

In The Matter Of:
INDIANA CIVIL RIGHTS COMMISSION

April 22, 2019

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BEFORE THE STATE OF INDIANA
CIVIL RIGHTS COMMISSION

- - -

PUBLIC MEETING OF APRIL 22, 2019

- - -

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 South, Conference Center,
Room 1, 402 West Washington Street, Indianapolis,
Indiana, on Monday, April 22, 2019 at 3:27
o'clock p.m.

- - -

William F. Daniels, RPR/CP CM d/b/a
ACCURATE REPORTING OF INDIANA
12922 Brighton Avenue
Carmel, Indiana 46032
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1 APPEARANCES:

2 COMMISSION MEMBERS:

3 Adrienne L. Slash, Chairperson
4 Alpha Blackburn
5 Steven A. Ramos
6 Holli Harrington
7 James W. Jackson

8 INDIANA CIVIL RIGHTS COMMISSION
9 By Doneisha Posey, 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 Caroline Stephens Ryker
16 Anehita Eromosele

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1 3:27 o'clock p.m.
2 April 22, 2019

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4 CHAIRPERSON SLASH: I call the Annual
5 Meeting of the Indiana Civil Rights Commission to
6 order. It's 3:27 p.m. We do have a quorum
7 established here this afternoon. And before we
8 begin with our official business, I'd like to
9 officially, on the record, thank Comm. Edwards
10 for her service to the Commission. She resigned
11 since our last meeting, as her term did close.
12 She also sends notification that she did not wish
13 to continue.

14 COMM. BLACKBURN: Aww.

15 CHAIRPERSON SLASH: So, I'd just like
16 to thank her for her service, thank her for her
17 time at the Commission. She'll be greatly
18 missed. I told her so, then she sent the e-mail
19 as well. So, at this point, we do have a couple
20 of spaces to fill on the Commission, and the
21 Executive Director and staff of the Commission
22 are going to hopefully hear that the Governor's
23 working on it.

MS. POSEY: Yes. So, the last update

1 that I have is that they know of our two
2 vacancies. We submitted some names to them. If
3 you have any names, if you know of anyone who
4 would be interested in serving as a Commissioner,
5 please send that to me so that I can get that
6 over there to the Governor's Office. So, we send
7 them over some names, they -- they may have known
8 of folks who are interested as well, and
9 hopefully we can get this process done quickly.

10 CHAIRPERSON SLASH: Okay. Hopefully
11 we have friends around the state that we can get
12 some distance --

13 MS. POSEY: Yes.

14 CHAIRPERSON SLASH: -- some reach and
15 some span to decide.

16 COMM. BLACKBURN: I have a suggestion
17 with regards to that. I would like for us to
18 have a letter requested of the Governor to be
19 sent to her, to thank her for her time of service
20 on this Commission. She has been a faithful and
21 consistent member from the time she was appointed
22 until now, despite the onerous travel in many
23 cases --

1 CHAIRPERSON SLASH: Uh-huh.

2 COMM. BLACKBURN: -- from her home to
3 the Commission, and something other than an
4 e-mail would be advised, I think.

5 MS. POSEY: I agree. I think that's
6 a great idea. I think we can go even further
7 than that and have something special from the
8 Commission as well, maybe some -- a plaque or
9 something to thank her for her service, or we can
10 honor her during one of our boards, you know,
11 either at our Civil Rights Awards Dinner in June
12 or the Governor's Awards Reception in July.

13 So, I'll -- we'll think about that to see
14 what additional thing that can come directly from
15 the Commission, but I will definitely send over
16 information about getting a letter directly from
17 the Governor to Comm. Edwards as well.

18 CHAIRPERSON SLASH: Thank you.

19 Okay. That was my only stray from the
20 agenda. Would you like to announce the rest of
21 the agenda?

22 JUDGE STEPHENS RYKER: Sure. So,
23 we've already completed some training in advance

1 of today's meeting. We do need to approve the
2 previous minutes, go through the ICRC's Director
3 Report. As far as Old Business, we do have one
4 appeal to report back, and then a number of new
5 appeals to assign. We've got one Precause Motion
6 to report back on, and then several
7 Administrative Law Judge's decisions for the
8 Commission to review.

9 And I'll note as far as some of the
10 meeting dates, we do need to adjust the July 19th
11 meeting date to the 22nd at the regular time.
12 So, I'm stating that on the record, and there
13 will be a follow-up e-mail on that as well. And
14 then lastly, we'll do Announcements and Public
15 Comments.

16 CHAIRPERSON SLASH: Thank you. Okay.
17 Do we have a Director's Report?

18 COMM. BLACKBURN: We have to approve
19 the minutes.

20 CHAIRPERSON BLACKBURN: Oh, I'm
21 sorry. Do I have a motion to approve the
22 minutes?

23 COMM. RAMOS: So moved.

1 CHAIRPERSON SLASH: Is there a
2 second?

3 COMM. HARRINGTON: Second.

4 CHAIRPERSON SLASH: All in favor?

5 COMM. BLACKBURN: Aye.

6 COMM. HARRINGTON: Aye.

7 COMM. JACKSON: Aye.

8 COMM. RAMOS: Aye.

9 CHAIRPERSON SLASH: Aye. Okay.

10 All right. So, is there a Director's
11 Report?

12 MS. POSEY: Sure. Have you all
13 received this --

14 COMM. RAMOS: Yeah.

15 MS. POSEY: -- in the past couple of
16 months? I've been giving you the full Agency
17 Report. So, initially we were just giving you
18 the At a Glance, and there was a request to
19 receive more information about all of the things
20 that we're doing, so this is our Monthly Report
21 that our entire agency puts together based on the
22 different enforcement -- or the different units
23 within our agency.

1 One thing that I wanted to just kind of
2 show you from this -- I'm sorry. This is on
3 page -- well, starting on page 11, page 11, with
4 the different probable cause findings, so that's
5 something that we're now including in our Monthly
6 Reports each month.

7 All of our public -- I'm sorry -- all of
8 our probable cause findings, according to our
9 statute, should be open to the public, so this is
10 our first step of making sure that we are, you
11 know, continuing to abide by the statute, but
12 also we will be uploading all probable cause
13 findings -- no. Did we say that, the probable
14 cause findings?

