

April 15, 2024, Agenda

- I. Meeting convened and *quorum* established
- II. Announcement of Agenda
- III. Approval of previous meeting minutes
- IV. ICRC Directors' Report
- V. Old Business

a. Commissioners Appointed to Appeals Report
Determinations:

- i. Cary Lynch v. New Albany Housing Authority
(HOra23090724)
Appeal Date: February 20, 2024
Continued from last month

Commissioner Tolliver

- ii. Joseph Maher v. Charlestowne LLC & Freeman Development Corporation
(HOse23080674)
Appeal Date: February 20, 2024
Oral Argument

Vice-Chair Ramos

- iii. Ashleigh Foster v. Hamilton National Title, LLC
D/B/A Near North Title (EMra23100624)
Appeal Date: February 21, 2024
Oral Argument

Chair Slash

- iv. Gary McElfresh v. Centennial Of Cedar Lake Townhomes Association, Inc.
(HOre23110909)
Appeal Date: February 23, 2024

Commissioner Silberberg

- v. Carly Vanarsdall v. LD 303 Associates, LLP, Van Rooy Properties & The Washington
(HOha23110912)
Appeal Date: February 28, 2024

Commissioner Tolliver

- vi. Jeffrey House v. G. W. Berkheimer Co., Inc.
(EMha23030248)
Appeal Date: February 29, 2024

Commissioner Harrington

- vii. Toniann Alvarado v. Hoosier Staffers, Inc.
(EMra22080471)
Appeal Date: February 29, 2024

Oral Argument

Vice-Chair Ramos

- viii. Vicky Newman v. Tenneco Automotive Operating Company, Inc.
(EMha23070622)
Appeal Date: March 6, 2024
Oral Argument

Chair Slash

b. Motions and Other Filings:

VI. New Business

a. Appointment of Commissioners to Complainants' Appeals of Director's Findings

- i. Paula Lydia Castillo v. Indiana Department Of Correction (EMno23100774)
Appeal Date: April 3, 2024

- ii. Constance Kalb v. AAM Professional Services, Vandalia By Del Web Homeowners' Association, Inc. & Associated Asset Management LLC (HOha23110913)
Appeal Date: April 5, 2024

- iii. Marckennedy Fils-Aime v. Covanta Energy, LLC d/b/a Covanta Indianapolis, Inc. (EMno23100789)
Appeal Date: April 8, 2024
Requesting Oral Argument

"The Chair shall appoint a Commissioner to review and rule on each appeal." 910 IAC 1-3-2(h).

b. Motions and Other Filings:

c. Review of ALJ Decisions and Orders

“The Administrative Law Judge’s Order Disposing of the proceeding becomes a final order when affirmed under [IC 4-21.5-3-29].” IC 4-21.5-3-27(a). Votes Required.

- i. Shanita Redd, obo Minor Child M.R. v.
Parkview Behavioral Health (PAra21080328)

Submitted to the Commission Mar. 4, 2024

On April 28, 2023, the Complainant, by private counsel, filed a complaint against Respondent and others in the United States District Court for the Northern District of Indiana, Case Number 1:23-CV-00179, based on the same issues before the ICRC in Complainant’s August 2021 Complaint. Complainant, by ICRC Staff Attorney Fred Bremer, moved to dismiss the complaint filed in this matter, as Indiana Code Section 22-9-1-6(q) states that the minute a complaint becomes the subject of an action in federal court, all action shall immediately cease. The Administrative Law Judge grants the Complainant’s Motion and DISMISSES the

complaint with prejudice 910 IAC 1-3-6. **The objection period in this matter has closed.**

- ii. ICRC/Samantha Knapp v. B & Z Rentals
(HOt22020035)

Submitted to the Commission Mar. 8, 2024

The Administrative Law Judge in this matter has determined that the Complainant has failed to meet her burden of proof, and thus has ruled against her and in favor of the Respondent, DISMISSING her complaint and the ICRC Director's Charge, with prejudice. **The objection period in this matter has closed.**

- iii. ICRC/Brian Spencer v. City Of Greenburg
(HOha22070370)

