

1 BEFORE THE STATE OF INDIANA
2 CIVIL RIGHTS COMMISSION

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6 PUBLIC MEETING OF AUGUST 17, 2018
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10 PROCEEDINGS

11 in the above-captioned matter, before the Indiana
12 Civil Rights Commission, Adrienne L. Slash,
13 Chairperson, taken before me, Lindy L. Meyer,
14 Jr., a Notary Public in and for the State of
15 Indiana, County of Shelby, at the Indiana
16 Government Center North, 100 North Senate Avenue,
17 Room N300, Indianapolis, Indiana, on Friday,
18 August 17, 2018 at 1:02 o'clock p.m.
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21

22 William F. Daniels, RPR/CP CM d/b/a
23 ACCURATE REPORTING OF INDIANA
 12922 Brighton Avenue
 Carmel, Indiana 46032
 (317) 848-0088

1 APPEARANCES:

2 COMMISSION MEMBERS:

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

8 INDIANA CIVIL RIGHTS COMMISSION
9 By Gregory Wilson, Director
10 & Doneisha Posey, Deputy Director
11 Indiana Government Center North
12 100 North Senate Avenue, Room N300
13 Indianapolis, Indiana 46204
14 On behalf of the Commission.

15
16
17 OTHER COMMISSION STAFF PRESENT:

18 John Burkhardt
19 Lesley Gordon
20 Tatiana Foote
21 Caroline Ryker
22 Anehita Eromosele

23 ALSO PRESENT:

 Adrea Hernandez
 Abram Gregory

- - -

1 1:02 o'clock p.m.

August 17, 2018

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3 CHAIRPERSON SLASH: I'll go ahead and
4 call this meeting of the Indiana Civil Rights
5 Commission to order. All right. Good morning.
6 We have a quorum; is that correct? We're good to
7 go?

8 JUDGE BURKHARDT: We are good.

9 MS. POSEY: Hello?

10 CHAIRPERSON SLASH: Good morning
11 again. Sorry; it's good afternoon.

12 JUDGE BURKHARDT: Hi, Doneisha.
13 You're on speaker now.

14 MS. POSEY: Okay. I'll mute myself.

15 JUDGE BURKHARDT: Thank you.

16 CHAIRPERSON SLASH: All right. So,
17 would you like to announce the agenda?

18 JUDGE BURKHARDT: Yes. Thank you.

19 CHAIRPERSON SLASH: Okay.

20 JUDGE BURKHARDT: So, today's meeting
21 involves a Director's Report, which we can
22 receive from Deputy Director Posey;

23 Followed by quite a few appeals, which the

1 determinations of which can receive their report
2 from the appointed Commissioners;

3 Followed by only one New Business appeal
4 that was submitted for processing and appointment
5 to a Commissioner for a decision at next month's
6 meeting;

7 Followed by time that's been allotted for
8 any action that the Commissioners wish to take on
9 the Final Order front in the matter of Erica
10 Shannon v. Pedcor Management Corporation. The
11 Commission is still within its 60-day deadline to
12 issue a decision after the close of oral
13 argument, whether it is today or at the next
14 meeting, but time is allotted for it to take what
15 action it sees fit;

16 Followed by a special component of the
17 meeting, the C.R.E.A.T.E. Leadership Program
18 Presentations. We will explain that further when
19 we get there, but this is an exciting program of
20 the ICRC involving individuals across the state
21 who have dedicated their time to assist the ICRC
22 with research pertaining to discrimination in the
23 state.

1 And I have a few announcements to make at
2 the end, and that will be it for today.

3 CHAIRPERSON SLASH: Okay. Fantastic.
4 So, we will go ahead and receive -- go ahead and
5 receive the motions regarding the appointments.
6 Oh, wait, no; sorry. We'll hear from Deputy
7 Director Posey.

8 MS. POSEY: Hello, everyone. I am
9 not prepared to give a Director's Report. I
10 believe Director Wilson or Deputy Director Gordon
11 will be in to give those reports. I'm just here
12 to be on the line and to answer questions when
13 needed.

14 CHAIRPERSON SLASH: Okay. Thank you,
15 Deputy Director Posey. We'll wait on that, then,
16 but I did skip over the approval of the previous
17 meeting minutes. I'll accept a motion.

18 COMM. RAMOS: So moved.

19 COMM. HARRINGTON: Second.

20 CHAIRPERSON SLASH: All in favor?

21 COMM. LONG: Aye.

22 COMM. JACKSON: Aye.

23 COMM. RAMOS: Aye.

1 COMM. HARRINGTON: Aye.

2 CHAIRPERSON SLASH: Aye. Okay.

3 Motion cares.

4 And so, we'll go ahead and we'll start
5 with Old Business. I don't have my appointments
6 log in front of me. So, if we could go through
7 them in the order that they're listed in your
8 agenda. I'm trying to pull that up now.

9 (Pause in proceedings.)

10 CHAIRPERSON SLASH: Okay. Let me
11 back up. I'm thankful technology is working.
12 All right. Then I will go through them in the
13 way that they were assigned last month, so Lillie
14 Glenn versus Hyatt Regency Indianapolis,
15 Comm. Ramos.

16 COMM. RAMOS: Madam Chair, in the
17 case of Lillie Glenn versus Davidson Hotel
18 Company, my recommendation is to uphold the
19 Director's finding of no probable cause.

20 CHAIRPERSON SLASH: Okay. Can I hear
21 a motion to accept that?

22 COMM. JACKSON: Motion.

23 COMM. HARRINGTON: Second.

1 CHAIRPERSON SLASH: All in favor?

2 COMM. LONG: Aye.

3 COMM. JACKSON: Aye.

4 COMM. RAMOS: Aye.

5 COMM. HARRINGTON: Aye.

6 CHAIRPERSON SLASH: Aye.

7 Okay. Comm. Harrington, Latasha Hawkins
8 versus Allison Transmission.

9 COMM. HARRINGTON: Yes. In the -- in
10 that case, I also support the no probable cause
11 finding made by the Director.

12 CHAIRPERSON SLASH: Okay. Can I hear
13 a motion?

14 COMM. RAMOS: So moved.

15 CHAIRPERSON SLASH: And a second?

16 COMM. LONG: Second.

17 CHAIRPERSON SLASH: All in favor?

18 COMM. LONG: Aye.

19 COMM. JACKSON: Aye.

20 COMM. RAMOS: Aye.

21 COMM. HARRINGTON: Aye.

22 CHAIRPERSON SLASH: Aye.

23 Okay. The next one we will skip unless

1 Comm. Edwards submitted hers via e-mail.

2 JUDGE BURKHARDT: No, she did not.

3 CHAIRPERSON SLASH: Okay. We will
4 come back to Comm. Edwards. It was the Vicki
5 Linder versus Tempo Properties, and we'll come
6 back to that next month when she is present. We
7 can do that; right?