15 JUDGE STEPHENS RYKER: (Nodded yes.)

16 MS. POSEY: -- was on our Web site.
17 And then on page 14, our ADR Unit. So, our ADR
18 Unit continues to just excel and do great things
19 for our agency. So, for example, March 2019, we
20 had over \$77,000 in monetary damages for our
21 complainants, so we are continuing to move our
22 Alternative Dispute Resolution team forward.

23 As you can see, the ADR Spotlight, we're

1 spotlighting two different cases for the month.
2 One case was settled for 55,000 and another case
3 was settled for 35,000. So, that first case,
4 John Wall versus US Express, this case was
5 settled by one of our medi -- or one of our
6 investigators, who is also learning how to do
7 mediations and conciliations.

8 COMM. BLACKBURN: Good for her.

9 MS. POSEY: Yes. So, Debra Bluit,
10 she's been with our agency for a very long time,
11 but something that we're trying out is having our
12 investigators also mediate cases that -- that are
13 still in the precause phase, since they still
14 have all of the information, they're the person
15 that's going back and forth with the complainant
16 and the respondent, they are more equipped to
17 help with negotiations.

18 So, we're trying that out with Debra.
19 She's kind of our Guinea pig with kind of this
20 dual roll, so we're seeing how that goes. But we
21 have noticed a considerable amount more of
22 mediations that we've been able to have done with
23 our agency.

1 So, if you look -- if you don't mind if I
2 steal this for a second -- at the Annual Report,
3 let's see, page 15. It talks about Alternative
4 Dispute Resolution on page 15, so you'll see
5 in 2018 we had \$424,000 in monetary damages, and
6 that was almost double what we did in 2017.
7 In 2017, \$237,000. So -- and all of that is due
8 to streamlining our process, making sure we have
9 effective SOP's for our agency.

10 We've had dynamic success with our
11 directors of ADR and Compliance. Both of the
12 directors that we've had in the past two years
13 have had significant experience as -- either as
14 an attorney or working in Compliance with
15 corporations, so we couldn't be more, you know,
16 blessed to have such great, you know, staff for
17 our agency.

18 So, the only other thing that I'll talk
19 about is recently Greg and I went to Boston to
20 spend some time with the Massachusetts Commission
21 Against Discrimination. They are kind of leaders
22 in the world of, you know, Civil Rights
23 Commissions or Human Rights Commissions as a

1 state agency. They've been doing some just
2 phenomenal things.

3 The size of -- Massachusetts and Indiana
4 have pretty much the same size of -- when it
5 comes to population. I think they have six --
6 six hundred -- or six million -- we're very
7 close, it's within the six-million range for both
8 states, and they are doing triple the amount of
9 cases that we're able to do.

10 So, we went there to see: What are they
11 doing versus what we're doing? What can we glean
12 from them? And in terms of best practices, you
13 know, what's the same, what's different from our
14 agencies? One thing that I will say is they have
15 95 employees for their agency.

16 COMM. BLACKBURN: A question.

17 MS. POSEY: Yes.

18 COMM. BLACKBURN: Are the
19 Commissioners paid?

20 MS. POSEY: Yes, so that's different.
21 So, they have three Commissioners at their
22 agency, they have one Chair and then two other
23 Commissioners who actually work there, that's

1 their job. It's like an executive-director type
2 of Commission, but it's three of them. So, yeah.

3 So, one person is the Investigative
4 Commissioner, one is the Chair, and one is the --
5 I forget what the other one's title is, but they
6 pretty much work as the final authority for the
7 agency, but they work there, yes. So -- yeah, so
8 that's a difference that, you know, kind of
9 changes the game for us as well.

10 Yeah, I really liked what they were doing
11 there. There are some things that I want to
12 bring back to ICRC. There are some things that
13 we're doing that actually are better than what
14 they're doing as well, so it's like nice to see
15 that we're not totally behind the ball on things
16 and that we're, you know, advanced on other
17 things.

18 We help them out with social media. I
19 think we're one of the leading civil rights
20 agencies when it comes to social media and kind
21 of our outreach efforts, that other agencies have
22 asked us to kind of give them more information.

23 So, it's -- it was just great to talk with

1 other folks around the country to see what we
2 could be doing better, and I hope that we're able
3 to share more with other agencies as we continue
4 to move forward.

5 Any questions for me?

6 CHAIRPERSON SLASH: None here. I
7 think we're good to go.

8 MS. POSEY: All right. Thank you.

9 CHAIRPERSON SLASH: Thank you.

10 Okay. Moving to our Old Business, the one
11 case that we had last month, Scheree Robinson
12 versus The Woods of Eagle Creek, Comm. Jackson,
13 you had that one.

14 COMM. JACKSON: Uphold the Director's
15 findings for no probable cause.

16 CHAIRPERSON SLASH: Is there a
17 motion?

18 COMM. RAMOS: So moved.

19 CHAIRPERSON SLASH: Is there a
20 second?

21 COMM. HARRINGTON: Second.

22 CHAIRPERSON SLASH: All in favor?

23 COMM. BLACKBURN: Aye.

1 COMM. HARRINGTON: Aye.

2 COMM. JACKSON: Aye.

3 COMM. RAMOS: Aye.

4 CHAIRPERSON SLASH: Aye. Okay.

5 All right. We've got a lot of New
6 Business to assign this month, so I hope we have
7 our time to see that everything gets done, and
8 I'll read them as they're assigned, too.

9 So, the first one, Hong Shaddy versus
10 Saint Mary's College, Comm. Jackson; Penny
11 Washington versus Country Inn Suites,
12 Comm. Blackburn; Mouhamed Dieng versus LSC
13 Communications US LLC, Comm. Ramos; Judith Falzon
14 versus St. Joseph County Public Library, myself,
15 Comm. Slash; Michael Sissom versus Lafayette
16 Transitional Housing Center, Inc.,
17 Comm. Harrington; Gloria Hughes versus
18 Indianapolis Marriott East, Comm. Jackson;
19 Kennitha Barnes versus Vibra Housing -- Hospital
20 of Northwest Indiana, Comm. Blackburn; then
21 Makarand --

22 COMM. BLACKBURN: Can I bow out of
23 more than one case?

1 CHAIRPERSON SLASH: Sure, absolutely.

2 COMM. BLACKBURN: It's going to be a
3 really busy month.

4 CHAIRPERSON SLASH: That's okay. I
5 will take your case myself; how about that?

6 COMM. BLACKBURN: Great.

7 CHAIRPERSON SLASH: Kennitha Barnes
8 versus Vibra Hospital of Northwest Indiana,
9 reassigned to myself, Comm. Slash; Makarand
10 Bidwai versus Lake County Public Library/Ingrid
11 Norris, Comm. Ramos; Jimella Harris versus East
12 Allen County School District, Comm. Harrington;
13 Jonathan Garza and Stephanie Knopic versus
14 Christian Hughes, Comm. Slash.

