

CRC Meeting.TXT

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1 BEFORE THE STATE OF INDIANA
2 CIVIL RIGHTS COMMISSION
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5 PUBLIC MEETING OF OCTOBER 25, 2013
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8 PROCEEDINGS
9 in the above-captioned matter, before the Indiana
10 Civil Rights Commission, Alpha Blackburn,
11 Chairperson, taken before me, Lindy L. Meyer,
12 Jr., a Notary Public in and for the State of
13 Indiana, County of Shelby, at the Indiana
14 Government Center South, Conference Center,
15 Room A, 402 West Washington Street, Indianapolis,
16 Indiana, on Friday, October 25, 2013 at
17 11:03 o'clock a.m.

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21 William F. Daniels, RPR/CP CM d/b/a
22 ACCURATE REPORTING OF INDIANA
23 12922 Brighton Avenue
 Carmel, Indiana 46032
 (317) 848-0088

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1 APPEARANCES:

2 COMMISSION MEMBERS:

3 Alpha Blackburn, Chairperson
4 David C. Carter
5 Barry Baynard
6 Charles D. Gidney

7 INDIANA CIVIL RIGHTS COMMISSION
8 By Akia Haynes, Dep. Director
9 Indiana Government Center North
10 100 North Senate Avenue, Room N103
11 Indianapolis, Indiana 46204
12 On behalf of the Commission.

13 OTHER COMMISSION STAFF PRESENT:

14 Noell Allen
15 Pamela Cook
16 Debbie Rincones-Chavez

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1 11:03 o'clock a.m.
2 October 25, 2013

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4 CHAIRPERSON BLACKBURN: Good morning,
5 everyone. The Indiana Civil Rights Commission is
6 called to order. We do indeed have a quorum.

7 May I have a motion to approve the

7 minutes?
8 COMM. CARTER: So moved.
9 COMM. BAYNARD: Second.
10 CHAIRPERSON BLACKBURN: All in favor?
11 COMM. CARTER: Aye.
12 COMM. BAYNARD: Aye.
13 COMM. GIDNEY: Aye.
14 CHAIRPERSON BLACKBURN: Aye.
15 Anyone opposed?
16 (No response.)
17 CHAIRPERSON BLACKBURN: Thank you.
18 In your packet is the Financial Report, so
19 if there's any comment from either Ms. Cook or
20 any questions from the Commissioners, we'll hear
21 them now.
22 MS. COOK: There have been no new
23 changes in the report.

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1 CHAIRPERSON BLACKBURN: Any
2 questions?
3 COMM. GIDNEY: No.
4 MS. COOK: Okay.
5 CHAIRPERSON BLACKBURN: You could
6 have phone that part in.
7 (Laughter.)
8 CHAIRPERSON BLACKBURN: All right.
9 Thank you.
10 Then I ask for approval of the Financial
11 Report.

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12 COMM. GIDNEY: So moved.
13 COMM. BAYNARD: Second.
14 CHAIRPERSON BLACKBURN: All in favor?
15 COMM. CARTER: Aye.
16 COMM. BAYNARD: Aye.
17 COMM. GIDNEY: Aye.
18 CHAIRPERSON BLACKBURN: Aye.
19 Anyone opposed?
20 (No response.)
21 CHAIRPERSON BLACKBURN: Thank you.
22 Now, Report by Commissioners on the
23 Complaint Appeals. Do we have a report from

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1 Comm. Crenshaw?
2 MS. RINCONES-CHAVEZ: No, we do not.
3 CHAIRPERSON BLACKBURN: No?
4 What about you, Comm. Carter?
5 COMM. CARTER: All right, Madam
6 Chair. In the matter of Terry Matthews versus
7 Brenner Luggage, I recommend we uphold the Deputy
8 Director's no probable cause finding.
9 CHAIRPERSON BLACKBURN: May I have a
10 motion to approve that suggestion -- that motion?
11 COMM. GIDNEY: So moved.
12 COMM. BAYNARD: Second.
13 CHAIRPERSON BLACKBURN: All in favor?
14 COMM. BAYNARD: Aye.
15 COMM. CARTER: Aye.
16 COMM. GIDNEY: Aye.

