



# INDIANA CIVIL RIGHTS COMMISSION

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Indiana Civil Rights Commission

April Monthly Meeting

April 23, 2010

11:00 a.m.

Indiana Government Center South

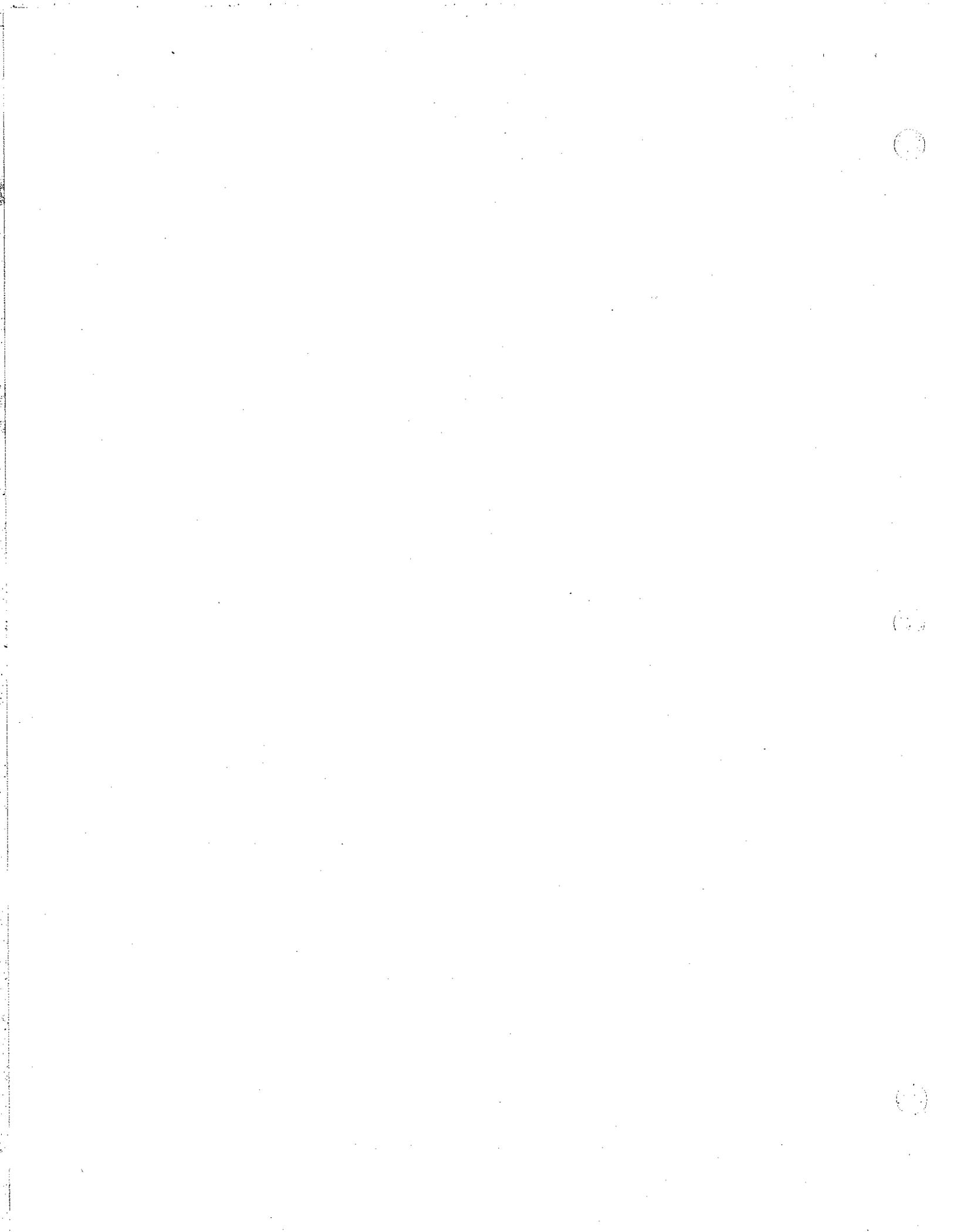
Conference Center Room A

402 W. Washington Street

Indianapolis, Indiana 46204

The public hearing in the above-captioned matter was held before the State of Indiana Civil Rights Commission on the 23rd day of April, 2010, at 11:14 a.m., in the Indiana Government Center South, Room A, 402 W. Washington Street, Indianapolis, Marion County, Indiana 46204, and reported by me, Deborah J. Pearce, Notary Public in and for the County of Hamilton, State of Indiana.

