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BEFORE THE STATE OF INDIANA

CIVIL RIGHTS COMMISSION

- - -

PUBLIC MEETING OF FEBRUARY 16, 2026

- - -

PROCEEDINGS

in the above-captioned matter, before the Indiana  
Civil Rights Commission, Steven A. Ramos,  
Vice-Chair, taken before me, Lindy L. Meyer, Jr.,  
a Notary Public in and for the State of Indiana,  
County of Shelby, at the Indiana Government  
Center North, 100 North Senate Avenue, Room N300,  
Indianapolis, Indiana, on Monday, February 16,  
2026 at 1:04 o'clock p.m.

- - -

ACCURATE REPORTING OF INDIANA, LLC  
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Carmel, Indiana 46032  
(317) 848-0088  
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1 APPEARANCES:

2 COMMISSION MEMBERS:

3 Steven A. Ramos, Vice-Chair  
4 Holli Harrington  
5 Chaka Coleman  
6 Sue Silberberg (virtual)  
7 Terry Tolliver

8 INDIANA CIVIL RIGHTS COMMISSION  
9 By J. Philip Clay, Director  
10 & Scott Kreider, 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 OTHER COMMISSION STAFF PRESENT:

16 Michael Lostutter  
17 Tracy Richardson  
18 Vanessa L. Powell

19 ALSO PRESENT:

20 Malcolm Jones (virtual)  
21 Curtis Morrow (virtual)  
22 Edward Burdick  
23 Jared Maternach (virtual)  
Patrick Jones (virtual)  
Courtney Richards (virtual)  
Taylor Lehnen (virtual)  
Andrea Ciobanu  
Steven F. Pockrass  
Anna Kirkman

- - -

1 1:04 o'clock p.m.  
February 16, 2026

2 - - -

3 VICE-CHAIR RAMOS: Okay. I call to  
4 order the Indiana Civil Rights Commission  
5 meeting. Today is February 16th. It's 1:04 and  
6 some change. We have a fairly full agenda today.  
7 I have -- we do have quorum. We have four of our  
8 Commissioners here. We should have one other  
9 join us on-line, but that is a quorum.

10 And Michael, you have a list?

11 MR. LOSTUTTER: All right.

12 First, be advised no party will be allowed  
13 to speak directly to the Commission during any  
14 Commission meeting except during a previously  
15 scheduled oral argument or during our Public  
16 Comments time directly before the end of the  
17 meeting.

18 Concerning appeals, the Commissioners will  
19 make their initial determination based on the  
20 complaint, the notice of finding, the appeal, and  
21 the final investigative report. You must not  
22 address the Commission members except and unless  
23 you are addressed directly by them.

1           If you have any questions about your case,  
2 please wait to speak to the Docket Clerk until  
3 after the Commission meeting ends. If you are  
4 here to make remarks during the Public Comments  
5 time, be aware that you will only be allowed two  
6 minutes to speak.

7           Thank you.

8           VICE-CHAIR RAMOS: Will you go ahead  
9 and announce the agenda, please?

10          MR. LOSTUTTER: All right.

11          Well, we will have approval of previous  
12 meeting minutes; we will then have the ICRC  
13 Director's Report; we will attend to Old  
14 Business, appeals of notice of findings there;  
15 and then we will deal with a motion and other  
16 filing on a previous case that needs attention of  
17 the Commissioners.

18          New Business, new cases that have been  
19 assigned actually to Commissioners, or will be  
20 assigned to Commissioners; and then we would need  
21 the Commissioners' input on how to proceed with a  
22 claimant request.

23          We have an oral argument on a case, Gerald

1 Rowe versus Health & Hospital Corporation of  
2 Marion County; another case that we have to wait  
3 30 days to see if another filing takes place on  
4 it there; cases to be read to the public record;  
5 and then confirm next month's meeting date.