15 Okay. And now we're at our Precause
16 Motion. Would you like to share any insights,
17 please?

18 JUDGE STEPHENS RYKER: So, the
19 Precause Motion was assigned to, I believe,
20 Comm. Blackburn, and that was Ella and Thomas
21 Hamilton versus Goodwin Plaza Apartments. That
22 was a motion to dismiss.

23 I wanted to see if the Chair would be

1 willing to also consider with the same motion
2 filed in a different case, and this was -- just
3 give me one moment here -- Wilson versus Goodwin
4 Plaza Apartments/Triangle Associates. It's the
5 same motion to dismiss, and this is ICRC
6 No. H0sh18080483. So, with your permission, I'd
7 like to add that to the same agenda item.

8 CHAIRPERSON SLASH: Okay. So, do we
9 need a decision on the motion to dismiss?

10 JUDGE STEPHENS RYKER: Correct.

11 CHAIRPERSON SLASH: Okay.

12 Comm. Blackburn, did you have any insight
13 that you'd like to share in order to support the
14 motion to dismiss?

15 COMM. BLACKBURN: No, not really.

16 CHAIRPERSON SLASH: Okay. So, we
17 need a motion; is that correct?

18 JUDGE STEPHENS RYKER: So, I'm just
19 unclear. Is it a motion to grant or a motion to
20 deny or a motion to uphold?

21 CHAIRPERSON SLASH: I think that was
22 more the question that I was asking you, what
23 we're needing to do with this.

1 JUDGE STEPHENS RYKER: So, with a
2 motion to dismiss, this was filed during an
3 investigation, so on the one case that I'd like
4 to add to the agenda, those findings have already
5 been sent out, and in the second case, the Notice
6 of Findings have not yet been sent out. So, it's
7 the Commission's decision whether or not to grant
8 the motion to dismiss in the one case, end the
9 investigation, or to hold until the
10 investigation's been completed, or to deny the
11 motion to dismiss.

12 COMM. BLACKBURN: I move to deny the
13 motion to dismiss.

14 CHAIRPERSON SLASH: Okay. Is there a
15 second?

16 COMM. JACKSON: Second.

17 COMM. HARRINGTON: Second.

18 CHAIRPERSON SLASH: All in favor?

19 COMM. BLACKBURN: Aye.

20 COMM. HARRINGTON: Aye.

21 COMM. JACKSON: Aye.

22 COMM. RAMOS: Aye.

23 CHAIRPERSON SLASH: Aye.

1 JUDGE STEPHENS RYKER: And just for
2 clarity of the record, that's both of the cases
3 with a motion to dismiss, both the one on the
4 agenda, HOra19020058, and HOsh18080483?

5 CHAIRPERSON SLASH: Yes.

6 JUDGE STEPHENS RYKER: Thank you.

7 CHAIRPERSON SLASH: Okay. Now we
8 have review of your -- of the ALJ Decisions and
9 Orders.

10 JUDGE STEPHENS RYKER: Yes. So, I
11 can move through --

12 CHAIRPERSON SLASH: I was going to
13 say could you help us through these?

14 JUDGE STEPHENS RYKER: Sure. And the
15 orders are in your binders, and we've got a
16 couple of different types of cases, so the very
17 first one, ICRC versus GM Regional Development,
18 this was a dismissal after Respondent had filed a
19 Notice of Election under the Indiana Fair Housing
20 Act.

21 CHAIRPERSON SLASH: And what would
22 you like? What do you need from the Commission?

23 JUDGE STEPHENS RYKER: So, under the

1 Indiana Administrative Orders and Procedures Act,
2 the Commission needs to either affirm, modify or
3 dissolve the ALJ's order.

4 CHAIRPERSON SLASH: Okay.

5 COMM. BLACKBURN: I move to affirm
6 the dismissal.

7 CHAIRPERSON SLASH: Is there a
8 second?

9 COMM. RAMOS: Second.

10 CHAIRPERSON SLASH: All in favor?

11 COMM. BLACKBURN: Aye.

12 COMM. HARRINGTON: Aye.

13 COMM. JACKSON: Aye.

14 COMM. RAMOS: Aye.

15 CHAIRPERSON SLASH: Aye.

16 JUDGE STEPHENS RYKER: The second
17 case, ICRC versus Goodwin Plaza Apartments, comes
18 from a similar position. This is a dismissal
19 after Respondent filed a Notice of Election, and
20 the same decision is before the Commission.

21 MS. POSEY: May I say one thing? I'm
22 sorry. So, for these Notice of Elections, can
23 you just explain what a Notice of Election is and

1 what it does?

2 JUDGE STEPHENS RYKER: Sure. So,
3 under the Indiana Fair Housing Act -- and I'll
4 explain these because they're a little bit
5 different -- there are 20 days from the date of
6 the Respondent receiving the Notice of Election
7 and 20 days from the date that the Commission --
8 or excuse me -- the Director or Deputy Director
9 actually signs the notice, either the Complainant
10 or the Indiana Civil Rights Commission, they have
11 the opportunity to file a Notice of Election to
12 remove the case from our jurisdiction into a
13 State Court, and that's really the primary
14 purpose.

15 With a Notice of Election, under the
16 Indiana Fair Housing Act, the 20 days with the
17 Indiana Civil Rights Law election, both parties
18 need to sign, it's not just one party asking for
19 removal. It does need to be in writing made
20 before the Commission and the Administrative Law
21 Judge, and can be made at any time up to a
22 hearing date.

23 CHAIRPERSON SLASH: Thank you.

1 COMM. BLACKBURN: I have a question.

2 JUDGE STEPHENS RYKER: Uh-huh.

3 COMM. BLACKBURN: Is the response
4 time greater for -- the allowable response time
5 greater for EEOC cases?

6 JUDGE STEPHENS RYKER: So, for
7 employment cases, that's under the Indiana Civil
8 Rights Law, so any time up to the date of
9 hearing.

