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BEFORE THE STATE OF INDIANA

CIVIL RIGHTS COMMISSION

- - -

PUBLIC MEETING OF AUGUST 18, 2025

- - -

PROCEEDINGS

in the above-captioned matter, before the Indiana
Civil Rights Commission, Adrienne L. Slash,
Chairperson, taken before me, Lindy L. Meyer,
Jr., a Notary Public in and for the State of
Indiana, County of Shelby, at the Indiana
Government Center North, 100 North Senate Avenue,
Room N300, Indianapolis, Indiana, on Monday,
August 18, 2025 at 1:07 o'clock p.m.

- - -

ACCURATE REPORTING OF INDIANA, LLC
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Carmel, Indiana 46032
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1 APPEARANCES:

2 COMMISSION MEMBERS:

3 Adrienne L. Slash, Chairperson
4 Steven A. Ramos
5 Holli Harrington
6 Sue Silberberg (remote)
7 James W. Jackson
8 Terry Tolliver

9 INDIANA CIVIL RIGHTS COMMISSION
10 By Jose Evans, Director
11 & David Fleischhacker, Deputy Director
12 Indiana Government Center North
13 100 North Senate Avenue, Room N300
14 Indianapolis, Indiana 46204
15 On behalf of the Commission.

16 OTHER COMMISSION STAFF PRESENT:

17 Michael Lostutter
18 Christiana Afuwape
19 Lucy Travis
20 James Hodges
21 J. Philip Clay
22 Cecilia Kibada (remote)
23 Nicole Owens (remote)

ALSO PRESENT:

Matthew Brown
Jeffery Brassea
Adele Brassea (remote)
Sam Mouratides
Shaw Friedman
Tebogo Kaisara
Sherice Williamson
Kris Kazmierczak
Lori Gehlhausen
Vincent Kroon
Rebecca Kiell

1 ALSO PRESENT (CONT.):

- 2 Cindy Armour (remote)
- 3 Robert Groves (remote)
- 4 Justin Hazlett (remote)
- 5 Toni Wauford (remote)
- 6 Shaunthi Gaur (remote)
- 7 Hannah Oates-Sexton (remote)
- 8 Erin Hanig (remote)
- 9 Kathryn E. Wilson (remote)
- 10 Katelyn Russell (remote)
- 11 Jim Shivaner

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1 1:07 o'clock p.m.
2 August 18, 2025

3 - - -

4 MR. LOSTUTTER: All right. We are
5 ready to begin. I will read first. Please be
6 advised no party will be allowed to speak
7 directly to the Commission during any Commission
8 meeting except during a previously scheduled oral
9 argument or during our Public Comments time
10 directly before the end of the meeting.

11 Concerning appeals, the Commissioners will
12 make their initial determination based on the
13 complaint, the notice of finding, the appeal, and
14 the final investigative report. You must not
15 address the commission members except and unless
16 you are addressed directly by them.

17 If you have any questions about your case,
18 please wait to speak to the Docket Clerk until
19 after the Commission meeting ends. If you are
20 here to make remarks during the Public Comments
21 period time, be aware that you will be only
22 allowed two minutes to speak.

23 Thank you.

And you can go ahead and gavel us in. I

1 think we also need to take names of everybody who
2 is here today, virtually and maybe otherwise.

3 CHAIRPERSON SLASH: For process, I'll
4 go ahead and I'll call this meeting to order
5 at 1:08 p.m. on August 18th, and you can go
6 forward.

7 MR. LOSTUTTER: All righty.

8 I'm going to unmute you one by one, and
9 you will give your names.

10 (Comm. Harrington arrived.)

11 MR. LOSTUTTER: Go. I think the
12 first person is Ms. Cindy Armour; am I correct?

13 (No response.)

14 MR. LOSTUTTER: Can you speak up,
15 Ms. Armour?

16 (No response.)

17 MR. LOSTUTTER: She is one of the
18 people whose names does appear up there, so her.

19 And then speak, sir. I believe you are
20 Mr. Robert Groves.

21 MR. GROVES: Yes, sir. Present.

22 MR. LOSTUTTER: Okay.

23 And if you may speak, sir, let us know.

1 MR. HAZLETT: Yeah. My name is
2 Justin Hazlett. I represent Armour Property
3 Management LLC.

4 MR. LOSTUTTER: All right. Thank
5 you.

6 We have two ICRC members, Nicole Owens and
7 Cecilia Kibada, on there as well.

8 And if you may speak, Ms. Shaunthi Gaur;
9 am I correct?

10 MS. GAUR: Yes, that's correct. Good
11 afternoon. My name is Shaunthi Gaur. I'm an
12 attorney representing Northern Indiana Public
13 Service Company.

14 MR. LOSTUTTER: Thank you.

15 MS. GAUR: Uh-huh.

16 MR. LOSTUTTER: And Ms. Toni Wauford;
17 correct? Please announce yourself.

18 (No response.)

19 MR. LOSTUTTER: I'll come back to her
20 there.

21 You may speak, I believe, Ms. -- is it
22 Erin or Urin?

23 (No response.)

1 MR. LOSTUTTER: I think you just
2 muted yourself; sorry. There you go. No, there.

3 MS. HANIG: Sorry. Yes, it's Erin
4 Hanig. I'm the attorney for Forest River, Inc.

5 MR. LOSTUTTER: Okay. Thank you.

6 And you are Ms. Kathryn Wilson. Would you
7 please announce yourself, just for the record
8 there, if you can? There you go. There, you can
9 speak now that you're unmuted.

10 MS. WILSON: My name is Kathryn
11 Wilson, and I am pro se, public.

12 MR. LOSTUTTER: Okay. Thank you.

13 And then Mr. -- I think it's Jim Shivaner.
14 Please announce yourself.

15 MR. SHIVANER: Yes. I'm present for
16 the Southwind Apartment group.

17 MR. LOSTUTTER: All right.

18 And the next person, I cannot see your
19 name. Your number is 5742, then dash, dash,
20 dash 88.

21 MS. RUSSELL: Yes, this is Katelyn
22 Russell.

23 MR. LOSTUTTER: Katelyn Russell.

1 MS. RUSSELL: I am waiting for the
2 oral argument.

3 MR. LOSTUTTER: All right. Thank
4 you.

5 And next, I think -- is it, Ms. Hannah
6 Oates? You muted yourself again.

7 MS. OATES-SEXTON: Can you hear me
8 now?

9 MR. LOSTUTTER: Yes.

10 MS. OATES-SEXTON: All right. Sorry
11 about that. I'm Hannah Oates, and I represent
12 the Sexton Companies and Eagle Creek Court.

13 MR. LOSTUTTER: All right. Thank
14 you. And you are Ms. Adele Brassea? Is that how
15 it's pronounced?

16 (No response.)

17 MR. LOSTUTTER: If you -- if you
18 could speak up, Ms. Brassea there, to confirm
19 that's you.

20 MS. BRASSEA: I'm Adele --

21 MR. LOSTUTTER: Adele.

22 MS. BRASSEA: -- Brassea, and I'm --
23 yes, I'm with Toni Wauford.

1 MR. LOSTUTTER: Okay. Thank you.

2 And we have Comm. Silberberg there. So, I
3 believe that's everybody that is here virtually
4 there. And I think maybe for the record, we'll
5 go ahead and have the people who are here just go
6 ahead and speak up. We'll start with the very
7 end, sitting next to Mr. Meyer there, if you
8 could announce yourself.

9 MS. WILLIAMSON: Oh, I'm Sherice
10 Williamson. I'm here with Tebby.

11 MR. LOSTUTTER: Okay.

12 MS. KAISARA: I'm Tebogo Kaisara.

13 MS. KIELL: I am Rebecca Kiell.

14 MR. KROON: Vincent Kroon.

15 MR. KAZMIERCZAK: Kris Kazmierczak.

16 MS. GEHLHAUSEN: Lori Gehlhausen.

17 MR. BROWN: Matthew Brown.

18 MR. BRASSEA: Jeffery Brassea.

19 MR. FRIEDMAN: Shaw Friedman,
20 attorney for Sam Mouratides.

21 MR. MOURATIDES: Sam Mouratides.

22 MR. LOSTUTTER: All right. And --

23 MR. CLAY: Phil Clay.

1 MR. LOSTUTTER: Philip Clay.

2 And I think that covers everybody.

3 CHAIRPERSON SLASH: Okay. Thank you
4 all for joining us. We are going to go ahead and
5 begin, and we'll begin by announcing the agenda.

6 MR. LOSTUTTER: We will be having the
7 approval of the previous minutes; and then we
8 will have the ICRC Director's Report; followed by
9 Old Business, the hearing of appeals of notice of
10 findings, which we have eight; and then we have
11 New Business, new appeals to assign; and then we
12 have no this month review of any ALJ Decisions or
13 Orders; we do have two that need to be read into
14 the record; and then we will have some official
15 business to conduct, I guess, after the meeting
16 there.

