

STATE OF INDIANA

CIVIL RIGHTS COMMISSION

The Indiana Civil Rights Commission meeting was held on the 27th day of SEPTEMBER, 2013, at the Indiana Government Center South, 402 West Washington Street, Conference Center Room A, Indianapolis, Indiana, and reported by me, Marjorie A. Addington, Notary Public in and for the County of Hamilton, State of Indiana, CM, CSR: KS.

The following persons were present for the meeting: Vice Chairman David Carter, Commissioners Steven Ramos, Barry Baynard, John Garcia, Tehiji Crenshaw, and Charles Gidney. Also present are CFO Pamela Cook, Executive Director Jamal Smith, Deputy Director Akia Haynes, ALJ Noell Allen, and Administrative Assistant Debbie Rincones-Chavez.

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1 VICE CHAIRMAN CARTER: So we're going to the
2 hearings first.

3 EXECUTIVE DIRECTOR SMITH: Okay.

4 VICE CHAIRMAN CARTER: So we would hear the
5 case of Aleesha Bullock versus Cardinal Ritter High
6 School as a result of objections filed by respondent
7 to the proposed findings of fact, conclusions of law
8 and order tendered by Administrative Judge Allen, and
9 if the parties could come to the podium and introduce
10 themselves, please.

11 MR. BREMER: Commissioner Carter, Mr. Mercer
12 is not here yet, the attorney for the school.

13 VICE CHAIRMAN CARTER: Okay, well, then we --
14 Is the other --

15 MR. BREMER: Yeah, I think everybody's here.

16 VICE CHAIRMAN CARTER: Okay. Jade Wright
17 versus Goldie's, are we ready for that?

18 MR. BREMER: Well, no, not exactly.

19 VICE CHAIRMAN CARTER: Not exactly.

20 MR. BREMER: Jade Wright, she's coming and
21 she wanted to speak somewhat on her own and I would
22 like her to have that opportunity.

23 VICE CHAIRMAN CARTER: Well, so --

24 COMMISSIONER CRENSHAW: Hit the music then.

25 EXECUTIVE DIRECTOR SMITH: How about those

1 Colts?

2 VICE CHAIRMAN CARTER: Okay, talk amongst
3 yourselves.

4 EXECUTIVE DIRECTOR SMITH: Okay.
5 (Off the record discussion.)

6 VICE CHAIRMAN CARTER: Okay, we've changed
7 our plan and we will do the agenda up until the end
8 of "New Business" and then have the hearings and then
9 proceed to the "Findings of Fact" after that.

10 So I will call the September meeting of the
11 Indiana Civil Rights Commission to order. We have a
12 quorum. You have presumably read the minutes. May I
13 have a motion to accept them?

14 COMMISSIONER RAMOS: So moved.

15 COMMISSIONER CRENSHAW: Second.

16 VICE CHAIRMAN CARTER: All in favor?
17 (All respond "aye.")

18 VICE CHAIRMAN CARTER: Any opposed?
19 (No response.)

20 VICE CHAIRMAN CARTER: All right, that's
21 that. We now have the financial report submitted by
22 Ms. Cook.

23 MS. COOK: Good morning. You've had a chance
24 to review the office financial reports in your
25 packets and I am pleased to report that the Agency

1 did meet its reversion of the 3 percent for the
2 fiscal year 2013. In total we've reverted
3 approximately \$71,000. We have currently received
4 the first portion of the drawdown for the new EEOC
5 Cooperative Agreement. We've received \$177,250 and
6 we anticipate receiving the balance of funds which
7 includes an upward modification of the contract in
8 the amount of \$39,900, so we do anticipate that
9 coming in shortly.

10 We've received also our final disbursement
11 of the HUD Partnership funds in the amount of
12 \$62,500, so that completes the \$250,000 contract, and
13 we also anticipate receiving our new HUD Cooperative
14 Agreement funds of \$356,913. So at this point we're
15 in good shape to get through fiscal year '14. If you
16 have any questions I'd like to entertain those at
17 this time.

18 (No response.)

19 MS. COOK: Thank you.

20 VICE CHAIRMAN CARTER: Thank you. "Old
21 Business," which is the report by Commissioners on
22 complainant appeals. Commissioner Ramos.

23 COMMISSIONER RAMOS: In the case of J.C.
24 Hallamon versus Motel 6, Number 775, Speedway, I
25 recommend that we uphold the Executive Director's

1 finding of no probable cause.

2 VICE CHAIRMAN CARTER: May I have a motion to
3 accept that recommendation?

4 COMMISSIONER CRENSHAW: So moved.

5 COMMISSIONER GARCIA: Second.

6 VICE CHAIRMAN CARTER: All in favor?

7 (All respond "aye".)

8 VICE CHAIRMAN CARTER: Opposed?

9 (No response.)

10 VICE CHAIRMAN CARTER: And Commissioner
11 Gidney.

12 COMMISSIONER GIDNEY: Okay. In the case of
13 Ortiz versus St. Matthew's Cathedral School my
14 recommendation is to uphold the Deputy Director's
15 finding of no probable cause.

16 VICE CHAIRMAN CARTER: Thank you. May I have
17 a motion to uphold that recommendation?

18 COMMISSIONER RAMOS: So moved.

19 COMMISSIONER CRENSHAW: Second.

20 VICE CHAIRMAN CARTER: All in favor?

21 (All respond "aye".)

22 VICE CHAIRMAN CARTER: Any opposed?

23 (No response.)

24 VICE CHAIRMAN CARTER: Okay, thank you. And
25 in "New Business" our Chair has decreed that the

1 person presiding assigns the new appeals, and I'll
2 start to my left, Commissioner Gidney, if you will
3 please review Mark Helton versus Gregory Automotive.
4 And, Commissioner Crenshaw, if you will please review
5 Mark and Debra Miller versus SNK Properties.
6 Commissioner Garcia, if you will review Ricky Fussell
7 versus Sullair Corporation, and I will do Terry
8 Matthews versus Brenner Luggage. Okay, that takes us
9 to the hearings. Are we ready for Jade Wright versus
10 Goldie's?

11 MS. RINCONES-CHAVEZ: Yes.

12 VICE CHAIRMAN CARTER: If the parties would
13 please introduce themselves.

14 MR. BREMER: Commissioner Carter, my name is
15 Fred Bremer, I'm a staff attorney with the Civil
16 Rights Commission. Next to me is Jade Wright, the
17 complainant in this case.

18 VICE CHAIRMAN CARTER: Okay, thank you.

19 MR. TEAGLE: Good morning, my name's Chris
20 Teagle, I'm an attorney from Muncie, Indiana, I
21 represent the respondent, Goldie's, Inc. and they're
22 represented today by Mike Goldsmith.

23 VICE CHAIRMAN CARTER: Okay, thank you.
24 Okay, the way we will do it, if it's agreeable to
25 you, is each party, starting with Goldie's because

1 it's your objection, each party has 10 minutes to
2 present the case and then the other party can rebut
3 and then five minutes for the other side and then
4 questions from the Commission. So, Mr. Teagle, if
5 you will please begin.

