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BEFORE THE STATE OF INDIANA

CIVIL RIGHTS COMMISSION

- - -

PUBLIC MEETING OF JUNE 16, 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,
June 16, 2025 at 1:47 o'clock p.m.

- - -

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1 APPEARANCES:

2 COMMISSION MEMBERS:

3 Adrienne L. Slash, Chairperson
4 Steven A. Ramos
5 Holli Harrington
6 Terry Tolliver

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

14 OTHER COMMISSION STAFF PRESENT:

15 Michael Lostutter
16 Christiana Afuwape
17 Lucy Travis

18 ALSO PRESENT:

19 Lensay Bowling
20 George Roberts
21 Christopher (Chip) Clark
22 Henrico Faure
23 Rogelio Vasquez Arrequin
Jeff Leveridge

- - -

1 1:47 o'clock p.m.
June 16, 2025

2 - - -

3 CHAIRPERSON SLASH: Okay. It is
4 1:47 p.m. on Monday, June 16th. I call this
5 meeting of the Indiana Civil Rights Commission to
6 order. We'll begin -- we've already established
7 our quorum, but we'll begin by announcing the
8 agenda.

9 MR. LOSTUTTER: All right.

10 First, please be advised no party will be
11 allowed to speak directly to the Commission
12 during any Commission meeting except during a
13 previously schedule oral argument or during our
14 public comments time directly before the end of
15 the meeting. Concerning appeals, the
16 Commissioners will make their initial
17 determination based on the complaint, the notice
18 of finding, the appeal, and the final
19 investigative report. You must not address the
20 Commission members except and unless you are
21 addressed directly by them. If you have any
22 questions about your case, please wait to speak
23 to the Docket Clerk until after the Commission

1 meeting ends. If you are here to make remarks
2 during the public comments time, be aware that
3 you will only be allowed two minutes to speak.

4 Thank you.

5 All right. And for the agenda today, we
6 will have the approval of previous meeting
7 minutes; the ICRC Director's Report; Old
8 Business, three oral arguments on findings of no
9 probable cause in three cases there; the
10 assigning of two other new cases; we also have an
11 old case making a reappearance, remanded from the
12 Indiana Court of Appeals; and then we have one
13 case, very, very light, in Review of ALJ
14 Decisions and Orders, just to kind of mention
15 what it is there; and likewise, only one case to
16 read into the record, automatically confirmed.

17 CHAIRPERSON SLASH: Thank you.

18 We'll begin. The first order of business
19 is to prove last month's meetings minutes. Is
20 there a motion?

21 VICE-CHAIR RAMOS: So moved.

22 CHAIRPERSON SLASH: Is there a
23 second?

1 COMM. TOLLIVER: Second.

2 CHAIRPERSON SLASH: Okay. We'll --
3 how are we all here?

4 (Laughter.)

5 CHAIRPERSON SLASH: All in favor?

6 (Commissioners responded, "Aye.")

7 CHAIRPERSON SLASH: Any opposed?

8 (No response.)

9 CHAIRPERSON SLASH: Okay. Motion
10 carries. We haven't all been in person together
11 without someone on the phone in a long time.

12 So, the next case -- or the next thing we
13 have is the Director's Report.

14 MR. FLEISCHHACKER: All right. Thank
15 you, Chair Slash. A few things to report, and
16 then I'm going to turn it over to Director Evans
17 for some additional information.

18 We've got a couple of events coming up in
19 July, with the Indiana Black Expo Summer
20 Celebration and our Annual Indians game for the
21 Negro Leagues Night, preparations are underway
22 for those, and we're -- they can be shared with
23 the Commission as those are finalized.

1 Some ongoing matters for administrative
2 rulemaking, in two days, on June 18th, our civil
3 penalty guidance update will be published and
4 become part of our administrative rules. We
5 added the civil penalty factors that federal
6 ALJ's consider in federal fair housing matters as
7 the same factors that ALJ's and Commissioners
8 will consider in state fair housing matters as
9 far as guidance for issuing civil penalties. So,
10 those become official on June 18th, and then will
11 be distributed to the Commissioners. You've seen
12 them before, but we'll distribute them at that
13 point, so that everyone's aware of them.

14 As far as some metrics go, as far as the
15 end of -- at the end of May, our numbers continue
16 to trend upward in 2025. Our inquiries are up 17
17 percent. We've had just shy of 1300 inquiries as
18 of the end of May. Our formalized complaints are
19 up almost five percent, we're at 463 at the end
20 of May, and the cases that we've closed are up
21 just over ten percent, with 317 closed already
22 through the end of May.

23 Our settlement -- monetary settlement that

1 we've obtained for complainants is down a little
2 bit compared to least year at the same time.
3 Even so, we've still obtained around \$242,000 in
4 monetary relief for complainants through our
5 mediation and settlement efforts.

6 Currently, or at the end of May, in 2025,
7 we have -- or had 588 open investigations that
8 our staff are currently investigating, compared
9 to 438 at the same time last year, so an increase
10 in our investigation inventory. Some of that is
11 due to referrals that we've gotten from the EEOC,
12 and now we're getting regular referrals from HUD
13 as well for us to investigate, so that has
14 created that additional inventory, but our staff
15 are actively working to, you know, work through
16 those and complete those in a timely manner.

17 As far as litigation cases go, we have 29
18 open cases, or had 29 open cases, compared to 40
19 at the same time last year. We've closed 12 so
20 far in 2025 that were either in administrative or
21 judicial forums.

22 And I'll turn it over to Director Evans.

23 MR. EVANS: Thank you, David.

1 Good afternoon, Commissioners. I just
2 wanted to kind of piggy-back and give you guys
3 some information before I talk about the Expo
4 events for May. I actually attended one of our
5 C.O.R.E. programs, where we actually give
6 education, and we have -- we give citizens the
7 opportunity to file a complaint on-site.