17 CHAIRPERSON SLASH: Sure.

18 Okay. With that, I'll call for a motion
19 to approve the meeting minutes from last month.

20 VICE-CHAIR RAMOS: So moved.

21 CHAIRPERSON SLASH: Is there a
22 second?

23 COMM. HARRINGTON: Second.

1 CHAIRPERSON SLASH: Okay. We'll have
2 to call roll.

3 MR. LOSTUTTER: We will have to call
4 roll. Have not had to do that for a while.
5 Comm. Silberberg?

6 COMM. SILBERBERG: Aye.

7 MR. LOSTUTTER: All right.

8 Comm. Harrington?

9 COMM. HARRINGTON: Aye.

10 MR. LOSTUTTER: Comm. Jackson?

11 COMM. JACKSON: Aye.

12 MR. LOSTUTTER: Comm. Tolliver?

13 COMM. TOLLIVER: I'll abstain since I
14 was not present.

15 MR. LOSTUTTER: All right.

16 Vice-Chair Ramos?

17 VICE-CHAIR RAMOS: Aye.

18 MR. LOSTUTTER: Chair Slash?

19 CHAIRPERSON SLASH: Aye.

20 MR. LOSTUTTER: The ayes have it.

21 CHAIRPERSON SLASH: Thank you.

22 Okay. We'll now accept the ICRC
23 Director's Report.

1 MR. EVANS: I'll start. Good
2 afternoon, Commissioners.

3 July -- excuse me. July was an active,
4 impactful month for the Indiana Civil Rights
5 Commission. There were a series of high-profile
6 events. We connected with Hoosiers across
7 sports, education, government, and cultural
8 celebrations.

9 The first event, our major event, was
10 Negro League Night, which was held on July
11 the 11th. ICRC proudly served as a presenting
12 sponsor for the Negro League Night at Victory
13 Field, honoring the legacies of black athletes
14 who overcame segregation and paved the way for
15 equality in sports and in society. Over 10,000
16 fans attended, and more than 50 individuals got
17 directly engaged with our booth and materials.

18 Also, Secretary of Business Affairs,
19 Sec. Mike Speedy, threw the ceremonial first
20 pitch on behalf of the ICRC, and Deputy Director
21 David and Director of Public Outreach Cecilia
22 participated in a live radio interview promoting
23 ICRC services, encouraging the public to seek

1 assistance if they're facing discrimination.

2 The second major event was the Education
3 Conference during the Indiana Black Expo. The
4 ICRC participated in the Education Conference,
5 bringing together educators, administrators and
6 advocates, and the Conference focused on
7 preventing discrimination in schools and assuring
8 equal access to education.

9 And then third, the Governor's Reception,
10 the Indiana -- at the Indiana Black Expo. The
11 Governor's Reception brought together policy
12 makers, award recipients and community leaders.
13 Gov. Mike Braun attended and passed out the
14 awards, and ICRC's Olivia Scales was honored for
15 her contributions to the ICRC.

16 And then last but not least was the actual
17 Indiana Black Expo Summer Celebration, which was
18 held July the 18th through the 20th, and more
19 than 150 visitors engaged with our booth, and
20 over a hundred attendees shared their contact
21 information for follow-ups. And out of that,
22 five individuals expressed the intent to file
23 discrimination complaints, demonstrating the

1 critical importance of our presence at such
2 events.

3 And then lastly, one of the things I've
4 been focused on is our social media. For the
5 past years we have not had a lot of traction, but
6 I'm proud to say that this month -- or in July,
7 we increased our social media reach by nearly
8 10,000, and we had 220 different unique page
9 visitors.

10 So, again, just really focusing on events
11 and making sure that the community throughout the
12 state knows about all of our services that we'll
13 be offering for all Hoosiers.

14 And I'll pass it over to you, David.

15 MR. FLEISCHHACKER: Thank you.

16 We've got a few things that have been
17 ongoing. Currently we're finalizing our HUD
18 numbers for housing complaints to close out
19 the '24-'25 work share agreement with HUD. It
20 should be around 170 cases or so that we
21 completed during that case processing period,
22 which is on track with what we did the last two
23 years.

1 We're currently closing out the EEOC
2 contract that ends on September 30th, so we're
3 pushing through our employment cases as we get
4 them. We have a significant inventory, so I know
5 it's just a matter of closing out those cases
6 that we're able to, that we have all of the
7 information for, and moving those along. But
8 again, this year we've doubled our EEO contract
9 from 350 cases to 700, so right now we're in that
10 final push to get to that final number.

11 And with that, on -- one other thing
12 that's ongoing right now, our Commission's rules
13 are up for re adoption on January 1st, so we're
14 working with the State Budget Agency and OMB to
15 put everything in place so that the rules can be
16 readopted in a timely manner. Once those rules
17 are readopted, then we're going to -- one of the
18 Governor's executive orders earlier this year
19 tasks agencies with reducing their regulatory
20 footprint by 25 percent by 2029, and we've got a
21 plan to do that.

22 And the changes that we're looking at, a
23 lot of it would make, instead of -- right now a

1 lot of our -- especially the Fair Housing Rule is
2 just a recitation of the Federal Fair Housing
3 Rules, so removing that and making it just a
4 reference to the Federal Rule as opposed to just
5 copying and pasting it, doing some of those, and
6 removing some duplicate things, we're looking at
7 potentially a 45-percent reduction of the content
8 in our rules, which would by far exceed the
9 25-percent requirements in reduction.

10 As far as metrics go, our inquiries up by
11 14 percent year to date. We've had 1,822
12 inquiries that have come into the agency. That's
13 resulted in 642 formalized complaints through the
14 end of July. It's down a little bit compared to
15 where we were last year, but not by too much.
16 However, we have -- significantly, we've closed
17 more cases. We've -- through the end of July,
18 we have closed 491 cases, which was a
19 more-than-25-percent increase from where we were
20 at the same point last year.

21 Through the end of July, we also had
22 obtained around \$425,000 worth of monetary relief
23 for complainants through our settlement and

1 mediation program, which is right on track with
2 where we were last year, and that's in addition
3 to all of the affirmative relief that came with
4 all those agreements.

5 As far as litigation cases go, we
6 currently have 23 -- or as of the end of July, we
7 had 23 open cases, compared to 38 at the same
8 time last year, and we've closed 21 litigation
9 cases this year so far.

10 And then on a personal note, last week I
11 submitted my notice to the Commission, and
12 September 5th will be my last day. It's been an
13 honor and a privilege to work with all of you
14 over the last almost four years. I appreciate
15 your support and all of the hard work that you do
16 as Commissioners, and thank you.

17 CHAIRPERSON SLASH: Officially, we're
18 thankful for you and excited that you're moving
19 on, but also really sad to see you go. You've
20 put in a lot of really great effort.

21 MR. EVANS: I appreciate that.

22 CHAIRPERSON SLASH: We appreciate it.

23 Does anyone have any questions or

1 concerns, other than my sadness?

2 COMM. HARRINGTON: Just concern.

3 (Laughter.)

4 COMM. JACKSON: Thanks for your
5 service. You sounded like you were a little
6 choked up there, so we feel the love.

7 COMM. TOLLIVER: Does it have
8 anything to do with your position?

9 MR. FLEISCHHACKER: No.

10 CHAIRPERSON SLASH: Would you like to
11 leave us and go there?

12 (Laughter.)

13 CHAIRPERSON SLASH: With that being
14 said, thank you so much. We appreciate you, all
15 of your service. Great updates; the Commission's
16 been very busy.

17 MR. FLEISCHHACKER: Yes.

18 CHAIRPERSON SLASH: And great showing
19 at each of those events.

20 So, we will go ahead and get started with
21 Old Business. The first case is Robert Groves
22 versus Southwind Apartments/Southwind Apartments,
23 LLC/AGM Management, Case HOrt25010013.

1 Comm. Harrington, do you have a
2 recommendation?

3 COMM. HARRINGTON: Yes. My
4 recommendation is to uphold the no reasonable
5 cause under the Indiana Fair Housing Act, and
6 then there was a no probable cause claim under
7 the Indiana Civil Rights Law.

8 CHAIRPERSON SLASH: Okay.

9 Is there a second -- I'm sorry -- is there
10 a motion?

11 VICE-CHAIR RAMOS: So moved.

12 CHAIRPERSON SLASH: Is there a
13 second.

14 COMM. TOLLIVER: Second.

15 CHAIRPERSON SLASH: Okay.

16 MR. LOSTUTTER: All right. We will
17 call the roll.

18 Com. Silberberg?

19 COMM. SILBERBERG: Aye.

20 MR. LOSTUTTER: Comm. Harrington?

21 COMM. HARRINGTON: Aye.

22 MR. LOSTUTTER: Comm. Jackson?

23 COMM. JACKSON: Aye.

1 MR. LOSTUTTER: Comm. Tolliver?

2 COMM. TOLLIVER: Aye.

3 MR. LOSTUTTER: Vice-Chair Ramos?

4 VICE-CHAIR RAMOS: Aye.

5 MR. LOSTUTTER: Chair Slash?

6 CHAIRPERSON SLASH: Aye.

7 MR. LOSTUTTER: The eyes have it, six
8 to zero.

9 CHAIRPERSON SLASH: Thank you.

10 The next case, Hem and Anjana Sharma
11 versus Eagle Creek Court LLC & Sexton Companies
12 d/b/a M & J Management Company LLC,
13 Case HOfs24121169.

14 Vice-Chair Ramos, do you have a
15 recommendation?

16 VICE-CHAIR RAMOS: I do. Madam
17 Chair, I recommend on both issues that we uphold
18 the Director's finding of no reasonable cause
19 under the Indiana Fair Housing Act and no
20 probable cause under the Indiana Civil Rights
21 Law.