6 VICE-CHAIR RAMOS: Thank you.

7 I would say let's go ahead and get an  
8 approval for the previous meeting's minutes. I  
9 need a motion to approve.

10 COMM. TOLLIVER: So moved.

11 VICE-CHAIR RAMOS: I need a second.

12 COMM. HARRINGTON: Second.

13 VICE-CHAIR RAMOS: All those in  
14 favor, signify by saying aye.

15 (Commission members responded, "Aye.")

16 VICE-CHAIR RAMOS: Any opposed?

17 (No response.)

18 VICE-CHAIR RAMOS: Any objections or  
19 abstains?

20 (No response.)

21 VICE-CHAIR RAMOS: Motion carries.

22 Yes, so we can remind the -- remind me if  
23 Silberberg joins us.

1 MR. LOSTUTTER: I will.

2 VICE-CHAIR RAMOS: At that point,  
3 we'll need to have an oral vote.

4 (Discussion off the record.)

5 VICE-CHAIR RAMOS: Okay. So, we have  
6 the Director's Report next.

7 MR. CLAY: Thank you, Mr. Chair,  
8 members of the Commission. Welcome to 2026. I  
9 was sad to not see you all last month, but happy  
10 to see you now.

11 As always, it's been a pretty jam-packed  
12 schedule for us. In January we hosted our 35th  
13 Annual Martin Luther King, Jr. program at the  
14 Statehouse, which featured remarks from the  
15 Governor. There was a really phenomenal musical  
16 performance by Herschelle McGuire, and it was  
17 also attended by numerous legislators and other  
18 elected officials.

19 A week later we hosted the 27th Annual  
20 Holocaust Remembrance program, again with remarks  
21 from the Governor. State Treasurer Daniel  
22 Elliott was in attendance, as was State  
23 Comptroller Elise Nieshalla, U.S. Attorney Thomas

1 Wheeler, and it saw for the first time ever two  
2 Hoosiers inducted into the White Rose Society,  
3 which has been a phenomenal resource in  
4 remembering not only the Holocaust, but  
5 furthering Jewish rights in the U.S.

6 We've been busy working in the legislative  
7 session. We're involved in two bills, which are  
8 House Bill 1193 and House Bill 1003. Both bills  
9 are currently in the Senate and both being heard  
10 on Wednesday.

11 1193 is our agency bill. It was carried  
12 by Rep. Jeter in the House, it's sponsored by  
13 Sen. Carrasco in the Senate. That bill, if you  
14 will, just broadens the lanes in which we  
15 currently operate in.

16 We've had some conversations with the EEOC  
17 in regards to some of the cases that we've not  
18 taken in the past, we've taken steps to include  
19 language specifically in retaliation. We'll be  
20 looking at an MOU at the Department of Labor for  
21 age discrimination cases, again, just to capture  
22 some of the federal dollars that we've been  
23 missing in years past.

1           House Bill 1003 is a larger bill. It's a  
2 priority bill for House Republicans that we are  
3 involved in, as well as it relates to the  
4 Cultural Commissions. 1003 looks to consolidate  
5 the Cultural Commissions into a singular Indiana  
6 Cultural Commission. We see it as an opportunity  
7 to kind of breathe new life and new energy into  
8 the Commissions.

9           We've done quite a bit of research and  
10 worked with Rep. Bartels, who authored the bill.  
11 It's going to make sure that we've got the best  
12 fighting chance, and we're doing our best to  
13 encompass all of the cultures and give them a  
14 fair opportunity with the new bill.

15           We have some upcoming events. On  
16 March 6th, 2026, I believe that'll be before our  
17 next Commission meeting, we have our  
18 International Women's Day event, in collaboration  
19 with the Asian American Alliance. That'll be in  
20 the Government Center South. Gov. Braun and the  
21 First Lady will be attending, will be giving  
22 brief remarks. We've had a pretty longstanding  
23 relationship with Rupal Thanawala, who runs AAI

1 [sic], and we're very much excited for that.

2 And we're also hosting our Fair Housing  
3 Seminar, which will be tentatively April 23rd of  
4 this year, again, just another opportunity for us  
5 to grow and expand. We have a -- somewhat you a  
6 contractual obligation with HUD to put on Fair  
7 Housing events. This meets one of those  
8 requirements.