8 To my dismay, I spent about 12 hours from
9 driving to Terre Haute and back and then
10 preparing, and we only saw two individuals, and
11 the two just wanted to know what we were doing
12 there. So, this is definitely a concern of mine,
13 that when -- so, I've already started talk -- I
14 had a meeting with staff to basically re-evaluate
15 and restructure our C.O.R.E. program, so once I
16 have a better understanding of how it looks, I'll
17 let you know.

18 Also, just to piggy-back with David, we do
19 have the Governor's Reception, which will be held
20 July 15th. We have identified all of the
21 winners. They're currently being vetted through
22 the Governor's Office, so once we get that
23 approved, then we'll make that announcement to

1 the -- to you guys and to the public.

2 Also, we are participating in the Indiana
3 Black Expo Education Conference, and our speaker
4 will be Dr. Carolyn Calloway-Thomas, who is the
5 Dean of African-American Studies at IU
6 Bloomington. She will be focusing on education,
7 and more importantly, focus on Governor Braun's
8 education initiative. So, she'll be speaking on
9 that during the Education Conference.

10 And then lastly, we have the exhibition
11 booth July the 18th through the 20th, so if any
12 Commissioners is interested in attending, please
13 let us know so we can give you guys some tickets.

14 And back to the Governor's Reception, I'm
15 not sure how it was done in the past, but if any
16 Commissioners are interested in going plus-one,
17 let us know, and we will definitely make sure
18 that you guys have a table at the Governor's
19 Reception.

20 And then lastly, June has been an active
21 month for us. I've hired actually four new staff
22 members. First is Phil Clay, who is the Director
23 of External Affairs and Strategic Communication.

1 Phil's been with us now for about two weeks.

2 And then Cecelia Kibada. She's an actual
3 internal promotion. She was an investigator, and
4 now I've promoted her to Director of public
5 Outreach and Civic Engagement. So, she just
6 actually started officially last week.

7 And then also I have Lucy Travis, who is
8 my new Executive Assistant. Lucy is a graduate
9 in the fall from IU Bloomington.

10 And then lastly, I've hired Hallie --
11 Claire Zhang, who is the new CFO, and she
12 officially starts June the 30th.

13 So, those are all of the new -- all of the
14 new hires that I've made, and will definitely
15 introduce you to all of those people at probably
16 the next -- next Commission meeting.

17 And I'll turn it over to you.

18 CHAIRPERSON SLASH: Anyone have any
19 questions?

20 (No response.)

21 CHAIRPERSON SLASH: Okay. Thank you.

22 At this time, we have a couple of action
23 items, so if you are interested in the Governor's

1 Reception, please let us know. There are some
2 interesting dates coming up, we'll let you know
3 about any who may be interested. Thank you.

4 All right. Moving on, we'll start with
5 Old Business. The first -- and all three are
6 oral argument cases, so we'll be timely, and all
7 will follow the same rules. So, we'll begin with
8 the first case of Lensay Lee Bowling versus
9 Harrah's Hoosier Park Racing & Casino,
10 Case EMre23110897.

11 Do we have representation from both
12 Respondent and Complainant?

13 MR. LOSTUTTER: We have the
14 Complainant here. We do not have any
15 representative for the Respondent.

16 CHAIRPERSON SLASH: Okay. And they
17 were both notified at the same time?

18 MR. LOSTUTTER: They were both
19 notified at the same time.

20 CHAIRPERSON SLASH: Okay.

21 With that being said, you are still able
22 to share with us for about five minutes anything
23 that you'd like for us to know, in addition to

1 what we know. You can only pretty much just tell
2 us more about what we already have as evidence.
3 We can't take any additional evidence, but you
4 have five minutes.

5 MR. BOWLING: Okay. My name is
6 Lensay Bowling. I am an Archbishop of the Church
7 of God of the Apostolic Faith.

8 When I signed up to work there, they knew
9 that we were needing our Sundays off because of
10 our services. We were told initially we would
11 have to go through the training process and get
12 trained, and then we would be allowed to have
13 those Sundays off, because we get two days a week
14 off.

15 Then when I started inquiring about it, we
16 were denied. The supervisors was doing things
17 that was against the policies and so forth and
18 would not come and assist us, so we asked them
19 about why this was. Then we were harassed, we
20 were kindly singled out.

21 They asked for my medical files, because I
22 had diabetes and things. When I gave that to
23 them, they used every bit of that against me, and

1 those records was sent to HR. HR called me and
2 told me that they didn't need those anymore, they
3 had what they wanted.

4 And basically after that, the harassment
5 started. I ended up with a diabetic sore. They
6 would make me stand as long as they could in
7 front of the calendar doing my job, which was
8 fine, but there was times that I needed to kindly
9 prop my leg up, and they wanted me to stand in a
10 straight position. There was other people that
11 had the same conditions and was not singled out.

12 There was a lot of things that took place
13 there. We also had been singled out and harassed
14 for our speech. I went to school for special
15 speech. I was actually wrote up, and it's black
16 and white. Anybody that would have done their
17 investigation and went and pulled the files would
18 have seen -- and I have the evidence with me --
19 that I went to school for speech impediment
20 problems. I still have problems from time to
21 time.

22 They actually wrote me up for a
23 disability. Whey wrote me up for my disability

1 of diabetes. I also was spitting up blood, had
2 to go to the hospital. They wrote me up for
3 that, and then terminated me upon coming back,
4 because I filed a Civil Rights Commission report.

5 And so, I was told, with the blood on my
6 uniform, that I could not come back to work.
7 After I came back to work with the doctor's note,
8 then they walked me to the door after illegally
9 searching me for the card to get through the
10 doors and all.

11 There was a lot of violations. I even
12 told the hospital -- it is documented, and I have
13 the documentations -- that -- everything that was
14 taking place, that I was being harassed, that
15 they wanted a doctor's note for me spitting up
16 the blood and everything.

17 Any investigator that would have done
18 their job and pulled even the security cameras
19 and talked to the other employees would have
20 found out that this case is definitely a civil
21 rights violation, in every area and every way.