22 CHAIRPERSON SLASH: Thank you.

23 Is there a motion?

1 COMM. TOLLIVER: So moved.

2 CHAIRPERSON SLASH: Is there a
3 second?

4 COMM. HARRINGTON: Second.

5 CHAIRPERSON SLASH: Okay.

6 MR. LOSTUTTER: We will call the
7 roll.

8 Comm. Silberberg?

9 COMM. SILBERBERG: Aye.

10 MR. LOSTUTTER: Comm. Harrington?

11 COMM. HARRINGTON: Aye.

12 MR. LOSTUTTER: Comm. Jackson?

13 COMM. JACKSON: Aye.

14 MR. LOSTUTTER: Comm. Tolliver?

15 COMM. TOLLIVER: I oppose, nay.

16 MR. LOSTUTTER: Vice-Chair Ramos?

17 VICE-CHAIR RAMOS: Aye.

18 MR. LOSTUTTER: Chair Slash?

19 CHAIRPERSON SLASH: Aye.

20 MR. LOSTUTTER: Ayes have it,
21 five-one.

22 CHAIRPERSON SLASH: Thank you.

23 The next case Alyssa Johnson versus Kiesh

1 Hospitality LLC, IHG Hotels & Resorts, &
2 Candlewood Suites, Case HOha24121187. The case
3 was assigned to me, and there were three issues
4 on this one, and it's my recommendation that we
5 uphold the Deputy Director's finding of no
6 reasonable cause under the Indiana Fair Housing
7 Act and no probable cause under the Indiana Civil
8 Rights Law.

9 Is there a motion?

10 COMM. TOLLIVER: So moved.

11 CHAIRPERSON SLASH: Is there a
12 second?

13 COMM. JACKSON: Second.

14 CHAIRPERSON SLASH: Okay.

15 MR. LOSTUTTER: We will call the
16 roll.

17 Comm. Silberberg?

18 (No response.)

19 CHAIRPERSON SLASH: I think she's
20 trying.

21 VICE-CHAIR RAMOS: She moved over.

22 COMM. SILBERBERG: Aye.

23 MR. LOSTUTTER: All right.

1 Comm. Harrington?

2 COMM. HARRINGTON: Aye.

3 MR. LOSTUTTER: Comm. Jackson?

4 COMM. JACKSON: Aye.

5 MR. LOSTUTTER: Comm. Tolliver?

6 COMM. TOLLIVER: Aye.

7 MR. LOSTUTTER: Vice-Chair Ramos?

8 VICE-CHAIR RAMOS: Aye.

9 MR. LOSTUTTER: Chair Slash?

10 CHAIRPERSON SLASH: Aye.

11 MR. LOSTUTTER: The ayes have it, six
12 to zero.

13 CHAIRPERSON SLASH: The next case,
14 Louis -- Louis S. W. Early, Sr. versus Jeffery
15 Brassea & Adele H. Brassea Trust,
16 Case HOha24121147.

17 Comm. Jackson, do you have a
18 recommendation?

19 COMM. JACKSON: Uphold the Deputy
20 Director's no probable cause.

21 CHAIRPERSON SLASH: Okay.

22 Is there a motion?

23 COMM. TOLLIVER: So moved.

1 CHAIRPERSON SLASH: Is there a
2 second?

3 VICE-CHAIR RAMOS: Second.

4 CHAIRPERSON SLASH: Okay.

5 MR. LOSTUTTER: We will call the
6 roll.

7 Comm. Silberberg?

8 COMM. SILBERBERG: Aye.

9 MR. LOSTUTTER: Comm. Harrington?

10 COMM. HARRINGTON: Aye.

11 MR. LOSTUTTER: Comm. Jackson?

12 COMM. JACKSON: Aye.

13 MR. LOSTUTTER: Comm. Tolliver?

14 COMM. TOLLIVER: Aye.

15 MR. LOSTUTTER: Vice-Chair Ramos?

16 VICE-CHAIR RAMOS: Aye.

17 MR. LOSTUTTER: Chair Slash?

18 CHAIRPERSON SLASH: Aye.

19 MR. LOSTUTTER: The ayes have it, six
20 to nothing.

21 CHAIRPERSON SLASH: Thank you.

22 In this next case, we have an oral
23 argument. That occasion is Katelyn Russell

1 versus Prime Time Manufacturing, A Division Of
2 Forest River, Inc., Case EMse24050311.

3 Do we have both parties present today?

4 MR. LOSTUTTER: I believe -- I know
5 we have the Complainant, Ms. Wilson.

6 You can go ahead and unmute yourself now,
7 Ms. Wilson.

8 MR. FLEISCHHACKER: It's Russell.

9 MR. LOSTUTTER: Oh, Ms. Russell; I'm
10 sorry.

11 MS. WILSON: Oh, it's not me; right?

12 MR. LOSTUTTER: Not you, no; sorry.

13 Ms. Russell?

14 (No response.)

15 CHAIRPERSON SLASH: I believe she's
16 unmuted. Oh, she's --

17 MS. RUSSELL: Yes.

18 MR. LOSTUTTER: Okay. You are --

19 CHAIRPERSON SLASH: Do we have the
20 Respondent present as well?

21 MR. LOSTUTTER: Do we have a
22 representative for Prime Time Manufacturing,
23 Forest River, Incorporated?

1 MS. HANIG: Yes. Erin Hanig, on
2 behalf of Forest River, Inc.

3 MR. LOSTUTTER: All right.

4 CHAIRPERSON SLASH: Thank you.

5 Okay. So, for this oral argument, both
6 parties, beginning with the Complainant, will
7 have five minutes, and you will have two minutes
8 to rebut; okay? All right. We will begin with
9 Ms. Russell. And I'll -- since you're -- well,
10 you're on the phone, so I can't really give you
11 any signal. I apologize if I abruptly say, "One
12 minute," but that may be the best way that I can
13 let you know of your time running down.

14 MS. RUSSELL: Okay.

15 CHAIRPERSON SLASH: You may begin
16 when you're ready.

17 MS. RUSSELL: Okay. I'm asking the
18 court to reverse the no finding decision. We --
19 mainly for two reasons. Prime Time was aware of
20 the pregnancy before I was terminated, and the --
21 it seems that the evidence that I have was not
22 found in the investigation, and I have proof of
23 it.

1 The second reason is the -- me and my
2 partner were both written up, and during the
3 investigation, I believe that paper was
4 concealed, because it did have -- and there is
5 the -- by it -- I was terminated on this incident
6 I came into work and not written up, and during
7 the investigation it stated that I was written
8 up, not terminated, but they replaced me the day
9 before they fired me.

10 CHAIRPERSON SLASH: Does that
11 complete your time? Did you have any additional
12 that you would like to share with us?

13 MS. RUSSELL: Yeah. I believe
14 that -- I just believe that they were unaware of
15 my pregnancy until I'd been sent to the hospital.
16 I kind of feel like that throws everything that I
17 said -- I mean I asked for a lighter-duty job,
18 and by them saying that they had no idea I was
19 pregnant, it -- they kind of -- it makes it look
20 like everything I'm saying I'm just making up,
21 when I have proof that they -- that I was
22 pregnant.

23 And I spent two and a half years there and

1 I had never been written up until three days
2 after I disclosed my pregnancy, and I have been
3 in different groups doing different jobs, and
4 I've made mistakes and I've never been written up
5 for quality. I've never had an attendance issue,
6 and I made my supervisor aware of my absences,
7 and I have proof of that.

8 And I believe that's all.

9 CHAIRPERSON SLASH: Thank you.

10 Okay. The Respondent may begin. You have
11 five minutes, and this is a reminder, after your
12 five minutes, the Complainant will be able to
13 rebut, and then you'll have two minutes as well,
14 and then we'll have questions from Commissioners,
15 if there are any.

16 MS. HANIG: Okay. Thank you very
17 much. So, Erin Hanig, on behalf of Forest River,
18 Inc.

19 Just some background on this claim.
20 There's evidence that supports -- that's been
21 supported with the position statement we
22 submitted. I think we did both a position
23 statement and supplemental statement, so I will

1 refer to both of those.

2 Ms. Russell began working at Forest River
3 several years before her termination. However,
4 several months before her termination, she was
5 moved into a different position, and then was
6 spoken to daily about the quality of her work.
7 Specifically, she was -- her job was to do putty
8 and rim in the interior of RV units, and she was
9 missing putty around windows and door tapings,
10 and was asked to improve her mistakes.

11 But despite repeated counseling, there
12 wasn't a whole lot of progress made. And so,
13 Ms. Russell was actually written up on
14 March 19th, 2024, which was several weeks before
15 her termination. So, in terms of the statement
16 that we just heard about not being written up for
17 her performance before termination, that's
18 inaccurate.

19 Immediately following this warning,
20 Ms. Russell actually did improve for about a day
21 or so, but then went right back to having this
22 problem, and was then told again like, "We're
23 having problems with quality. If it continues to

1 decline -- you know, this has got to get better
2 or, you know, we were leading -- this is coming
3 to a head here."

4 After that performance discussion,
5 Ms. Russell no-called/ no-showed for work several
6 times. So, before that had ever even happened,
7 her managers decided, you know, "We're going to
8 have to write her up again. We wrote her up on
9 March 19th. We're not seeing improvement. We're
10 seeing performance decline. We're going to write
11 her up again, and we will give that to her when
12 she's scheduled to work next," which was supposed
13 to be April 1st.