9 I was telling the Chair before the  
10 meeting, we talked just prior to my appointment,  
11 or just after my appointment, about changing the  
12 way in which we interact with people and market  
13 the agency. Part of that is telling the story,  
14 but it's also reaching out to existing  
15 organizations that already kind of play in the  
16 lanes that we play in.

17 We've made conver -- we've had  
18 conversations and made some really good inroads  
19 with IHADA, another state agency, or quasi-state  
20 agency. We've made inroads with the Indiana  
21 Apartment Association, really kind of shifting  
22 the focus more towards preventative education.  
23 So, you'll see a lot more of that from us coming

1 in the future.

2 And then Scott and the attorneys are also  
3 in the middle of rulemaking, so that's something  
4 that we'll be working on. We hope to have that  
5 done by April. And then again, I think we have  
6 training for you guys in April, so we'll be  
7 looking forward to that as well.

8 And just in closing, our agency isn't  
9 without challenges. I told our team earlier this  
10 month that no matter what challenges we face, we  
11 need to face them together. You will hear us say  
12 "together" a lot this year. We're kind of taking  
13 that as our internal theme for 2026, and I feel  
14 it's important to emphasize that together our  
15 agency can continue to adapt to achieve great  
16 things, innovate, and to grow.

17 And with that, I'm happy to answer any  
18 questions you might have.

19 VICE-CHAIR RAMOS: Go ahead.

20 COMM. HARRINGTON: You mentioned the  
21 Fair Housing Seminar. Who is the targeted  
22 audience?

23 MR. CLAY: So, again, kind of a joint

1 collaboration. In part, the landlords and  
2 apartment owners, but also just everyday citizens  
3 so they're aware of their housing rights. Again,  
4 we see preventative education as being twofold:  
5 One, inform the public of their rights; and then  
6 also informing the owners of what those rights  
7 are so they don't violate those.

8 COMM. HARRINGTON: For the record,  
9 what is time? I see you mentioned the date, but  
10 not location or time.

11 MR. CLAY: Yeah; sorry. It'll be  
12 virtual, yeah, virtual, so not like we had last  
13 year.

14 COMM. HARRINGTON: And what time?

15 MR. CLAY: I'm unsure of the time. I  
16 can get that to you.

17 COMM. HARRINGTON: Okay. Just for  
18 the record. And then, we had talked previously  
19 about some of the things that we've done and  
20 concerns about the attendance. What was done  
21 differently to market to ensure that you've got  
22 the maximum attendance and information out to the  
23 people that you want to participate in the

1 seminar?

2 MR. CLAY: Absolutely. So, I think  
3 in years past, we've had anywhere from eighty to  
4 a hundred. In reaching out to the Apartment  
5 Association, IHEDA, they're getting us in touch  
6 with the Realtors Association and a few others.  
7 By themselves, they draw anywhere from eight  
8 hundred to a thousand, so we're almost 10-X'ing  
9 everything that we're doing in that regard. So,  
10 again, addressing it by reaching out to people  
11 that already have existing networks and building  
12 off of those is our focus.

13 COMM. HARRINGTON: And what's your  
14 goal attendance for this one?

15 MR. CLAY: Realistically, we'd like  
16 to see 500.

17 VICE-CHAIR RAMOS: Anybody have any  
18 other questions?

19 (No response.)

20 VICE-CHAIR RAMOS: Thank you. We  
21 have an announcement as well.

22 MR. CLAY: Yeah.

23 VICE-CHAIR RAMOS: We do have a new

1 Commissioner that's joined us, Chaka Coleman.  
2 She's very active in the community, and my  
3 congratulations to you on your success and stuff,  
4 and we welcome you to the Commission.

5 COMM. COLEMAN: Thank you.

6 MR. CLAY: Thank you.

7 VICE-CHAIR RAMOS: Okay. That'll  
8 move us to Old Business. We have some of the  
9 Commissioners appointed on -- to appeals reports  
10 to make their determinations. The first one we  
11 have is Edward Burdick versus Truck Country of  
12 Indiana doing business as Stoops Freightliner.  
13 That's Case No. EMha24100957, and it is set to  
14 have oral arguments today.