22 So, I'm asking you to please allow the
23 Federal Court to determine this case and let them

1 decide whether or whether or not there is [sic]
2 violations. I know my time is running out, so
3 I'm asking you: Please don't allow justice to be
4 taken from me because of the wealth of this
5 company. They have intimidated me enough, and
6 all I want is my day in court so that I can
7 explain everything to the fullest degree and let
8 the court system decide.

9 I appreciate it.

10 CHAIRPERSON SLASH: Thank you.

11 Commissioners, do you have any questions?

12 COMM. TOLLIVER: Can you explain to
13 me why you need the Commission to do something
14 before you proceed in Federal Court?

15 MR. BOWLING: Because I was told that
16 I had to come through you all and that you all
17 had to sign off on it before I could file a
18 federal lawsuit. So, I was only going by what I
19 was told.

20 COMM. TOLLIVER: Okay. Thank you.

21 CHAIRPERSON SLASH: Any other
22 questions?

23 VICE-CHAIR RAMOS: At the beginning

1 of your conversation, you referenced "we." Is
2 there somebody else in the conversation besides
3 you that is in reference to this?

4 MR. BOWLING: Well, George is the
5 other Bishop, and he also worked with me during
6 that process. And this is George here. So,
7 when -- I use the word "we" a lot of times. And
8 then with my way of talking, a lot of times I use
9 the word "we" regardless. I know it's not proper
10 English, but it's just the way I talk. I grew up
11 in West Virginia, and I'm one of them
12 hillbillies.

13 VICE-CHAIR RAMOS: Thank you.

14 COMM. HARRINGTON: And a
15 clarification. The comment about the federal,
16 can you clarify?

17 MR. FLEISCHHACKER: Yeah. Whatever
18 the -- if the decision today is to -- say if it's
19 to uphold the notice of finding, that would just
20 exhaust the administrative proceedings. Once
21 that goes over to the EEOC, the EEOC would review
22 it, and they would issue a notice of right to
23 sue, and the Complainant would then have the

1 opportunity to file in federal court in 90 --
2 within 90 days from that notice of right to sue.
3 So, that would not preclude any process of
4 pursuing those rights in federal court.

5 COMM. TOLLIVER: Regardless of what
6 happens?

7 MR. FLEISCHHACKER: Regardless of
8 what happens today. And then whenever this case
9 is resolved, if it's -- unless it moves on to
10 like administrative litigation here,
11 administrative proceedings here. If it's
12 resolved today, then it could move on to -- it
13 would get the right-to-sue letter and they could
14 pursue it then.

15 COMM. HARRINGTON: I just want to
16 make sure: Is that understood from your
17 perspective, of what he just shared? Because
18 what you stated, from a federal perspective,
19 that's not something we give permission or don't.
20 Regardless of the outcome today, you have an
21 opportunity.

22 MR. BOWLING: Okay. That -- that was
23 not my understanding, but --

1 COMM. HARRINGTON: Okay.

2 CHAIRPERSON SLASH: Okay. We want to
3 make sure that you understood that.

4 This case was assigned to
5 Comm. Harrington.

6 Do you have a recommendation?

7 COMM. HARRINGTON: Yeah. I have a
8 recommendation for all three -- all three issues.
9 The first issue was -- let me see. The second --
10 I just want to make sure. They're all under the
11 Indiana Civil Rights Law, and in all issues, I
12 uphold the finding of no probable cause.

13 CHAIRPERSON SLASH: Okay.

14 Is there a second?

15 COMM. TOLLIVER: Second.

16 CHAIRPERSON SLASH: Okay. All in
17 favor?

18 (Commission members responded, "Aye.")

19 CHAIRPERSON SLASH: Okay. Any
20 opposed?

21 (No response.)

22 CHAIRPERSON SLASH: Okay. The motion
23 carries. So, just to kind of help you to

1 understand, just reiterating where David just
2 shared, that would close out our administrative
3 work on this case, which means you have the
4 ability to do with it as you will.

5 MR. BOWLING: So, I have right to
6 take it to Federal Court?

7 CHAIRPERSON SLASH: You can speak
8 more directly with our Docket Clerk if you want
9 to.

10 MR. FLEISCHHACKER: Yeah.

11 MR. LOSTUTTER: When the meeting's
12 over with, I'll be glad to speak with you about
13 it, what you -- how to go about it.

14 CHAIRPERSON SLASH: Okay. The next
15 case, Lakeasha Boyd verses Twenty-Four Eight
16 Hoosiers, LLC d/b/a Hand & Stone, EMra23120929.
17 The case was assigned to myself and it's also
18 here for oral argument. Do we have either party?

19 MR. LOSTUTTER: Neither party is
20 here, and both parties were told that the
21 Commission meeting would be moved to 1:30, so --

22 CHAIRPERSON SLASH: Okay. With that
23 being said, I guess, as this case was assigned to

1 me, it is my recommendation that, on both the
2 first and second issues, that -- I recommend that
3 we uphold -- uphold the Deputy Director's finding
4 of no probable cause under the Indiana Civil
5 Rights Law -- Civil Rights Law.

6 COMM. TOLLIVER: So moved.

7 VICE-CHAIR RAMOS: Second.

8 CHAIRPERSON SLASH: Thank you.

9 Is there -- oh, you guys made the motion.
10 Thank you.

11 All right. All in favor?

12 (Commission members responded, "Aye.")

13 CHAIRPERSON SLASH: Any opposed?

14 (No response.)

15 CHAIRPERSON SLASH: Okay. The next
16 case that we have is Rogelio Vasquez Arrequin
17 versus Leveridge Lawn Care, Inc.,
18 Case EMno23100807.