6 MR. TEAGLE: This case has been pending for a
7 while and I'll try to provide the CliffsNotes
8 version. This case was tried April of 2012 and the
9 judge who heard the case at that time retired prior
10 to issuing a ruling, then the ruling or proposed
11 findings of fact, conclusions of law were made in
12 July of this year.

13 The basis of our objection was there's three
14 parts to the order. One is that Goldie's not engaged
15 in any similar misconduct, harassment in the future,
16 that they allow Ms. Wright to re-employ if there
17 would come a position available that she's qualified
18 for and that Mr. Goldsmith, who was the president of
19 the corporation, take classes to learn how to not
20 engage in the behavior which resulted in the judge's
21 order.

22 Basically the only part of the order that we
23 object to is the part that requires Mr. Goldsmith to
24 go to those counseling sessions. As noted in our
25 objection, and I guess he could verify this for the

1 record if the board would like, this business was
2 closed January 1st of 2013, so really the only part
3 of the order that requires compliance on their part
4 is the counseling, so that's our request that he be
5 relieved from that portion of the order.

6 VICE CHAIRMAN CARTER: Is that it?

7 MR. TEAGLE: That's it.

8 VICE CHAIRMAN CARTER: Thanks. And Mr.
9 Bremer?

10 MR. BREMER: The circumstances as represented
11 have not been confirmed by the Commission. Jade
12 Wright is here with a statement that she would like
13 to give to the Commission about the situation, but
14 basically it's the position of Jade Wright that we do
15 not have any evidence confirming that this has
16 happened. There may be successor liability issues
17 that could be involved and we'd oppose the objection
18 and ask that the Commission adopt this as its final
19 order.

20 VICE CHAIRMAN CARTER: Okay. We'll get to
21 Ms. Wright after both lawyers have had their two
22 goes.

23 MR. TEAGLE: And I guess I can't speak for
24 the judge, who's here, but I guess it appears to me
25 that these two provisions are tied together, the part

1 that Goldie's is subject to rehiring Jade, or Ms.
2 Wright, sorry, if there's a position that she's
3 qualified for, and that Mr. Goldsmith undergo this
4 training in the meantime. In light of the fact and
5 like I said if the board wants him to testify that
6 the corporation's closed and this business is no
7 longer owned by him, he can do that, but it appears
8 to me those two provisions are tied together in light
9 of the fact that this business is not an operating
10 business anymore. I understand why, if it was, why
11 the judge ordered why she did but since the business
12 is not going to be in operation from our perspective
13 we'd just ask that he be relieved from the obligation
14 to undergo that counseling.

15 VICE CHAIRMAN CARTER: Okay, Mr. Bremer, do
16 you have a reply to that other than what you just
17 said?

18 MR. BREMER: No, Your Honor.

19 VICE CHAIRMAN CARTER: I think, Ms. Wright,
20 if you would like to say your peace.

21 MS. WRIGHT: I just feel as if that this has
22 already happened and I've proved that it's happened,
23 I feel that he should have to take classes just for I
24 just feel like it was wrong and that it happened and
25 I proved that and I don't see any reason why he

1 shouldn't have to take them, you know, if I proved
2 it. I proved it and he's still guilty as far as I'm
3 concerned.

4 VICE CHAIRMAN CARTER: Thank you.

5 MS. WRIGHT: That's the way I feel.

6 VICE CHAIRMAN CARTER: Mr. Teagle, do you
7 have anything to say to that? We want to get both
8 sides.

9 MR. TEAGLE: No, sir, I think I've made our
10 point.

11 VICE CHAIRMAN CARTER: Are there questions
12 from the Commissioners?

13 (No response.)

14 VICE CHAIRMAN CARTER: I do have a question
15 for the lawyers and that is what does the law say
16 about a situation where someone has been found guilty
17 of something and then that person is no longer in the
18 capacity in which that person was found guilty? Not
19 being a lawyer, I don't know what kinds of things
20 that are addressed by the law in such a case.

21 MR. BREMER: I'll let Mr. Teagle go first.

22 MR. TEAGLE: I guess it would be -- and I'll
23 acknowledge to you all I'm not an expert in this area
24 of the law, so I'm not going to profess to be one,
25 but at least my understanding from other examples of

1 contract law as I understand it, like I say, if this
2 had been some misconduct by some corporate official
3 and then that official's no longer affiliated with
4 the company, then I don't think that the obligation's
5 still there, that's my opinion, but Mr. Bremer may
6 differ.

7 MR. BREMER: The main thing procedurally, the
8 Commission either votes up or down on the
9 recommendation of the administrative law judge and
10 whether the Commission deems that to be desirable or
11 not is in the Commission's discretion, but as far as
12 the change in circumstances of the owner of this
13 business, obviously the person's here, this person
14 could have a business in the future like this, could
15 benefit from the business of having sexual harassment
16 training, and while I understand that you could see,
17 well, he doesn't have this particular business any
18 longer, the potential is still there and the
19 recommended order is what it says and it does reflect
20 perhaps a concern that we may need this person to
21 have this kind of situation because he may very well
22 be supervising female employees in the future.

23 VICE CHAIRMAN CARTER: All right, thank you.
24 Do you have something to say in reply to that?

25 MR. TEAGLE: Nothing other than what I've

1 already recited.

2 VICE CHAIRMAN CARTER: What I was trying to
3 get at is in legal cases you two represent your
4 clients and we refer to you as by the client's name,
5 as lawyers for the client, and I was wondering if a
6 person who owns a business and there's a finding
7 against that business, is that a finding against the
8 person or against the person as the head of the
9 business, and if the business evaporates, then is the
10 person still liable for --

11 MR. TEAGLE: Well, I guess I didn't under --
12 Sorry, I misunderstood your question the first time.
13 Well, I guess this is a corporation, I mean the
14 findings are against the corporation.

15 VICE CHAIRMAN CARTER: Okay.

16 MR. TEAGLE: And that part of it I guess we
17 didn't take issue with. The issue we take is the
18 specific directive to Mr. Goldsmith that he undergo
19 the counseling.

20 VICE CHAIRMAN CARTER: Because it's sort of a
21 wiggly area, --

22 MR. TEAGLE: I would agree.

23 VICE CHAIRMAN CARTER: -- whether the finding
24 was against the individual or against the business.
25 Any other questions from the Commissioners?

1 (No response.)

2 MR. BREMER: If I may say something.

3 VICE CHAIRMAN CARTER: Go ahead.

4 MR. BREMER: The Indiana Civil Rights Law
5 under the "Remedies" section does provide that the
6 Commission has fairly broad ranging power to address
7 the situation when it comes to its intention. The
8 fact that sexual harassment cannot be committed by a
9 corporation, --

10 VICE CHAIRMAN CARTER: Right.

11 MR. BREMER: -- it cannot be committed by a
12 limited liability company, it can only be committed
13 by an individual and that cannot be ignored in this
14 case. We don't just have straight-line
15 discrimination when it comes to race or sex. We have
16 a situation that is very offensive and harmful to
17 potential female employees in the future.

18 VICE CHAIRMAN CARTER: We're not going to get
19 into whether a corporation is a person or not, that's
20 been dealt with elsewhere. If there are no more
21 questions from the Commissioners, and apparently
22 there aren't, I guess we will advise you of our
23 determination at a future date.