15 Do we have both parties?

16 MR. LOSTUTTER: We do. We have the  
17 Complainant, Mr. Burdick, and attorney for Truck  
18 Country, Mr. Jared Maternach. I'm hoping I  
19 pronounced that correctly there. And we will  
20 proceed. Complainant will go first.

21 COMM. TOLLIVER: I'm so sorry.

22 Before we begin, I guess this is an invitation  
23 for a request for recusal, but I am handling a

1 case on behalf of a client against Truck Country.  
2 I do not think that it will interfere in my  
3 ability to make a decision, but I just want to  
4 disclose that, and if the parties would like me  
5 to recuse, I'll recuse.

6 VICE-CHAIR RAMOS: Okay.

7 (Discussion of the record.)

8 VICE-CHAIR RAMOS: Let's play it out  
9 and see how it works; is that fair?

10 COMM. COLEMAN: It should be fine.

11 VICE-CHAIR RAMOS: So, for the oral  
12 arguments, the rules are that you'll have five  
13 minutes for your discussion, and both sides will  
14 get five minutes, and then following that, will  
15 each get two minutes --

16 Is that right, Michael?

17 MR. LOSTUTTER: Yes.

18 VICE-CHAIR RAMOS: -- for any  
19 rebuttals or response. Are there any questions  
20 on that?

21 (No response.)

22 VICE-CHAIR RAMOS: Let's start  
23 with --

1 MR. MATERNACH: No.

2 VICE-CHAIR RAMOS: Let's start with  
3 Mr. Burdick. You can stand or you can address  
4 from the seat, however you'd like to do.

5 MR. BURDICK: I want to talk about  
6 something that involves an invisible, not because  
7 it isn't real, but because people choose not to  
8 see it, a level of disability.

9 THE REPORTER: Can you have him come  
10 up here so I can hear better?

11 VICE-CHAIR RAMOS: I'm sorry.  
12 Mr. Burdick, we have a request for you to move up  
13 a little bit so our --

14 (Discussion off the record.)

15 MR. BURDICK: Good?

16 VICE-CHAIR RAMOS: Yeah; I'm sorry.  
17 He needs to hear you. He's going to take notes.

18 MR. BURDICK: Okay.

19 I want to talk about something that is  
20 ultimately invisible, not because it isn't real,  
21 but because people choose not to see it, a level  
22 of disability. And the hardest part of my  
23 disability has not always been the condition

1     itself, the hardest part has been trying to  
2     function in a system that refuses to acknowledge  
3     it.

4             An accommodation is not a favor. An  
5     accommodation is the difference between  
6     participation and exclusion. When I asked for  
7     accommodation, I wasn't asking for less  
8     responsibility, I was asking for equal access,  
9     the chance to perform my job in a way that  
10    accounts for how my brain and body actually work.

11            Instead, what I received was suspension.  
12    My questions -- my requests were treated as  
13    exaggerations, my explanations dismissed, and  
14    eventually my disability itself was questioned.  
15    I was called psychotic, I was called delusional,  
16    and I was told my experiences weren't real.

17            Imagine trying to advocate for yourself  
18    while the very symptoms you are trying to manage  
19    are used as evidence against you. Imagine  
20    explaining over and over that you are not  
21    refusing to work, you are asking for the tools  
22    required to work, but instead of being heard, you  
23    are labeled unstable, and so, with exclusions,

1 you receive stigma. This does not just say --  
2 stay at work; it comes home with you.

3           When accommodations are denied, the  
4 consequences extend far beyond the workplace. My  
5 household feels it every single day. Stress does  
6 not clock out. It is at the dinner table, it  
7 interrupts sleep, it turns weekends into recovery  
8 time instead of family time.

9           There are days when my energy goes  
10 entirely into surviving the work environment,  
11 leaving nothing left for the people I love, and  
12 that causes the guilt. Because the disability  
13 doesn't just affect the person living with it, it  
14 affects their loved ones.