8 JUDGE BURKHARDT: Yes.

9 CHAIRPERSON SLASH: Okay. Fantastic.
10 Comm. Jackson, Reginald Monneus versus
11 Laperla Apartments.

12 COMM. JACKSON: No probable cause,
13 uphold the Director's finding.

14 CHAIRPERSON SLASH: Okay.

15 COMM. HARRINGTON: So moved.

16 CHAIRPERSON SLASH: Motion?

17 COMM. HARRINGTON: Motion.

18 CHAIRPERSON SLASH: So, the motion
19 was made by Comm. Harrington.

20 A second?

21 COMM. RAMOS: Second.

22 CHAIRPERSON SLASH: Comm. Ramos.
23 Okay. All in favor?

1 COMM. LONG: Aye.

2 COMM. JACKSON: Aye.

3 COMM. RAMOS: Aye.

4 COMM. HARRINGTON: Aye.

5 CHAIRPERSON SLASH: Aye. All right.

6 Motion carries.

7 Then the next one is Comm. Blackburn. Did
8 she submit one via e-mail?

9 JUDGE BURKHARDT: She did not.

10 CHAIRPERSON SLASH: Okay. We will
11 skip that one for next month, and we will come
12 back to that.

13 The next one is mine, Natalie Smart versus
14 Lake Central Transportation [sic]. I'd like to
15 uphold.

16 COMM. RAMOS: The Director's finding
17 of no probable cause?

18 CHAIRPERSON SLASH: Oh, yes, sorry.
19 I'd like to uphold the Director's finding of no
20 probable cause.

21 COMM. RAMOS: So moved.

22 COMM. JACKSON: Second.

23 CHAIRPERSON SLASH: All in favor?

1 COMM. LONG: Aye.

2 COMM. JACKSON: Aye.

3 COMM. RAMOS: Aye.

4 COMM. HARRINGTON: Aye.

5 CHAIRPERSON SLASH: Aye.

6 Okay. And then the next one was also
7 mine, Jonathan Garza and Stephanie Knopic versus
8 Kristen Hughes, and on that one, I would actually
9 like to request that it goes back for further
10 investigation. And the part that I want it to go
11 back for further investigation on is -- I had
12 this all written down properly -- is the no. 4,
13 the piece that we have to prove why it wasn't
14 severe -- why it wasn't severe harassment.

15 JUDGE BURKHARDT: Okay.

16 CHAIRPERSON SLASH: Okay. I'd just
17 like more clarity on that.

18 JUDGE BURKHARDT: Thank you. So, if
19 that's in your determination worksheet, we'll
20 provide that to the investigator --

21 CHAIRPERSON SLASH: Perfect.

22 JUDGE BURKHARDT: -- so they can
23 answer that.

1 CHAIRPERSON SLASH: Yes, I'll give
2 you all of that.

3 JUDGE BURKHARDT: Thank you.

4 CHAIRPERSON SLASH: And so, we don't
5 have to make a decision on that one, so the next
6 one is Chair Blackburn, which we will also skip,
7 and that was Antoinette Green versus Oakwood
8 Properties-Bob McGinnis. The next one is
9 Comm. Edwards, which we will also skip until next
10 month, which is Erica Tate versus Yorktown Farms
11 Associates, and the next one is Comm. Long,
12 Donevette Evans versus Horseshoe Hammond, LLC.

13 COMM. LONG: Madam Chair, for this
14 case, I recommend of upholding the finding for no
15 probable cause.

16 CHAIRPERSON SLASH: Okay.

17 Do I hear a motion?

18 COMM. JACKSON: So moved.

19 CHAIRPERSON SLASH: Second?

20 COMM. HARRINGTON: Second.

21 CHAIRPERSON SLASH: Okay. All in
22 favor?

23 COMM. LONG: Aye.

1 COMM. JACKSON: Aye.

2 COMM. RAMOS: Aye.

3 COMM. HARRINGTON: Aye.

4 CHAIRPERSON SLASH: Aye. Okay.

5 Motion carries.

6 And the next one is Comm. Jackson, James
7 Hunt v. Bargersville Community Fire Protection
8 District.

9 COMM. JACKSON: Uphold the Director's
10 findings, no probable cause.

11 CHAIRPERSON SLASH: Do I hear a
12 motion?

13 COMM. RAMOS: So moved.

14 COMM. HARRINGTON: Second.

15 CHAIRPERSON SLASH: All in favor?

16 COMM. LONG: Aye.

17 COMM. JACKSON: Aye.

18 COMM. RAMOS: Aye.

19 COMM. HARRINGTON: Aye.

20 CHAIRPERSON SLASH: Aye. Okay.

21 Motion carries.

22 And the last one is Comm. Ramos, Vassil
23 Marinov versus United Auto Worker, UAW Local.

1 COMM. RAMOS: Madam Chair, in the
2 case of Vassil Marinov versus United Auto
3 Workers, it was an interesting case, to add a
4 little conversation to it, and I did dive a
5 little bit deeper into the group, because there
6 were some challenges that he had expressed which
7 made it sound like he was somewhat at a
8 disadvantage, but a lot of it was communication,
9 and -- in chatting with the inspector -- and he
10 has not been responsive to a lot of the questions
11 that came in, yet he claims that he hadn't. So,
12 I think it became more clear that in this
13 particular case that we uphold the Director's
14 finding of no probable cause.

15 CHAIRPERSON SLASH: Okay.

16 Can I hear a motion?

17 COMM. JACKSON: So moved.

18 COMM. HARRINGTON: Second.

19 CHAIRPERSON SLASH: Okay. All in
20 favor?

21 COMM. LONG: Aye.

22 COMM. JACKSON: Aye.

23 COMM. RAMOS: Aye.

1 COMM. HARRINGTON: Aye.

2 CHAIRPERSON SLASH: Aye. Motion
3 carries, and that's the end of our Old Business.

4 We have one case to assign for New
5 Business. We generally do go from right to left
6 down the side, so I'm not picking on Comm. Long,
7 it's just in accordance with the way that we go.
8 I'd like to assign that one to you, if you don't
9 mind.

10 COMM. LONG: Okay.

11 CHAIRPERSON SLASH: Okay. There was
12 only one for you to catch this time for the
13 record.

14 JUDGE BURKHARDT: Yes.

15 CHAIRPERSON SLASH: All right. And
16 so, next we have the Final Order, and I
17 understand that there is more information in our
18 packet. Most of us had an opportunity to read
19 that. Was there any information that we wanted
20 to share here while we were present?

21 (No response.)

22 CHAIRPERSON SLASH: Okay. No further
23 questions, and so we need to either make a

1 decision to --

2 JUDGE BURKHARDT: Right.

3 CHAIRPERSON SLASH: -- hold this --
4 uphold or dissolve or take no action today?

5 JUDGE BURKHARDT: Sure. The decision
6 at this point could be to affirm the ALJ's
7 decision, to modify it in some way as you see
8 fit, to dissolve it, make it go away, or to
9 simply dissolve it and then remand. You can
10 provide instructions how you would like it to be
11 written --

12 CHAIRPERSON SLASH: Okay.

13 JUDGE BURKHARDT: -- by the Judge.

14 CHAIRPERSON SLASH: And so, based on
15 the information as I read it, and I think we can
16 have a case for a little bit of discussion here
17 if necessary, but in the way that I read it,
18 should we -- should we choose to affirm it, we
19 would be looking at potentially undoing history
20 of some decisions that we've made here within
21 this Commission; is that correct?

22 MR. WILSON: Yes.

23 CHAIRPERSON SLASH: And so, the way

1 that I read that, I actually would like for us to
2 dissolve this, to uphold the work that we've done
3 here and to not open the gate of us needing to go
4 back and have cases that would be unraveled.
5 Does anyone have any discussion or anything that
6 they would like to chime in with?

7 COMM. HARRINGTON: I've got one
8 question. So, this is just specific to this
9 case, not our process moving forward?

10 CHAIRPERSON SLASH: Well, and so that
11 would be -- when he was saying that last piece
12 about we could choose to dissolve and then make a
13 decision regarding moving forward, or we could
14 choose to just dissolve it.