14 However, Ms. Russell no-called/no-showed
15 April 1st, and then no-called/no-showed again
16 April 2nd, so the plan was when she came -- when
17 she eventually did return to work, that now the
18 warning would not only be performance, but also a
19 write-up for the two days of unexcused absences.

20 I think it's important to note that at no
21 time during any of this was Forest River aware
22 that Ms. Russell was pregnant. I know she is
23 saying today that they were aware of her

1 pregnancy before the termination and she has
2 proof. I have not seen that. The company has
3 not seen that. I don't know what that is.

4 All I have seen on the company's end, and
5 I believe all that's been presented to the
6 Commission, is that there was documentation from
7 her visiting the hospital, and it was very, very
8 early in the pregnancy, which jibes with Forest
9 River's understanding that they had no idea that
10 she was pregnant. So, if she did come to work on
11 April 3rd, after her two days of unexcused
12 absences, her supervisor approached her and gave
13 her the warning for the performance that was
14 outstanding, and also the warning for the
15 unexcused absences.

16 Now, again, at that time Forest River had
17 no idea Ms. Russell was pregnant. She had never
18 told management she was pregnant. She had never
19 requested reasonable accommodation. I know she
20 said she asked to be assigned to a light-duty
21 job. Today's the first time I'm ever hearing of
22 that. The company has no documentation that she
23 asked for a lighter-duty job, or even knew she

1 was pregnant. If that were the case, we
2 certainly would have taken that into account.

3 However, when presented with the warning
4 on April 3rd, Ms. Russell refused to sign the
5 warning and walked off the job, and when she
6 walked off the job, that was the first time that
7 she ever addressed being pregnant, and after
8 being fired, she basically handed her supervisor
9 some of the documentation. One of them was a
10 doctor's note for her doc -- for her daughter's
11 doctor's appointment.

12 CHAIRPERSON SLASH: One minute.

13 MS. HANIG: That would have been her
14 absence on April 2nd. And the other document was
15 a document from the Goshen Health Emergency
16 Department on April 1st, which is a one-page
17 document, it wasn't even a full medical record,
18 but basically explaining the changes which needed
19 to be -- it was effectively the first time
20 hearing of her pregnancy. So, that was the first
21 notice that the company had that Ms. Russell was
22 pregnant, again, after she had already been
23 terminated.

1 CHAIRPERSON SLASH: Thirty seconds.

2 MS. HANIG: Again, no connection --
3 in terms of probable cause, no connection between
4 her termination and her being pregnant. The
5 company never knew, she never requested
6 accommodation, and for those reasons, we believe
7 the Commission's initial findings were correct.

8 And then just one last point, because I
9 believe I'm running out of time, but Ms. Russell
10 mentioned that she had a partner that was also
11 written up. That was a question that was asked
12 by the investigator, and we submitted a
13 supplemental statement that was the disciplinary
14 record for that employee, which showed, again,
15 that that employee had received one warning only
16 to improve her quality and timeliness, and that
17 employee did improve, did not miss work, did not
18 have performance problems, and was not similarly
19 situated to Ms. Russell.

20 CHAIRPERSON SLASH: You're at time.

21 Thank you.

22 MS. HANIG: Thank you.

23 CHAIRPERSON SLASH: Ms. Russell, you

1 have two minutes, once we get you off mute.

2 Okay. I believe you're unmuted. You have two
3 minutes.

4 MS. RUSSELL: Okay. I never said
5 that I was not written up for quality. I was
6 written up for quality, but on March 18th I made
7 my group leader aware of my pregnancy, and there
8 was another person pregnant during that time. I
9 highly doubt that she would become a witness
10 because she would probably risk getting fire --
11 fired, but she was there.

12 Bonnie knew on March 25th, when I missed
13 work. I messaged Bonnie, and I said, "Am I going
14 to get fired if I don't come in and if I bring a
15 note?" She said, "I don't think so," you know,
16 and I said, "I'll be there tomorrow and bring
17 something in. It is not just morning sickness.
18 I am getting sick throughout the day, and it's
19 been all weekend." She said, "Okay. Try to get
20 some rest." I said, "Thank you." She said,
21 "You're welcome."

22 On March 27th I told her I had my
23 women-infant-children appointment at 10:30 in

1 Nappanee, and these are all messages that I sent
2 in. She was well aware of my pregnancy. She
3 also told my plant manager of my pregnancy.
4 That -- they knew that I was pregnant. By saying
5 that they didn't know I was pregnant, it looks
6 like what they did was just -- they could blame
7 it on my quality.

8 My quality, it really was not a problem.
9 From the moment that I got written up with my
10 partner to the time of them firing me, I had only
11 been there for three or four days. I was written
12 up one week, went to work three or four days, and
13 then next time I came in, I was fired.

14 CHAIRPERSON SLASH: Thirty seconds.

15 MS. RUSSELL: And the day --

16 CHAIRPERSON SLASH: You have thirty
17 seconds.

18 MS. RUSSELL: That is all.

19 CHAIRPERSON SLASH: No, you can -- if
20 you have more, you do have 30 seconds additional
21 remaining.

22 MS. RUSSELL: My group leader told me
23 that I improved the day before they fired me, and

1 I was not presented with a write-up -- presented
2 with a termination paper. That was it. She told
3 me she had to let me go.

4 CHAIRPERSON SLASH: Thank you.

5 Okay. You have two minutes.

6 MS. HANIG: Thank you.

7 So, just to address these statements,
8 again, this is evidence that I have never seen.
9 I don't know that the Commission has seen, but I
10 certainly have never seen anything presented from
11 Complainant regarding notice to the company that
12 she was pregnant.

13 Management does not have that information,
14 HR does not have that information. Their
15 understanding was that she was performing poorly,
16 had been warned about it, had not improved. And
17 then after being warned about it, repeatedly
18 missed work without calling in, without providing
19 any notice of the reason why she called in.

20 She was scheduled to be written up again,
21 and when she finally came back to work, she was
22 told she needed to sign her write-up, and when
23 she refused to sign her write-up was when she

1 walked off the job and was terminated. And only
2 at that point did the company receive any
3 documentation or information regarding the fact
4 that she was pregnant. And obviously, if they
5 had known that in advance, it would have been a
6 completely different discussion.

7 So, you know, that's evidence that the
8 company is working with, and, you know, we don't
9 have anything to the contrary, and I don't see
10 that there's any information that would connect
11 the termination here to the fact that Ms. Russell
12 was pregnant.

13 I'd be happy to answer any questions.

14 CHAIRPERSON SLASH: Thank you.

15 Commissioners, do you have any questions?

16 COMM. TOLLIVER: I do.

17 CHAIRPERSON SLASH: Okay.

18 COMM. TOLLIVER: Is this an at-will
19 employment position? I'm sorry; do I need to
20 speak up?

21 MS. HANIG: It is.

22 CHAIRPERSON SLASH: Can you repeat
23 your answer, please?

1 MS. HANIG: Yes, it is, it's an
2 at-will employment position.

3 CHAIRPERSON SLASH: Any other
4 questions?

5 COMM. TOLLIVER: No.

6 CHAIRPERSON SLASH: Okay.

7 COMM. HARRINGTON: The only question
8 I had was regarding the communication. In the
9 documentation that I received, there was no
10 evidence to support the fact that the company
11 knew about the pregnancy, and I just want to make
12 sure that there was nothing missing in the file.

13 MR. FLEISCHHACKER: Not that I'm
14 aware of.

15 COMM. HARRINGTON: Okay.

16 CHAIRPERSON SLASH: Okay.

17 COMM. HARRINGTON: So, that
18 information was not that -- if there's proof that
19 something happened before the termination, that
20 wasn't submitted, so we have to base our decision
21 based on the evidence that we -- that was
22 provided.

23 CHAIRPERSON SLASH: Correct.

1 Any further questions?

2 (No response.)

3 CHAIRPERSON SLASH: Okay.

4 Comm. Harrington, did you have a
5 recommendation?

6 COMM. HARRINGTON: Yes, I do. There
7 were three issues, and my recommendation is that
8 we support the findings, and I'll read them. In
9 the first issue, it was no probable cause under
10 the Civil Rights. On the second, it was no
11 probable cause, and that one was for -- under the
12 Civil Rights, based on -- I need to put my
13 glasses on. Yep. And then the third is no
14 probable cause under the Civil Rights Act. So,
15 there were three different -- so, I support the
16 no probable cause founding -- finding in all
17 three cases.

18 CHAIRPERSON SLASH: Okay.

19 Is there a motion?

20 COMM. TOLLIVER: So moved.

21 CHAIRPERSON SLASH: Is there a
22 second?

23 VICE-CHAIR RAMOS: Second.

1 CHAIRPERSON SLASH: Okay.

2 MR. LOSTUTTER: We'll call the roll.

3 Comm. Silberberg?

4 COMM. SILBERBERG: Aye.

5 MR. LOSTUTTER: Comm. Harrington?

6 COMM. HARRINGTON: Aye.

7 MR. LOSTUTTER: Comm. Jackson?

8 COMM. JACKSON: Aye.

9 MR. LOSTUTTER: Comm. Tolliver?

10 COMM. TOLLIVER: Aye.

11 MR. LOSTUTTER: Vice-Chair Ramos?

12 VICE-CHAIR RAMOS: Aye.

13 MR. LOSTUTTER: Chair Slash?

14 CHAIRPERSON SLASH: Aye.

15 MR. LOSTUTTER: The ayes have it, six
16 to nothing.

17 CHAIRPERSON SLASH: Thank you.

18 Th next case -- and thank you both for
19 your participation today. The next case --

20 MS. RUSSELL: Am I -- can I -- are
21 you all dismissing --

22 MR. LOSTUTTER: It's not her case.

23 CHAIRPERSON SLASH: No. We can only

1 have the folks who are participating in oral
2 argument speak during cases today, and then if
3 there's a public comment, public comment needs to
4 be registered, and then we'll address you for two
5 minutes at the end.