17 CHAIRPERSON BLACKBURN: Aye.
18 Anyone opposed?
19 (No response.)
20 CHAIRPERSON BLACKBURN: Thank you.
21 Comm. Garcia is also not here. Have we
22 heard from him?
23 MS. RINCONES-CHAVEZ: We have, and

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1 I'm sorry; unfortunately, he's not attending, but
2 he did not have an answer yet.
3 CHAIRPERSON BLACKBURN: Oh, all
4 right. Thank you.
5 And Comm. Gidney?
6 COMM. GIDNEY: Okay. In the case of
7 Helton versus Gregory Automotive, my
8 recommendation is to uphold the Deputy Director's
9 finding of no probable cause.
10 CHAIRPERSON BLACKBURN: May I have a
11 motion to accept --
12 COMM. CARTER: So moved.
13 CHAIRPERSON BLACKBURN: -- that
14 recommendation?
15 COMM. BAYNARD: Second.
16 CHAIRPERSON BLACKBURN: All in favor?
17 COMM. CARTER: Aye.
18 COMM. BAYNARD: Aye.
19 COMM. GIDNEY: Aye.
20 CHAIRPERSON BLACKBURN: Aye.
21 Anyone opposed?

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(No response.)

23 CHAIRPERSON BLACKBURN: Thank you.

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1 And now we'll move to New Business and the
2 Assignment of New Appeals. The case of Anthony
3 Bowling versus Herman and Kittle Properties, if
4 Comm. Carter, you would review that.

5 COMM. CARTER: Okay.

6 CHAIRPERSON BLACKBURN: And Comm. --
7 what's your name?

8 COMM. BAYNARD: I'm Baynard.

9 CHAIRPERSON BLACKBURN: You didn't
10 hear that.

11 Comm. Baynard, the case of Sandra Holland
12 versus Methodist Hospital, if you would please
13 review that, and I'll review Andrew Straw versus
14 Indiana Democratic Party.

15 And now we have some Findings of Fact,
16 which we have reviewed, and I will ask for a
17 motion to accept the findings as you have read
18 them. May I have a motion?

19 COMM. GIDNEY: So moved.

20 COMM. CARTER: Second.

21 CHAIRPERSON BLACKBURN: Any
22 questions?

23 COMM. BAYNARD: Yes. We had some

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1 discussion on the Bullock versus Cardinal Ritter
2 High School last month, and is that also included
3 in this Finding of Facts?

4 CHAIRPERSON BLACKBURN: It is.

5 So, your comments.

6 JUDGE ALLEN: Before make a vote on
7 the Bullock versus Cardinal Ritter High School, I
8 just want to remind you that there were extensive
9 discussion about the objections raised by
10 Respondent's attorney. As the procedure works, I
11 must send out notice of oral argument, for which
12 the attorneys must present those arguments before
13 you all at the monthly meeting.

14 The Respondent's attorney did not show
15 last month, and we did not know why. Well,
16 finally we learned the reason for Mr. Mercer's
17 absence, and that is because his firm moved, and
18 all of the mail we sent out was returned.

19 CHAIRPERSON BLACKBURN: His what?
20 I'm sorry.

21 JUDGE ALLEN: His firm, his law firm,
22 moved to difficult location.

23 CHAIRPERSON BLACKBURN: Oh.

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1 JUDGE ALLEN: Therefore, the mail was
2 undeliverable and returned back to the office.
3 For due process reasons, it would be my
4 recommendation to the Board to reset the oral
5 arguments before you at the next Commission

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6 meeting, so that we can give Mr. Mercer and
7 Mr. Bremer an opportunity to make those arguments
8 before you.

9 CHAIRPERSON BLACKBURN: All right.
10 May I have a motion to accept -- wait a minute.
11 We have a motion already to accept all of the
12 findings. Let me please rescind that and ask
13 that you accept the findings except for Aleesha
14 Bullock versus Cardinal Ritter High School. And
15 may I have a motion to accept that
16 recommendation?

17 COMM. CARTER: So moved.

18 CHAIRPERSON BLACKBURN: And a second?

19 COMM. GIDNEY: Second.

20 CHAIRPERSON BLACKBURN: And all in
21 favor?

22 COMM. CARTER: Aye.

23 COMM. BAYNARD: Aye.

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1 COMM. GIDNEY: Aye.

2 CHAIRPERSON BLACKBURN: Aye.

3 Anyone opposed?

4 (No response.)