24 MR. TEAGLE: All right, thank you, Your
25 Honor.

1 VICE CHAIRMAN CARTER: Thank you.

2 MR. TEAGLE: It sounds like there's quite the
3 party in the hallway.

4 MR. BREMER: If I may speak to Ms. Wright
5 outside.

6 VICE CHAIRMAN CARTER: Certainly. For the
7 moment we're off the record.

8 (Off the record discussion.)

9 MR. BREMER: No one's here for that party.

10 VICE CHAIRMAN CARTER: No one's here.

11 MR. BREMER: I haven't talked to Mr. Mercer
12 in advance of this proceeding. I certainly would say
13 that it would be very highly unusual that he would
14 not be here.

15 VICE CHAIRMAN CARTER: Okay, how about if we
16 take another 10 minutes and then we can discuss the
17 case we just heard if you could leave the room and
18 we'll be back and see if he gets here. How long is a
19 usual -- I know it's up to me. How long is the term?
20 The 10-minute rule from school was probably not
21 really legal. As a teacher if I was 10 minutes late
22 then that means the class is cancelled. If the party
23 doesn't show up, I know that the law covers default,
24 but what time frame?

25 MR. BREMER: I think I need to defer to Judge

1 Allen.

2 ALJ ALLEN: If I may. The hearing was set
3 for 11 o'clock, it's currently 11:30. At the time
4 you called the matter to begin they were not here,
5 that's the time.

6 VICE CHAIRMAN CARTER: Well, we'll still give
7 them 10 minutes and in the meantime we'll talk about
8 that other case. So if they're not here by then,
9 then they're in default, I guess. We can hear your
10 argument if you want to argue.

11 MR. BREMER: As an attorney I'm particularly
12 sensitive about another attorney not having the
13 chance to argue. I don't know what the circumstances
14 are and certainly the Commission issued a notice and
15 you do what the Commission should do in this
16 situation. You know, if you choose to put it off til
17 the next month --

18 VICE CHAIRMAN CARTER: I don't think we'll
19 make that decision until we find out what the
20 circumstances are, if there are -- I hope not, but if
21 there are dire circumstances, obviously --

22 MR. BREMER: I'd like to check with my office
23 and see if there are any messages that have come in.

24 VICE CHAIRMAN CARTER: Okay.

25 EXECUTIVE DIRECTOR SMITH: Mr. Vice Chair,

1 would you like us to clear the room?

2 VICE CHAIRMAN CARTER: Yes.

3 (Off the record discussion.)

4 VICE CHAIRMAN CARTER: We're back on the
5 record. Mr. Bremer, have you discovered anything
6 about your opponent in this case?

7 MR. BREMER: No, I have not. I will say that
8 I have not tried to call his office.

9 VICE CHAIRMAN CARTER: Okay.

10 MR. BREMER: I didn't feel at liberty to do
11 that since you've been waiting here on this
12 proceeding.

13 VICE CHAIRMAN CARTER: It is now roughly an
14 hour -- It's 18 minutes since I said 10 minutes and
15 it's almost an hour since the announced time, so I
16 think that's probably sufficient time to declare a
17 default pending receipt of information that there was
18 some absolutely unavoidable reason for his lack of
19 appearance, so, Mr. Bremer, would you care to address
20 us on this case?

21 MR. BREMER: I care to do anything the
22 Commission would like me to do.

23 VICE CHAIRMAN CARTER: You presumably have no
24 objection, but I will call this hearing as a result
25 of objections filed by respondent to the proposed

1 findings of fact, conclusions of law and order
2 entered by Administrative Law Judge Allen on the case
3 of Aleesha Bullock versus Cardinal Ritter High School
4 and note that Cardinal Ritter High School is not
5 represented at this hearing, and Mr. Bremer is
6 representing Aleesha Bullock, and I believe you can
7 bypass the introduction because I assume you are
8 Aleesha Bullock, right?

9 MS. BULLOCK: Yes.

10 VICE CHAIRMAN CARTER: Okay, Aleesha Bullock
11 is here in person and Mr. Bremer is representing her
12 and you have the floor.

13 MR. BREMER: Thank you, Commissioner,
14 Commissioners. I would like to first for the record
15 indicate that the complainant is filing a motion for
16 default on the complaint because of the absence of
17 the respondent from these proceedings.

18 My willingness to go ahead and argue
19 objections that I did not file, that the other side
20 filed and that I'd be prepared to respond to those, I
21 want to be sure that I am not waiving any right to a
22 default by going ahead with this proceeding, and I
23 think that, actually, it's very irregular for me to
24 argue on their objections when they're not here,
25 although they did file a written brief, so with all

1 of that said while I'm reserving here, I just want it
2 to be clear for this record, and I guess I want to
3 add to that I respectfully move that I am not being
4 compelled to present an argument today under those
5 circumstances.

6 VICE CHAIRMAN CARTER: I wasn't trying to
7 compel you. All right, thank you, and we understand
8 that you are not waiving your potential motion for
9 default and I guess we can look forward to receiving
10 said motion if you wish to do so. All right, are
11 there any questions from the Commissioners?

12 (No response.)

13 VICE CHAIRMAN CARTER: Any recommendations
14 from the audience?

15 (No response.)

16 VICE CHAIRMAN CARTER: All right.

17 MR. BREMER: I guess the thing I do want to
18 say in terms of the procedural aspects of this, there
19 are Commission rules that deal with parties when they
20 do not appear when notified at different proceedings
21 in a case that they can be defaulted on the
22 complaint. Now, this particular situation, of
23 course, there's been a full-blown trial of the
24 complaint, we wouldn't be waiting around for a
25 hearing on damages, so the posture of this is quite a

1 bit different. I think that if the -- I probably
2 want to, again with reserving everything that I've
3 said, go ahead and add my comments to what I can in
4 response to the written brief and if the
5 Commissioners would indulge me, we probably should go
6 ahead and do that.

7 VICE CHAIRMAN CARTER: All right.

8 MR. BREMER: All right. As you know, Aleesha
9 Bullock is the complainant in this case, she's seated
10 right next to me here, and at the time this case was
11 filed she was a minor. Her mother, Myrna Bullock,
12 brought this case originally when Aleesha was in high
13 school, at a local parochial high school here in
14 Indianapolis called Cardinal Ritter High School.

15 I ask you to focus today, Commissioners, on
16 two women back when they were both seniors in high
17 school, at Cardinal Ritter High School. At the
18 beginning of their senior year they both tried out to
19 return to be part of the girls varsity basketball
20 team. Neither was a stranger to the varsity team.
21 Both of them had played basketball together for
22 Ritter their whole time previous as students in the
23 high school and even beyond that they had played
24 starting in the 5th grade in a parochial grade school
25 that was right next door to Cardinal Ritter, so

1 they'd been continuously in a position to be compared
2 one with the other and their names are Samantha Lynch
3 and, of course, the other one is Aleesha Bullock,
4 who's seated here.