15 MR. WILSON: Yeah, one -- if I may.

16 CHAIRPERSON SLASH: Yes.

17 MR. WILSON: Commissioners, one thing
18 I would say is that -- again, thank you. It is
19 about unraveling other cases and problems -- is
20 that if we looked at doing a training where we
21 talked about the process, I think not just right
22 here, but a training where we kind of go over the
23 process, so there's more clarity for you, the

1 Commissioners, and then that'll help you to make
2 a more sound decision.

3 CHAIRPERSON SLASH: Wonderful. So --

4 MR. WILSON: Does that make sense?

5 CHAIRPERSON SLASH: Uh-huh.

6 COMM. HARRINGTON: You're saying to
7 hold until we --

8 CHAIRPERSON SLASH: So, I would like
9 to dissolve and recommend that we have a training
10 on terminology moving forward to make sure that
11 we're all clear about the direction and the
12 decisions that this Commission will make in the
13 future. Can I hear a motion in that nature?

14 COMM. RAMOS: You want it in two
15 parts, one to dissolve, dismiss or affirm the
16 decision previously made; right?

17 CHAIRPERSON SLASH: Well, if we
18 affirm the decision that was previously made,
19 then we do run the risk of unraveling other
20 decisions that were made contrary to that
21 decision.

22 COMM. RAMOS: Right. We don't want
23 to do that.

1 CHAIRPERSON SLASH: So, the motion
2 that I would like to entertain, if it is okay
3 with the rest of the Commission, would be one to
4 dissolve and -- to dissolve the order as made by
5 the ALJ, and to request a further training for
6 the Commission in regards to terminology and
7 orders that we make moving forward.

8 COMM. RAMOS: So moved.

9 COMM. JACKSON: Second.

10 CHAIRPERSON SLASH: All in favor?

11 COMM. LONG: Aye.

12 COMM. JACKSON: Aye.

13 COMM. RAMOS: Aye.

14 COMM. HARRINGTON: Aye.

15 CHAIRPERSON SLASH: Aye. Okay.

16 Motion carries.

17 And so, with that being said, I believe we
18 are now at the point where we can go back to the
19 Director's Report.

20 MR. WILSON: Yes. Well, welcome back
21 from China --

22 COMM. LONG: Yes. Hi.

23 MR. WILSON: -- Commissioner. Good

1 to see everybody.

2 So, we're just going through a lot of
3 changes. When you do -- when you're successful,
4 good things happen for people that have helped us
5 get to this point. So, with that, I'll just kind
6 of update the Commission.

7 So, we have a lot of staff change at the
8 high levels, because mediation has been going
9 great. I think you know that. Last month we had
10 a hundred thousand-plus, a hundred thousand-plus
11 dollars, in settlements, and that's not counting
12 those things that were not monetary in the
13 settlements. So, to me, that just shows you
14 that's the pathway. We are actually doing more
15 mediation than we've ever done before, and that
16 was because of the hard work of all of our staff,
17 but particularly because Alissondra Vossa, who is
18 no longer with us. She actually, because of her
19 great work, is now with EEOC; am I correct?

20 JUDGE BURKHARDT: Uh-huh.

21 MR. WILSON: And she is a trial
22 lawyer.

23 JUDGE BURKHARDT: Yes.

1 MR. WILSON: She's a trial lawyer
2 with them, and that's because, again, we have a
3 contract and a partnership with EEOC. So, I look
4 on that as a plus, because that just shows that
5 the great work we are doing is being recognized,
6 and plus the fact the EEO has said that we're in
7 a better place than we've ever been since they've
8 been having this partnership.

9 So, she's there now, and so we're going to
10 be filling that position, and we have -- one
11 thing about it, we've been training and bringing
12 people in that are able to move up, so we're
13 looking at those opportunities as well.

14 And then with our Administrative Law Judge
15 here, Judge Burkhardt, who has been very much an
16 asset. When I came here last year and I got to
17 interview the staff, I found him to be of good
18 character, I found him being dedicated to public
19 service as well as the law.

20 And so, with that, while I'm saddened by
21 him going, I'm excited about him leaving as well,
22 because he also is going with Fair Housing -- HUD
23 still.

1 JUDGE BURKHARDT: EEOC.

2 MR. WILSON: EEOC.

3 JUDGE BURKHARDT: Yes.

4 MR. WILSON: So, he's going with
5 EEOC, and he's going to be in New York, be an
6 Administrative Law Judge, so he still is serving
7 the same purpose that he's done, but it's on a
8 larger scale, and I know because he got that
9 opportunity here, that's helped. He already had
10 the skill sets, but it helped him get on the
11 radar for EEOC.

12 And so, I think that's a plus, because
13 that's what we want to do. We want to build a
14 strong agency that is very talented, and we know
15 that they can go anywhere and do anything. We
16 don't want them to leave, but we're happy when
17 they get opportunities like this. So, again, we
18 just thank Judge Burkhardt for his hard work for
19 us.

20 One of the things I want to just also say
21 is when I got here, the first thing I did was
22 look at the backlog. I think you know that I've
23 mentioned that to the Commission many times, and

1 I looked at old cases. And so, we had cases
2 from 2010, '11, '12, and that was -- that
3 bothered me a lot.

4 So, I sat down with Judge Burkhardt and
5 asked him to devise a plan for us to close out
6 all of these old cases. We knew we would at
7 least get us, by the end of this year, to '16.
8 That's where I wanted to be. So, all of the old
9 cases and all of the justice that was not served,
10 because slow justice is still justice denied.

11 So, he was able to put together a plan and
12 get all of those cases out, so we are now hitting
13 the '16, and so, this year here, we feel like
14 we'll be able to catch all of those cases up and
15 get us in real time, or close to real time. It
16 just depends on the case.

17 So, again, I just want to say we
18 appreciate the hard work, and even the fact that
19 working with Judge Burkhardt to get the
20 Commission to full capacity so that, A, is we
21 knew we would always have a quorum, and like I
22 said, for the first six months of me even being
23 here, we didn't have quorums, and so that was

1 very difficult. But now we haven't missed a
2 beat, so thank you, Commissioners, too, for your
3 dedication and service to our great state.

4 And then the other person who is leaving
5 is also my Administrative Assistant, who has a
6 great opportunity, again, is when you shine, you
7 shine, with one of our other agencies here,
8 that's Department of Workforce Development.

9 And then the last person -- who am I
10 missing.

11 JUDGE BURKHARDT: Sean Gregory?

12 MR. WILSON: No, not yet, not yet,
13 until we see that happen. And so, we also had
14 two positions that we needed to fill for our
15 intake. Those are filled. One starts Monday and
16 one starts the Monday afterwards, so that puts
17 our intake back into full capacity, and then
18 that's kind of where we are right now.

19 Oh, the ICHLA, and so, we had our ICHLA
20 Director get an opportunity with the Lawrence
21 Police Department, which is kind of in their
22 background anyway. They've always worked with
23 IMPD, now they're at Lawrence, so we're in the

1 process of filling that position as well, so
2 we'll be back.

3 Anyway, I just want to say that -- so,
4 we're doing our Region V, so all of these things
5 are happening at once, but we haven't missed a
6 beat. We're still doing the things that we need
7 to do. We're exceeding our contract. Housing
8 asked us or said to us that this is the first
9 time we hit the half million mark as far as
10 revenue from our contract. First time. That's
11 huge.

12 CHAIRPERSON SLASH: Uh-huh.

13 MR. WILSON: We normally do a quarter
14 million, we have. And so, HUD said based on what
15 they see, hopefully next year we'll be able to
16 get it up to a million dollars in revenue from
17 that contract.