5 CHAIRPERSON BLACKBURN: Then in
6 consideration now of Aleesha Bullock versus
7 Cardinal Ritter High School, the recommended
8 action is to reset the time of the hearing, and I
9 would ask for a motion to accept that
10 recommendation.

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11 COMM. BAYNARD: So moved.
12 COMM. CARTER: I do have a question.
13 Is there a motion or a request from Mr. Bremer to
14 act on the default?
15 MS. ALLEN: Yes.
16 COMM. CARTER: So, that would
17 vacate -- if we reset the hearing, that would
18 vacate that request, wouldn't it?
19 JUDGE ALLEN: That's correct.
20 COMM. CARTER: All right. Then I'll
21 second it.
22 CHAIRPERSON BLACKBURN: And all in
23 favor?

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1 COMM. CARTER: Aye.
2 COMM. BAYNARD: Aye.
3 CHAIRPERSON BLACKBURN: Aye.
4 Anyone opposed?
5 COMM. GIDNEY: I am opposed.
6 CHAIRPERSON BLACKBURN: That leaves
7 us with not a plurality of those of us present,
8 in which case, we have to revisit the motion
9 from -- the motion to declare a default?
10 JUDGE ALLEN: Yes. Mr. Bremer
11 submitted to the Commission an application by
12 default that was filed on October 9th, 2013. He
13 essentially states that because the attorney did
14 not appear for the oral argument -- the
15 Respondent raised the objections in the first

16 place -- the Commission should make a decision on
17 the proposed Findings of Facts, Conclusions of
18 Law and Order as recommended by the ALJ. So,
19 that is where we are at.

20 CHAIRPERSON BLACKBURN: Is there a
21 recommendation on your part, then, with regards
22 to the dilemma in which we now stand?

23 JUDGE ALLEN: Sure. I issued my

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1 proposed decision, I believe, in August, and it's
2 my decision, so obviously I would love for you to
3 uphold that decision. I do believe there was
4 some hesitation or some discussion with that,
5 but, of course, you all have that duty to either
6 uphold, reject or remand. It would be my
7 recommendation to uphold my decision.

8 CHAIRPERSON BLACKBURN: Any comment?

9 COMM. BAYNARD: As I remember, last
10 month, after hearing from Ms. Bullock, that our
11 discussion was that we would like to hear a good
12 explanation from the Respondent of why they
13 didn't show, and now we have the response. I
14 think it is probably appropriate that we look at
15 the situation again.

16 JUDGE ALLEN: I would like to add,
17 for due process purposes, if this matter is
18 appealed to the Indiana Court of Appeals, it is
19 likely the court will remand the matter back
20 anyway for a new hearing. To avoid that -- we

21 can always take our chances, but to avoid that,
22 it would be best to allow the parties to present
23 their oral arguments before making a decision on

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1 the findings of fact.

2 COMM. GIDNEY: Okay.

3 CHAIRPERSON BLACKBURN: Do you have a
4 comment?

5 COMM. GIDNEY: No. I guess my
6 concern was the turn-around time, the fact that
7 the parties were not here representing Cardinal
8 Ritter. I understand the whole process of
9 moving, but if you conduct a business, in theory,
10 there should be some type of transition plan in
11 place during the move. So, even though the move
12 took place, in theory, there should be some
13 knowledge of what business is being conducted
14 during that transition process.

15 So, I'm not -- I will -- I will accept a
16 new hearing. I'll withdraw my prior objection,
17 but again, I feel as though the rationale given
18 is insufficient. But if allowing a new hearing
19 will allow this process to move forward, then I
20 would be willing to withdraw my objection to a
21 follow-up hearing. But again, if you conduct
22 business and you know you're moving, then there
23 should be a transition plan in place so that the

1 business in hand does not stop during a move.

2 So --

3 JUDGE ALLEN: And Comm. Gidney, to
4 your point, the Civil Rights Commission have
5 rules and policies regarding such. In the event
6 a complainant were to move --

7 COMM. GIDNEY: Right.

8 JUDGE ALLEN: -- they must update the
9 Commission, the office, with their a new address.

10 COMM. GIDNEY: Right.

11 MS. ALLEN: And that same
12 responsibility is applied to the Respondents in
13 this case.

14 COMM. GIDNEY: Right.

15 JUDGE ALLEN: But we have to weigh
16 the harm, and so this is what we're left with.
17 Do we hold that rule to that Respondent and say,
18 "well, this is our rule. We can't allow you to
19 move forward with your case because you did not
20 abide by our rule," only for the Court of Appeals
21 to shut it down and send it back to us --

22 COMM. GIDNEY: Right.

23 MS. ALLEN: -- anyway.

1 COMM. GIDNEY: So -- yeah. So, if
2 we're in a situation where it can be appealed and
3 then brought back to us, then I am in favor of

4 hearing a follow-up appeal to the Commission.