19 Do we have the Respondent and the
20 Complainant present?

21 MR. LOSTUTTER: Yes, both parties are
22 present, and the Complainant requested through
23 their panel an interpreter --

1 CHAIRPERSON SLASH: Okay.

2 MR. LOSTUTTER: -- and the
3 interpreter is here as well.

4 CHAIRPERSON SLASH: Okay. Thank you.

5 So, with that being said, do we have a
6 rule around interpretation inside the guidelines?

7 MR. FLEISCHHACKER: We don't, but we
8 can extend -- given the need for interpretation
9 services, we can extend the time for both
10 parties.

11 CHAIRPERSON SLASH: Okay. Thank you.

12 With that being said, we will provide --
13 is it okay if I do ten, because that would be the
14 amount time if both --

15 MR. FLEISCHHACKER: You're in charge
16 of the meeting.

17 CHAIRPERSON SLASH: Okay. We will
18 provide you ten minutes to give your argument,
19 then we will provide the Respondent ten minutes,
20 and you can reserve any amount of time that you
21 would like for appeal.

22 VICE-CHAIR RAMOS: Rebuttal.

23 CHAIRPERSON SLASH: I'm sorry;

1 rebuttal. It's Monday.

2 MR. CLARK: Thank you, Commission. I
3 will be brief. My name is Chip Clark. I'm the
4 attorney for Mr. Vasquez.

5 CHAIRPERSON SLASH: Oh, we begin with
6 the Complainant; my apologies.

7 MR. CLARK: I'm sorry?

8 CHAIRPERSON SLASH: We'd like to
9 begin with the Complainant.

10 MR. FLEISCHHACKER: He is the
11 Complainant.

12 MR. CLARK: Well, I represent him.
13 I'm not him, but I'm his attorney.

14 CHAIRPERSON SLASH: Well, he's got an
15 interpreter, so he's got to understand that they
16 can help.

17 MR. CLARK: Yeah, and I will give a
18 brief oral argument, and then really, the
19 interpreter is only here more for answering any
20 questions that you all might have. I just
21 thought that might be simpler.

22 CHAIRPERSON SLASH: Our general rule
23 is five minutes. That's why I made the question

1 to him.

2 MR. CLARK: All right.

3 So, the reason that we filed the appeal
4 was really related to one specific finding in the
5 notice of finding, and that was that Complainant
6 does not qualify as a disabled individual as
7 defined by law. And I think there was a -- while
8 that's technically true, I think there was a
9 disconnect in the -- when we spoke with the
10 investigator via telephone, and really what this
11 is is a perceived disability case.

12 There are two videos, very short videos,
13 about -- ones about two minutes long, one's
14 about 30 seconds long that I would encourage the
15 Commission to watch. In those videos, they
16 depict an incident that happened on September
17 the 15th of 2023. My client, Mr. Arrequin, was
18 in his truck, a work truck.

19 Immediately prior to the videos being
20 taken, he was -- had been struck by the
21 Respondent, Mr. Leveridge, had punched him in the
22 chest. The video depicts Mr. Leveridge waving
23 his hands in the air and mocking Mr. Arrequin.

1 Mr. Arrequin, at the time, was suffering from
2 some involuntary hand movements and facial ticks,
3 and so, clearly Mr. Leveridge is making fun and
4 teasing him related to those perceived
5 disabilities, if you will.

6 Mr. Leveridge makes the statement, "I will
7 beat you un-fucking-conscious." He goes on to
8 call my client a "stupid fuck," and then he also
9 refers to Rogelio and his queer boyfriend, who is
10 the other gentleman that's in the truck with him.

11 We challenged the findings that he was a
12 disabled individual on the basis that he was
13 perceived disabled, and you will see in those
14 videos the mocking gestures that Mr. Leveridge is
15 making about my client.

16 Mr. Leveridge was charged with battery and
17 intimidation for this incident. My understanding
18 was he pled guilty to the battery and was placed
19 on probation.

20 CHAIRPERSON SLASH: You've got some
21 time remaining for rebuttal; okay?

22 You may begin.

23 MR. LEVERIDGE: This is my five --

1 CHAIRPERSON SLASH: Yes.

2 MR. LEVERIDGE: -- minutes? So,
3 just -- when my five minutes is up, I will -- I
4 don't have to do ten, I just --

5 CHAIRPERSON SLASH: You have ten
6 because we wanted to make sure --

7 MR. LEVERIDGE: I already see --

8 CHAIRPERSON SLASH: -- that you had
9 time for --

10 MR. LEVERIDGE: -- two over there.

11 CHAIRPERSON SLASH: Okay. You have
12 ten, and you don't have to use it all. You can
13 talk --

14 MR. LEVERIDGE: Understood,
15 understood.

16 CHAIRPERSON SLASH: -- and anything
17 you don't use in your opening comments, you may
18 reserve to use in rebuttal.

19 MR. LEVERIDGE: Yeah.

20 This started out great. We hired Rogelio.
21 He was -- I thought I'd hit the jackpot. He
22 was -- we needed a concrete guy. He was
23 experienced in concrete. We do all -- it says

1 "Landscaping." We do earthscaping, we do -- we
2 build structures, we build things, we don't
3 really do landscaping.

4 We needed a concrete person. Rogelio had
5 concrete experience, and lived literally next
6 door to our shop. He lives adjacent to our shop.
7 He spoke English and Spanish, so he could
8 communicate both ways. He had a driver's
9 license. It was great. Those are not at all
10 things that you find in this industry with one
11 person. It was great.

12 And it was great for a while until they
13 weren't and things devolved, and when we got to
14 the end of the day that Rogelio got fired, he got
15 let go, this was around noon. We have an
16 automatic deposit every Friday. You get -- your
17 check is deposited in your account.

18 That Friday he had been paid for the week
19 prior. He was very upset upon being fired, as
20 anybody is. He wanted paid for the following
21 Friday, he wanted that check. I told him
22 absolutely not, he would have to wait until the
23 following Friday to get that check.

1 He demanded that -- and this happened
2 about noon. I don't hear from him the rest of
3 the day. I go to the shop at the end of the day.
4 We pull up to the shop. One of our company
5 trailers is gone. I thought, "There's no way."
6 I started calling him. I couldn't get him to
7 answer the phone. I had one of my supervisors,
8 Jesus, call him. It turns out he does have the
9 trailer. He's holding the trailer hostage until
10 he gets his check. He's not returning the
11 trailer until I give him his check.