18 So, these are historic things, and the
19 trust that we've built with our partners is so
20 important, and I hope you understand it's so
21 important that we kind of renew the trust and
22 believe that this agency can deliver on what it
23 says it's going to deliver, and for me, that's

1 all I need to hear is that we're doing our job
2 and we're doing it well.

3 We have a great staff. We're out at the
4 Fair right now. That's going very well,
5 considering we're a small group. We've been out
6 there every day and we've been able to talk to
7 people, and again, it's about letting people know
8 that we're here to serve them. That's been my
9 overall goal is to connect back to the community
10 around the state and let them know that we're
11 here for them.

12 So, anyway, Commissioners, that's kind of
13 what we're doing right now. We're getting ready
14 for our Region V that's in October. It's the
15 10th, 11th and 12th, and we have all of our folks
16 coming in from HUD and from Illinois, Wisconsin,
17 Minnesota, Ohio, Michigan, and even Kentucky.

18 Kentucky is not actually a Region V
19 partner, but since they're right on border, we
20 wanted Kentucky to be involved, as well as other
21 civil rights agencies across the country. So,
22 they'll be converging on our great City of
23 Indianapolis in October, where we'll be doing our

1 long policy conference and discussing issues
2 pertaining to furthering fair housing.

3 So, that's kind of where we are, and it's
4 been a good year thus far.

5 CHAIRPERSON SLASH: Okay.

6 Anyone have any questions? Uh-huh.

7 COMM. RAMOS: Yeah. We had a
8 dashboard that we kind of had a chance to look at
9 a while back. I haven't seen that, and I'd --

10 MR. WILSON: Yeah.

11 COMM. RAMOS: -- love to get updated
12 on that.

13 (Discussion off the record.)

14 CHAIRPERSON SLASH: We'll get you
15 one. We'll send you one.

16 John, just remind us today.

17 JUDGE BURKHARDT: Absolutely.

18 MR. WILSON: We have them.

19 JUDGE BURKHARDT: Okay.

20 COMM. RAMOS: Also, lots of times you
21 spot trends. It could be something that's
22 happening nationally, internationally. Are you
23 seeing any specific trends out there that may be

1 of concern or caution that we should be aware of?

2 MR. WILSON: Can you give an example?
3 What do you mean?

4 COMM. RAMOS: Transgender, Latino,
5 you know, issues as far as -- you know, we see
6 all of the bad stuff in the media with ICE and
7 stuff.

8 MR. WILSON: Well, you know, that's
9 not -- transgender's not in our statute, but the
10 things pertaining to our statute, again, is we're
11 seeing an uptick in education complaints, and
12 still one of our strongest complaints still is
13 disability. Those are the two.

14 And again, one of the things I would say,
15 too, is that we're happy about, that HUD, when it
16 comes to all of the HUD regional partners that
17 they do, we are -- we have no aged cases to
18 report from that contract, which when I first got
19 here --

20 JUDGE BURKHARDT: Uh-huh.

21 MR. WILSON: -- we were inundated
22 with aged cases, those -- it means those have
23 surpassed the actual requirements of the

1 contract. So, we don't, and HUD was extremely
2 happy that we don't. So, we feel like we lead
3 this region, and they feel that way, too, and
4 that's why we're able to have the Region V
5 Conference here, so --

6 CHAIRPERSON SLASH: Okay. Are there
7 any --

8 COMM. JACKSON: Congratulations.

9 CHAIRPERSON SLASH: -- other
10 questions?

11 MR. WILSON: Thank you. We feel
12 pretty good -- I feel good that the staff was --
13 and the staff is excited about what we're doing,
14 and that's a positive.

15 JUDGE BURKHARDT: Uh-huh.

16 COMM. RAMOS: Good job.

17 COMM. LONG: And I want to talk about
18 the great job that the department has been doing.
19 So, one case that I reviewed this time, so new,
20 much -- much PHIP's this year, and I was amazed
21 to see that. A great job.

22 MR. WILSON: Uh-huh. Thank you. And
23 I will let you know, too, I review cases, too.

1 (Ms. Gordon arrived.)

2 MR. WILSON: So, I don't just tell
3 people about it, I do that. I review cases and
4 try to help them get through and keep up as well.

5 CHAIRPERSON SLASH: Thank you.

6 Are there any other questions for the
7 Director?

8 COMM. JACKSON: You mentioned someone
9 else that was leaving, but I don't think you gave
10 her name.

11 MR. WILSON: Oh, it was -- she's
12 already gone. It's Elia, Elia -- what's the --

13 MS. GORDON: James.

14 MR. WILSON: Elia James. And so, she
15 was over ICHLA, which is our Latino Commission,
16 yeah. But we have a lot of good candidates in
17 the hopper, and so, yeah.

18 CHAIRPERSON SLASH: Okay. All right.
19 If there are no further questions?

20 (No response.)

21 CHAIRPERSON SLASH: All right.

22 MR. WILSON: Thank you.

23 CHAIRPERSON SLASH: We will move on

1 to our guests.

2 JUDGE BURKHARDT: Okay. So, as you
3 have the description there before you for the
4 C.R.E.A.T.E. Leadership program, I'm going to be
5 very excited to welcome here to the front the
6 various leaders themselves, and I think that we
7 can get a description of the program as well as
8 the projects, which here, for the first time, are
9 being presented to you. This is a very exciting
10 event for the ICRC and for these leaders. So,
11 let's welcome them up at this time.

12 MS. RYKER: So, I know many of you
13 already know me. My name is Caroline Stephens
14 Ryker. I'm a staff attorney on staff here, and
15 before I had the amazing opportunity to actually
16 join this Commission, I joined C.R.E.A.T.E., and
17 through the connections I made, found my way on
18 staff as well.

19 The C.R.E.A.T.E. program is a really
20 unique opportunity for young professionals in the
21 community who are excited about Civil Rights and
22 don't know where to get started to learn exactly
23 how to get started.

1 So, we really tried to bring in as many
2 people who were passionate about the subject
3 matter and give them the avenues to either
4 explore that profession, what it would look like
5 to go into Civil Rights, or just generally what
6 Civil Rights history exists in the state, as
7 opposed to -- you know, you think of marches on
8 Washington and all of these other really historic
9 events, but we have those here in our state as
10 well. So, just bringing that history to life for
11 as many people as possible.

12 The C.R.E.A.T.E. program, there were
13 actually two primary goals, the first of which is
14 an independent project. Each C.R.E.A.T.E. leader
15 was responsible for putting that together, doing
16 research or compiling data in order to make that
17 presentation available, with the goal that the
18 Commission would be able to use that to further
19 our mission.

20 We also, as a group, created a group
21 project that was aimed at, again, that historical
22 element, so bringing in history and making that
23 available for whoever has an interest, really,

1 whether that's the Commission's use or anyone
2 else in the state, like I know we've talked about
3 teachers or other individuals who are trying to
4 get students engaged in this history as well.

5 So, we'll just go through the projects one
6 at a time. The first project that you have in
7 your stack is about the -- the best way I could
8 print this out, this was the fair housing game
9 that I designed as my C.R.E.A.T.E. project, and
10 when we first started this opportunity, you know,
11 my thought was: "How do I bring fair housing to
12 life? How do I make that really meaningful for
13 somebody who doesn't know the law, but knows what
14 it mean to have something be unfair? What does
15 fairness really mean?"

16 So, first I wondered, "Oh, let's make a
17 blog, we can write something, you know, speak to
18 people that way." But my husband is a computer
19 programer, so he gets me to think about things
20 differently sometimes, so we put together a --
21 kind of a short computer game.