5 For the first time since they were in the
6 5th grade in grade school they were not going to get
7 to play basketball because the coach of Cardinal
8 Ritter decided to leave Aleesha out of the team play,
9 to be a member of the team. Here's how they compared
10 when they were both on the varsity team in their
11 junior year, the year just before this happened.
12 Samantha scored 135 points for the season. Aleesha
13 scored 235 points for the season. Samantha averaged
14 6.86 points per game for the season, but Aleesha
15 averaged 20.68 points per game for the season.

16 Out of all of the field goals that Samantha
17 attempted during that season she made 39 percent of
18 them. Out of all of the field goals that Aleesha
19 attempted during the season she made 40.8 percent of
20 the field goals. On the basis of her performance on
21 the basketball court during her junior year Bullock
22 captured attention. She was described in the 2007/
23 2008 "Hoosier Basketball" magazine as one of three
24 team members making a formidable back court. Even
25 the coach who barred her from participating on the

1 team her senior year was quoted in a newspaper
2 article describing Aleesha's shooting as outstanding,
3 and that article does have a picture of Aleesha as
4 one of the exhibits in this case.

5 In other words, Aleesha on the threshold of
6 her senior year was tried and proven as an
7 experienced and valuable addition to the varsity
8 squad and the record shows that she was on a
9 straight-line trajectory.

10 Harking back to her sophomore year when she
11 was already on the varsity team with Samantha, that
12 year she was the leading scorer and at the end of the
13 season was awarded a plaque for having the highest
14 number of steals. She was talented in taking that
15 ball away from the other team members on the other
16 side and the second highest number of assists. With
17 this record she was obviously a team player.

18 There was no reason to conclude that she
19 would do anything else in her senior year but rise to
20 the occasion in the heat of competitive play, yet in
21 that senior year and for the first time since the 5th
22 grade Samantha and Aleesha were not allowed to be
23 teammates. The coach did not so much as give Aleesha
24 a chance to have any role on the team or to prove
25 herself worthy and a valuable competitor as she had

1 in the past. Thus, these circumstances cry out for
2 an explanation as to why the Caucasian coach, Coach
3 Clark, permitted Samantha, who is also a Caucasian, a
4 place on the team in her senior year but denied the
5 same equal educational opportunity to Aleesha, who is
6 African-American.

7 There are many ways to establish enough
8 evidence to make our prima facie case, thereby
9 requiring respondent upon that happening to
10 articulate a nondiscriminatory reason or reasons for
11 the adverse action that was taken, but at the heart
12 of things there is enough evidence to eliminate the
13 most common nondiscriminatory reasons for the action
14 that is the subject of the complaint at issue and
15 that's the reason we formulate prima facie elements
16 in prima facie cases, to eliminate the most common
17 nondiscriminatory reasons, all right, get them out of
18 the way so that we're finally left with something
19 that can't be given as a reason that the respondent
20 wants to articulate.

21 Okay, in this case what would be the most
22 common nondiscriminatory reasons? One, an inability
23 to engage in competitive play as a basketball player;
24 two, a lack of experience in competitive play; and
25 three, a failure to try out for the play, in other

1 words to even apply, so to speak, for a position on
2 the team. As for that last point, the evidence shows
3 that Aleesha, just like Samantha, went through the
4 complete two days of tryouts, so she did submit her
5 application in good order. There goes that
6 nondiscriminatory reason.

7 And as for being unable to play in Aleesha's
8 case another common nondiscriminatory reason is
9 eliminated from consideration for obvious reasons.
10 And as for the lack of experience, just look at her
11 scoring, at her steals, her assists, her percentage
12 of successful field goals and there goes that final
13 nondiscriminatory explanation or common nondis-
14 criminatory explanation.

15 Contrary to respondent's argument, Judge
16 Allen was correct in concluding that the evidence
17 established a prima facie case of discrimination. As
18 you know from listening, which, no, you didn't listen
19 to Mr. Mercer's argument, but as you know from
20 reading his brief he offered evidence supporting many
21 reasons for the respondent not allowing Aleesha on
22 the team. The main explanation actually had to do
23 with her not attending summer practices, which were
24 not mandatory, and also conditions which were not
25 mandatory, and in this regard the coach did not ever

1 approach the parents of Aleesha Bullock about any
2 concern on his part that she might not qualify for
3 the team coming up in the senior year, and why is
4 that significant? Well, I'm going to tell you that
5 Mr. and Mrs. Bullock were not just soccer moms, I
6 would say they were more like team parents, they were
7 at every function, every game, they supplied food,
8 they took the kids to restaurants, they hauled them
9 around, they were very available and very interested
10 to Coach Clark. He had their phone numbers, he could
11 call them. They were very, very interested in their
12 daughter being a success in basketball.

13 Her older sister had gone to the same school
14 and had gone through her senior year and was scouted
15 and was given a basketball scholarship, a full-ride
16 scholarship. Obviously they wanted to do the same
17 for this daughter.

18 So if that was a really valid reason, why
19 didn't he mention it to the parents, it would have
20 been so easy and they were so involved I'm sure they
21 would have done something about it. But the evidence
22 shows that the coach's ultimate reason, I say
23 "ultimate," when all was said and done, he came down
24 to this, "We're not even allowing Aleesha to sit on
25 the bench and not play very much." He said it

1 allegedly had something to do with not getting along
2 with someone else on the team. Who? Samantha,
3 Samantha of all people. This is the very young
4 person with whom Aleesha had played basketball from
5 the time she was in the 5th grade in all sorts of
6 competitive play with several teams composed of
7 various groups of people.

8 So let's see here. When it came down to a
9 choice between having a player with a proven record,
10 a good scorer, a lot of assists, a lot of steals, a
11 distinguished career so far, a choice between not
12 having that person on the team due to some kind of a
13 vague, quote-unquote, not a strong one, relationship
14 that Samantha had with Aleesha is what tipped the
15 decision for Coach Clark to not even let Aleesha have
16 a chance to be on the varsity team in her senior year
17 in high school.

18 Now I submit to you Commissioners, this is
19 not the NBA, this is a parochial high school in a
20 very small league in Indianapolis, Indiana, and this
21 coach was making decisions that sounded like
22 something that would be appropriate to the NBA. To
23 hear a coach say this in reference to a high school
24 basketball team sounds funny, I think. Does he
25 really want to see his team win? Isn't that what a

1 coach wants to do, to see his team win? Wouldn't he
2 like to have somebody that was the highest scorer one
3 year be on that team, wouldn't he like someone who's
4 adept at stealing the ball from the other side be on
5 that team? What's wrong with him? Why is he a coach
6 to begin with? Is he there just to -- He explained
7 all of this to the parents in terms of "Well, I
8 wanted to have other people have a chance to be on
9 the varsity squad so that we could grow players for
10 the next season down the road." Well, this is this
11 season and that's that season. I mean these are kids
12 that are very hopeful about being recognized enough
13 to get a scholarship and in the senior year if you
14 are knocked off like that, what did that say for
15 Aleesha Bullock, that she wasn't scouted?