12 So, he will not listen to Jesus, so I have
13 my longtime foreman, Luis, who's been with me 15
14 years -- which he had a lot of respect for Luis.
15 So, Luis convinces him to bring the trailer back
16 to the shop. The trailer comes back to the shop.
17 All hell breaks loose. Everything that happened
18 after this I am not very proud of. I lost my
19 temper. I ended up striking Mr. -- Rogelio in
20 the arm.

21 I got -- the police were called. I got
22 charged with battery, I was arrested, I was found
23 guilty, I got a year's probation. It was a

1 nightmare. Rogelio ended up getting paid the
2 following week. We got our trailer back.
3 That's -- that's what -- there was a lot of
4 yelling, screaming, name-calling, threats, chaos
5 at the shop. There were my employees there.
6 Rogelio showed up with three or four individuals,
7 friends of his, who tried a lot of intimidation
8 factors about getting the check.

9 It just devolved into a complete mess,
10 ninety percent of which I am not proud of. It
11 was not my -- it was not a shining moment for me.
12 I lost it once the trailer had been stolen. We
13 are a small business. We operate on rates with
14 thin margins. The trailer getting stolen was
15 the -- was the tipping point for me, and I lost
16 control.

17 And that's what happened that day. I
18 looked like a real jerk, and I ended up paying
19 the price for it. It cost me financially, it
20 cost me a year's probation, I had to explain this
21 to my family. I was a 56-year-old man that's
22 getting put on probation, and not having a leg to
23 stand on, I looked like a real jerk, and I was,

1 and I'm sorry it happened. But at the
2 beginning -- at the end of the day, that's the
3 beginning and end of it. That's how it happened.

4 But I got with the Prosecutor's Office,
5 and I wanted him to be charged with stealing the
6 trailer. They decided not to charge him because
7 he brought the trailer back. I was very upset
8 about this, because I -- well, it's like going
9 into Walmart, stealing, and then bringing the
10 things back, and then not getting charged.

11 I just was very upset about that, and I
12 wanted him to get in trouble over stealing the
13 trailer. I felt very -- I felt very -- I felt
14 very wronged in him not going to jail. Here I
15 have -- I punched another grown man in the arm,
16 which I shouldn't have done. It is illegal. It
17 is touching another man. I shouldn't have done
18 it.

19 Here I am going to jail for punching
20 another grown man in the arm, and this guy had
21 the audacity to steal a trailer, and he's not
22 going to jail for it. At the end of the day, I
23 shouldn't have hit him, I shouldn't have done

1 that, but I just felt -- I just felt very wronged
2 in the whole situation. That's just kind of --
3 that's how all of it -- there's not much really
4 left, other than that, so --

5 CHAIRPERSON SLASH: Thank you.

6 MR. LEVERIDGE: Yeah.

7 CHAIRPERSON SLASH: Do you have him
8 time?

9 MR. FLEISCHHACKER: What was that?

10 CHAIRPERSON SLASH: Do you have his
11 rebuttal time?

12 MR. FLEISCHHACKER: It was like seven
13 minutes.

14 CHAIRPERSON SLASH: Okay.

15 MR. CLARK: I guess I would encourage
16 you all, if you haven't already, to watch the
17 videos. I think the videos really speak for
18 themselves. My client did not provoke this, he
19 did not -- he did not do anything to try to
20 intimidate Mr. Leveridge.

21 Mr. Leveridge is seen, again, waving his
22 hands in the air and making a face, mocking what
23 he perceived to be my client's disability and

1 yelling at him, punching the truck, you can see,
2 and when he's out of the frame, the truck's
3 getting kicked and pushed back and forth. Yeah,
4 we believe that it was discrimination based on my
5 client's perceived disability.

6 CHAIRPERSON SLASH: Thank you.

7 Do you have anything to rebut?

8 MR. LEVERIDGE: Yeah.

9 I have, and have had -- about 95 percent
10 of my work force is Hispanic, and I had most of
11 my Hispanic guys there the day that that was
12 going on. So, I am not a racist. I do not
13 discriminate. That is ridiculous. I didn't know
14 that he had a physical disability.

15 He's got a tick about him that everybody
16 would just tease about, but it's not something
17 that I knew it was a disability. The guy does
18 concrete for a living. I didn't know he had a
19 disability, because he was floating concrete.
20 It's a very physically demanding job, so I never
21 knew that he called or labeled himself having --
22 I didn't know that until just -- this being said
23 just now.

1 And listen, I'm -- I'm not -- I'm appalled
2 by what I look like in those videos. I look like
3 a maniac. It's embarrassing. I look like a real
4 jerk. It's not my best day, but I've got a lot
5 of great Hispanic guys working that have been
6 there 10, 15-plus years, 20 years, and I do not
7 keep those guys for that long because I treat
8 them badly or I don't take care of them. Quite
9 the opposite. So, this was a bad day, it was an
10 unfortunate day.

11 As far as I had hoped, I -- because we
12 liked him so much in the beginning, he was so --
13 right there at the shop, I wanted this to work
14 out for a long time. This wasn't something that
15 I wanted him to be here for a little bit and
16 gone. He just didn't, for many reasons. We
17 don't need to get into all of this, because
18 they're not good. I've got lots of reasons why
19 it's not good, and we don't have time to go into
20 all of that.

21 But it ended, and it ended badly, and I
22 just want to put this behind me. I've spent a
23 lot of money in lawyers, I had to go to jail for

1 two weeks over this on top of this, and
2 probation. It's just -- you know, it's just been
3 tough. And that's it. That's -- there's not any
4 more than that, but I think that's enough.