22 And I grew up on Choose Your Own Adventure
23 books. I don't know if you're familiar with

1 those as well, but it's, you know, these books
2 that you go through, and there's a series of
3 horrible circumstances, and at the end, well,
4 that's just the end. And I thought, "This is a
5 really great model for housing discrimination,
6 because at the end of the day, it is a series of
7 horrible circumstances." And if you don't have
8 someone like the Indiana Civil Rights Commission
9 to advocate for you, you might just find yourself
10 at the end of the day in a bad situation.

11 So, I really put together three different
12 opportunities: Race, disability, and familial
13 status, worked through different possibilities
14 and avenues, and as you play the game, you are
15 confronted with what could happen in real life
16 when you apply for housing, or are already in
17 housing, or are on your way out of housing in
18 these particular sets of circumstances.

19 Really, the exciting thing about this
20 particular project is, as an outgrowth of this, I
21 got paired up with a group called Coding for
22 Change. It's a Carmel High School student group,
23 and their entire mission as high schoolers right

1 now is to learn how to bring computer programming
2 to state agencies to make what's a fairly boring
3 subject, the law, interesting to as many kids as
4 possible.

5 And so, they are going through and
6 creating a model off of this game, an employment
7 discrimination game, public accommodations, and a
8 couple of other different tools as well, so we
9 can try and use the same format to bring more
10 people into this area of law.

11 MS. HERNANDEZ: Okay. Hi. My name
12 is Adrea Hernandez. So, I am a research analyst
13 at the Center of Inquiry at Wabash College, and
14 so, I work with colleges and universities to them
15 meet their missions, help them serve students,
16 their faculty and staff.

17 Two of our big projects are on sexual
18 assault campus climate, and then also on campus
19 climate related to diversity and inclusion, which
20 I'm very excited about. For this project, I
21 focus on K through 12 education in Indiana, and I
22 was particularly interested in English language
23 learners and their experience.

1 So, I work in Crawfordsville, which is
2 much smaller than Indianapolis, and even there
3 I -- so, I'm originally from El Paso, Texas, have
4 been a Hoosier for the past five years, and in
5 that time I've noticed a visible change in the
6 population. I've heard Spanish more and more at
7 the State Fair, you know, just all around me, and
8 that -- those demographical shifts signal to me
9 that there may be resources and services needed
10 to serve that population, and particularly
11 students in schools.

12 And so, I wanted to think about what the
13 history of bilingual education is in Indiana,
14 what, you know, the state of affairs is now, and
15 then, you know, what are some further questions
16 about the resources and services needed for
17 English language learners.

18 My background is in history, particularly
19 in race, ethnicity and immigration, and so, I
20 know that our public memory of immigrants and
21 language is fuzzy at best, and yet, you know,
22 it's really interesting to me that, you know,
23 once upon a time in the 1850's, when it was

1 German immigrants that were the major wave in the
2 Midwest, cities like Cincinnati, eventually
3 Indianapolis, were adapting to the call for
4 bilingual bicultural education.

5 And that lasted for many decades until,
6 you know, World War I and animosity towards
7 Germans, and then a period of immigration
8 exclu -- the exclusion of immigrants, and then
9 with the new wave of immigrants following the
10 1965 Immigration Act, then like the rest of the
11 country, Indiana was just getting on board with
12 the need for some sort of bilingual education,
13 and then the need for assessment of that
14 bilingual education.

15 And actually in 2015 there was an
16 education news outlet, Chalkbeat, that did a
17 really great series, "Lost in Translation," about
18 bilingual education and the changing demographics
19 in the state. And so, I looked to them, to some
20 of what, you know, they were reporting, the
21 challenges that teachers were facing in the
22 state, the resources that they put out, and I
23 mean -- and the funding changes.

1 And so, I think that there is still some
2 questions in terms of funding; basically, schools
3 with higher concentrations of English language
4 learners get allocated more funds, which I think
5 is interesting if there's, you know, maybe a
6 student that's more isolated in a city like
7 Crawfordsville or a smaller town. As I'm
8 noticing this population growing, maybe they need
9 more resources and where there are concentrations
10 of more English language learning students.

11 I also talked to a principal that works in
12 Decatur Township. She talked to me about what
13 the situation looks like on the ground. Some of
14 my questions had to do with what happens to
15 parents. A lot of the programing, the funds, you
16 know, the help is for students, and what -- and
17 determining their English proficiency, but, you
18 know, are those resources there for parents? Are
19 resources there for extracurricular activities,
20 because education is more than just what hap --
21 to me is more than just what happens in the
22 classroom.

23 And so, I find it interesting that there's

1 so much discretion that goes on district to
2 district in terms of how funds are allocated.
3 One of the issues that she brought up to me was
4 that there isn't necessarily resources available
5 for extracurricular activities in English
6 language learners, and also, that parents for all
7 students are typically welcome to have lunch with
8 their students, but parents that don't have the
9 proper state ID, which might be immigrant
10 parents, have had trouble having that same type
11 of involvement at school with their students.

12 I asked about demonstrations that the
13 program that they're using is working, and she
14 mentioned that 68 percent of their students had
15 shown improvement in English proficiency, which
16 makes me wonder, "Well, what about those other 32
17 percent?"

18 And the point of English proficiency is
19 then to improve -- is to then do better with
20 ISTEP, which is just another test, and then some
21 of the graphs that I pulled out from that "Lost
22 in Translation" project show that there is still
23 a gap between ISTEP scores and between graduation

1 rates.

2 So -- yeah, so I think there's just more
3 attention needed in terms of English language
4 learners and more robust resources, and I'm
5 curious about the discretion between -- the
6 discrepancies, I should say, between different
7 schools and how they're serving their students.

8 MS. RYKER: And then the last
9 document you have is our C.R.E.A.T.E. group
10 project, and over really the last year, right, we
11 as a group have researched different events,
12 places, people in the State of Indiana, some
13 coming from magazines, some primary sources, just
14 really anywhere we can find those
15 Indiana-specific Civil Rights moments and put
16 them together in this document.

17 And I think our final consensus was the
18 hope will be to turn it into some sort of working
19 dictionary, that if the C.R.E.A.T.E. program
20 moves forward, this would be the ongoing group
21 project, really putting this together or letting
22 it be a resource that teachers in the state could
23 let their own students add to, really, again,

1 just to bring our Civil Rights history to the
2 forefront and show that it's not, you know, this
3 very limited history, it's everyone's history,
4 and that includes our state.

5 CHAIRPERSON SLASH: Excellent.

6 Any of the Commissioners have any
7 questions?

8 COMM. LONG: And I think this is
9 really exciting, and I -- perhaps you have
10 already started working on that. I know Indiana
11 has a very strong social studies, history study
12 associate -- teachers association, and I'm sure
13 that those teachers would love to hear about
14 this.

15 I had the privilege of talking to some 80
16 teachers about Asian learning before, and I was
17 just amazed at how much that they wanted to learn
18 about those -- maybe they consider it
19 extracurricular, extra resources. So, great job.

20 COMM. HARRINGTON: I'm impressed.

21 COMM. RAMOS: A question for you. In
22 light of your research in learning, is there a
23 to-do for us? I mean where would you like --

1 where would you like to see this, and how does it
2 pertain to the Commission, and, you know, where
3 can we go?

4 MS. RYKER: So, generally, the hope
5 of the C.R.E.A.T.E. project -- or C.R.E.A.T.E.
6 program, rather -- would be that the projects
7 that came out of this group of students and young
8 professionals could be of help to the Commission
9 goals.