16 She ended up going to school on her own bill
17 and on her parents' to the tune of \$75,000. Aleesha
18 graduated just recently and she's, you know, going to
19 have to pay back a sizable student loan of \$25,000,
20 and we're not saying that she would've been scouted
21 or that she would've gotten on the team in a college
22 on a scholarship, but she had hope, she had hope. I
23 mean she appeared in this magazine described as part
24 of a strong back court. Her picture was in the
25 newspaper in which the coach described her as a

1 fantastic scorer. What's the price of hope? The
2 parents had hope. They had good reason to hope.
3 This was a good basketball player. We can't prove
4 that some scout wouldn't have nabbed her, but what's
5 the price of taking away hope, what's the expense of
6 taking away hope.

7 Aleesha was very deeply emotionally
8 disturbed by what happened to her. It was very, very
9 bad and unfair what happened to Aleesha, and she
10 reacted the way you would think an 18-year-old kid
11 would that had given her heart to the basketball
12 program of these schools on up to that point.

13 The administrative law judge is criticized
14 for allowing a recommendation of \$75,000 as the
15 amount that should be paid to Aleesha Bullock. The
16 respondent's argument is that the parents were not
17 parties to this case. Well, that's obvious. Myrna
18 Bullock's name was in the case because she had to do
19 that on behalf of her daughter, but the case was
20 always for Aleesha. We didn't join in as additional
21 parties, this was something that developed long after
22 the case was filed where they ended up paying a lot
23 of money out of their own pocket for their daughter's
24 education. So there's no way that Judge Allen is
25 recommending, I can't detect that from this decision,

1 that you are going to give Aleesha Bullock \$50,000
2 that her parents had to pay out of their pockets, but
3 Aleesha Bullock did have emotional distress. It's
4 true that this would be a very high amount of money
5 to award for emotional distress for this Commission
6 based on what this Commission has done in the past,
7 but what we're being told here is that this is a very
8 grievous injury. We're talking about a child,
9 basically, being treated like this, very shabby, and
10 the emotional distress was verified in the record of
11 the case.

12 We oppose the objections that have been
13 filed by the respondent. We're saying that contrary
14 to what they are, there was proof in the prima facie
15 case, enough proof that it imposed a burden upon the
16 respondent to say "What goes on here, explain why you
17 did this." The respondent's explanations do not hold
18 up to reasonable analysis given the total
19 circumstances, and it's coming down to a choice if
20 indeed Samantha and Aleesha were having serious
21 enough personality conflicts to tip this decision in
22 favor of Samantha, why was the white student chosen
23 to stay on the team and the black student was not?
24 We are talking here about, again, why couldn't this
25 coach try to get these two to work out their

1 differences? After all, I mean he's a teacher and a
2 coach. In these basketball teams they're being
3 prepared for the future, they're being prepared to
4 deal with all kinds of difficult people and to learn
5 how to get along with them. What's school all about
6 anyway? We're talking here about an educational
7 opportunity and an educational opportunity as defined
8 by the Indiana Civil Rights Commission was denied on
9 the basis of race.

10 VICE CHAIRMAN CARTER: Thank you, Mr. Bremer.
11 As usual, we will take this case under advisement and
12 work out, I guess it remains to be seen, what sort of
13 default. I guess the ball's in your court to file
14 that if you so choose. And now I will turn it over
15 to the Commissioners to ask questions.

16 COMMISSIONER RAMOS: I do have a question.
17 The coach in the newspaper article that you
18 referenced, is it the same coach that said that she's
19 a fantastic scorer?

20 MR. BREMER: Yes.

21 VICE CHAIRMAN CARTER: Are there other
22 questions?

23 COMMISSIONER CRENSHAW: Did you have the
24 opportunity to try out at the school you went to?

25 MS. BULLOCK: When I left Cardinal Ritter I

1 went off to Indiana State and I tried to walk on to
2 their team, but it's really hard to walk on to a team
3 because they fill the rosters like beforehand and
4 since it was a D-1 college they had already done the
5 recruiting. I contacted the coach, I set up a date
6 to do a try-out with them, she e-mailed me back and
7 said that we would reschedule and then they never fit
8 me in to reschedule.

9 COMMISSIONER CRENSHAW: So what do you do
10 right now? I know you're done with school. What's
11 your profession?

12 MS. BULLOCK: I just finished in mid 2013. I
13 work for a company called Playworks and I am based
14 out of Greenbriar Elementary School, I'm a program
15 coordinator there.

16 COMMISSIONER CRENSHAW: Okay. You going to
17 go into coaching?

18 MS. BULLOCK: I actually volunteered coaching
19 while I was finishing up college, I did that for the
20 last two years. I want to get into coaching, but I
21 also want to further my schooling.

22 COMMISSIONER GARCIA: I have a question. Did
23 you play in outside leagues when you were a senior?

24 MS. BULLOCK: You can't play when you're a
25 senior if it's your senior year season, so there's

1 not like AAU teams that you can play in, so I really
2 couldn't get into anything.

3 COMMISSIONER CRENSHAW: In the past while you
4 were at Cardinal the previous years did you do summer
5 training?

6 MS. BULLOCK: Yes, I did summer training.
7 The year that they said that I didn't go to
8 conditioning my father lost his job, so I got a job
9 in the summer, so I was working in the summer and it
10 came down to those weren't mandatory and I needed the
11 money financially, so I worked.

12 COMMISSIONER CRENSHAW: Gotcha. And the
13 coach was aware that --

14 MS. BULLOCK: The coach was aware.

15 COMMISSIONER CRENSHAW: -- your father was
16 unemployed, you were helping to bring money into the
17 household in the summer?

18 MS. BULLOCK: Yes, and I also participated in
19 a basketball camp that summer as well and then I
20 participated in another one, so I was still active in
21 basketball.

22 COMMISSIONER CRENSHAW: So you were staying
23 in condition?

24 MS. BULLOCK: Yes. Oh, and I also played
25 soccer, transitioning into that senior year.

1 COMMISSIONER CRENSHAW: I won't hold that
2 against you.

3 MS. BULLOCK: Okay.

4 VICE CHAIRMAN CARTER: This is completely
5 irrelevant, soccer is a different season, right?

6 MS. BULLOCK: Soccer is the season before
7 basketball season, so I was doing that.

8 COMMISSIONER RAMOS: There is a lot of
9 conditioning for the basketball starters, so a lot of
10 things that are going on even though the season
11 officially hasn't started, right?

12 MS. BULLOCK: Right, the season doesn't
13 officially start until a couple of weeks after
14 school. I think the very first game might be
15 November 7th, something around there, so the season
16 doesn't officially start. You get two weeks before
17 your first game to have like full-on practices.

18 COMMISSIONER BAYNARD: In your written
19 testimony the coach cited that you had problems with
20 turning the ball over and making mistakes, Samantha
21 also had problems turning the ball over. Who was
22 Number 1 in turnovers?

23 MS. BULLOCK: It's hard to say because the
24 way that me and Samantha worked, since we had played
25 together so long, we had been through every type of

1 coaching, so her and I actually played well together,
2 so we alternated positions, so if one game she was
3 the point guard, then that game I would be the two
4 guard or vice versa, it depended on the game, it
5 depended on the type of situation, the scenario of
6 the game, it wasn't just I was the point guard, she
7 was the two guard, it alternated in all different
8 circumstances.