5 CHAIRPERSON SLASH: Thank you.

6 MR. LEVERIDGE: Yeah.

7 CHAIRPERSON SLASH: Commissioners, do
8 you have any questions?

9 COMM. TOLLIVER: If I understand the
10 argument, the only thing you're asking us is to
11 review whether he had a disability; is that --

12 MR. CLARK: Well, he's not physically
13 disabled, but the perception certainly was that
14 he has a disability, in the way -- his
15 mannerisms, his facial ticks, and that's what
16 Mr. Leveridge is mocking in the video.

17 COMM. TOLLIVER: And it's your
18 position that a perceived disability is a
19 disability under the law?

20 MR. CLARK: I believe discrimination
21 based on a perceived disability is still
22 discrimination.

23 COMM. TOLLIVER: Thank you.

1 MR. LEVERIDGE: Could you -- could
2 you explain that again for me?

3 COMM. TOLLIVER: It's one way.

4 MR. LEVERIDGE: But you're saying it
5 is a physical disability, or not? I'm a little
6 confused.

7 COMM. TOLLIVER: I think he said it
8 is not a physical disability --

9 MR. LEVERIDGE: Okay.

10 COMM. TOLLIVER: -- but it appears
11 to --

12 MR. CLARK: It did not prevent him
13 from doing this job.

14 MR. LEVERIDGE: Okay. Understood.

15 CHAIRPERSON SLASH: Okay. Are there
16 any other questions from Commissioners?

17 VICE-CHAIR RAMOS: I have a question
18 having to do with the check piece.

19 MR. LEVERIDGE: I'm sorry?

20 VICE-CHAIR RAMOS: A question having
21 to do with the check. I mean you -- a person has
22 been let go --

23 MR. LEVERIDGE: Yeah.

1 VICE-CHAIR RAMOS: -- and the normal
2 process in your procedures is to wait until the
3 following month? You don't have any --

4 MR. LEVERIDGE: No, not the following
5 month, the following week. It's -- we're a week
6 behind on pay, so that Friday that he was cut
7 loose, he was getting paid that day for the week
8 prior. So, the next Friday he'd be getting an
9 automatic deposit for the week that he just
10 worked. So, it --

11 VICE-CHAIR RAMOS: So, it's part of
12 your policy. Is there -- you don't have the
13 ability to write a check, and that's that?

14 MR. LEVERIDGE: We don't write
15 checks. It's all done on the computer. It's all
16 done that way, and there's probably -- well, I've
17 got a part-time lady. I don't have a full-time
18 staff or anything. I've got a part-time lady who
19 handles that stuff. There might have been a way,
20 but I've never had to -- I've never had to do
21 that before.

22 So, usually you just wait until your check
23 rolls in like it normally would. So, there

1 probably is a better way to do it, to be honest
2 with you, to avoid these things. I've never had
3 to, and I don't -- I just think you need to stick
4 to my rules. I lack any ability to do anything.
5 I've got a lady who handles things part-time who
6 just -- I don't have -- that's the real answer.
7 I don't know.

8 CHAIRPERSON SLASH: Thank you.

9 Any other questions?

10 MR. LEVERIDGE: It's not punitive is
11 what -- is what I meant to say.

12 CHAIRPERSON SLASH: Thank you.

13 Any additional questions?

14 (No response.)

15 CHAIRPERSON SLASH: Okay.

16 With that being said, Comm. Tolliver, do
17 you have a recommendation?

18 COMM. TOLLIVER: Yes. I recommend
19 that we uphold the Commission's finding of no
20 probable finding under the Indiana Civil Rights
21 Law.

22 CHAIRPERSON SLASH: Okay. Thank you.

23 Is there a second?

1 COMM. HARRINGTON: Second.

2 CHAIRPERSON SLASH: Okay. All in
3 favor?

4 (Commission members responded, "Aye.")

5 CHAIRPERSON SLASH: Any opposed?

6 (No response.)

7 CHAIRPERSON SLASH: Okay. Motion
8 carries. Thank you for coming in today.

9 MR. LEVERIDGE: So, I don't -- what's
10 that mean? I'm sorry.

11 CHAIRPERSON SLASH: Well, we uphold
12 the Deputy Director's finning of no probable
13 cause.

14 MR. LEVERIDGE: Okay. I didn't hear
15 it. I'm sorry.

16 CHAIRPERSON SLASH: Okay. If you
17 have additional questions, then our Docket Clerk
18 can also --

19 MR. LEVERIDGE: My hearing's
20 terrible. I -- I'm in the background and I can't
21 hear very well. I'm sorry.

22 CHAIRPERSON SLASH: That's okay.
23 We're glad to clarify.

1 MR. LEVERIDGE: Okay.

2 CHAIRPERSON SLASH: Okay.

3 Next, we have ICRC/John Chubb versus Fike
4 Investments, LLC, Jim Fike & Kim Fike,
5 Case HOra15070510 and Case HOrt15090609. For
6 clarity, I am a reading something into the
7 record, or is there action to be taken?

8 MR. FLEISCHHACKER: There is an
9 action to take. This case comes back to the
10 Commission on remand from the Indiana Court of
11 Appeals, and the Indiana Court of Appeals
12 affirmed the Commission's decision, but remanded
13 with instructions that the ultimate authority
14 modify its final order to provide and add the
15 determination of liability, the award of damages
16 and the imposition of a penalty are against only
17 Jim Fike and Kim Fike, which would remove Fike
18 Investments from that liability or damages and
19 the imposition of a penalty.

20 So, this is back before the Commission to
21 remand based on those instructions from the Court
22 of Appeals, so that's one item that the
23 Commission needs to handle or complete today, and

1 then the other, I guess, matter would be -- and
2 then obviously we don't get a lot of cases that
3 come back to the Commission on remand from the
4 Court of Appeals, because not a lot of things go
5 up on judicial review -- is to determine whether
6 or not post-judgment interest is to be assessed
7 in this case.

8 In cases there's the ability for
9 post-judgment interest to be assessed on cases.
10 Eight percent is the statutory standard for that
11 situation. So, in this case, it's -- it adds up
12 to roughly over \$3,000 would be the eight-percent
13 simple interest on an annual basis, based on the
14 original damages award.