10 So, I know we've put the Fair Housing Game
11 on our Web site, and this Commission -- or the
12 report, rather, before the Director stepped away,
13 had been working with our ICHLA Director, Elia.
14 So, whoever comes into that role, we'll help to
15 make that available for them as well, if there's
16 places that they see use for that.

17 Generally, just moving forward with the
18 C.R.E.A.T.E. program, you know, we started out
19 with a lot of students, and then it slowly
20 dwindled down as the final project became due, so
21 trying to figure out ways to get young people
22 interested in Civil Rights and keep them engaged
23 throughout the entire process. So, that may mean

1 coming to Commission meetings or maybe doing more
2 publicity as far as letting students know that
3 this is an opportunity that's available to them
4 for the next school year.

5 MR. WILSON: It's just another tool
6 that we're creating in our toolbox of things. We
7 think that's very important. I told you it's
8 about communicating with the community and making
9 sure that we inform people about the Office of
10 Civil Rights and the relationship between us and
11 the community. So, it's a positive.

12 COMM. HARRINGTON: You said it's a
13 movement. How many people do you have engaged in
14 the program currently?

15 MS. RYKER: So, the program only
16 lasts for one year, so this is the culminating
17 event. So, at this point, this group of leaders
18 will be done unless they want to continue into
19 the next year. But there were 12 at the
20 beginning. There were four or five that stayed
21 pretty engaged throughout the one-month meetings.
22 During those meetings we provide seminars on
23 education cases, public accommodation questions

1 that came up, we did one on jurisdiction, just to
2 provide that educational component.

3 A lot of the people that we had drop out,
4 dropped out on finals. When your school starts
5 to take over, that's where we found that the
6 rubber hit the road and people had to obviously
7 put their education first and come back to this
8 at a later time. The majority of the people we
9 had, I believe, were freshmen in college, and so,
10 it was just, I think, a matter of time
11 management.

12 COMM. HARRINGTON: Uh-huh. Well, I
13 would just offer, at least on behalf of the
14 airport, that we could host a meeting for the
15 group, because I know with young people, if there
16 is an opportunity to get exposure or networking,
17 then that draws interest. So, as you proceed, if
18 there's ever that interest, and then I could pull
19 our lawyer and our General Counsel and our HR
20 group maybe to even talk to them, not about
21 specifics, but high level, so they get some
22 exposure, so --

23 MS. RYKER: Okay. Thank you.

1 CHAIRPERSON SLASH: And I'd also like
2 to say any type of resource that I can personally
3 provide, please feel free to let me know. I do
4 have a question, though. Will this group project
5 live on the Web site somewhere? Because I think
6 this is a fantastic resource.

7 MR. WILSON: I don't know yet.

8 CHAIRPERSON SLASH: Okay.

9 MR. WILSON: We have to look at this
10 and just make sure how it fits into something
11 like that.

12 CHAIRPERSON SLASH: Okay.

13 MR. WILSON: We don't know if it
14 might fall more into the ICHLA group. It just
15 depends.

16 CHAIRPERSON SLASH: Okay.

17 JUDGE BURKHARDT: Does anyone wonder
18 what C.R.E.A.T.E. stands for?

19 CHAIRPERSON SLASH: We'd love to hear
20 what --

21 (Laughter.)

22 CHAIRPERSON SLASH: -- C.R.E.A.T.E.
23 stands for. We'd love to hear what C.R.E.A.T.E.

1 stands for.

2 JUDGE BURKHARDT: So, Civil Rights
3 Education and Advisement Through Engagement, and
4 so, you heard Attorney Ryker mention that we've
5 had some very substantial engagement of different
6 amounts throughout the year, and here you see the
7 fruits of that engagement.

8 She mentioned that education was provided
9 to these students periodically on Civil Rights,
10 and ultimately their products provide the
11 guidance, in a sense, on the topics that they
12 chose to research. So, it's amazing that we --
13 that that asset is provided from people simply on
14 their own time, and we thank all of the
15 C.R.E.A.T.E. leaders for that.

16 CHAIRPERSON SLASH: Fantastic work.
17 All right. If there are no further questions,
18 thank you, ladies, for joining us and sharing the
19 great work that you're doing.

20 (Applause.)

21 CHAIRPERSON SLASH: All right. And
22 so, without anything further, we'll move to
23 Announcements, or if there was anything that we

1 missed earlier in the interim that someone wants
2 to revisit.

3 COMM. RAMOS: I have an announcement.
4 I mentioned a couple of months ago about a
5 project. It's called P-TECH 9-14, and it is an
6 IBM corporation working with Cummins, Eli
7 Lilly and other corporations to have an education
8 opportunity in schools where they have grade
9 schools, but you have a population that may not
10 have the wherewithal to pay for college.

11 So, they basically stay at the high school
12 for two additional years, so 13 and 14, and then
13 when they graduate, they graduate with an
14 Associate's degree, which is completely paid for
15 by the state.

16 So, that -- you know, after doing more
17 research into that and spending some time with
18 P. J. Pratt, he's in the Governor's Office
19 with -- he works with Danny Lopez. We all know
20 Danny. And so, he said we may be able to earmark
21 funds currently in the state towards that goal,
22 so that's exciting.

23 We've met with the people from Ivy Tech.

1 It's a community college kind of focus, and they
2 would provide that education at the school level,
3 and then it's just trying to get the Governor to
4 make a yea or nay on it, because it has to come
5 from the top down. It's real easy to get schools
6 involved and excited about it, but we don't want
7 to get them excited and then not be able to
8 deliver.

9 CHAIRPERSON SLASH: Uh-huh.

10 COMM. RAMOS: So, we're working
11 through that. I need to corner Danny, so Greg,
12 Director Wilson, if you have a good connection
13 there, if you could sit down just to kind of see
14 where it's at.

15 Candidly, there may be some hesitance from
16 the Governor's Office, because a few years ago I
17 got a bit of a black eye working with the
18 Department of Human Services, so I don't know if
19 there's any correlation to that or not, but I do
20 know that this program is in 90 cities across the
21 country, and it's been very successful. It is in
22 two other countries, Morocco and Australia.

23 And so, the good news is these kids get a

1 mentoring from freshmen through year 14, and the
2 model that we looked at for Indianapolis and
3 Indiana would be around seven to eight hundred
4 kids, and that's just working with three schools.

5 So, anyway, I'd like to see what we can do
6 to help push that along. I know education is a
7 big part of what we do here, and whatever we can
8 do to help promote that, I would certainly like
9 to get assistance on it.

10 MR. WILSON: Just to answer your
11 question, now, Danny's not over there, so it
12 would really be the new Deputy Chief of Staff
13 that you would want to engage with.

14 COMM. RAMOS: Okay.

15 MR. WILSON: I'll see if I can
16 connect you, but Danny's now focused on --

17 COMM. RAMOS: Workforce Development.

18 MR. WILSON: -- the Workforce piece,
19 yeah, so I can tell you he's not in that loop.

20 COMM. RAMOS: Well, and probably
21 both, because this is a Workforce Development
22 piece for the kids. They're going to come out
23 with an Associate degree. It could be in

1 technology. A lot of it's focused on technology
2 right now. I would -- I just saw, was it -- I
3 can't remember, but in Gary, Indiana they're
4 having an investment of 500 million dollars
5 there, which would be thousands and thousands of
6 jobs as well. So, there's some potential out
7 there. But yeah, if you could help me with the
8 Deputy Director --

9 MR. WILSON: Yeah.

10 COMM. RAMOS: -- that would be --

11 MR. WILSON: I'll have to send an
12 e-mail, yeah, because he will -- definitely can
13 help put stuff together if he thinks that's in
14 the best interest.