9 COMMISSIONER BAYNARD: So there were times
10 that you played together at the same time?

11 MS. BULLOCK: We played together all the
12 time.

13 COMMISSIONER BAYNARD: So you played point
14 guard and she was the two guard?

15 MS. BULLOCK: The two or vice versa.

16 COMMISSIONER BAYNARD: While she was playing
17 point guard did she make as many mistakes as you
18 would have trouble playing the --

19 MS. BULLOCK: I think it was kind of equal.
20 There were some games that she made more mistakes
21 than myself, but at the same standpoint I think it
22 just depended because we both played that same
23 position and we both -- So if I was having a bad
24 game, then she would play that position, or if she
25 was having a bad game, then I would take over that

1 role, so I couldn't tell you.

2 COMMISSIONER BAYNARD: From what I understand
3 you had a higher score average than she, correct?

4 MS. BULLOCK: Yes.

5 COMMISSIONER BAYNARD: And she was retained
6 and you were not?

7 MS. BULLOCK: I'm sorry, what did you say?

8 COMMISSIONER BAYNARD: She was kept on the
9 team --

10 MS. BULLOCK: Yes.

11 COMMISSIONER BAYNARD: -- in her senior year
12 and you were not?

13 MS. BULLOCK: Yes.

14 COMMISSIONER BAYNARD: Did she have more
15 steals than you or less steals?

16 MS. BULLOCK: My junior year she did not have
17 more steals than I did. I led the team in steals.

18 COMMISSIONER BAYNARD: In scoring as well?

19 MS. BULLOCK: Yes.

20 MR. BREMER: Not in your junior year.

21 MS. BULLOCK: Not in my junior year? I
22 outscored Samantha. There may have been someone
23 that --

24 MR. BREMER: Jiles.

25 MS. BULLOCK: Jiles, Erica Jiles may have

1 outscored me my junior year, but I outscored
2 Samantha. I'm sorry about that.

3 COMMISSIONER BAYNARD: Okay, thank you.

4 COMMISSIONER CRENSHAW: What was the season
5 like without you, how far did they go?

6 MS. BULLOCK: I didn't follow their season.
7 I think they did pretty well. Starting out we were a
8 young team, so my freshman year we played against
9 juniors and seniors, so our senior year was our year.

10 COMMISSIONER GARCIA: Did you play women's
11 club basketball at Indiana State?

12 MS. BULLOCK: At Indiana State I played
13 intramural.

14 COMMISSIONER GARCIA: Okay.

15 COMMISSIONER BAYNARD: Your junior year did
16 you make all-conference?

17 MS. BULLOCK: Yes.

18 COMMISSIONER BAYNARD: Did Samantha?

19 MS. BULLOCK: She may have made it sophomore
20 year. One year she made it and then one year I made
21 it, so I'm thinking I made it my junior year and she
22 made it her sophomore year.

23 MR. BREMER: I don't know if she did or not.

24 COMMISSIONER RAMOS: Did Samantha go on to
25 get a scholarship?

1 MS. BULLOCK: She didn't go off to play.
2 There were only two of us that wanted to play in
3 college.

4 COMMISSIONER CRENSHAW: You may not be aware,
5 but it's WNBA for the women, not NBA.

6 MR. BREMER: I think the analogy still holds.

7 COMMISSIONER CRENSHAW: Yes, unless you're
8 good enough to play against LeBron James.

9 VICE CHAIRMAN CARTER: Any more questions?
10 (No response.)

11 VICE CHAIRMAN CARTER: Hearing none, I again
12 say thank you for your presentation and we'll honor
13 your reserving the right to the other side's default,
14 point that out and the consequences thereof and we'll
15 see how this works out. I'll let you know. Thank
16 you very much.

17 MR. BREMER: Do you want to give me a
18 deadline by which to file a motion?

19 VICE CHAIRMAN CARTER: Two weeks is usual,
20 isn't it, I believe? Is that sufficient?

21 MR. BREMER: Yes.

22 VICE CHAIRMAN CARTER: Okay, or 14 days,
23 whichever comes first.

24 JUDGE ALLEN: October 11, 2013.

25 MR. BREMER: October?

1 JUDGE ALLEN: 11.

2 VICE CHAIRMAN CARTER: If there's nothing
3 further for this case, I will go off the record to
4 end this and go back on the record to continue our
5 regular meeting. Oh, well, wait a minute, no, we
6 need to talk about it. Okay, we're off the record
7 and we'll take a break and discuss this and then go
8 back to vote on this.

9 (Off the record discussion.)

10 VICE CHAIRMAN CARTER: We can go back on the
11 record. So we are resuming the monthly meeting of
12 the Civil Rights Commission and we are resuming the
13 agenda at "F, Findings of Fact, Conclusions of Law
14 and Order," and the first item is the case of Aleesha
15 Bullock versus Cardinal Ritter High School, which as
16 I understand it we have decided to defer until we see
17 the outcome of the fact that Cardinal Ritter did not
18 make an appearance at our hearing and see how that
19 shakes out and we will make a decision on that at a
20 later date.

21 In the case of Birgit Huffman, Jamal Smith
22 in his official capacity as Executive Director of the
23 State of Indiana Civil Rights Commission versus
24 Crestwood Village South Apartments and Justus Rental
25 Properties, Inc., may I have a motion to uphold those

1 findings of fact, conclusions of law and order?

2 COMMISSIONER CRENSHAW: So moved.

3 COMMISSIONER RAMOS: Second.

4 VICE CHAIRMAN CARTER: Okay, all in favor?

5 (All respond "aye".)

6 VICE CHAIRMAN CARTER: Any opposed?

7 (No response.)

8 VICE CHAIRMAN CARTER: All right, thank you.

9 And in the matter of Jade Wright versus Goldie's,
10 Inc., I would like a vote on those findings of fact
11 and conclusions of law with the provision that we
12 change Item Number 3 in the order to remove Goldie's
13 as the principal to require Mr. Goldsmith to receive
14 sexual harassment training and instead to substitute
15 Michael Goldsmith as the principal who should seek
16 such training. Is that amenable to anyone and if so
17 would you make a motion to accept that?

18 COMMISSIONER CRENSHAW: So moved.

19 VICE CHAIRMAN CARTER: And is there a second?

20 COMMISSIONER GARCIA: Second.

21 VICE CHAIRMAN CARTER: All in favor?

22 (All respond "aye.")

23 VICE CHAIRMAN CARTER: Any opposed?

24 (No response.)

25 VICE CHAIRMAN CARTER: Jamal Smith again

1 disguised as Jeff and Julie Stuckey in his official
2 capacity as Executive Director of the Indiana Civil
3 Rights Commission versus Aim Management, may I have a
4 motion to accept those findings and conclusions and
5 order?

6 COMMISSIONER GIDNEY: So moved.

7 COMMISSIONER CRENSHAW: Second.

8 VICE CHAIRMAN CARTER: All in favor?

9 (All respond "aye".)

10 VICE CHAIRMAN CARTER: Opposed?

11 (No response.)