15 So, the Commission would need to determine
16 whether or not it wants to add that. The
17 Commission need to consider -- there's not really
18 case law that says that -- we don't have a lot of
19 precedent for it, saying that there's not case
20 law saying you can and there's not case law
21 saying you can't. By adding that, you do -- I
22 think it may open it up for further --

23 CHAIRPERSON SLASH: For a hearing.

1 MR. FLEISCHHACKER: -- appeal and all
2 of that kind of stuff, which would delay judgment
3 of damages to this individual. This is a
4 complaint that originated in 2015, so we're now
5 ten years past the initial complaint. So, it's
6 balancing that part of making the individual
7 whole versus potential for the case being further
8 continued and pushed down the road if that were
9 challenged. So --

10 COMM. TOLLIVER: Okay. That way so
11 an appeal is not posted?

12 MR. FLEISCHHACKER: What's that?

13 COMM. TOLLIVER: The actual bond
14 would not have been posted for asking us to
15 determine whether post-judgment interest applies?

16 MR. FLEISCHHACKER: Not that I'm
17 aware of, no.

18 CHAIRPERSON SLASH: In the past, with
19 many other cases, though, if there are damages
20 hearings that we hear here, we do tend to add the
21 eight-percent interest, if it --

22 MR. FLEISCHHACKER: That's simply for
23 the -- like if there's an employment type

1 situation --

2 CHAIRPERSON SLASH: Right.

3 MR. FLEISCHHACKER: -- there would
4 be -- that would be prejudgment interest --

5 CHAIRPERSON SLASH: Right.

6 MR. FLEISCHHACKER: -- in calculating
7 somebody's damages award.

8 CHAIRPERSON SLASH: Right.

9 MR. FLEISCHHACKER: So, this would be
10 post-judgment, which there are some statutes and
11 some case law that govern, but there's very
12 little that points to precedent for that being
13 assessed in an administrative-type proceeding
14 versus a judicial proceeding.

15 CHAIRPERSON SLASH: Okay. Thank you.

16 Commissioners, do you have any questions?

17 VICE-CHAIR RAMOS: Could you propose
18 what a motion would be in this particular
19 situation, since it's an odd one?

20 CHAIRPERSON SLASH: Before you
21 propose it, can I ask Commissioners if there is
22 an opinion on interest? I just know that from
23 our previous things, do we want to put them

1 through more? But we would -- we've always
2 wanted to make sure that making them whole was
3 the priority.

4 COMM. HARRINGTON: Yes. So, can I
5 ask one quick question?

6 CHAIRPERSON SLASH: Sure.

7 COMM. HARRINGTON: Why is there such
8 a delay, if we were -- what causes the delay in
9 the damages to the individual?

10 MR. FLEISCHHACKER: Sure. The --

11 COMM. HARRINGTON: And what -- to
12 what extent?

13 MR. FLEISCHHACKER: Sure. The Court
14 of Appeals decision did not specifically say to
15 award post-judgment interest. There wasn't any
16 type of bond assessed for that. So, by that
17 being added to the final order, that could
18 provide grounds for Respondent to file for
19 judicial review again, which would then trigger
20 that whole process.

21 And we are here now from a final order
22 that was issued by the Commission in December
23 of 2023, so a year and a half later, so that

1 could delay this process for another year and a
2 half were that to be challenged and kind go
3 through that same process.

4 CHAIRPERSON SLASH: Hypothetically,
5 if we were to take it to a four percent versus an
6 eight percent, it would be less likely to be
7 fought?

8 MR. FLEISCHHACKER: I can't answer
9 that. I'm not the --

10 CHAIRPERSON SLASH: Okay.

11 MR. FLEISCHHACKER: -- Respondent.
12 And eight percent is the statutory --

13 CHAIRPERSON SLASH: Okay.

14 MR. FLEISCHHACKER: -- provision,
15 so --

16 CHAIRPERSON SLASH: But it would kind
17 of keep as whole -- okay.

18 VICE-CHAIR RAMOS: So, we're talking
19 18 months of eight-percent interest?

20 MR. FLEISCHHACKER: Roughly, yes.

21 COMM. HARRINGTON: And what is that
22 amount?

23 MR. FLEISCHHACKER: A little over

1 \$3,000.

2 COMM. HARRINGTON: Okay. That's
3 fine.

4 CHAIRPERSON SLASH: Okay. I think I
5 have an understanding that the Court of Appeals
6 is asking us to move that we remand it -- that we
7 remand it back.

8 MR. FLEISCHHACKER: Well, it's
9 already --

10 CHAIRPERSON SLASH: With their
11 instructions.

12 MR. FLEISCHHACKER: -- it's been
13 remanded to you with instructions.

14 CHAIRPERSON SLASH: So, we need to
15 uphold their -- or we affirm it?

16 MR. FLEISCHHACKER: So, it would be
17 your job to modify the final order to remove
18 liability, damages and impositions of civil
19 penalty for Fike Investments, and those are only
20 assessed against Jim Fike and Kim Fike.

21 COMM. TOLLIVER: Liability, damages?

22 COMM. HARRINGTON: And a civil
23 penalty.

1 MR. FLEISCHHACKER: What's that?

2 COMM. TOLLIVER: Liability --

3 MR. FLEISCHHACKER: Determination of
4 liability, the award of damages, and the
5 imposition of the penalty, the civil penalty.
6 So, those are only against Jim Fike and Kim Fike.

7 CHAIRPERSON SLASH: Correct. And so,
8 that's -- that's one part. The other part is
9 post-judgment interest?

10 MR. FLEISCHHACKER: Whether or not
11 post-judgment interest would be added to the
12 damages.

13 CHAIRPERSON SLASH: Okay.

14 All right. Is there a motion that does
15 from the Commission already?

16 COMM. TOLLIVER: I think we can do
17 it. I'll do it in two parts. So --

18 CHAIRPERSON SLASH: Okay.

19 COMM. TOLLIVER: -- the first one is
20 that I would move that we modify the final -- the
21 Commission's final order regarding liability,
22 damages, and the imposition of a penalty to
23 remove Fike Investments, LLC, and assess that

1 against Jim Fike and Kim Fike individually.