15 COMM. RAMOS: Okay. Thank you.

16 CHAIRPERSON SLASH: Okay. Are there
17 other announcements?

18 COMM. HARRINGTON: I just have a
19 question. What's the program -- once they come
20 up with their Associate's degree, is there a
21 mechanism in place now to assist with placement
22 into --

23 COMM. RAMOS: That's an excellent

1 question, and the answer is that you do, you get
2 these major corporations to participate. So,
3 they're mentoring these kids from freshmen on, so
4 their probability of landing at IBM or whatever
5 is 95 percent. If they're not the right kids,
6 then they're not the right kids, but that's the
7 whole point is to get them into the schools. A
8 lot of the call centers are out there. You don't
9 need to have a four-year degree.

10 COMM. HARRINGTON: Uh-huh.

11 COMM. RAMOS: For these kids, that's
12 a lot of money to pay, a hundred thousand for a
13 degree. It's paid for them, and they're -- you
14 know, these are obviously chosen kids. The
15 corporations are part of this process as well,
16 because it's a win-win for everybody. And so, it
17 is, it's a great opportunity. They get a degree
18 and they get a job.

19 COMM. HARRINGTON: Okay. Well, keep
20 me posted, because we have a lot of Workforce
21 opportunities at the airport, and it's often a
22 challenge, but they're great jobs, but sometimes
23 you have to be there at 4:00 in the morning and

1 the travel to get there, but the level is varied
2 of what we're looking for. So, we would love to
3 make sure we can let them know about those
4 opportunities.

5 COMM. RAMOS: Yeah, absolutely.

6 CHAIRPERSON SLASH: Okay. Any
7 questions? Announcements?

8 (No response.)

9 CHAIRPERSON SLASH: All right. I'll
10 add one. The Indianapolis Urban League partner
11 to the Civil Rights Commission, their young
12 professional program, The Exchange, which I
13 happen to also lead, their application for their
14 fellowship program is now open.

15 And so, if you know of a young
16 professional that's deeply rooted in civil rights
17 and social justice that wants to also get some
18 training through the Kelly School of Business and
19 the Tobias Center for Leadership Excellence,
20 point them in the direction of the Urban League's
21 Web site, because the application is available.

22 Okay. That's --

23 COMM. RAMOS: That could be any

1 school?

2 CHAIRPERSON SLASH: Well, so it's
3 anyone 21 to 40, 21 -- age 21 to 40, that's my --

4 COMM. HARRINGTON: I'm a young
5 professional.

6 COMM. RAMOS: A big window.

7 CHAIRPERSON SLASH: Well, that's
8 technically the young professional window by our
9 national guidelines, so --

10 MR. WILSON: Yeah, but you've got to
11 remember, there's a new -- it's the new 20.

12 COMM. HARRINGTON: Fifty is the
13 new -- is the new 40.

14 MR. WILSON: Yeah.

15 CHAIRPERSON SLASH: We have a
16 66-year-old member, so as far as I'm concerned --
17 I don't know how you get through the selection
18 process for the fellowship, but that is my
19 announcement.

20 MR. WILSON: Does John get to say
21 anything before he goes?

22 CHAIRPERSON SLASH: Well, I'm not
23 going to stop him.

1 COMM. RAMOS: What -- before we do
2 that, what's the takeaway?

3 CHAIRPERSON SLASH: Oh, the takeaway
4 is -- so, our fellows, when the Urban League gets
5 asked for interest in work placements,
6 committees, commissions and that sort of thing,
7 the folks who go through our fellowship are the
8 ones who get those first dibs. Those are also
9 the people that we send to do testifying at the
10 Statehouse. Those are also the people that we
11 pretty much -- in the coming year, as the
12 National Conference comes here, they will be
13 first dibs in leading planning committees.

14 COMM. RAMOS: And what effort do they
15 have to put into this? Is this one day a week?

16 CHAIRPERSON SLASH: Oh, that's a
17 great question. So, it's six general meetings,
18 so that would be six Mondays over the course of
19 the ten-month period, and seven Saturdays over
20 the course of the ten-month period.

21 COMM. RAMOS: All-day Saturdays?

22 CHAIRPERSON SLASH: Four hours.

23 COMM. RAMOS: Okay.

1 CHAIRPERSON SLASH: Yes, and all of
2 the dates and times are actually on the
3 application, so it's very straightforward. It's
4 very straightforward.

5 MS. FOOTE: I know, I know.

6 CHAIRPERSON SLASH: That's all right.
7 Before we leave, I kind of did this
8 unofficially before we got started, but we'd like
9 to thank you for your service, but also would
10 like to allow you some time to share anything or
11 say any words before we let you go.

12 JUDGE BURKHARDT: Thank you. That's
13 a dangerous thing to do, but I'll try to be
14 brief. So, thank you.

15 It has been the privilege of a lifetime to
16 be your Administrative Law Judge, the Judge for
17 the Indiana Civil Rights Commission. Come
18 September, that will be my fourth year here with
19 the agency. My fourth position is the Judge,
20 which I've done now for just over a year.

21 It's been an amazing year, and it started
22 thanks to our Directors, Director Wilson,
23 Director Posey, who really extended that hand up

1 into this role, and I thank them so deeply for
2 that, and for your trust to be your presiding
3 officer, to be your hands touching these cases,
4 the one holding the gavel across the state for
5 you, to hear people, real people who file these
6 complaints, testifying on their own behalf,
7 getting to cross-examine the witnesses and have
8 their day in court.

9 When I first did that, had my first
10 hearing, the weight was incredible, the weight of
11 that role, and it's the same weight, though -- it
12 wasn't foreign, it was the same weight I felt
13 when I walked into these granite halls, past all
14 of this limestone all around and felt the weight
15 of government being so much more than just the
16 buildings, but to be the truest opportunity I've
17 found to serve, by using all that my -- all that
18 I can in my mind to devote it, and my time and my
19 mind, to adjudicate.

20 And it's been an amazingly meaningful time
21 for me, and it's been in the context of amazing
22 support here, all of the Directors, Director
23 Gordon and the Deputy Director and Director

1 Wilson, have been truly life-changing
2 acquaintances and friends to me.

3 And I, again, don't want to keep anyone
4 who has to go, but I thank you. It's been a
5 privilege. It's been very bittersweet for me to
6 take this opportunity, but I will always be a
7 friend to the ICRC, and only a phone call away.

8 I had wanted to share -- I don't know all
9 that I may be leaving in my wake. I know that
10 we've crossed off a lot of cases. I know that
11 we've tackled the backlog truly quantifiably.
12 Just today -- or just yesterday, I was able to
13 issue a decision in ICRC's oldest case, and I --
14 that, to me, is just a privilege.

15 And I want to share a few things that I
16 will not be taking with me when I go, I'll be
17 leaving in the office, so don't try to mail them
18 to me. So, one thing is this picture here. So,
19 the hand holding the scales of justice people
20 reaching, and the line says, "To delay justice is
21 injustice." And if there's one thing I want,
22 it's to be a pillar in the OALJ, Office of ALJ's,
23 the dogged commitment to timely justice. And so,

1 I hope that that can stay in the office if the
2 next Judge so chooses.

3 The next thing I'll be leaving is this.
4 It says, "It is better that ten guilty persons
5 escape than that one innocent suffer," and if you
6 really think about that, it's an amazing
7 principle in our society and our law, the
8 reverence for innocence, and that is encoded in
9 our law.