10 MS. POSEY: Now, the difference is
11 for Indiana Civil Rights Law cases, so that's
12 everything other than the housing cases; right,
13 the housing cases that are filed under the
14 Indiana Fair Housing Act, all of those cases,
15 both of the parties, both the Complainant and the
16 Respondent, must elect together to -- they
17 both -- it's a joint election to go to State
18 Court.

19 So, all of our employment cases, both the
20 Complainant and the Respondent must agree to
21 elect to go to State Court. If they both send in
22 this Notice of Election to the Administrative Law
23 Judge, the Administrative Law Judge -- shall?

1 JUDGE STEPHENS RYKER: Shall.

2 MS. POSEY: If they do it timely in
3 the right way, she shall affirm -- you know,
4 affirm the Notice of Election. So, you'll get
5 those to affirm the ALJ's decision on those;
6 right? But then under the Indiana Fair Housing
7 Act, the caveat is the 20 days, but only one
8 party has to elect.

9 So, what you end up seeing in terms of
10 data is that the majority of our housing cases
11 get elected out of the administrative round
12 because only one party has to elect, and then our
13 other cases stay here, because both parties have
14 to elect.

15 JUDGE STEPHENS RYKER: And for 2018
16 it was, I believe, a 13-12 split: 13 cases went
17 to State Court for housing, 12 cases stayed in
18 the administrative realm.

19 MS. POSEY: And zero cases, zero
20 employment cases, went to State Court.

21 JUDGE STEPHENS RYKER: Correct.

22 CHAIRPERSON SLASH: Okay. We have
23 the rest.

1 MS. POSEY: Huh?

2 CHAIRPERSON SLASH: We have the rest.

3 MS. POSEY: Okay. So, when you see
4 these Notice of Elections, if the Complainant or
5 the Respondent filed timely, then the law says
6 that they must -- we must affirm the Notice of
7 Election, so if the ALJ has a proposed order
8 allowing the Notice of Election, that means that
9 they did it correctly, and -- unless you guys see
10 within her proposed order that there was
11 something incorrect.

12 CHAIRPERSON SLASH: Uh-huh.

13 COMM. HARRINGTON: The only other
14 question is: After they go into the State Court,
15 does this agency track any activity, or is it
16 then closed?

17 JUDGE STEPHENS RYKER: So, we don't
18 have jurisdiction over it, the ALJ and the
19 Commission that made the decision, but we
20 certainly track the data and find out what's
21 going on, and that's included in the reports that
22 are in front of you, both the Monthly Reports as
23 well as the Annual Reports.

1 MS. POSEY: So, let me just add to
2 that as well. So, our housing cases especially,
3 the housing cases -- the Complainant in our
4 housing cases is the Commission, the Director on
5 behalf of the Commission; right? So, if a
6 Respondent file -- or sends a Notice of Election
7 to go to State Court, the Commission stays on the
8 case, or one of our staff attorneys will be
9 litigating the case on behalf of the public's
10 interest in State Court or here or wherever it
11 is.

12 So, we definitely keep track of all of
13 those cases, we follow them through the end.
14 Many times if we go to State Court, or even here
15 at the Commission, and the parties are
16 unsatisfied with the results and they file an
17 appeal to the Court of Appeals or the Supreme
18 Court, we -- we follow the case no matter what.

19 CHAIRPERSON SLASH: Any further
20 questions?

21 (No response.)

22 CHAIRPERSON SLASH: Okay.

23 COMM. BLACKBURN: I have a question.

1 CHAIRPERSON SLASH: Uh-huh.

2 COMM. BLACKBURN: If there are no
3 objections, could we take the rest of the
4 recommended orders in a group?

5 CHAIRPERSON SLASH: Is there any -- I
6 have a question. Is there anything that stops us
7 from doing so?

8 JUDGE STEPHENS RYKER: Some of these
9 are a little bit different, so the -- I mean the
10 last Notice of Election that is the same is, I
11 guess, Rose, and there's something a little bit
12 different about Sheffield, and you've got the
13 orders in front of you, so if you've already
14 looked at them --

15 COMM. RAMOS: I saw no objections on
16 any of them.

17 JUDGE STEPHENS RYKER: Yeah, there
18 are no objections in 2 or 3, 4 is a little bit
19 different, the ICRC versus Betty Jo Wilkening,
20 because there is no ALJ decision. This would be
21 a Commission's first decision. With Shepard
22 versus Town of Ingalls and Groce versus Cryotec,
23 those are both dismissals, where the parties have

1 moved requesting that the case be dismissed. And
2 then Kuss versus CTI, this is a motion for
3 summary judgment. I dismissed the case, and the
4 objections have been filed, so --

5 CHAIRPERSON SLASH: So, what you're
6 saying is that it would be best if we went
7 through 3 and 4 separately, 5 and 6 collectively,
8 and then 7 alone as well?

9 MS. POSEY: Yes.

10 JUDGE STEPHENS RYKER: Yes.

11 CHAIRPERSON SLASH: Okay. All right.

12 With that being stated, No. 3, the ALJ
13 dismissed, and the Indiana -- the ALJ dismissed
14 the Indiana Fair Housing case, Respondent filed a
15 Notice of Election, the ALJ stayed the Indiana
16 Civil Rights case law. And so, what is being
17 requested of us with this one?

18 JUDGE STEPHENS RYKER: So, for all of
19 these with the exception of No. 4, Betty Jo --
20 well, this is by the ICRC -- again, to affirm,
21 dissolve or modify.

22 CHAIRPERSON SLASH: Thank you.

23 Is there a motion to affirm, dissolve or

1 modify?

2 COMM. HARRINGTON: Just for No. 3?

3 CHAIRPERSON SLASH: No. 3, the case
4 of ICRC versus Sheffield Woods Apartments.

5 JUDGE STEPHENS RYKER: Would it also
6 apply to No. 2? We haven't yet --

7 COMM. RAMOS: I move to --

8 JUDGE STEPHENS RYKER: -- voted on
9 No. 2.

10 COMM. RAMOS: -- affirm the decision
11 to dismiss.

12 CHAIRPERSON SLASH: Okay. And that's
13 with No. 2, we've gone back up, and this is ICRC
14 (Rose) versus Goodwin Plaza Apartments/Triangle
15 Associates, LLC. Is there a second? The motion
16 is to -- I just confused my own self -- to uphold
17 the dismissal; right?