12 VICE CHAIRMAN CARTER: Thank you. And as far
13 as I know there is no controversy about the next one,
14 two, three, four, five cases, and we can do those in
15 one fell swoop. Jessica Spaulding, Kelsy Gonzalez,
16 Kintae D. Lark, Lynda Snellenberger, Virginia Creasy,
17 I have left out the respondent in the interest of
18 time and my throat, which seems to be failing, may I
19 have a motion to uphold those five findings of fact,
20 conclusions of law and order?

21 COMMISSIONER RAMOS: So moved.

22 COMMISSIONER BAYNARD: Second.

23 VICE CHAIRMAN CARTER: And all in favor?

24 (All respond "aye".)

25 VICE CHAIRMAN CARTER: Any opposed?

1 (No response.)

2 VICE CHAIRMAN CARTER: Thank you. There are
3 no consent agreements, and so we reach at long last
4 the Executive Director's Report.

5 EXECUTIVE DIRECTOR SMITH: Well, good
6 afternoon again. Mr. Vice Chair, members of the
7 Commission, thank you again for your time. I will
8 keep my portion of today's meeting very, very brief,
9 all right?

10 The Commission has been very active from an
11 outreach and education standpoint. A number of
12 different outreach activities, one to note has been a
13 recent visit to the South Bend area where we put on a
14 resource fair. Our primary objectives for outreach
15 events here recently have been an overemphasis on the
16 collaboration of it all to make sure that not only do
17 we go out and promote the Agency with what we do and
18 what the rights and responsibilities of native
19 Hoosiers are but that we work in hand with as many
20 agencies, both government agencies as well as
21 community agencies as we can, and the idea is if
22 we're all reaching or attempting to reach the same
23 target demographic then there's no reason why we
24 should all be spending tons of money to do so, time
25 and resources, so we try to do so collectively.

1 In saying that, the event in South Bend went
2 extremely well from the collaboration standpoint.
3 The other hurdle that we have to get around is
4 getting the community in large numbers to come out
5 and take advantage of the information and the
6 resources being given, so that will be a continued
7 effort as we move forward.

8 Some other things to note, the CLE series
9 continue following that South Bend event. In fact,
10 we were in Elkhart. The CLEs are always well
11 attended. I think a large part of that is the fact
12 that we provide them free of charge and still provide
13 CLE credits and so, you know, all of those in need of
14 CLE credits are in love with that idea, so attendance
15 is never an issue at our CLEs, very well attended and
16 very well supported, so we're proud of that.

17 Upcoming events to keep note, we attempt to
18 have all-staff meetings every other month, but
19 looking to have a retreat in November. We'll focus
20 on a few different trainings, some interoffice
21 cultural diversity training to make sure that as we
22 go out in the community and talk about the importance
23 of diversity and inclusion that we ourselves are on
24 top of our game, so we continue to have some of that
25 self-reflection and self-improvement for us

1 internally, so that will be in November, date to be
2 determined. Trying to stay as far away from the
3 holidays as possible, obviously, because everybody
4 gets tied up when we do that.

5 In addition to the cultural diversity
6 training that we'll have we'll have some customer
7 service training, some updated training on,
8 obviously, the laws that we uphold as a commission,
9 so we invite you guys as Commissioners to be a part
10 of that as well. Looking to hold that obviously here
11 in Indianapolis and at the Fort Ben -- I always say
12 it's a resort, but the state park, so we will be
13 there. More information on that will come in the
14 near future and we'll make sure that you guys receive
15 that information.

16 We have been very involved doing Hispanic
17 Heritage Month, in addition to the resource night
18 that I spoke of and was actually in Mishawaka, had an
19 event in support of a La Plaza Fiesta event which is
20 here in Indianapolis. October 5th we'll be a part of
21 the Hammond Hispanic Community Committee, Latino
22 Resource Fair which will be October 5th at the Jean
23 Shepherd Community Center, so we're looking forward
24 to that as well. In addition to October 10th in
25 Valpo a part of our Power of Diversity Series will

1 conclude those efforts in October.

2 COMMISSIONER RAMOS: Were you at the Fiesta
3 Indianapolis?

4 EXECUTIVE DIRECTOR SMITH: Yes, yes, we were
5 there. We try to continue that partnership with La
6 Plaza. We have a booth for some information that we
7 give out. We're trying to think of some creative
8 ways in addition to just having a booth and sitting
9 there and handing out information that we know a lot
10 of people couldn't care less about, right? So we're
11 trying to think of some activity where, you know, it
12 draws people, that's calling for people to come up
13 and then we'd use some of our partners like the
14 Indianapolis Indians, The Recorder and some others to
15 help provide some giveaways, whether it be tickets to
16 a game, Walmart gift cards and things of that nature
17 to give away and as we're giving them away, right,
18 the gifts, we're also giving information about the
19 Commission.

20 So the last few events that we've gone out
21 to take part in we've exercised that. I've gotten a
22 lot of good feedback. I'm sure it has a lot to do
23 with the gift cards more so than it does the
24 information, but, hey, you know, we'll take the
25 involvement. If we could reach one out of the 100

1 that we touch, then we think that's a win-win for the
2 Commission. As stated earlier, from a financial
3 standpoint the Agency is on top of its game, on par
4 with everything. We applied for the Partnership
5 Grant with HUD, waiting on feedback for that. We
6 asked for something in the neighborhood of 1.3
7 million, knowing full well that we wouldn't get the
8 full 1.3. My guesstimate is that we'll get about 50
9 percent of that, but we have been fairly fiscally
10 conservative, so we have enough funds in the hopper
11 to compensate for what we don't get.

12 The idea behind the grant was to indulge, as
13 I've previously mentioned, in three main areas, one
14 is the statewide testing program which has got a full
15 head of steam behind it and just waiting on that
16 grant piece to come through so we can put the final
17 pieces together and again once we do that it will be
18 unprecedented.

19 There's not a statewide testing program that
20 exists in the country and so the Commission will be
21 able to say that we set that precedent and are
22 pioneers in that area. So we're excited and looking
23 forward to that coming through. At the same time we
24 are very cautious and very conscious of the fact that
25 because its unprecedented, we -- Well, in other

1 words, we want to make sure that we make as few
2 mistakes as humanly possible, so we've identified a
3 few areas, although it will be statewide, we'll be
4 careful as to how we do it up to the entire state.

5 The three areas that we'll target first are
6 Terre Haute, Evansville will be two, and the third
7 Fort Wayne, Fort Wayne, out in the east Allen County
8 area. The target begin date for that is January 1
9 with the opportunity to unveil the results of the
10 testing program at the beginning of April, which, as
11 we all know, is Fair Housing Month.

12 Outside of that, we continue to move,
13 continue to stay active. The Cultural Commissions
14 are active as well, continue to do as much as we can
15 outside of Indianapolis because just by nature
16 Indianapolis always draws us back in. Encourage each
17 and every one of you as we're in your neck of the
18 woods to definitely come out and support, and if you
19 hear of something in your hometowns that we should,
20 can and could be involved in we encourage you to
21 reach out and make sure that we are aware so that we
22 can represent you to the best of our ability. That
23 said, I'll open it up for any questions if there are
24 any.