5 CHAIRPERSON BLACKBURN: If we can
6 then revisit the vote as to the resetting of a
7 date for a hearing for Bullock versus Ritter High
8 School, I ask then again to confirm the vote.
9 All in favor?

10 COMM. CARTER: Aye.

11 COMM. BAYNARD: Aye.

12 COMM. GIDNEY: Aye.

13 CHAIRPERSON BLACKBURN: Aye.

14 And with no one opposed, so thank you very
15 much.

16 MS. ALLEN: Thank you.

17 CHAIRPERSON BLACKBURN: We do have a
18 Consent Agreement; is that right?

19 MS. RINCONES-CHAVEZ: The Consent --
20 no, we do not have one.

21 CHAIRPERSON BLACKBURN: No?

22 Now, is there someone who could present
23 the Executive Director's Report?

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1 MS. HAYNES: Good morning.

2 CHAIRPERSON BLACKBURN: Good morning.

3 MS. HAYNES: Things have been
4 relatively calm on our end, with the exception of
5 outreach. We've had quite a few events going on.
6 Namely, October 5th we had the Hammond Hispanic
7 Community Latino Resource Fair, and then we also
8 had the Power of Diversity Series shortly

9 thereafter in Valparaiso.

10 Last night we had our first Community --
11 well, actually second Community Resource Night,
12 which preceded our CLE on equal employment and
13 Law Update. That CLE is going on today in Muncie
14 as well. And then our last CLE will be
15 December 6th, Easy Does It Accommodation, and it
16 will be referring to public accommodation and
17 disability training, generally. That will be in
18 Terre Haute.

19 But I just wanted to put a little bug in
20 your ear about -- in April, April 3rd and 4th, we
21 will be having a Fair Housing Symposium. We've
22 had our first meeting, just discussing with
23 community partners what we would like it to look

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1 like and where it will be. It is going to be
2 over here in Government Center South, so we'll
3 provide more details as we continue with this
4 process, but I just wanted you guys to save that
5 date, and we hope you can attend.

6 Do you have any questions?

7 (No response.)

8 MS. HAYNES: Thank you.

9 CHAIRPERSON BLACKBURN: How many -- I
10 am curious to know how many people and who and
11 what kind of people showed up for the Community
12 Resource Night.

13 MS. HAYNES: My understanding, it was

14 a cross-section of the community, so namely, the
15 individuals we're trying to target, which is
16 everyone. My understanding is we also had a few
17 practitioners there, but I don't know the
18 specifics.

19 CHAIRPERSON BLACKBURN: A few what?

20 MS. HAYNES: Practitioners, so people
21 who are involved in the same work that we do as
22 well, so some --

23 CHAIRPERSON BLACKBURN: Oh.

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1 MS. HAYNES: -- community partners,
2 but I'm not sure of the specifics.

3 CHAIRPERSON BLACKBURN: Do you have
4 any feel for how many people?

5 MS. HAYNES: I believe it was well
6 attended, but I'm not sure how well.

7 CHAIRPERSON BLACKBURN: What -- what
8 constitutes "well attended," in your mind?

9 MS. HAYNES: Probably at least
10 50'ish, but again, I'm not a hundred percent
11 sure. I know that our last event that preceded
12 the CLE had maybe 20 or so people attend, but
13 everyone's very interested in what was going on,
14 and they were very engaged in it, so I'm not sure
15 what the turnout was for our event last night.
16 I'm hoping that it exceeded that number, but even
17 if it was that 20, as long as everyone's involved
18 and interested, we have done our job.

19 CHAIRPERSON BLACKBURN: Okay. And
20 there's another one scheduled for when?

21 MS. HAYNES: Our Community Resource
22 Night in Muncie was actually last night, and it
23 preceded the CLE that's going on today.

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1 CHAIRPERSON BLACKBURN: But is there
2 another one scheduled?