18 COMM. RAMOS: Yes.

19 CHAIRPERSON SLASH: Okay.

20 COMM. JACKSON: Second.

21 CHAIRPERSON SLASH: Is there a
22 second?

23 COMM. JACKSON: I'll second.

1 CHAIRPERSON SLASH: Okay. Thank you.

2 All in favor?

3 COMM. BLACKBURN: Aye.

4 COMM. HARRINGTON: Aye.

5 COMM. JACKSON: Aye.

6 COMM. RAMOS: Aye.

7 CHAIRPERSON SLASH: Aye. Okay. So,
8 moved. Now we'll move to 3, ICRC (Martin) versus
9 Sheffield Woods Apartments. Is there a motion?

10 COMM. RAMOS: Motion to approve
11 dismissal.

12 COMM. JACKSON: Second.

13 CHAIRPERSON SLASH: All in fav --
14 question?

15 COMM. HARRINGTON: Question. I was
16 just noticing on this one, it says the ALJ stayed
17 the Indiana Civil Rights Law case. Is there any
18 background?

19 JUDGE STEPHENS RYKER: So, this is a
20 case that was brought under both the Indiana
21 Civil Rights Law and the Indiana Fair Housing
22 Act, and as was explained in the order, the
23 Administrative Law Judge dismissed the Indiana

1 Fair Housing case because it met those standards
2 under the law, but did not dismiss the Indiana
3 Civil Rights Law case, and stayed the Indiana
4 Civil Rights Law case pending the outcome of the
5 State Court case.

6 COMM. HARRINGTON: Okay. So, it's
7 only Civil Rights and not Housing; correct?

8 JUDGE STEPHENS RYKER: It's only
9 Housing and not Civil Rights.

10 COMM. HARRINGTON: Okay.

11 CHAIRPERSON SLASH: So, we've had a
12 motion and it's been seconded. All in favor?

13 COMM. BLACKBURN: Aye.

14 COMM. HARRINGTON: Aye.

15 COMM. JACKSON: Aye.

16 COMM. RAMOS: Aye.

17 CHAIRPERSON SLASH: Aye. Okay. So
18 moved.

19 JUDGE STEPHENS RYKER: With No. 4,
20 this is a little bit different. This was a case
21 where I was never assigned to be the
22 Administrative Law Judge. There was a Notice of
23 Election filed in the past. You do have that

1 packet in front of you, the Notice of Elections
2 under the Indiana Fair Housing Act. It was filed
3 within the 20 days and did include the properly
4 required parties on the certificate of service.
5 So, the Commission needs to decide whether or not
6 to grant the Notice of Election.

7 CHAIRPERSON SLASH: Is there a
8 motion?

9 So, you're deciding to take it to State
10 Court without even letting us hear it; is that
11 basically what it is?

12 JUDGE STEPHENS RYKER: They're asking
13 to.

14 CHAIRPERSON SLASH: Okay.
15 Is there a motion?

16 COMM. JACKSON: Motion to deny that.

17 CHAIRPERSON SLASH: Okay. Is there a
18 second to that motion?

19 (No response.)

20 JUDGE STEPHENS RYKER: So, with --
21 with a denial -- not to get into that, but with
22 the Notice of Elections, it does have to be
23 granted if it is timely, so --

1 CHAIRPERSON SLASH: So, you're saying
2 that it was filed timely?

3 JUDGE STEPHENS RYKER: It was filed
4 timely.

5 CHAIRPERSON SLASH: Okay. So, we
6 basically have no choice on the --

7 COMM. JACKSON: Why would we have
8 to -- why would we have to even mess with that,
9 then? It doesn't seem -- it doesn't seem logical
10 to me. If the statute says it's a timeliness
11 issue, why would we even have to --

12 COMM. BLACKBURN: Right.

13 COMM. JACKSON: But then we -- but
14 then it says we're the utmost authority.

15 CHAIRPERSON SLASH: Yeah.

16 COMM. JACKSON: So, that's the reason
17 why I -- my line of thinking is if we're the
18 authority, then we deny it, we look at it, but
19 the law says it doesn't matter. It doesn't make
20 sense.

21 JUDGE STEPHENS RYKER: I would
22 recommend the Commission consider holding it,
23 then, until the next commission meeting and

1 taking a look at those documents further, if
2 that's something that the Commission is --

3 COMM. JACKSON: But would that be
4 superfluous if -- would that be superfluous if --
5 are we just wasting time taking a look at
6 something that's going to go to State Court
7 anyway? Yes or no.

8 JUDGE STEPHENS RYKER: Honestly, I --
9 I can't answer that question, because I don't
10 want to violate my ethical responsibilities.

11 COMM. RAMOS: But they can --

12 MS. POSEY: Well, the law states --

13 COMM. RAMOS: -- appeal it anyway;
14 right?

15 MS. POSEY: The law states that the
16 Commission shall approve a Notice of Election if
17 it meets the criteria. So, we have to come to
18 the meeting for you to "shall do" something, and
19 that -- I mean I know what you're saying, but
20 that's just how the law was written, and --

21 CHAIRPERSON SLASH: So, basically, we
22 had to be aware that it was a thing, so that we
23 could say --

1 MS. POSEY: Well, the thing is, you
2 know, they have to file it, and you -- somebody
3 has to make sure that it's filed correctly, so we
4 can't just automatically assume that things are
5 done correctly, but we -- they have filed it, it
6 was timely, it did have the correct certificate
7 of service to the right individuals. You have
8 it. You have to make a decision.

9 COMM. HARRINGTON: So, it's just an
10 acknowledgement.

11 CHAIRPERSON SLASH: It's an
12 acknowledgement that it came through here on its
13 way to State Court.

14 COMM. BLACKBURN: So, we continue to
15 spin our wheels.

16 COMM. JACKSON: Yeah. I mean don't
17 have -- I guess I have to direct that and grant
18 it -- motion to grant, let them have their way.

19 CHAIRPERSON SLASH: So, for the
20 correct order, Comm. Jackson has made a motion to
21 grant -- to grant the request. Is there a
22 second?