25 COMMISSIONER RAMOS: You had a whole bunch of

1 people in Colorado a couple weeks ago, I know there
2 was some training out there for the EEOC. Happened
3 to be on the plane with them going out and coming
4 back.

5 EXECUTIVE DIRECTOR SMITH: Yes, we did. I
6 encourage all of the staff to engage in professional
7 development. To me it's vitally important. A part
8 of it is making sure we stay on top of the rules,
9 laws and obligations that are put out by EEOC, right,
10 and the federal laws and make sure that we're on top
11 of that.

12 The other side, though, is the sheer
13 professional development to make sure that the staff
14 is on top of their game, I think it creates a wealth
15 of knowledge. In addition, though, I think it
16 expands our network base and the more people that we
17 know and can partner with I think the more effective
18 the Agency can be, so I was excited for the staff to
19 be able to go out, plus it breaks up the monotony,
20 they can get out of the office, get out of the state,
21 go and meet some new people, see some new things,
22 bring back some knowledge for the rest of the office,
23 so I was excited about that.

24 VICE CHAIRMAN CARTER: They didn't get caught
25 in the flood, I hope.

1 EXECUTIVE DIRECTOR SMITH: No, thank God
2 there were no issues or complications.

3 VICE CHAIRMAN CARTER: I know a guy who had
4 200 students in the mountains camping and the roads
5 were gone.

6 EXECUTIVE DIRECTOR SMITH: Right, right. But
7 we're excited. We came back and took a lot from the
8 training and had a good time. I will also note,
9 though, in light of mentioning the EEOC that
10 obviously their fiscal year ends September 30th,
11 begins October 1. Obviously, we fulfilled this
12 previous year's contract. We were awarded an upward
13 modification for this previous contract which
14 ultimately means we exceeded the amount that was
15 written into the contract and asked to be paid for
16 additional cases, which we were granted, and we are
17 more than I would say 30 to 35 percent done with the
18 new contract already, so the EEOC team is full steam
19 ahead and doing a great job.

20 In fact, all of the investigative units are
21 doing a fantastic job. For our two primary areas of
22 housing and employment, our percentage of age cases
23 hovers around zero percent, which I don't want to say
24 is unprecedented but has been extremely uncommon in
25 the history for the Agency, but it shows the hard

1 work that the staff has been doing and we're
2 extremely proud of the effort, and numbers never lie,
3 that's the athlete in me, so I'm excited that we can
4 show that statistically that they're doing a
5 fantastic job, so I just want to report that as well.

6 COMMISSIONER RAMOS: One of the things, an
7 observation, we do a lot of great things and I
8 commend the office for that and the staff and
9 leadership, one of the things we lead on the Martin
10 Luther King, we lead on recently the events that were
11 around the Holocaust and that kind of thing. We
12 participate on the Latino side of things, we don't
13 necessarily lead. I would love to see the Commission
14 lead on some initiatives for the Latinos because they
15 are a growing part of this community.

16 EXECUTIVE DIRECTOR SMITH: Yes.

17 COMMISSIONER RAMOS: So I throw that out as a
18 suggestion when you updated us on your team, who does
19 a phenomenal job, so I put that out because there is
20 a need, there is a need in the state of Indiana.

21 EXECUTIVE DIRECTOR SMITH: Definitely agree
22 on that note and not just the state of Indiana but I
23 think in the country in general.

24 COMMISSIONER RAMOS: Yes.

25 EXECUTIVE DIRECTOR SMITH: The Hispanic

1 community is the largest growing community that we
2 have here specifically in the state and want to
3 continue to do more. We're, obviously, leaning on
4 you guys as Commissioners with suggestions on that.
5 We do kind of cover the fact that the Cultural
6 Commissions are in our shop. To your point, Mr.
7 Lopez does a fantastic job leading the state's
8 Hispanic Commission and, you know, they actually
9 lead, as you would say, in a number of different
10 areas and so we're proud of that, so although it's
11 not the ICRC's name that's on a lot of what's done,
12 of course by direct link we are attached to that and
13 proud to say that we do do those, but to your point,
14 can, should and will do a lot more in the near
15 future.

16 COMMISSIONER RAMOS: My last comment, and I'm
17 sorry to monopolize this discussion here, but our
18 strategic plan.

19 EXECUTIVE DIRECTOR SMITH: Yes, sir.

20 COMMISSIONER RAMOS: We should be up for our
21 second year review on that.

22 EXECUTIVE DIRECTOR SMITH: Yes, glad you
23 mentioned that and did not have it here, was waiting
24 for the next Commission meeting because I'll have
25 more results from that. So the strategic plan not

1 only will be revamped and presented to you guys but
2 this previous year's agency report, so our annual
3 report will also be ready to be unveiled which will
4 show, you know, where the agency stands, all that
5 we've accomplished and kind of how we've hit the
6 objectives written out in the previous year's
7 strategic plan moving forward, so if you allow us to
8 TBD that one until the next Commission meeting we
9 will be ready, willing and able to present to you
10 guys as a commission.

11 Oh, and with the idea that, of course, by
12 law we are to present that not only to you guys but
13 to the Governor's Office, to the General Assembly as
14 well, and so we do that with the aim for Org Day,
15 which is I believe November 20th, so we will be
16 completed with that next month, as in October, with
17 the opportunity to have discussion, feedback, input
18 and present that on November 20th to everyone who
19 we're statutorily obligated to present it to.

20 COMMISSIONER RAMOS: Thank you.

21 VICE CHAIRMAN CARTER: Any other questions?

22 (No response.)

23 VICE CHAIRMAN CARTER: Any announcements?

24 (No response.)

25 VICE CHAIRMAN CARTER: Thank you.

1 EXECUTIVE DIRECTOR SMITH: Thank you, sir.

2 VICE CHAIRMAN CARTER: Well, if there are no
3 announcements, observe the meeting dates for the rest
4 of the year, and let's make sure that we have
5 signatures. Do we have signatures, things to sign?

6 MS. RINCONES-CHAVEZ: Yes.

7 VICE CHAIRMAN CARTER: Okay, so hang around
8 for that and this meeting is adjourned.

9 (WHEREUPON, at 1:00 p.m., September 27, 2013,
10 this hearing concluded.)

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CERTIFICATE

STATE OF INDIANA

ss:

COUNTY OF HAMILTON

I, Marjorie A. Addington, the undersigned Court Reporter and Notary Public residing and maintaining offices in the City of Carmel, Hamilton County, Indiana, do hereby certify:

That I reported to the best of my ability in machine shorthand all of the words spoken by all parties in attendance during the course of the hearing;

That I later reduced my shorthand notes into the foregoing typewritten transcript form, which typewritten transcript is a true record to the best of my ability of the hearing;

That I am not a relative or employee or attorney or counsel of any of the parties, nor am I a relative or an employee of such attorney or counsel, and that I am not financially interested in this action.

IN WITNESS HERETO, I have affixed my Notarial Seal and subscribed my signature below this 29th day of SEPTEMBER, 2013.

Notary Public
County of Residence: Hamilton (Seal)My
Commission Expires on: August 22, 2015