Submitted to the Commission February 23, 2024

The Administrative Law Judge in this matter has determined that the Respondent is entitled to their Motion For Summary Judgment, that their designated evidence shows that the Complaint of the Complainant has no genuine issue of material fact and is DISMISSED, with the Respondent's Motion For Summary Judgment is GRANTED. **The objection period in this matter has closed.**

- iv. Eric Harden v. John Johnson

(HOt23090732)

Submitted to the Commission April 3, 2024

The Administrative Law Judge in this matter has awarded compensatory damages of eleven thousand one hundred seventy-five dollars (\$11,175.00) for out of pocket expenses that the Complainant incurred and the sum of fifty thousand dollars (\$50,000.00) for compensation for emotional distress due to the unlawful retaliatory treatment. Within thirty (30) days of the effective date of this Order, Respondent must deliver to the ICRC's Director Of Compliance, as escrow agent, a check in the amount of sixty-one thousand one hundred seventy-five dollars (\$61,175.00), made payable to the Complainant. By the same date, the Respondent must serve each attorney of record and the ICRC Docket Clerk with a photocopy of the check. Within fifteen (15) days of receipt, the ICRC must deliver the check to the Complainant. The Respondent must also cease and desist from unlawfully retaliating against people because of a protected activity. **The objection period in this matter has not closed and no decision on this matter is due at this time.**

v. ICRC/Destany Smith v. Caiqing Mo and Mogen Property Management
(HOra21030076)

Submitted to the Commission Apr. 4, 2024

The Administrative Law Judge in this case, and after holding a public hearing on this matter on March 28, 2024, in which the Complainant was present and the Respondent was not, issued this final decision and order – that the Respondent must cease and desist from discriminating against people on the basis of race in the protected area of housing, that the sum of ten thousand eighty dollars (\$10,080.00) is awarded for the Complainant's lost wages, that the sum of three thousand nine hundred dollars (#3,900.00) is awarded as compensatory Damages for the out-of-pocket expenses that the Complainant incurred, that the sum of thirty thousand dollars (\$30,000.00) is awarded to the Complainant as compensation for emotional distress because of the unlawful and discriminatory actions made by the Respondent, that the total amount of forty-three thousand nine hundred eighty dollars (\$43,980.00) be delivered by the Respondent in the form of a check made payable to the Complainant to the Indiana Civil Rights Commission's Director of Compliance, as escrow agent, within thirty (30) days of the effective date of this Order. The Respondent is also ordered to pay, within thirty (30) days of the effective date of this Order, a civil penalty in the amount of ten thousand dollars (\$10,000.00), made payable to the Indiana Civil Rights Commission. The Respondent must also, within thirty (30) days of the effective date of this Order, post notices of nondiscrimination in conspicuous places at all rental properties and on its website if applicable and if not already posted, while sending proof

of such postings to the Indiana Civil Rights Commission's Director Of Compliance, who must review the nondiscrimination notice language for adherence to the law and must approve or modify the amended policy. Once approved, the Respondent must continually post the policy at all rental properties. The Respondent must also, within sixty (60) days of the effective date of this Order, attend a training either designed and provided by the ICRC, or approved by its Director of Compliance, that focuses on housing discrimination, that must be eight (8) hours in length, be completed in person or virtually, with Respondent providing proof of compliance to ICRC's Director of Compliance by the date that the training must be completed. **The objection period in this matter has not yet closed, and no decision on this matter is due at this time.**

d. ALJ Decisions Automatically Confirmed

Automatically Confirmed under Commission's Order on Automatic Adoption and Approval of Certain Non-Final Decisions—No Vote Required.

- i. Courtney Mallory v. Spherion Staffing, LLC (EMse23010067)

Submitted to the Commission Apr. 4, 2024

VII. Meeting Dates for 2024

April 15, 2024

May 20, 2024

June 17, 2024

July 15, 2024

August 19, 2024

September 16, 2024

October 21, 2024

November 18, 2024

December 16, 2024

VIII. Election/Training/Other

IX. Announcements

X. Public Comment

XI. Adjournment