23 COMM. RAMOS: Second.

1 CHAIRPERSON SLASH: All in favor?

2 COMM. BLACKBURN: Aye.

3 COMM. HARRINGTON: Aye.

4 COMM. JACKSON: Aye.

5 COMM. RAMOS: Aye.

6 CHAIRPERSON SLASH: Aye. Okay.

7 JUDGE STEPHENS RYKER: I do want to
8 note that one of our Commissioners does have to
9 leave early, and would it be possible for us to
10 move to voting, with the Chair's permission, for
11 the Annual Meeting, to make sure that Comm. Ramos
12 is able to complete that part of today's
13 Commission meeting?

14 CHAIRPERSON SLASH: Sure.

15 JUDGE STEPHENS RYKER: So, as is
16 required by the Indiana Civil Rights Law, the
17 Commission does have to elect a Chair and
18 Vice-Chair every year. You received the
19 nominations by e-mail, and I also have got those
20 nominations here today.

21 Each of you have a ballot. A ballot will
22 become part of the public record, so if you could
23 please write your name at the top of it, and then

1 for Chair, we received two nominations. We
2 received one for Comm. Ramos and for Comm. Slash.
3 So, I'll give you an opportunity to fill that
4 portion in on your ballot.

5 COMM. RAMOS: Do we get to have a
6 conversation before we vote?

7 JUDGE STEPHENS RYKER: Yes.

8 CHAIRPERSON SLASH: Would you like
9 for us to do that?

10 JUDGE STEPHENS RYKER: So, if --
11 let's see. Comm. Ramos, would you like to go
12 first and respond to the nomination?

13 COMM. RAMOS: Sure. I appreciate the
14 nomination, and in consideration for it, my
15 background is as a person that's served the
16 Commission for many years, so I have the
17 experience in that. I also have the background
18 from an employment standpoint, so many of the
19 situations that come through as an employer, and
20 also from an employment standpoint, a
21 corporation, a lot of experience there.

22 Experience in education, as my current
23 position is in education, elements that we look

1 at daily are from a diversity standpoint, so a
2 lot of different areas that I bring to the table
3 that I think are a strength in my role. And
4 we've had great Commissioners here, and it's not
5 a reflection of Comm. Slash, who has done and is
6 doing a good job.

7 But I also look to the fact that it's a
8 potential in the times that are changing. It is
9 a different world than it has been. A lot of
10 times the stigma out there in civil rights is
11 often oriented around one demographic, and it's
12 not the case. It absolutely is not the case
13 anymore, and having Latino as a share for Indiana
14 serves as a -- you know, it's a major statement
15 that says we acknowledge all of the elements that
16 we bring to the table.

17 But there are strengths that -- a person
18 that, as a Latino, provides an opportunity to
19 raise some of those issues, but it doesn't negate
20 any of them. We cross all -- we're here to serve
21 all populations. But I think it's a potential
22 for a historical state, and I think my skills and
23 background are strong in this area, and I

1 appreciate the consideration from each of you.

2 COMM. BLACKBURN: Let me say a word
3 or two also. I think, in response to our
4 presentations today, it should be noted that we
5 are cognizant that the fastest-growing segment of
6 the population in Indiana is Hispanic, and from
7 the comments made today during the presentations,
8 it's clear that Comm. Ramos also has varied
9 experience within that demographic, that he is
10 like a two or threefer in terms of being able to
11 represent that broad segment.

12 I have to acknowledge that over the many
13 years that he has served, he's never sought to be
14 Chair, but supported me fully in being here when
15 I couldn't be here and carrying forward
16 conducting the meetings and the hearings in an
17 expert and knowledgeable fashion.

18 So, that's my comment.

19 JUDGE STEPHENS RYKER: Any other
20 comments in response to Comm. Ramos' nomination?

21 (No response.)

22 JUDGE STEPHENS RYKER: Comm. Slash,
23 if you'd like to make a response to your

1 nomination as well.

2 CHAIRPERSON SLASH: Sure, I'd like
3 to -- the same thing that I said last year, I'm
4 both honored and humbled at the exact same time
5 to have even been considered. Spending this past
6 year as Chair has been a huge experience for me,
7 and the opportunity that I've had to serve as ALJ
8 in a hearing, the opportunity that I've had to --
9 to work on some different issues that -- as
10 they've come about, to speed up the process in
11 getting subpoenas signed and that sort of thing.
12 It has been a task that I have carried with great
13 honor to be able to serve on behalf of the State
14 of Indiana in getting swift opportunities for
15 residents in our state.

16 In my out-of -- in my out-of-Commission
17 time, I guess, in all of my other hats, I spend
18 quite a bit of time working on discriminatory
19 policy, being in a 16,000 person corporate office
20 working as diversity officer and working to
21 understand how some of these issues come about,
22 and to understand the corporate side of how they
23 get there as well has been the experience, to do

1 them both at the same time and wonder which desk
2 it's going to come to if we don't fix it first.

3 And so, I just would like to say thank you
4 for the past year, but also ask that if you see
5 fit to allow me to continue in this role, it has
6 been a great honor, but it's also been a
7 wonderful experience to do the great work.

8 JUDGE STEPHENS RYKER: Any other
9 responses in response to Comm. Slash's
10 nomination?

11 (No response.)

12 JUDGE STEPHENS RYKER: Okay. You can
13 go ahead and fill out your ballots with respect
14 to Chair, and then we'll do Vice-Chair.

15 (Pause in proceedings.)

16 JUDGE STEPHENS RYKER: Okay. I'm
17 seeing most people's eyes come up, so with
18 respect to Vice-Chair, we've had three
19 nominations: Comm. Blackburn, Comm. Slash and
20 Comm. Harrington. So, we'll start with
21 Comm. Blackburn, if you'd like to make a response
22 to your nomination.

23 COMM. BLACKBURN: Say what?

1 JUDGE STEPHENS RYKER: You were
2 nominated for the position of Vice-Chair. Would
3 you like to make a response to your nomination?

4 COMM. BLACKBURN: Well, I have
5 nominated Comm. Slash. I think she'd make the
6 better Vice-Chair, so any support being shown for
7 me, I would ask that it go to Comm. Slash.

8 JUDGE STEPHENS RYKER: Any other
9 responses in response to Comm. Blackburn's
10 nomination?

11 (No response.)

12 JUDGE STEPHENS RYKER: Okay.
13 Comm. Slash, you've been nominated for
14 Vice-Chair. Would you like to make a response to
15 the nomination?