15           Then comes the financial impact. Without  
16 accommodation, productivity suffers, not because  
17 I cannot work, but because the environment is  
18 working against me. Tasks take longer, mistakes  
19 increase under pressure, opportunities disappear.

20           And the most damaging part, I cannot  
21 effectively negotiate my wage when I am  
22 constantly defending my reality. How do you  
23 advocate for fair pay when you are fighting to

1 prove you are not imagining your condition? How  
2 do you negotiate when your credibility has been  
3 already undermined?

4           Instead of career growth, I am placed in  
5 survival mode. Instead of professional  
6 development, I am managing damage control.  
7 Missed hours, medical needs, job instability,  
8 they add up.

9           Bills do not pause for discrimination.  
10 Mortgage payments do not wait -- wait for  
11 understanding. Financial hardship is not just  
12 numbers on a paper, it is deciding which  
13 necessities you can live with.

14           And then there is the feeling of being  
15 targeted. When someone's disability is  
16 dismissed, every correction feels personal, every  
17 write-up feels like punishment for symptoms,  
18 every meeting feels like collaboration -- feels  
19 less like collaboration and more like  
20 interrogation.

21           You begin to question not your ability,  
22 but your safety. You shop -- you stop asking for  
23 help, because asking makes things worse. So, you

1 push yourself past the limits, and that costs  
2 health, mental and physical.

3           What I want people to understand is this:  
4 Denying accommodation does not eliminate  
5 disability, it amplifies it. The barrier is not  
6 the condition, the barrier is the refusal to  
7 adjust expectations in a way that allows  
8 contribution.

9           I want to work. I want to succeed. I  
10 want to provide stability for my household. I  
11 want to earn wages I can fairly negotiate based  
12 on my skills, not reduced because I am forced to  
13 operate without necessary support. Accommodation  
14 is not lowering the bar, it's removing the  
15 obstacle.

16           When a workplace ignores a disability,  
17 they're not preserving -- they are not preserving  
18 fairness, they are choosing who gets to  
19 participate comfortably and who must struggle  
20 just to remain present. I am not asking to be  
21 believed blindly.

22           My last job evaluation clearly shows that  
23 I earned my way through my performance. I'm

1 asking to be evaluated fairly, because the real  
2 hardship isn't just living with a disability, the  
3 real hardship is proving again and again that I  
4 deserve the chance to live and work alongside  
5 everyone else, without being dismissed, labeled,  
6 or pushed into financial and emotional  
7 instability.

8 Equality should never be negotiated. In  
9 July of 2024, I had found another job. Truck  
10 Country, my service manager, called that job and  
11 told them that he would consider it stealing an  
12 employee, which prevented me from moving on to a  
13 wage that I could make and the environment I  
14 needed to be helped from.

15 MR. LOSTUTTER: Time.

16 MR. BURDICK: Just two month ago --

17 COMM. HARRINGTON: Time.

18 MR. BURDICK: -- Truck Country,  
19 specifically Austin Fassett and Kristen Garcia,  
20 called my current --

21 MR. LOSTUTTER: Time.

22 MR. BURDICK: -- employer and spoke  
23 with my GM, Andrew Gusick, and attempted --

1 VICE-CHAIR RAMOS: Mr. Burdick --

2 MR. BURDICK: -- to get me fired.

3 This is not the conduct, character or action --

4 VICE-CHAIR RAMOS: Mr. Burdick --

5 MR. BURDICK: -- of a company that is  
6 attempting to provide accommodations.

7 Thank you.

8 VICE-CHAIR RAMOS: Okay. Thank you.

9 You will be allowed two minutes to respond  
10 after Mr. Maternach goes next.

11 Can you hear me, Mr. Maternach?

12 MR. JONES: I'm just listening. This  
13 is Malcolm Jones, and I believe that you all --

14 MR. LOSTUTTER: Sir, your case is --  
15 your case is not being heard yet. The first case  
16 that is being heard is between Mr. Burdick versus  
17 Truck County [sic] of Indiana. He has done his  
18 oral argument presentation, and now the  
19 Respondent's attorney will get their chance to do  
20 their -- their oral argument.