**“Morality cannot be legislated, but behavior can be regulated.” – Dr. Martin Luther King, Jr**



1 Indiana Civil Rights Commission

2 April Monthly Meeting

3 April 23, 2010

4 11:00 a.m.

5 ~~Indiana Government Center South~~

6 Conference Center Room A

7 402 W. Washington Street

8 Indianapolis, Indiana 46204

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13 matter was held before the State of Indiana Civil  
14 Rights Commission on the 23rd day of April, 2010, at  
15 11:14 a.m., in the Indiana Government Center South,  
16 Room A, 402 W. Washington Street, Indianapolis,  
17 Marion County, Indiana 46204, and reported by me,  
18 Deborah J. Pearce, Notary Public in and for the County  
19 of Hamilton, State of Indiana.  
20  
21  
22

23 ACCURATE REPORTING OF INDIANA  
24 William F. Daniels, Prop. RPR/CP CM  
25 12922 Brighton Avenue  
Carmel, Indiana 46032  
317-848-0088

1 CHAIRWOMAN BLACKBURN: The meeting is called  
2 to order -- the public meeting. I want to welcome  
3 the public.

4 You have an agenda in front of you, and I  
5 think we can follow it as it's laid out.

6 Do we have minutes in our packet to approve?

7 MS. SHARP: Yes.

8 CHAIRWOMAN BLACKBURN: Do I have a motion to  
9 approve them?

10 MR. CARTER: So moved.

11 CHAIRWOMAN BLACKBURN: All in favor?

12 THE COMMISSION: Aye.

13 CHAIRWOMAN BLACKBURN: And we have our  
14 wonderful financial report.

15 MS. ESSEX: Yes, better late than never. I  
16 do want to make a couple notes here. If you'll  
17 notice, the last couple of financial reports have  
18 designated that there was an amount in dispute  
19 with regard to when we made the conversion from  
20 the old accounting system to the new accounting  
21 system.

22 There were some dollars that were tied up in  
23 limbo, if you will. That has been resolved. And  
24 as you notice, our asterisks are gone; and that's  
25 a wonderful thing as we end the fiscal year.

1           This fiscal year we have been requested to  
2           revert ten percent of our overall appropriation.  
3           That we are on target to meet next year.

4           As many of you have probably heard through  
5           the news media, we are being asked to revert 15  
6           percent.

7           CHAIRWOMAN BLACKBURN: Fifteen percent  
8           in 2011?

9           MS. ESSEX: Yes. So that is going to be  
10          challenging, but I don't foresee any reason that  
11          we will not be able to make that 15 percent  
12          reversion. We're just going to have to tighten  
13          our belts a little bit, and do what needs to be  
14          done.

15          That's all I have. If anyone has any  
16          questions, I'll be glad to answer them.

17          CHAIRWOMAN BLACKBURN: No questions?

18          Same kinds of problems all over.

19          Is there any old business?

20          There is new business. I'll entertain a  
21          motion.

22          MR. CARTER: Madame Chair, I move that we  
23          elect Chair Blackburn as the chair again.

24          MR. BAYNARD: I will second that motion.

25          CHAIRWOMAN BLACKBURN: Thank you. All in

1 favor?

2 THE COMMISSION: Aye.

3 CHAIRWOMAN BLACKBURN: Anyone opposed?

4 Well, thank you very much for that vote of  
5 confidence as we proceed. What year is this? How  
6 many years has it been? Like 25 years or  
7 something.

8 MR. CARTER: Well, you've done well, so let's  
9 keep it up.

10 MR. LANGE: I think you've passed FDR, but  
11 you are supposed to.

12 MR. BAYNARD: Madame Chair, I would like to  
13 nominate Commissioner Carter as Vice Chair.

14 MS. CRENSHAW: So moved -- or seconded.

15 CHAIRWOMAN BLACKBURN: All in favor? Anyone  
16 opposed? Thank you very much.

17 CHAIRWOMAN BLACKBURN: Would you like to make  
18 a speech?

19 MR. CARTER: No.

20 CHAIRWOMAN BLACKBURN: Findings of consent  
21 agreement. I don't see any. So there being none,  
22 may I have a motion to accept the findings of  
23 fact, and the case is Smith and Joshua Brewster.