16 CHAIRPERSON SLASH: In the interest
17 of time, I will yield my comments and just say
18 thank you all again.

19 JUDGE STEPHENS RYKER: Any other
20 responses?

21 (No response.)

22 JUDGE STEPHENS RYKER: Okay. And
23 last, we have a nomination for Comm. Harrington.

1 Would you like to make a response?

2 COMM. HARRINGTON: Very briefly, I
3 want to just say I've enjoyed, and this has been
4 a learning experience. As you know, this has
5 been my only -- I've been on a full -- one full
6 cycle for a year, and I, too, am honored to
7 continue to serve, but will yield to the pleasure
8 of the group.

9 And what I will say is I feel that
10 regardless of where we fall as officers, there's
11 a level of passion and commitment in everyone as
12 I've worked with you since I've been on the
13 Board, and that we'll continue to work together
14 as a cohesive team to make a difference for the
15 State of Indiana as it relates to civil rights.

16 JUDGE STEPHENS RYKER: Any other
17 responses?

18 (No response.)

19 JUDGE STEPHENS RYKER: Okay. If you
20 could go ahead and fill that out, I will come
21 collect them.

22 (Pause in proceedings.)

23 COMM. RAMOS: Okay. I wish you luck.

1 Thank you so much. I'm sorry; I have to get on a
2 plane to go to Dallas, Texas.

3 CHAIRPERSON SLASH: Have a safe
4 flight.

5 (Comm. Ramos left the room.)

6 JUDGE STEPHENS RYKER: While I do
7 some quick counting, do you want to move forward?

8 CHAIRPERSON SLASH: Sure.

9 So, I believe that we had agreed
10 previously -- we'll pick back up on the record at
11 Shepard v. Town of Ingalls and Grace [sic] v.
12 Cryotec. The ALJ dismissed the case after both
13 parties jointly moved for case dismissal in both
14 of them, so I would like to hear a motion for
15 Nos. 5 and 6.

16 COMM. BLACKBURN: I motion to
17 dismiss.

18 CHAIRPERSON SLASH: Is there a
19 second?

20 COMM. JACKSON: Second.

21 CHAIRPERSON SLASH: All in favor?

22 COMM. BLACKBURN: Aye.

23 COMM. HARRINGTON: Aye.

1 COMM. JACKSON: Aye.

2 CHAIRPERSON SLASH: Aye. Okay.

3 No. 7, Kuss versus CTI, Respondent filed a
4 motion for summary judgment requesting the
5 dismissal of the case, which the ALJ granted.
6 Complainant has filed objections requesting a
7 briefing schedule and oral arguments. With this
8 one, we are to -- we have three choices on this
9 one; right? Where are we?

10 JUDGE STEPHENS RYKER: So, the choice
11 here, with the objections being filed, is there's
12 been a request for oral arguments and briefing,
13 and so the Commission needs to decide whether or
14 not to grant the opportunity for oral argument
15 and the opportunity to file a brief.

16 MS. POSEY: But they have filed
17 objections, so you do need to consider their
18 objection.

19 CHAIRPERSON SLASH: Say that one more
20 time.

21 COMM. HARRINGTON: For 7.

22 MS. POSEY: Whether you allow them to
23 do briefing and oral arguments, you still need to

1 make a decision on the object -- based on their
2 objection. Do you understand that? I'm sorry.

3 CHAIRPERSON SLASH: What's the
4 decision on the objections that we have to make?

5 MS. POSEY: So, Respondent filed a
6 motion to dismiss, which the ALJ granted. The
7 Commission [sic] filed objections. They don't
8 want it to be dismissed.

9 CHAIRPERSON SLASH: Okay.

10 MS. POSEY: So, they're -- not only
11 are they saying, "We don't want this to be
12 dismissed, but we also want to have the
13 opportunity to brief the case for you and have an
14 oral argument."

15 CHAIRPERSON SLASH: Okay. So, we
16 have two decisions that we have to make here?

17 MS. POSEY: Yes.

18 CHAIRPERSON SLASH: Do we want to
19 affirm the ALJ's dismissal?

20 MS. POSEY: No. So, first we want to
21 know: Are you going to allow them to do briefing
22 and oral argument? If --

23 CHAIRPERSON SLASH: So, that comes

1 first, before the --

2 MS. POSEY: Yeah, because you want to
3 know if you guys are going to give them another
4 opportunity to give you more information about
5 why they're -- why they want the case dismissed.

6 CHAIRPERSON SLASH: Okay. Does
7 everybody understand?

8 (No response.)

9 CHAIRPERSON SLASH: Okay. I'll hear
10 a motion.

11 COMM. BLACKBURN: I move that we
12 allow the Complainant to schedule briefing and
13 oral argument before the Commission.

14 CHAIRPERSON SLASH: Is there a
15 second?

16 COMM. JACKSON: Second.

17 CHAIRPERSON SLASH: Okay. All in
18 favor?

19 COMM. BLACKBURN: Aye.

20 COMM. HARRINGTON: Aye.

21 COMM. JACKSON: Aye.

22 CHAIRPERSON SLASH: Aye.

23 All right. And the second piece of that

1 is --

2 MS. POSEY: Well, you won't know --
3 you don't have an answer to that yet until after
4 you now have the briefing and oral argument.

5 CHAIRPERSON SLASH: Okay. So, do we
6 have to make a hold or anything?

7 MS. POSEY: Yeah. So, with the ALJ,
8 you guys can talk about what the briefing
9 schedule's going to be.

10 CHAIRPERSON SLASH: Okay.

11 MS. POSEY: And she can propose that
12 for you.

13 CHAIRPERSON SLASH: All right.

14 MS. POSEY: Judge Ryker?

15 CHAIRPERSON SLASH: We have -- we
16 have moved to accept the request for a briefing
17 schedule and oral arguments.

18 JUDGE STEPHENS RYKER: Give me just
19 one --

20 CHAIRPERSON SLASH: We've been doing
21 what, 30 days for a briefing and 60 for an oral
22 argument?

23 JUDGE STEPHENS RYKER: So, typically,

1 the brief is due the day before the oral
2 argument. The last two, there were extensions
3 requested, which is how we wound up at 60 days.
4 So, the next Commission meeting that we have will
5 be Friday, May 17th at 1:00 p.m., which would
6 mean the brief would be due Friday, May 16th --
7 or excuse me -- Thursday, May 16th, if those
8 dates are acceptable.