21 VICE-CHAIR RAMOS: Let's give him a  
22 one minute warning so we know when he --

23 MR. LOSTUTTER: Yes.

1 VICE-CHAIR RAMOS: -- can wrap up.

2 Go ahead.

3 MR. MATERNACH: Good morning. Can  
4 you all hear me?

5 MR. LOSTUTTER: Yes.

6 VICE-CHAIR RAMOS: Yes.

7 MR. MATERNACH: Okay. Thank you.

8 So, my name is Jared Maternach, and I am  
9 representing Truck Country, and briefly to go  
10 over the issues presented in the --

11 MR. JONES: Hello?

12 MR. LOSTUTTER: Continue, sir.

13 MR. MATERNACH: First, the notice of  
14 scheduled hearing, the oral argument and the  
15 issues presented, the first was whether the  
16 appeal was untimely or otherwise deficient. I  
17 would just point out that in the findings -- the  
18 notice of findings, that it is noted that the  
19 service was made on September 2nd, 2025, and  
20 under section (g) of the Indi -- of the Indiana  
21 Administrative Code, a party that is wishing to  
22 appeal will have 15 days to file the notice of  
23 that appeal and the appeal itself.

1           In the appeal that we have received, it  
2 appears that it was filed with the Commission on  
3 November 20th, far exceeding the 15 days  
4 allocated under the rule.

5           In addition to the untimely file -- or  
6 filing of the notice, we do recommend that the  
7 Board uphold the findings on both issues  
8 presented in front of the Commissioners. The  
9 first is whether Truck Country, the employer,  
10 denied reasonable accommodation on the basis of  
11 the disability.

12           As noticed in the notice of findings,  
13 Truck Country did not do that. In fact, we  
14 followed the rules and we went through the  
15 interactive process with Mr. Burdick. Once we  
16 received -- once we received notice of his  
17 disability, we started setting up meetings and we  
18 started trying to accommodate, and as -- or  
19 pursuant the medical documents we received.

20           To that -- to that regard, we -- he was  
21 working second shift, and within second shift, it  
22 requires about every six weeks an individual on  
23 second shift to work a Saturday. First,

1 Mr. Burdick stated that the hours -- or the lack  
2 of sleep that he is receiving was causing some  
3 flare-up, and to that regard, we began  
4 accommodating him.

5 When he was going to work on Saturday we  
6 allowed him to leave between 10:00 and 10:30 to  
7 get a couple of extra hours of sleep. When that  
8 was not sufficient, we then offered to remove him  
9 from the Saturday shift, so therefore, he would  
10 not be doing what other people on second shift  
11 were required of.

12 In addition to that, when we talked about  
13 the possibility of him working on first shift, we  
14 explained that he was a foreman, that that  
15 opportunity on the first shift was not available  
16 at the time. However, we allowed him to apply  
17 for other positions; in fact, we offered him  
18 those positions, of which he denied because there  
19 was a difference in the pay scale.

20 The offered pay was what that position is  
21 entitled to, and we notified him that there was a  
22 possibility that the first shift foreman position  
23 may be coming vacant in the future, and that we

1 encouraged him to apply at that time, but it was  
2 not vacant at the time of -- throughout this  
3 process. And so, for those reasons, we do  
4 recommend that the Board -- or the Commission  
5 uphold the no-probable-cause finding for the  
6 first issue.

7           And then looking at the second issue, of  
8 whether we refused to promote on the basis of  
9 disability, there's no evidence of that.  
10 Mr. Burdick has not pointed to anything.  
11 There -- the foreman position on the first shift  
12 wasn't vacant, and the only position that he did  
13 cite in his initial complaint that he applied for  
14 and he wasn't offered, as pointed out in the  
15 finding notice, that was before his disability  
16 was even known.