6 Okay. The next case is Charlieray
7 Armstrong versus Indiana Department of
8 Transportation, Case EMrt25020137. That case was
9 assigned to Vice-Chair Ramos.

10 Do you have a recommendation?

11 VICE-CHAIR RAMOS: Yes. Madam Chair,
12 I recommend that we uphold the Director's finding
13 of no probable cause under the Indiana Civil
14 Rights Law.

15 CHAIRPERSON SLASH: Thank you.

16 Is there a motion?

17 COMM. TOLLIVER: So moved.

18 CHAIRPERSON SLASH: Is there a
19 second?

20 COMM. JACKSON: Second.

21 CHAIRPERSON SLASH: Okay.

22 MR. LOSTUTTER: We'll call the roll.

23 Comm. Silberberg?

1 COMM. SILBERBERG: Aye.

2 MR. LOSTUTTER: Comm. Harrington?

3 COMM. HARRINGTON: Aye.

4 MR. LOSTUTTER: Comm. Jackson?

5 COMM. JACKSON: Aye.

6 MR. LOSTUTTER: Comm. Tolliver?

7 COMM. TOLLIVER: Aye.

8 MR. LOSTUTTER: Vice-Chair Ramos?

9 VICE-CHAIR RAMOS: Aye.

10 MR. LOSTUTTER: Chair Slash?

11 CHAIRPERSON SLASH: Aye.

12 MR. LOSTUTTER: Ayes have it, six to

13 nothing.

14 CHAIRPERSON SLASH: Okay.

15 The next case was assigned to me,
16 Kathryn E. Wilson versus Lafayette Transitional
17 Housing Center, Inc., Case HOfs25040237, and my
18 recommendation is that we uphold the Deputy
19 Director's finding of no reasonable cause under
20 the Indiana Fair Housing Act.

21 Is there a motion?

22 COMM. TOLLIVER: So moved.

23 CHAIRPERSON SLASH: Is there a

1 second?

2 COMM. HARRINGTON: Second.

3 MS. WILSON: Wait. I thought I was
4 going to have oral argument.

5 MR. LOSTUTTER: There -- we have no
6 record of an oral argument having been sent in by
7 you on this case.

8 MS. WILSON: You said -- you gave me
9 the right to have an oral argument.

10 MR. LOSTUTTER: I told you that you
11 had to send in the request, though, in order to
12 do that. I had said that a few months back.

13 MS. WILSON: Well, I have an oral
14 argument.

15 MR. LOSTUTTER: Well, you have an
16 oral argument, but you have to make a
17 presentation for it sooner.

18 MS. WILSON: So, I can't speak? Am I
19 being denied the right to speak?

20 CHAIRPERSON SLASH: Unfortunately,
21 yes, at this time, due to not requesting the
22 actual oral argument in advance. I don't believe
23 we have the --

1 MS. WILSON: I wasn't --

2 CHAIRPERSON SLASH: -- Respondent
3 also present.

4 MS. WILSON: -- told -- I wasn't told
5 that I had to request an oral argument, Missy.
6 There was nothing saying that I had to request an
7 oral argument, Missy.

8 COMM. HARRINGTON: You don't have
9 to --

10 CHAIRPERSON SLASH: Thank you for
11 sharing; however, that's -- it's in the record --
12 it's in the record that you were sent with the --
13 with the actual appeal --

14 MS. WILSON: So --

15 CHAIRPERSON SLASH: -- and paperwork.

16 MS. WILSON: So, you're -- you do
17 know that I'm homeless; right, and that these
18 people get my mail, and that they withheld the
19 mail from me for like almost a month. So, I
20 really feel like it's an injustice to not let me
21 say my oral argument.

22 CHAIRPERSON SLASH: I don't believe I
23 have an additional remedy at this time, so

1 unfortunately I do have to deny your oral
2 argument, but I do thank you for joining us
3 today.

4 MS. WILSON: Is there a way to appeal
5 this decision?

6 CHAIRPERSON SLASH: Yes. After we
7 conclude today, you'll receive additional
8 information on how you can take it beyond here,
9 in this venue.

10 (Discussion off the record.)

11 CHAIRPERSON SLASH: You can make
12 arrangements with our Docket Clerk to pick up
13 your next steps.

14 VICE-CHAIR RAMOS: Or have it sent
15 someplace else.

16 MR. LOSTUTTER: This is what she sent
17 in to me earlier that she has up on the screen,
18 but this was sent in --

19 CHAIRPERSON SLASH: So, it's an
20 after-the-fact; right?

21 MR. LOSTUTTER: Right.

22 CHAIRPERSON SLASH: I appreciate you
23 being prepared. At this time, you'll need to --

1 MS. WILSON: I have an --

2 CHAIRPERSON SLASH: -- take your --

3 MS. WILSON: -- oral argument
4 prepared. I can share it through the screen, and
5 I --

6 MR. FLEISCHHACKER: Can she share
7 that, or not?

8 MS. WILSON: -- I have an oral
9 argument.

10 MR. LOSTUTTER: She gets --

11 CHAIRPERSON SLASH: Unfortunately,
12 that is not an option that we have here today
13 based off of the way that our proceedings work,
14 and your Respondent will have to be here as well.

15 MS. WILSON: But the Clerk said that
16 I would have five minutes for oral argument, and
17 after I'm finished --

18 MR. LOSTUTTER: If -- when you make a
19 request, yes, but you didn't make the request
20 when you were supposed to make the request.

21 MS. WILSON: I e-mail him, and he
22 e-mailed me back and told me that I would have
23 five minutes, and then two minutes for rebuttal.

1 The Clerk then told me that I would have time for
2 oral argument, so I don't agree -- I have an
3 e-mail from him stating that I would have five
4 minutes, and then two for rebuttal, from the
5 Clerk.

6 CHAIRPERSON SLASH: Unprecedented
7 choice and decision that we can make here, but I
8 don't think we have the option to.

9 MS. AFUWAPE: No.

10 CHAIRPERSON SLASH: It's not a part
11 of -- it's not a decision that I have that I can
12 make at this time; however, our Clerk can follow
13 up with you on a manner in which you can take
14 your case beyond this venue.

15 MS. WILSON: I just want to
16 understand how --

17 CHAIRPERSON SLASH: Yes, and that's a
18 discussion that you can have with our Docket
19 Clerk once we conclude today.

20 MR. LOSTUTTER: Right. I'm more than
21 willing to do that.

22 CHAIRPERSON SLASH: And he's very
23 glad to do so.

1 MS. WILSON: But HUD and -- but HUD
2 and IHEDA -- applied. I mean the person -- they
3 said they'd pay.

4 CHAIRPERSON SLASH: Unfortunately, we
5 can't continue to hear an oral argument at this
6 time.

7 MS. WILSON: Well, that person said
8 they'd pay.

9 CHAIRPERSON SLASH: Okay. Thank you.
10 And thank everyone for your patience. I
11 believe we are still at the roll-call portion of
12 the procedure here on this case, and just as a
13 reminder, anything that goes beyond here, our
14 Docket Clerk will manage beyond today's hearing.

15 MS. WILSON: Is there a way to get a
16 roll call for everybody that's involved in this
17 today, from the Commission?

18 CHAIRPERSON SLASH: We will have --
19 we are still at that step in this procedure at
20 this moment.

21 MS. WILSON: I just want to know who
22 I need to ask for a federal lawsuit.

23 (Pause in proceedings.)

1 CHAIRPERSON SLASH: I believe we're
2 still at the roll call.

3 MR. LOSTUTTER: We have a motion?

4 CHAIRPERSON SLASH: A motion is on
5 the floor.

6 MR. LOSTUTTER: All right. We will
7 call the roll.

8 Comm. Silberberg?

9 COMM. SILBERBERG: Aye.

10 MR. LOSTUTTER: Comm. Harrington?

11 (Discussion off the record.)

12 CHAIRPERSON SLASH: Just so I'm not
13 mumbling, we're reminding on the motion that's on
14 the floor, that we're upholding the Deputy
15 Director's finding.

16 VICE-CHAIR RAMOS: Of no reasonable
17 cause.

18 COMM. HARRINGTON: Aye.

19 MR. LOSTUTTER: Comm. Jackson?

20 COMM. JACKSON: Aye.

21 MR. LOSTUTTER: Comm. Tolliver?

22 COMM. TOLLIVER: Nay.

23 MR. LOSTUTTER: Vice-Chair Ramos?

1 VICE-CHAIR RAMOS: Aye.

2 MR. LOSTUTTER: Chair Slash?

3 CHAIRPERSON SLASH: Aye.

4 MR. LOSTUTTER: They ayes have it,
5 five to one.

6 CHAIRPERSON SLASH: Okay.

7 The next case, we do have an oral argument
8 for today, and I think I heard you correct the
9 pronunciation of your name earlier today, so my
10 bad. Sam Mouratides?