9 CHAIRPERSON SLASH: Are we okay with
10 receiving a brief the day before and then hearing
11 oral arguments on it, or would you like to
12 propose a separate -- a different schedule?

13 COMM. BLACKBURN: I think May or
14 June, whatever you're able to work out.

15 CHAIRPERSON SLASH: Okay. Does
16 anyone else have any other discussion on that? I
17 want to make sure, because our reading schedule
18 is kind of heavy for me.

19 (No response.)

20 CHAIRPERSON SLASH: Okay.

21 COMM. HARRINGTON: And I won't be
22 here in May. I should say that.

23 CHAIRPERSON SLASH: Okay. Could we

1 have the oral argument in June?

2 JUDGE STEPHENS RYKER: Okay. If the
3 Commission votes that, that's --

4 CHAIRPERSON SLASH: Okay. So, I need
5 a motion for that.

6 COMM. JACKSON: So moved.

7 COMM. HARRINGTON: Second.

8 CHAIRPERSON SLASH: Okay. All in
9 favor?

10 COMM. BLACKBURN: Aye.

11 COMM. HARRINGTON: Aye.

12 COMM. JACKSON: Aye.

13 CHAIRPERSON SLASH: Aye. So, that's
14 a motion to have the oral arguments at the June
15 Commission meeting.

16 JUDGE STEPHENS RYKER: And then my
17 understanding of your request will be the briefs
18 would be due within 30 days of today's meeting?

19 CHAIRPERSON SLASH: Correct. Okay.
20 And that's the last of those. With meeting
21 dates, we've already made the correction for July
22 to be July 22nd from 1:00 to 3:00 p.m. Are there
23 any other announcements today?

1 COMM. BLACKBURN: Not an
2 announcement, but I have a question. We didn't
3 really go over the Agency At a Glance, but I was
4 surprised by -- and maybe some others of you
5 were, too -- that the activity during the month
6 showed a very high number for disability cases,
7 and I wonder if you could shed any light on what
8 you perceive to be the reasons for that. Usually
9 it's race or housing, but this is the first time
10 I've noticed a spike in complaints in that
11 category.

12 MS. POSEY: I will say that it's --
13 depending on the enforcement area, whether it's
14 employment, public accommodation or housing are
15 our three top enforcement areas. Disability is
16 typically neck and neck with race when it comes
17 to mostly housing cases that we receive, and
18 maybe even employment.

19 But another thing that I'll say is March
20 was Disability Awareness Month, so we had a
21 campaign around disability awareness. We worked
22 alongside the Governor's Council for Disabilities
23 and some other partners, so that's actually a

1 great point that you've thought about. I didn't
2 even think about that at all when I was -- when
3 we put this together. Disability was our highest
4 class for the month that -- we focused on
5 disability awareness, yeah.

6 CHAIRPERSON SLASH: So, that's proof
7 that a marketing campaign works.

8 COMM. BLACKBURN: Right.

9 CHAIRPERSON SLASH: Are there any
10 other announcements?

11 (No response.)

12 CHAIRPERSON SLASH: Okay. Hearing
13 none, we'll -- we've already done our annual
14 vote.

15 Open for Public Comments.

16 (No response.)

17 CHAIRPERSON SLASH: I don't see any
18 members of the public here to make any comments.

19 JUDGE STEPHENS RYKER: I'm asking
20 Deputy Director Posey to check my math just to
21 make sure I've got all of that correct.

22 (Pause in proceedings.)

23 MS. POSEY: Did I do that right?

1 JUDGE STEPHENS RYKER: Yes.

2 Okay. So, our Chair for the next year
3 will be Comm. Ramos, and I will let him know by
4 e-mail, and the Vice-Chair will be Comm. Slash.

5 CHAIRPERSON SLASH: Thank you.

6 JUDGE STEPHENS RYKER: All right.

7 CHAIRPERSON SLASH: Thank you.

8 MS. POSEY: Thank you, Chair -- is
9 she still Chair for right now?

10 JUDGE STEPHENS RYKER: Yes.

11 MS. POSEY: Thank you, Chair Slash
12 and Vice-Chair Harrington, for your service, and
13 we look forward to the next year.

14 CHAIRPERSON SLASH: Okay. Without
15 anything further, I'll also say thank you. The
16 past year has been great serving as your Chair.
17 I look forward to serving as your Vice-Chair, and
18 the meeting is adjourned ten minutes early.

19 (Discussion off the record.)

20 JUDGE STEPHENS RYKER: I am reopening
21 the record to read into the record the specific
22 votes made by different Commissioners in order to
23 make sure that this process is fair and

1 transparent.

2 The vote of Comm. Jackson for Chair and
3 Vice-Chair: Comm. Jackson voted for Comm. Slash
4 as Chair and Comm. Huntington as Vice-Chair.

5 For Holli Huntington, Comm. Huntington --

6 THE REPORTER: Harrington.

7 JUDGE STEPHENS RYKER: Harrington;
8 sorry. Thank you. For Comm. Harrington, she
9 voted for Comm. Ramos as Chair and Comm. Slash as
10 Vice-Chair.

11 Comm. Slash, she voted for herself,
12 Comm. Slash, as Chair, and for Comm. Harrington
13 as Vice-Chair.

14 Comm. Ramos voting for himself as Chair,
15 Comm. Ramos, and Comm. Slash as Vice-Chair.

16 And Comm. Blackburn voted for Comm. Ramos
17 as Chair and Comm. Slash as Vice-Chair.

18 Thank you very much, and the record is now
19 closed.

20 - - -
21 Thereupon, the proceedings of
22 April 22, 2019 were concluded
23 at 4:36 o'clock p.m.
- - -

1 CERTIFICATE

2 I, Lindy L. Meyer, Jr., the undersigned
3 Court Reporter and Notary Public residing in the
4 City of Shelbyville, Shelby County, Indiana, do
5 hereby certify that the foregoing is a true and
6 correct transcript of the proceedings taken by me
7 on Monday, April 22, 2019 in this matter and
8 transcribed by me.

9
10 _____
11 Lindy L. Meyer, Jr.,
12 Notary Public in and
13 for the State of Indiana.

14
15 My Commission expires August 26, 2024.
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	3 (6) 25:18;26:7,12;			