3 MS. HAYNES: No --

4 CHAIRPERSON BLACKBURN: Oh. All
5 right.

6 MS. HAYNES: -- not for this year,
7 and we -- this is the first time we've --

8 MS. COOK: Yes, there is.

9 MS. HAYNES: Oh, excuse me, we do
10 have one, and the next one is December 5th, and
11 that's going to be in Terre Haute, and this is
12 the first year we've actually tried these
13 Community Resource Nights, so we shall see the
14 attendance on that one as well. But the main
15 reason we have them in the evening is to try to
16 bring out the community --

17 CHAIRPERSON BLACKBURN: Right.

18 MS. HAYNES: -- make sure they can
19 actually come.

20 CHAIRPERSON BLACKBURN: Excellent.
21 Thank you so much.

22 MS. HAYNES: Thank you.

23 CHAIRPERSON BLACKBURN: Are there any

1 announcements?

2 COMM. CARTER: Yes, I have one. In
3 December, December -- when is it? December 3rd
4 and 4th, there's the Indiana Governor's Council
5 for People with Disabilities Annual Conference,
6 and apparently I am going to be given an award.

7 CHAIRPERSON BLACKBURN: How
8 wonderful.

9 COMM. CARTER: The Community Spirit
10 Award for Distinguished Leadership in the Person
11 with a Disability category.

12 CHAIRPERSON BLACKBURN: Excellent.

13 COMM. CARTER: Nothing like pitting
14 people with disabilities against each other.

15 (Laughter.)

16 CHAIRPERSON BLACKBURN: well, where
17 will this --

18 COMM. CARTER: The Weston.

19 CHAIRPERSON BLACKBURN: The Weston.

20 COMM. CARTER: Across the way,
21 wherever the Weston is from here. This is an
22 embarrassing letter, "Your exemplary advocacy
23 work at the city, county and state level makes

1 you a leader in the Indiana disability movement."
2 I don't know how praiseworthy that is, but that's

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3 what they say.

4 CHAIRPERSON BLACKBURN: Very
5 praiseworthy. May I suggest if would you make a
6 note to remind the Commissioners when that is
7 going to occur.

8 MS. RINCONES-CHAVEZ: Do you know the
9 time?

10 COMM. CARTER: Yeah, 8:30 in the
11 morning.

12 CHAIRPERSON BLACKBURN: 8:30 in the
13 morning?

14 COMM. CARTER: Right.

15 MS. RINCONES-CHAVEZ: Is that both
16 days?

17 COMM. CARTER: well, it sort of
18 starts 8:30, 9:00ish --

19 MS. RINCONES-CHAVEZ: Okay.

20 COMM. CARTER: -- but I haven't --

21 CHAIRPERSON BLACKBURN: But the award
22 is going to be --

23 COMM. CARTER: Yeah, the first thing.

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1 CHAIRPERSON BLACKBURN: -- presented
2 on the 3rd or the 4th?

3 COMM. CARTER: The first thing on
4 the 3rd.

5 CHAIRPERSON BLACKBURN: On the 3rd.

6 COMM. CARTER: which means I have to
7 get up at 5:30 or something to drive up here.

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8 COMM. GIDNEY: Oh, wow.
9 MS. RINCONES-CHAVEZ: Do you mind
10 sending me that information so I can send it out
11 to everyone?
12 MS. COOK: Debbie --
13 COMM. CARTER: Sure.
14 MS. COOK: -- I have it.
15 MS. RINCONES-CHAVEZ: Oh, you have
16 it?
17 MS. COOK: Yes.
18 MS. RINCONES-CHAVEZ: Okay.
19 CHAIRPERSON BLACKBURN: Any other
20 announcements?
21 COMM. GIDNEY: No.
22 CHAIRPERSON BLACKBURN: No?
23 The meeting dates for 2013 that remain,

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1 November 15th, and December 13th, and with that,
2 if we will remain for signatures, the meeting is
3 adjourned.

4 - - -
5 Thereupon, the proceedings of
6 October 25, 2013 were concluded
7 at 11:22 o'clock a.m.
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CERTIFICATE

I, Lindy L. Meyer, Jr., the undersigned
Court Reporter and Notary Public residing in the
City of Shelbyville, Shelby County, Indiana, do
hereby certify that the foregoing is a true and
correct transcript of the proceedings taken by me
on Friday, October 25, 2013 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, 2016.

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