11 MR. MOURATIDES: Yes, I did.

12 CHAIRPERSON SLASH: Okay. Versus
13 Northern Indiana Public Service Company,
14 Case EMre24090781.

15 Do we have both parties present?

16 MR. LOSTUTTER: Yes. We have -- the
17 Representative's [sic] attorney is on-line, and
18 then the Complainant is here with his attorney
19 here in person.

20 CHAIRPERSON SLASH: Okay. Thank you.

21 As a reminder, you'll have five minutes,
22 Complainant first, then five minutes for the
23 Respondent, and then two minutes to rebut at the

1 conclusion.

2 MR. FRIEDMAN: Thank you. Madam
3 Chair, I've got -- I wasn't aware of the tight
4 time constraints, and so, I'm going to do my best
5 to keep that -- within that time period. I've
6 got copies of my oral argument that I'd like to
7 present to the Commission, if I could.

8 CHAIRPERSON SLASH: Sure --

9 MR. FRIEDMAN: Thank you.

10 CHAIRPERSON SLASH: -- as long as it
11 doesn't have anything extra in it that we --

12 MR. FRIEDMAN: Abso --

13 CHAIRPERSON SLASH: -- don't already
14 have in our packet.

15 MR. FRIEDMAN: Correct.

16 CHAIRPERSON SLASH: Okay.

17 MR. FRIEDMAN: And everything refers
18 to things that are already in the record.

19 CHAIRPERSON SLASH: Okay. Thank you.

20 And we have a visual of the time? As long
21 as he has it, too, I'm fine.

22 MR. FLEISCHHACKER: Okay.

23 Absolutely.

1 MR. FRIEDMAN: Is it best to --

2 CHAIRPERSON SLASH: Wherever you
3 like.

4 MR. FRIEDMAN: Okay. Where is it
5 best to put for visual -- can I move up, or --

6 MR. LOSTUTTER: You can move it right
7 here.

8 MR. FRIEDMAN: Perfect. Thank you.

9 Good afternoon. My name is Shaw Friedman,
10 of the law firm of Friedman & Associates. We
11 represent charging party Sam Mouratides of
12 Hebron, Indiana. Let me say initially, we
13 appreciate the opportunity for oral argument.

14 Seek to obtain a reconsideration of the no
15 probable cause finding of your investigator,
16 which was upheld by the Deputy Director. The
17 case has been pending a long time, two years. As
18 you all know, cases are graded A, B and C cases.
19 This is an A case, and we are respectfully asking
20 that you take the matter under advisement for
21 further investigation rather than particularly
22 seeking to decide today.

23 Also like to make it clear at the outset,

1 in an effort to distill and simplify the key
2 issues remaining for the Commission, we agree
3 with the finding under the first issue -- on the
4 first issue and waive any right to contest that
5 finding.

6 Everyone knows how difficult it is to make
7 that a case of workplace harassment in the
8 Seventh Circuit, Federal Circuit, wherein says
9 it's got to be pervasive, continuing, so severe
10 it fundamentally changes and alters the
11 conditions of employment. The terms that were
12 set, however, don't rise to that level.

13 And so, we are confining our request to
14 hear the second issue before you. What comments
15 were made do shed important light on the true
16 motivation and bias of the real decision maker,
17 Karima Hasan Bey, Vice-President of the Gas
18 Department, who took -- put in steps to terminate
19 my client's employment after he engaged in
20 protected activity, visible protected activity,
21 to practice his religion with both a seven-week
22 fast and the wearing of a large Greek Orthodox
23 cross outside of his clothing in early 2023.

1 Now, what you're going to hear, as
2 discussed, is temporal proximity. You all know
3 how critical that is, the closeness in time
4 between my client's protected activity, his open
5 demonstration and observation of his faith during
6 the Greek Orthodox Lenten period, and the absurd
7 claims trumped up against him right around Easter
8 to terminate him after an impressive six-year run
9 with the company, with two promotions and six
10 raises.

11 Let's deal with that critical second issue
12 now: Whether Defendant, through Karima Hasan
13 Bey, his supervisor, terminated the employment
14 because of his religion, which was Greek
15 Orthodox. I'm going to put together a timeline
16 for you, which I'm not sure the investigator had
17 a chance to do. She was certainly diligent, but
18 we all know the investigators are literally
19 drowning in cases, both here and at the EEOC. I
20 don't have the opportunity sometimes to drill
21 down into what the position statements are.

22 The temporal proximity, we would submit,
23 gets us to probable cause on this second critical

1 issue. First off, some detail on Sam Mouratides.
2 He came to work for NIPSCO as a Mechanical
3 Maintenance Supervisor in '17. At the time of
4 his firing six years later, on June 5th, he was
5 Gas Field Operations Leader. In that position,
6 he darn well knew what documents you have to
7 maintain in terms of the department, what were
8 critical to maintain, and which could be more
9 easily and cleanly disposed of. More on that in
10 a few minutes.

11 He completed all safety training for gas
12 service, gas construction, maintenance. Not only
13 did he overachieve in training, he
14 single-handedly reformed the Safety Committee,
15 ran a joint committee for both gas service
16 construction and maintenance departments.
17 Because of his efforts, asked to represent
18 NIPSCO's statewide safety council, selected as a
19 trainer, he worked with the company's safety
20 specialist on 811.

21 His history of professionalism and safety
22 outside of NIPSCO; recognized as firefighter of
23 the year in 2015; recipient, University of

1 Chicago Safety Spirit Award. History:
2 Demonstrates a proven work ethic, focus on
3 safety, operational security, and adherence to
4 policy. There were absolutely no write-ups, no
5 performance problems, absolutely nothing in his
6 work packet, no progressive discipline.

7 But what happened in February of 2023?
8 Karima Hasan Bey is promoted to Vice-President of
9 the Gas Department above Sam. At times she's an
10 active leader in what's known as the Moorish
11 Science Temple. No problem in and of itself.
12 The Temple's been around for about a hundred
13 years. Its messaging centers on restoring
14 spiritual identity for African-American members
15 through the lens of Islamic heritage. It's meant
16 as an alternative to mainstream Christian
17 doctrine.

18 The problem is that the -- as you'll see
19 in Exhibit 7 of what we gave you, excerpts of
20 Ms. Bey from a podcast in which she talks about
21 warning against uniting with Europeans, rejecting
22 European holidays. Roll the clock forward to the
23 critical seven weeks of Lent and the Christian

1 Orthodox religion, which began in February 2023,
2 when Ms. Hasan Bey became my client's supervisor.
3 He'd been observing Greek Orthodox for many
4 years, but because of the discovery of a tumor,
5 which has now been finally diagnosed, my client
6 entered the Lenten period of 2023 committed to
7 close adherence, fasting, wearing the cross at
8 work.

9 He had gotten protected activity under
10 federal law, close and obvious observance of
11 religious doctrine during the seven-week Lent
12 period, and that is only when these claims arose
13 against him by this company. He's a member of a
14 protected class, a Greek Orthodox who is closely
15 adhering to doctrine by both physically wearing
16 the Orthodox cross, openly fasting during that
17 period.

18 CHAIRPERSON SLASH: That's time.

19 MR. FRIEDMAN: Okay.

20 CHAIRPERSON SLASH: Thank you.

21 We'll unmute the Respondent, and you'll
22 have five minutes as well. I will call at the
23 one-minute mark and at the 30-second mark, since

1 we're not looking at the same time, I believe.
2 And we'll begin the clock when you begin.

3 MS. GAUR: Thank you. Thank you, and
4 good afternoon again. My name is Shaunthi Gaur.
5 I represent the Respondent, NIPSCO.

6 We would like to ask that the Commission
7 uphold the Director's finding of no probable
8 cause. The facts which led to Mr. Mouratides'
9 termination are very straightforward. He admits
10 that he discarded company business documents, and
11 he also admits that he merely skimmed them before
12 he threw them away.

13 Now, why is this such a big deal? Well,
14 as you all probably already know, NIPSCO is a
15 public utility provider which provides gas and
16 electric services to its customers, and these
17 documents that Mr. Mouratides just threw away
18 were company documents which contained critical
19 safety information regarding the location of
20 certain gas pipelines. This information allows
21 future crews to identify where assets are so that
22 they don't hit a gas line when they're performing
23 work.

1 And Mr. Mouratides admits he just threw
2 this stuff in the trash without bothering to
3 first research, verify, or validate whether the
4 documents were properly completed and whether the
5 documents' information was properly recorded in
6 the relevant company databases. This action
7 alone exposes the public and other NIPSCO
8 employees and contractors to potentially fatal
9 consequences from future gas emergencies.

10 And he clearly didn't appreciate the
11 safety ramifications of his conduct. He, in his
12 appeal, continues to say that these documents
13 were nothing, they were just unimportant, and
14 there was -- even more important, there was no
15 sense of urgency from him in even addressing
16 these issues when it was brought to his
17 attention. When asked about it, he was very
18 nonchalant, didn't really care to check to make
19 sure that these documents truly had been
20 recorded.