2 CHAIRPERSON SLASH: Second.

3 VICE-CHAIR RAMOS: Second. Did you
4 second?

5 CHAIRPERSON SLASH: Yes.

6 VICE-CHAIR RAMOS: Second.

7 CHAIRPERSON SLASH: We'll take the
8 second by Vice-Chair Ramos. All in favor?

9 (Commission members responded, "Aye.")

10 CHAIRPERSON SLASH: Any opposed?

11 (No response.)

12 CHAIRPERSON SLASH: Okay. Part 2.

13 Part 2 --

14 VICE-CHAIR RAMOS: I have a motion
15 that we recommend that the eight percent be added
16 to the current fees that have been assessed for
17 the last 18 months or so.

18 MR. FLEISCHHACKER: So, this would be
19 a motion to modify the final order to include --

20 CHAIRPERSON SLASH: Eight percent.

21 VICE-CHAIR RAMOS: Eight percent.

22 MR. FLEISCHHACKER: -- eight percent
23 post-judgment interest?

1 CHAIRPERSON SLASH: Correct.

2 VICE-CHAIR RAMOS: Yes.

3 CHAIRPERSON SLASH: Second. How
4 about that? I'll second it myself. Is there --
5 okay. So, now all in favor?

6 (Commission members responded, "Aye.")

7 CHAIRPERSON SLASH: All right. Any
8 opposed?

9 COMM. TOLLIVER: I'll oppose it.

10 CHAIRPERSON SLASH: Okay. Three to
11 one, so the ayes have it. All right. We all got
12 through that. Thanks for bearing with us.

13 Okay. So, now we have some New Business
14 to assign. The first case is Charlieray
15 Armstrong versus Indiana Department of
16 Transportation, Case EMha24010041. I'll assign
17 that case to Vice-Chair Ramos. The next case is
18 David Tewell versus Dolgencorp, LLC,
19 Case EMse24020099. They're requesting oral
20 argument. That case is assigned to
21 Comm. Tolliver.

22 All right. And the next set of cases, the
23 Administrative Law Judge's Orders. I've already

1 done these, so I'm just going to kind of read
2 these. We do have some actions here. The first
3 case, Shannon Black versus Park Hospitality, LLC
4 d/b/a Best Western Plus Northwest,
5 Case EMha23050495.

6 The Administrative Law Judge in this
7 matter has found that the Respondent is in
8 default and must pay the Complainant a total of
9 ten thousand three hundred sixty-one dollars and
10 fifty cents in damages. The Respondent is
11 ordered to cease and desist from discriminating
12 against people because of disability in the
13 protected area of employment and taking steps to
14 make sure that it does not happen again.

15 The Complainant has filed an objection and
16 request for modification to the decision by the
17 ALJ. The Respondent has 30 days to file a
18 response, so no decision is needed at this time.

19 And then this last one, I'll -- it's just
20 an ALJ decision that's automatically confirmed.

21 I'm reading it into the record.

22 Case ICRC/Christine Busanelli versus Olthof
23 Homes, Case HOha24070548. The case was submitted

1 to the Commission on May 30th, 2025.

2 Next, we have our meeting dates. Our next
3 date is July 21st. Are there any concerns with
4 Monday, July 21st?

5 VICE-CHAIR RAMOS: No.

6 CHAIRPERSON SLASH: And at this time,
7 that's also stated for our elections; correct?
8 That's when we pushed elections off to?

9 MR. FLEISCHHACKER: That's correct.

10 COMM. TOLLIVER: I'm out that day.

11 CHAIRPERSON SLASH: You're out that
12 day?

13 COMM. TOLLIVER: I am.

14 CHAIRPERSON SLASH: With one being
15 out, can we verify via e-mail that everyone will
16 be present? Can we do an e-mail verification,
17 just to make sure --

18 MR. LOSTUTTER: Yes.

19 CHAIRPERSON SLASH: -- of the
20 calendar date?

21 MR. LOSTUTTER: We absolutely can do
22 that.

23 CHAIRPERSON SLASH: Okay. Thank you.

1 I would hate for us to --

2 MR. FLEISCHHACKER: Not have a quorum
3 for --

4 CHAIRPERSON SLASH: -- hold tight to
5 a date and not have a quorum for that.

6 We do not have any elections? Do we have
7 any announcements?

8 MR. EVANS: Thank you, Chairman.

9 So, it came across my e-mail that you are
10 appointed to the Board. I want to -- I simply
11 wanted to share that with everybody and
12 congratulate you on your new appointment.

13 CHAIRPERSON SLASH: Oh, thank you.

14 Yeah, I recently joined the IndyGo Board
15 at the appointment of the City Council, so
16 looking forward to pretty much being there, the
17 eyes and ears, in the same way that I am kind of
18 here, but there for them, yeah.

19 MR. FLEISCHHACKER: Congratulations.

20 CHAIRPERSON SLASH: We forget that
21 people might need these kind of updates. I just
22 kind of hang out.

23 All right. Is there anyone here for

1 public comment today?

2 (No response.)

3 CHAIRPERSON SLASH: No public
4 comments? Okay. With that being said, it
5 is 2:33, and I call this meeting adjourned.

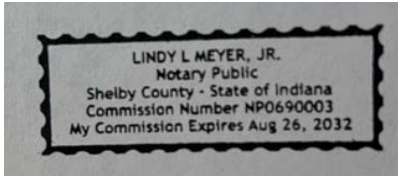
6 - - -
7 Thereupon, the proceedings of
8 June 16, 2025 were concluded
9 at 2:32 o'clock p.m.
10 - - -

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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, June 16, 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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