10 Not only do we provide equal opportunity
11 to the max, a hundred percent, but at the same
12 time, a hundred percent there is the guaranteed
13 protection of everyone from unfounded charges of
14 discrimination. So, may the next ALJ always
15 remember, you know, that, to hold so dearly a
16 reference for innocence and a respect for the
17 rights of all parties.

18 And then one of the last things I'll be
19 leaving is a set of pictures here, which I --
20 these are already in my office. The first says,
21 "No fear." A judge cannot be -- cannot be
22 pressured by the external forces or the internal
23 fears that may come, whether it's because this is

1 a small state and people may ridicule, or whether
2 it's because cases recently before the U.S.
3 Supreme Court came from ALJ's of Civil Rights
4 Commissions. There can be no fear in this job,
5 but you must be determined to apply, administer
6 the law as written, or else you have no -- then
7 that's where the fear should set in, if you
8 stray.

9 Next, "No favor." So, the judge ought to
10 be dead to the extended hand of favor. So, while
11 fear may be the external pressures, favor might
12 be those things inside which would incline
13 someone to -- to mince words or to rewrite
14 something or to turn an eye to something that
15 should never have been. So, "No favor" is the
16 next principle of the judge.

17 And I also include, "No fanaticism." So,
18 I think that together these three principles of
19 no fear, no favor and no fanaticism, but a
20 conviction here to administer a law, which serves
21 all people all of the time, and rather than serve
22 an agenda or look through a set of glasses which
23 discolors the facts of any one case because of

1 some blinding agenda, I hope that those three
2 principles are a guiding thought for the next
3 judge.

4 And if I could, just one last thing, a
5 picture. It doesn't have a frame, but it's up in
6 my office. It's a poem that I encountered in my
7 youth, and I thought it was fitting since I'm
8 moving to New York. I want to read it to you.
9 It's on the plaque inside the Statute of Liberty,
10 and it's called the New Colossus. And the poem
11 goes as follows:

12 "Not like the brazen giants of Greek fame,
13 with conquering limbs astride from land to land;
14 here at our sea-washed sunset gates shall stand a
15 mighty woman with a torch whose flame is the
16 imprisoned lightning, and her name Mother of
17 Exiles. From her beacon hand glows world-wide
18 welcome; her mild eyes command the air-bridged
19 harbor that twin cities frame.

20 "'Keep, oh ancient lands, your storied
21 pomp,' cries she with silent lips. 'Give me your
22 tired, your poor, your huddled masses yearning to
23 breathe free, the wretched refuse of your teeming

1 shore. Send these, the homeless, tempest-tost to
2 me. I lift my lamp beside the golden door.'" "

3 And I'll be leaving that in the office as
4 well, and I think it's fitting for a Civil Rights
5 agency who does hold that golden lamp beside a --
6 hold the lamp beside the golden door to equal
7 opportunity and all are welcome, because without
8 equality, there is no freedom.

9 COMM. HARRINGTON: That's right.

10 JUDGE BURKHARDT: And so, those are
11 things on my heart I wanted to share, and I'll
12 leave an office hopefully to be enjoyed, and
13 that's for the agency.

14 And also, I just -- something that we
15 didn't get to talk about yet was I just want to
16 share this so you can keep tabs on it in the
17 future, because I won't be able to. It's the
18 ICRC next-level brainstorm team, and I have a
19 handout for you. This is posted around our
20 office, because all staff are welcome to this
21 meeting, which is twice a month, all ideas
22 welcome, no topic of efficiency, professionalism
23 or creativity is off limits.

1 And so, we've had amazingly productive
2 discussions. I want you to know our Director
3 comes sometimes. So, this is some -- this is a
4 culture being bred here of true openness and
5 safety for growth and ideas that I was excited to
6 be a part of and to see handed off to Attorney
7 Ryker to carry that torch.

8 So, also I just want to mention I made a
9 lot of changes when I was here, and so I've done
10 my best to leave to the next Judge the same
11 guidance materials that you have. The
12 Commission's SOP, an OALJ SOP, and a suite of
13 templates which are compliant and can assist this
14 person to move cases.

15 So, I just wanted to share that with you,
16 that you can expect a turnaround of those
17 templates to you. I won't go into too much more
18 detail about in-depth what they can do, but
19 basically the Commission, with the templates
20 provided, will be able to conduct administrative
21 review as had not been done previously, meaning
22 you know that colorful chart that we looked at,
23 the little map, that when an ALJ issues an order

1 disposing of a case, it becomes the final order
2 when it's affirmed; right?

3 (Com. Long departed.)

4 JUDGE BURKHARDT: And so, before it
5 becomes the final order disposing of the case
6 upon your affirmation, there is this amazingly
7 American right to administrative review, which
8 is, "Hey, the ALJ said this, but we object." The
9 parties can file those objections.

10 And then you have the right, as was
11 discussed today to affirm still, or to modify,
12 dissolve, remand. That's your choice. These
13 templates will assist you in doing that according
14 to law, and those orders now will be simply --
15 they're more simple and clear and compliant. So,
16 those will be left for you as well.

17 I only hope to keep in touch with you,
18 each and all, and I thank you sincerely for this
19 amazing opportunity.

20 CHAIRPERSON SLASH: Thank you for
21 your outstanding service.

22 (Applause.)

23 CHAIRPERSON SLASH: Okay. Well,

1 without any further discussion or announcements
2 that need to be made, Director Wilson, are there
3 any other things that you need to -- okay.

4 MR. WILSON: No. We're just happy
5 for John, and it's been a great -- it's been a
6 great ride, as they say, but justice continues.

7 JUDGE BURKHARDT: Yes, that's right.

8 COMM. JACKSON: It's been a pleasure
9 to meet you. You would have made a great
10 preaching pastor.

11 (Laughter.)

12 JUDGE BURKHARDT: Right. That's
13 something to contemplate.

14 COMM. JACKSON: If I had known you
15 were looking for a job. But thank you, and I
16 like all of the things there, and if nobody wants
17 them -- I'd certainly like for you all to keep
18 them, but I'd like to have them if the next Judge
19 doesn't want it. I just like --

20 CHAIRPERSON SLASH: He just called
21 dibs.

22 (Laughter.)

23 COMM. JACKSON: I like things like

1 that. But I think you've done a tremendous job.
2 New York is certainly blessed to have you coming
3 to them. I'll be there in September, but thank
4 you for everything. We're going to miss you.

5 JUDGE BURKHARDT: Likewise. Thank
6 you.

7 CHAIRPERSON SLASH: Me as well.

8 MR. WILSON: You've got the whole
9 East Coast; right, John?

10 JUDGE BURKHARDT: What was that?

11 MR. WILSON: You're going to be doing
12 some of the East Coast, too, not just New York?

13 JUDGE BURKHARDT: Up and down, yeah,
14 a few different states.

15 MR. WILSON: Yeah. So, they haven't
16 met John yet.

17 JUDGE BURKHARDT: So, I'll be back
18 around, I'll be around, but I do hope to stay in
19 touch.

20 Thank you.

21 COMM. HARRINGTON: Good luck.

22 JUDGE BURKHARDT: Thanks.

23 CHAIRPERSON SLASH: All right. Well,

1 that being said --

2 COMM. JACKSON: Motion to adjourn.

3 CHAIRPERSON SLASH: I'll accept one
4 of those.

5 Second?

6 COMM. RAMOS: Second.

7 CHAIRPERSON SLASH: Okay. So, I
8 think we're good.

9 MR. WILSON: Thank you.

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Thereupon, the proceedings of
August 17, 2018 were concluded
at 2:03 o'clock p.m.

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CERTIFICATE

1
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 Friday, August 17, 2018 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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