21 And, you know, perhaps if he had shown any
22 type of remorse or appreciation for the severity
23 of his conduct, he would not have been

1 terminated, but that is not what happened. And
2 it is his careless conduct, not his national
3 origin, not his religion, that led to his
4 termination.

5 The comments that were made about
6 Ms. Karima Hasan Bey making comments, there --
7 that is nowhere near his -- nowhere in his very
8 detailed charge of discrimination. To the
9 contrary, the charge of discrimination references
10 one conversation he had with Hasan Bey's husband
11 about his background, and with a clerk about his
12 background. Had nothing to do whatsoever with
13 Ms. Hasan Bey, and he saved that apparently to
14 bring up for his appeal, because it's nowhere in
15 this charge information.

16 But even if -- even if -- we were to
17 believe that Ms. Hasan Bey made such comments,
18 that had nothing to do with his termination. He
19 even admits the comments he's talking about came
20 from a podcast outside of work, not referencing
21 work, not referencing him in any way.

22 And the inescapable fact in all of this is
23 that he threw away these documents. There's no

1 getting beyond that. And the fact that he threw
2 away these critical safety documents is what led
3 to his termination. He can point to nobody, not
4 a single soul, who also threw away such critical
5 business information and was not terminated.

6 He speculates that "Oh, this person must
7 have done it and this person must have done it."
8 There's no evidence of that in the record, and
9 there's certainly no evidence that that was ever,
10 ever brought before his employers. So, the
11 managers who were making the decision about his
12 termination certainly didn't know that any -- he
13 believed anybody else had ever done it and also
14 wasn't terminated.

15 So, for all of these reasons, we would
16 request that the Director's finding of no
17 probable cause should be upheld.

18 CHAIRPERSON SLASH: Thank you.

19 As a reminder, you have two minutes.

20 MR. FRIEDMAN: Can I take her
21 remaining one minute, too?

22 CHAIRPERSON SLASH: No, you don't get
23 to.

1 MR. FRIEDMAN: Oh, okay.

2 Folks, look at the charge. It's right
3 there and terms of Karima Hasan Bey and the
4 comments that we find that were offensive and
5 indicate the animus that was there for my Greek
6 Orthodox client.

7 Key distinction, which they don't want to
8 address, is between the documents that were
9 disposed of, what are known as -- you know,
10 they're not critical safety information.
11 Critical difference between what are known as
12 site checks, which are paper sheets that are
13 copies of what's on the laptop carried in the
14 field.

15 And work packets. He'd never throw away a
16 work packet. Let me tell you briefly why it's so
17 critical and why we ask for further
18 investigation. The site check information he
19 disposed of are carried in the trucks as backup
20 for what's on the laptops. They deal with issues
21 of: Are there dogs at the site? Is the site
22 ready? Is there room to park? Have all of the
23 locators finished their jobs? You're right;

1 others toss those away. It's not information to
2 return to the workplace. Those are backup
3 copies.

4 Any kind of in-depth inquiry, which we're
5 asking you to do, which your investigator wasn't
6 in a position to do, would reveal that field
7 workers, office workers and supervisors all
8 routinely dispose of the site checks, versus work
9 packets.

10 Work packets have to be maintained. They
11 have approved engineering plans, drawings,
12 pressure-test documents, type sizes, as-built
13 drawings, measurements. It's the work packets
14 that are critical to maintain, not the site
15 checks they fired my client over. That's the
16 distinction.

17 I get it. You want to claim a safety
18 issue over a work packet being disposed of?
19 Absolutely. That didn't happen here. This was
20 in fact site-check information. And so, nobody
21 had ever been fired. They couldn't even point to
22 a policy. There's no written policy in front of
23 this Commission that says you can be fired over

1 disposing of site checks versus work packets.

2 CHAIRPERSON SLASH: That concludes
3 your time.

4 MR. FRIEDMAN: Thank you.

5 CHAIRPERSON SLASH: Thank you.

6 We'll begin your two minutes as soon as
7 you begin.

8 MS. GAUR: Thank you.

9 There are policies at Exhibit B,
10 Destruction of Company Documents, Company Assets.
11 Those are the NiSource Code of Business Conduct
12 and the NIPSCO Standards of Conduct. Those
13 policies were explained to Mr. Mouratides, were
14 given to him in writing in the termination letter
15 that was given to him on the day of his
16 termination.

17 So, to say that a policy must specifically
18 refer to site checks versus work packets misses
19 the point. The point is these were confidential
20 safety documents. And by the way, they were work
21 packets that were discarded; it wasn't just site
22 checks.

23 And again, as I mentioned earlier,

1 Mr. Mouratides' attitude toward this whole thing,
2 as apparently exemplified also in oral argument,
3 is: "These documents were nothing, they didn't
4 mean anything, they're not safety related, it
5 doesn't matter that I threw them all out."

6 That is flatly contradictory to the
7 company's position, where we believe these were
8 safety documents and these were documents that
9 never should have been thrown out without first
10 properly going through them and making sure that
11 they had been recorded.

12 And in fact, Mr. Mouratides' supervisor
13 was doing that while he had also asked
14 Mr. Mouratides to do it, but because he
15 recognized Mr. Mouratides didn't have the urgency
16 necessary to do these things, the supervisor also
17 himself looked at these documents, found that
18 they had not been properly recorded, found that
19 they should have been properly recorded, and
20 therefore, moved to termination.

21 Thank you.

22 CHAIRPERSON SLASH: Thank you. Thank
23 you both for your presentations today.

1 Are there questions from Commissioners?

2 (No response.)

3 CHAIRPERSON SLASH: No questions?

4 Okay. No questions.

5 COMM. TOLLIVER: None.

6 CHAIRPERSON SLASH: Okay. At this
7 time, this case was -- this case was assigned to
8 Comm. Jackson.

9 Do you have a recommendation?

10 COMM. JACKSON: Uphold the Director's
11 finding of no probable cause, both on the first
12 and second issue.

13 CHAIRPERSON SLASH: First and second
14 issue.

15 Is there a motion?

16 COMM. TOLLIVER: So moved.

17 CHAIRPERSON SLASH: Is there a
18 second?

19 VICE-CHAIR RAMOS: So moved.

20 CHAIRPERSON SLASH: Okay. So, we
21 have first, Comm. Tolliver; second, Vice-Chair
22 Ramos.

23 MR. LOSTUTTER: We will call the

1 roll.

2 Comm. Silberberg?

3 COMM. SILBERBERG: Aye.

4 MR. LOSTUTTER: Comm. Harrington?

5 COMM. HARRINGTON: Aye.

6 MR. LOSTUTTER: Comm. Jackson?

7 COMM. JACKSON: Aye.

8 MR. LOSTUTTER: Comm. Tolliver?

9 COMM. TOLLIVER: Aye.

10 MR. LOSTUTTER: Vice-Chair Ramos?

11 VICE-CHAIR RAMOS: Aye.

12 MR. LOSTUTTER: Chair Slash?

13 CHAIRPERSON SLASH: Aye.

14 MR. LOSTUTTER: Ayes have it, six to

15 nothing.

16 CHAIRPERSON SLASH: Thank you.

17 MS. GAUR: Excuse me; I did not hear

18 what -- I didn't hear the recommendation.

19 CHAIRPERSON SLASH: The

20 recommendation was to uphold the Deputy

21 Director's finding of no probable cause on both

22 issues.

23 MS. GAUR: Thank you very much.

1 CHAIRPERSON SLASH: Thank you.

2 That concludes our Old Business. We're
3 now at the state of assigning New Business. So,
4 we -- the first case, we have Tebogo versus --
5 Tebogo Kaisara versus Simtra BioPharma Solutions,
6 Case EMno24088 -- I'm sorry -- 0693. That case
7 is also requesting an oral argument, which we'll
8 grant. That case will be assigned to
9 Comm. Harrington.

10 Kayla Rogers on behalf of Minor Child
11 S.R.R. versus Building Blocks Learning Center,
12 Case PAha25020122. That case is assigned to
13 Vice-Chair Ramos.

14 Mary Kay and John Garcia versus Lost Run
15 Farm Community Association & Armour Property
16 Management LLC. That case will be assigned to
17 myself. It's Case No. HOno24010006.

18 The next case, Harold L. Brown versus
19 Chestnut Hills Partner RA, LLC & The Michaels
20 Organization, Case HOfs24121170. They're also
21 requesting oral argument. That case we'll assign
22 to Comm. Tolliver.

23 The next case, Jessica Harrison versus

1 Dollar General, PAra24111074, that case will be
2 assigned to Comm. Jackson.

3 Mary Amsbury versus Deaconess Gibson
4 Hospital, Case EMra24040278, that case will be
5 submitted to -- assigned to Comm. Silberberg.

6 Makya Johnson versus Kroger, Case
7 PAco24101020, that case will be assigned to
8 Comm. Harrington, and that concludes the New
9 Business cases for appointment.

10 We do not have any ALJ Motions or Other
11 Filings, but we do have some Automatically
12 Confirmed ALJ Decisions, so I'll just be reading
13 those into the record. Cynthia Jacks versus
14 St. Joseph County Division of Family Resources,
15 Case EMra23060581. And then Valeria Vaughn
16 versus LaPorte Hospital Company LLC d/b/a
17 Northwest Health-LaPorte, Case PAha24050439. And
18 that concludes our New Business.

