant
5 area of complaints, certainly second to
6 employment cases.

7 DIRECTOR SMITH: Well, we'll definitely
8 take a good look at having that changed. I
9 think internally we've all understood that real
10 estate to be housing so I don't think there's
11 any issue in terms of how we will understand
12 the report so it's just a matter of changing
13 the labels is fine.

14 CHAIRMAN BLACKBURN: It's just a matter of
15 communicating with the public. Whenever we
16 have done PSAs and educational outreach, you
17 don't go out and talk to people about real
18 estate.

19 DIRECTOR SMITH: All right. I don't think
20 it will be a big --

21 CHAIRMAN BLACKBURN: Unless you think real
22 estate agents are maybe steering people or
23 having bad practices, but that's a totally
24 different concern. Thank you.

25 DIRECTOR SMITH: Yes, ma'am.

1 CHAIRMAN BLACKBURN: I'm not trying to
2 delay your celebration.

3 VICE-CHAIRMAN CARTER: I was just thinking
4 before the State changed the word handicapped
5 to disability or disabled, could we list
6 disability as one of the protected classes when
7 the State statute calls it handicapped? If the
8 statute has one language, can we substitute?

9 DEPUTY DIR. BREWSTER: We can do whatever
10 we want.

11 DIRECTOR SMITH: This is our report. This
12 is not --

13 CHAIRMAN BLACKBURN: Not an official
14 document in that --

15 DIRECTOR SMITH: This is a communication
16 piece for us to understand where we are. If
17 changing the language helps us better
18 communicate not only with one another but the
19 public, I think we should entertain that
20 change.

21 COMM. GIDNEY: But when you think of
22 disabled and housing, those two kind of go
23 hand-in-hand, as opposed to -- I'm sorry,
24 disabled and handicapped, those two kind of go
25 hand-in-hand versus real estate and housing,

1 because it kind of implies a different class
2 dealing with completely different issues.

3 VICE-CHAIRMAN CARTER: We have had the
4 case of people -- of real estate agents
5 refusing to sell to blacks and so on.

6 DIRECTOR SMITH: Any other questions on
7 the reports or --

8 CHAIRMAN BLACKBURN: Could you define a
9 couple of words for me that I found in the
10 material?

11 DIRECTOR SMITH: Yes, ma'am. Where are
12 we?

13 CHAIRMAN BLACKBURN: Seniorited,
14 S-E-N-O-R-I-T-E-D.

15 DIRECTOR SMITH: Where is that at?

16 CHAIRMAN BLACKBURN: I mean it's somewhere
17 in here, but does anybody know the meaning of
18 it?

19 DIRECTOR SMITH: Was that in one of the
20 articles?

21 CHAIRMAN BLACKBURN: Seniorited.

22 DEPUTY DIR. BREWSTER: Seniorited.

23 UNIDENTIFIED SPEAKER: Seniority?

24 CHAIRMAN BLACKBURN: I'll have to find it,
25 but you've never heard it. Have you ever heard

1 of diversibilities?

2 DIRECTOR SMITH: Diversibilities? Not
3 that I recall. Was that part of one of the
4 articles? Where can I find that?

5 UNIDENTIFIED SPEAKER: (inaudible).

6 CHAIRMAN BLACKBURN: I don't know.
7 Seniorited, some case in South Bend. And then
8 diversibility is maybe just a play on names
9 of --

10 DEPUTY DIR. BREWSTER: Yes.

11 CHAIRMAN BLACKBURN: -- a festival or
12 something?

13 UNIDENTIFIED SPEAKER: Is that one of the
14 articles, stories?

15 UNIDENTIFIED SPEAKER: That was one of the
16 stories, yeah.

17 DEPUTY DIR. BREWSTER: Diversibility. I
18 guess somebody's made that word up.

19 CHAIRMAN BLACKBURN: So they didn't make
20 up seniorited?

21 DEPUTY DIR. BREWSTER: Well, I'm trying to
22 see where that senioritive is, trying to find
23 that.

24 DIRECTOR SMITH: Whoever wrote the
25 article, it was a play on words. I have no idea

1 what they're referring to.