24 May I have a motion that we accept that?

25 MR. CARTER: I move we accept that case.

1 CHAIRWOMAN BLACKBURN: And may I have a  
2 second?

3 MR. BAYNARD: Second.

4 CHAIRWOMAN BLACKBURN: All in favor?

5 THE COMMISSION: Aye.

6 CHAIRWOMAN BLACKBURN: Anyone opposed? Okay.  
7 And the National Fair Housing Alliance v.  
8 Kostas Poulikidas?

9 MR. LANGE: It'll take a whole day of  
10 hearings to pronounce that.

11 MS. CRENSHAW: Second.

12 MR. CARTER: I move.

13 MS. CRENSHAW: Second.

14 MR. CARTER: If you move, I'll second it.

15 MS. CRENSHAW: All right.

16 CHAIRWOMAN BLACKBURN: Did we get it  
17 straight? Any opposed?

18 Now, report by commissioners on the  
19 complainant appeals.

20 I'll report that in the case of  
21 Talley v. Partow, I move that we accept the Deputy  
22 Director's finding of no probable cause, and ask  
23 that someone move acceptance of that decision.

24 MR. CARTER: So moved.

25 MS. CRENSHAW: Second.

1 CHAIRWOMAN BLACKBURN: Any opposed? Thank  
2 you.

3 Commissioner Carter?

4 MR. CARTER: Madame Chair, in the case of  
5 Michael Wells and C.H. Moore d/b/a as McDonalds, I  
6 recommend that we uphold the Deputy Director's  
7 finding of no probable cause.

8 CHAIRWOMAN BLACKBURN: And the motion?

9 MS. CRENSHAW: So moved.

10 MR. BAYNARD: Second.

11 CHAIRWOMAN BLACKBURN: Anyone opposed? Thank  
12 you.

13 MR. BAYNARD: Yes, Madame Chair, in the case  
14 of Tapp v. A2Z Restaurant, Inc., d/b/a Skyline  
15 Chili, I would recommend to the commission that we  
16 uphold the Deputy Director's finding of no  
17 probable cause.

18 CHAIRWOMAN BLACKBURN: May have I have a  
19 motion?

20 MR. CARTER: So moved.

21 MS. CRENSHAW: Second.

22 CHAIRWOMAN BLACKBURN: All in favor?

23 THE COMMISSION: Aye.

24 CHAIRWOMAN BLACKBURN: Anyone opposed? Thank  
25 you.

1 MS. CRENSHAW: In the case of Lockett v. CEC  
2 Entertainment, Inc., d/b/a/ Chuck E. Cheese, I  
3 uphold the finding of the Deputy Director, the  
4 finding of no probable cause.

5 CHAIRWOMAN BLACKBURN: May I have a motion to  
6 accept?

7 MR. CARTER: So moved.

8 MR. BAYNARD: Second.

9 CHAIRWOMAN BLACKBURN: Everyone in favor?

10 THE COMMISSION: Aye.

11 CHAIRWOMAN BLACKBURN: Anyone opposed? Thank  
12 you.

13 Do we have a report from Commissioner Gidney?

14 MS. SHARP: Yes, he upheld the finding.

15 CHAIRWOMAN BLACKBURN: May I have a motion to  
16 accept that recommendation from  
17 Commissioner Gidney?

18 MR. CARTER: So moved.

19 MR. BAYNARD: Second.

20 CHAIRWOMAN BLACKBURN: All in favor.

21 THE COMMISSION: Aye.

22 CHAIRWOMAN BLACKBURN: Anyone opposed? Thank  
23 you very much.

24 The assignment of appeals to commissioners  
25 are as listed in your agenda.

1 MR. BREWSTER: Madame Chair, I would like to  
2 suggest we postpone the appeal of White v.  
3 ISM Security Management Inn. He has a companion  
4 case against the respondent with the same claims  
5 that he's also wanting to appeal and additional  
6 documents for consideration. So we'll bring that  
7 to the commission next month.

8 CHAIRWOMAN BLACKBURN: All right. Do you  
9 have any objection?

10 MR. CARTER: No.

11 CHAIRWOMAN BLACKBURN: Okay. Thank you very  
12 much.

13 And now an administrative update from our  
14 Deputy Director.

15 MR. BREWSTER: I don't have anything other  
16 than -- well, I guess I can give you an update on  
17 the Bridgewater case. Was that postponed, the  
18 hearing, until September?

19 MR. LANGE: Later September.

20 MR. BREWSTER: I did find probable cause on  
21 her daughter's retaliation case that was before  
22 you for oral arguments. So that has been, as I  
23 understand, merged with the original complaint  
24 which will be heard in September.

25 There's still the matter in Hamilton County

1 as to whether or not this commission has  
2 jurisdiction over them for purposes of the  
3 original complaint of -- accommodation complaint.