19 Moving forward, we have a meet -- our next
20 meeting will be on September 15th.

21 Commissioners, I ask that you take a moment to
22 review your calendars. I believe we will have a
23 fairly hefty docket next month, and we want to

1 make sure that we are able to deliver decisions
2 on them.

3 VICE-CHAIR RAMOS: Madam Chair, I'll
4 have to take that virtually.

5 CHAIRPERSON SLASH: Okay. One
6 virtually.

7 COMM. TOLLIVER: I should be here.

8 CHAIRPERSON SLASH: Okay.

9 Are you okay?

10 COMM. JACKSON: (Nodded head yes.)

11 COMM. SILBERBERG: I will be
12 traveling that day, so I'll do my best to be
13 virtual.

14 CHAIRPERSON SLASH: Okay. We have
15 one out.

16 COMM. HARRINGTON: I should be fine.

17 CHAIRPERSON SLASH: You should be
18 fine?

19 COMM. HARRINGTON: Specifically.

20 CHAIRPERSON SLASH: Okay. So, we
21 should have a quorum. We will keep
22 September 15th. If anything comes up, I just ask
23 that the moment that we know it, that we -- that

1 we inform the Docket Clerk so that we can get
2 something rearranged. We'll also be without our
3 Deputy Director and working through some things,
4 so we want to make sure we have everyone we can.

5 At this time, we have our time for our
6 elections?

7 MR. FLEISCHHACKER: (Nodded yes.)

8 CHAIRPERSON SLASH: You're in charge.

9 MR. FLEISCHHACKER: Well, we'll open
10 up elections, and first we should fill the Chair
11 spot and then the Vice-Chair spot. So, at this
12 point, we can open up nominations for the Chair
13 position.

14 CHAIRPERSON SLASH: Okay. Is there
15 any nominations for the Chair of the Indiana
16 Civil Rights Commission moving to the next term?
17 That should complete in April of 2024 since we're
18 delayed; correct?

19 MR. FLEISCHHACKER: Correct.

20 VICE-CHAIR RAMOS: Madam Chair, I
21 recommend that we request that the current Chair
22 run again for the next term.

23 CHAIRPERSON SLASH: Oh, well, thank

1 you for the nomination.

2 MR. FLEISCHHACKER: Do you accept
3 that nomination?

4 CHAIRPERSON SLASH: I'll accept the
5 nomination.

6 Are there any others?

7 COMM. JACKSON: I second that.

8 CHAIRPERSON SLASH: We were expecting
9 another nomination, but I appreciate it.

10 VICE-CHAIR RAMOS: So moved.

11 CHAIRPERSON SLASH: I appreciate it
12 all, humbly.

13 MR. FLEISCHHACKER: If there's no
14 further nominations, then nominations for Chair
15 can be closed, and the Commission can take a vote
16 on that.

17 CHAIRPERSON SLASH: Okay. I close
18 nominations for the position of Chair, and since
19 we are still in roll-calling position.

20 MR. LOSTUTTER: We'll call the roll.

21 Comm. Silberberg?

22 COMM. SILBERBERG: Aye.

23 MR. LOSTUTTER: Comm. Harrington?

1 COMM. HARRINGTON: Aye.

2 MR. LOSTUTTER: Comm. Jackson?

3 COMM. JACKSON: Aye.

4 MR. LOSTUTTER: Comm. Tolliver?

5 COMM. TOLLIVER: Aye.

6 MR. LOSTUTTER: Vice-Chair Ramos?

7 VICE-CHAIR RAMOS: Aye.

8 MR. LOSTUTTER: Chair Slash?

9 CHAIRPERSON SLASH: Aye, and thank
10 you.

11 MR. LOSTUTTER: Ayes have it.

12 MR. FLEISCHHACKER: You can do the
13 same for Vice-Chair.

14 CHAIRPERSON SLASH: Sure. At this
15 time I'll open up the floor for nominations for
16 Vice-Chair.

17 COMM. JACKSON: I nominate current
18 Vice-Chair Ramos --

19 CHAIRPERSON SLASH: Thank you.

20 COMM. JACKSON: -- to continue in
21 that role.

22 CHAIRPERSON SLASH: Are there any
23 additional nominations other the nomination

1 that's standing on the floor to Vice-Chair Ramos?

2 (No response.)

3 CHAIRPERSON SLASH: And do you
4 accept?

5 VICE-CHAIR RAMOS: Yes, I accept.

6 CHAIRPERSON SLASH: Comm. Silberberg,
7 do you have any input up there?

8 COMM. SILBERBERG: No.

9 CHAIRPERSON SLASH: Okay. As
10 assigned, we'll close the floor for nominations
11 for the position of Vice-Chair.

12 MR. LOSTUTTER: All right. And we
13 will call the roll.

14 Comm. Silberberg?

15 COMM. SILBERBERG: Aye.

16 MR. LOSTUTTER: Comm. Harrington?

17 COMM. HARRINGTON: Aye.

18 MR. LOSTUTTER: Comm. Jackson?

19 COMM. JACKSON: Aye.

20 MR. LOSTUTTER: Comm. Tolliver?

21 COMM. TOLLIVER: Aye.

22 MR. LOSTUTTER: Chair Slash?

23 CHAIRPERSON SLASH: Aye.

1 MR. LOSTUTTER: Vice-Chair Ramos?

2 VICE-CHAIR RAMOS: Aye. Thank you.

3 MR. LOSTUTTER: Unanimous.

4 CHAIRPERSON SLASH: It is an honor to
5 continue to serve in this capacity, and we
6 appreciate it.

7 Okay. With that, do we have any
8 announcements set for today?

9 (No response.)

10 CHAIRPERSON SLASH: Okay. And was
11 anyone registered for public comment today?

12 MR. LOSTUTTER: No.

13 CHAIRPERSON SLASH: We do have still
14 have --

15 MS. WILSON: Wait a minute. Is that
16 public comments?

17 (Discussion off the record.)

18 MS. WILSON: Is that what I heard?

19 CHAIRPERSON SLASH: We are in the
20 public comment moment; however, you cannot have
21 an oral argument in a public comment. However,
22 you can speak with our Docket Clerk following
23 this time to understand your next steps and your

1 options.

2 MS. WILSON: I still want to say
3 something.

4 MR. FLEISCHHACKER: As long as it's
5 not related to her case.

6 CHAIRPERSON SLASH: As long as it's
7 not related to your case, we can provide two
8 minutes. If it is related to your case, we
9 cannot hear it, just because it's outside of our
10 procedures.

11 MS. WILSON: It's just in general.

12 CHAIRPERSON SLASH: Okay. If it's
13 not -- if it's not in relation to your case, you
14 have two minutes, and I'll hold up my hand when
15 we get to the one-minute mark.

16 MS. WILSON: Okay. Can I go?

17 CHAIRPERSON SLASH: Yes.

18 MS. WILSON: Chair, Commissioners,
19 members of the public, my name is Kathryn Wilson.
20 I'm here today as a mother, a survivor of
21 domestic violence, and a citizen invoking my
22 rights under the Fair Housing Act, the BDA, and
23 the Constitution of Indiana and the United States

1 of America.

2 I was denied the right to speak, denied
3 the procedural fairness that every person is
4 promised under Goldberg versus Kelly 397 U.S. 254
5 (1070) where the Supreme Court held that due
6 process requires a chance to be heard, quote, at
7 a meaningful time and in a meaningful manner.

8 Today that did not happen. Instead, I've
9 watched this commission motion for roll call and
10 dismiss my complaint without weighing the full
11 evidence, without oral argument, and without --

12 CHAIRPERSON SLASH: Okay. I have
13 to -- I have to discontinue your comment --

14 MS. WILSON: -- expect an
15 inclusion --

16 CHAIRPERSON SLASH: -- at this time.

17 MS. WILSON: -- that I endured. I
18 had shelter solely because I was separated
19 from --

20 CHAIRPERSON SLASH: We have to
21 discontinue your comment at this time.

22 MS. WILSON: -- for over a year.

23 CHAIRPERSON SLASH: I am asking that

1 you discontinue your comment at this time. We
2 may only hear things that are outside of your
3 case, and this is in direct relation to your
4 case. While we have compassion for you and your
5 case, we cannot hear this at this time.

6 Is there any other public comment for
7 today?

8 MR. LOSTUTTER: (Shook head no.)

9 CHAIRPERSON SLASH: Okay. Thank you.

10 Hearing none, it is 2:16 p.m., and I'm
11 going to adjourn today's meeting. Anyone who has
12 follow-up items, you can work directly with the
13 Docket Clerk.

14 - - -
15 Thereupon, the proceedings of
16 August 18, 2025 were concluded
17 at 2:16 o'clock p.m.
18 - - -

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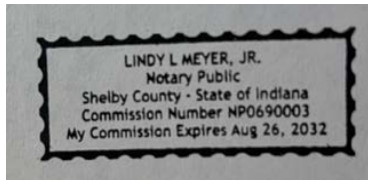
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CERTIFICATE

I, Lindy L. Meyer, Jr., the undersigned Court Reporter and Notary Public residing in the City of Shelbyville, Shelby County, Indiana, do hereby certify that the foregoing is a true and correct transcript of the proceedings taken by me on Monday, August 18, 2025 in this matter and transcribed by me.



Lindy L. Meyer, Jr.

Lindy L. Meyer, Jr.,
Notary Public in and
for the State of Indiana.

My Commission expires August 26, 2032.

Commission No. NP0690003

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