2 DEPUTY DIR. BREWSTER: Oh, that was a
3 story that had to do with a teacher complaining
4 about being let go because she had gotten too
5 old so they just came up with that word,
6 seniorited out of the system like as in --

7 UNIDENTIFIED SPEAKER: Aged out.

8 DEPUTY DIR. BREWSTER: I don't know why.
9 It's just a silly word somebody made up.

10 VICE-CHAIRMAN CARTER: It was to do with
11 seniorities?

12 DIRECTOR SMITH: Whoever wrote the
13 article, I guess it's a play on words saying
14 they were targeting teachers who have been
15 there longer.

16 CHAIRMAN BLACKBURN: Pushed out because
17 they're too old. They were seniorited.

18 DEPUTY DIR. BREWSTER: Trying to make a
19 verb out of a noun, I think.

20 CHAIRMAN BLACKBURN: Is that it, sir?

21 DIRECTOR SMITH: Yes, ma'am. Unless you
22 guys have any other questions, that's it.

23 CHAIRMAN BLACKBURN: Any other
24 questions --

25 DIRECTOR SMITH: More than willing to

1 answer.

2 CHAIRMAN BLACKBURN: Any other questions,
3 announcements?

4 DIRECTOR SMITH: I mean outside of --

5 CHAIRMAN BLACKBURN: MLK stuff.

6 DIRECTOR SMITH: -- our MLK stuff, our
7 dearly beloved deputy director.

8 VICE-CHAIRMAN CARTER: Dates for next
9 year.

10 CHAIRMAN BLACKBURN: Do we have a
11 proclamation to read or anything like that?

12 DIRECTOR SMITH: We have some things that
13 we're going to do for Mr. Brewster off the
14 record once we finish.

15 DEPUTY DIR. BREWSTER: I hereby proclaim
16 this Joshua Brewster Day.

17 CHAIRMAN BLACKBURN: We can call it Joshua
18 Brewster's last meeting. And thank you for
19 your service here and working with us. We
20 appreciate it very much, and the citizens of
21 the state appreciate it very much.

22 DEPUTY DIR. BREWSTER: Thank you. I
23 appreciate it.

24 UNIDENTIFIED SPEAKER: I second the
25 motion.

1 CHAIRMAN BLACKBURN: You have the meeting
2 dates in this packet for 2013 so you might want
3 to hold onto this sheet until you can put them
4 into your mobile devices.

5 MS. CHAVEZ: And I'll email each
6 commissioner the dates as well.

7 UNIDENTIFIED SPEAKER: Thank you.

8 CHAIRMAN BLACKBURN: Thank you.

9 DIRECTOR SMITH: Is this okay with the
10 Commission in terms of the change of the
11 layout, and we will remove --

12 CHAIRMAN BLACKBURN: We like it this way
13 so much better.

14 UNIDENTIFIED SPEAKER: You were going to
15 say you're going to remove --

16 DIRECTOR SMITH: -- a table because that's
17 unnecessary space.

18 DEPUTY DIR. BREWSTER: So the recorder
19 doesn't feel pinned in.

20 CHAIRMAN BLACKBURN: This is just about
21 right. I'm comfortable. I can see without my
22 glasses. Is it okay with everyone else? Feels
23 more inviting, more commodious.

24 The meeting is adjourned.

25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

- - -

Thereupon, the proceedings of
November 16, 2012 were concluded
at 12:15 o'clock a.m.

- - -

CERTIFICATE

1
2
3
4 I, Dabney A. Hill, the undersigned Court
5 Reporter and Notary Public residing in the City of
6 Indianapolis, Marion County, Indiana, do hereby
7 certify that the foregoing is a true and correct
8 transcript to the best of my ability of the
9 proceedings taken by me on Friday, November 16,
10 2012, in this matter and transcribed by me.

11
12
13 _____
14 Dabney A. Hill
Notary Public
Stenographic Reporter

15 My Commission Expires:
16 August 10, 2018

17 County of Residence:
18 Marion
19
20
21
22
23
24
25