4 And that hearing is to be heard in the next  
5 two next weeks, sometime around the 26th of April,  
6 I think. And we wouldn't expect any decision on  
7 that for probably a month after that.

8 I would assume, maybe, next meeting we might  
9 have something more on that from Hamilton County.

10 CHAIRWOMAN BLACKBURN: Okay. Will anybody  
11 from here be there?

12 MR. BREWSTER: The AG is going to represent  
13 the commission. Mr. Healy is going to attend just  
14 to observe, and the Deputy Attorney General will  
15 be representing our agency.

16 CHAIRWOMAN BLACKBURN: Will you keep me  
17 apprised?

18 MR. BREWSTER: Yes.

19 CHAIRWOMAN BLACKBURN: All right. Thank you.

20 Announcements: Next meeting dates for this  
21 calendar year are May 21st, June 25th, and  
22 July 23rd. The meeting time will be 11:00 a.m.,  
23 until further notice.

24 MR. LANGE: Actually next month starts with  
25 oral arguments at 11:00.

1 CHAIRWOMAN BLACKBURN: With the meeting to  
2 follow.

3 MR. LANGE: At 12:00.

4 CHAIRWOMAN BLACKBURN: Exactly.

5 Are there any other announcements?

6 MR. CARTER: Well, since we've arrived at  
7 July as our next meeting date, I would just like  
8 to point out that three days later, the 26th, is  
9 the anniversary of the American's with  
10 Disabilities Act.

11 CHAIRWOMAN BLACKBURN: Wonderful.

12 MR. CARTER: Just for the record.

13 CHAIRWOMAN BLACKBURN: What year was it?

14 MR. CARTER: 20 years ago.

15 CHAIRWOMAN BLACKBURN: Okay. Thank you. ADA  
16 anniversary.

17 MR. CARTER: And we're still telling people  
18 how to make parking places; and not to obstruct  
19 the accessible entrances, if they have any; and  
20 all that. Twenty years of square one.

21 CHAIRWOMAN BLACKBURN: Well, would you tell  
22 them that the button -- it's not a button. The  
23 panel to open the doors from the Washington Street  
24 entrance is not working?

25 So I'm glad you didn't try to come in that

1 way this morning.

2 MR. BREWSTER: I see they did install a ramp  
3 at Washington Street to the middle --

4 CHAIRWOMAN BLACKBURN: The entrance.

5 MR. LANGE: There is an entrance on the west.  
6 There's only one public -- never mind. Only one  
7 public entrance.

8 MR. CARTER: We used to park over there, now  
9 we're supposed to park up there. But when we used  
10 to park up there, I'd come out of the parking  
11 garage and see all of these people crossing the  
12 street in the middle of the government center as  
13 you're going in that door.

14 And I had to go all the way down to the end,  
15 and up the ramp. I thought that was odd planning.

16 CHAIRWOMAN BLACKBURN: No, as you say you  
17 have to be vigilant and remind people still that  
18 anyone of us at any time could be in a wheelchair.

19 So, thank you very much everybody, the  
20 meeting is adjourned.

21  
22 (WHEREUPON, at 11:28 a.m., April 23rd, 2010,  
23 this hearing concluded for the day.)  
24  
25

1 STATE OF INDIANA )  
2 COUNTY OF HAMILTON ) SS:

3

4 I, Deborah J. Pearce, a Notary Public in  
5 and for the County of Hamilton, State of Indiana at  
6 large, do hereby certify:

6

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

9

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

12

13 That I am a disinterested person in this  
14 cause of action; that I am not a relative or attorney  
15 of either party, or otherwise interested in the event  
16 of this action, and I am not financially interested in  
17 this action.

15

16 IN WITNESS WHEREOF, I have hereunto set my  
17 hand and affixed my notarial seal this 23rd day of  
18 April, 2010.

18

19

*Deborah J. Pearce*  
NOTARY PUBLIC

20

21

22

23 My Commission Expires:  
24 September 7, 2017  
25 County of Residence:  
Hamilton

25



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CIVIL  
RIGHTS  
COMMISSION**

**MITCHELL E. DANIELS, JR. GOVERNOR**



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(866) 332-4748

**ADJOURNMENT:**

There being no further business to come before the Commission, the meeting was adjourned.

**Tony A. Kirkland**  
Director  
May 21, 2010

**Alpha Blackburn**  
Chairperson  
May 21, 2010

“Morality cannot be legislated, but behavior can be regulated.” – Dr. Martin Luther King, Jr

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