17           And the Truck Country disputes that it  
18 went to someone with less experience. It went to  
19 the most qualified individual, and that's who  
20 received that job. For those reasons, we would  
21 recommend that the Board uphold the finding of no  
22 basis.

23           Thank you.



1 never had to e-mail people and make meetings or  
2 anything like that. I just simply -- the  
3 position was open, and I just went and talked to  
4 the manager. Since the accommodation, then I --  
5 they started giving me all of these hoops to jump  
6 through.

7 As far as Saturdays, the agreement was  
8 when I hired on to night shift foreman I would  
9 not work Saturdays. Nobody on second shift  
10 worked Saturdays, because you don't get off work  
11 till midnight, and they want you back there at  
12 7:00 a.m.

13 VICE-CHAIR RAMOS: You have one  
14 minute left.

15 MR. BURDICK: They tried to get me to  
16 sign paperwork saying that they were offering me  
17 accommodation, and I did not sign it, because it  
18 was a lie. It wasn't true. You know, you did  
19 not offer me an accommodation. What you're  
20 off -- I applied for a job, and you're saying,  
21 "I'll pay you this," which I'm worth more than  
22 that. I've gotten a job that pays more that what  
23 they were offering me.

1           And the stress, the name-calling the just  
2 exclusion is nothing I thought I'd ever  
3 experience.

4           VICE-CHAIR RAMOS: Thank you.

5           Go ahead, Mr. Maternach.

6           MR. MATERNACH: Thank you.

7           Just in regards to these meetings and  
8 e-mails that Mr. Burdick was a part of after we  
9 were notified of his disability, that was our  
10 company doing the interactive assessment and  
11 looking at the current situation that he was in,  
12 in his current position, and how we would be able  
13 to accommodate that, and what we were going to be  
14 able to do and what we were going to be able to  
15 offer that would assist him with his -- with his  
16 disability.

17           And there were -- there were multiple  
18 meetings where we had our HR Manager, the local  
19 HR Specialist, and then his general manager and  
20 his immediate supervisors, where the team was  
21 trying to work together to find an accommodation.  
22 Those were the meetings. That was us doing the  
23 interactive process, and we were trying to find

1 that assessment and the accommodation.

2           Regarding the salary, we were trying to  
3 find first shift accommodations that would fit  
4 both for his disability and to assist in  
5 alleviating the flare-ups that he was  
6 experiencing. However, the foreman position,  
7 which he had on second shift, was not vacant on  
8 first shift. So, the position that-

9           VICE-CHAIR RAMOS: You have one  
10 minute left. You have one minute left.

11           MR. MATERNACH: So, the position that  
12 we encouraged him to -- or that he was looking at  
13 on the first shift was a different position,  
14 which has a different pay. We offered him the  
15 same pay that goes to everyone on the first shift  
16 in that same position. Those are the  
17 accommodations we were attempting to make, and  
18 they were declined by Mr. Burdick.

19           Thank you.

20           VICE-CHAIR RAMOS: Thank you.

21           Any questions again?

22           COMM. HARRINGTON: I have a few.

23           VICE-CHAIR RAMOS: Go ahead.

1                   COMM. HARRINGTON: All right.

2                   I just want to confirm some of the facts,  
3 that Mr. Burdick was a second-shift foreman from  
4 April '22 to April '24, so that was for two  
5 years; correct?

6                   MR. MATERNACH: Yes, ma'am.

7                   COMM. HARRINGTON: And then at that  
8 time, it says in June of 2024, he shared that  
9 there was a condition that he needed  
10 accommodation; correct?

11                  MR. MATERNACH: Yes, ma'am.

12                  COMM. HARRINGTON: The accommodation  
13 that the trucking company offered was a lower  
14 position, not at the current salary level;  
15 correct?

16                  MR. MATERNACH: Well, ma'am, first we  
17 offered the accommodations on the second shift in  
18 order to alleviate Saturday work, and then when  
19 that was not sufficient, then we offered him  
20 first shift accommodations, which did include  
21 that position that pays less than a foreman,  
22 because the foreman position on first shift is  
23 currently filled --

1                   COMM. HARRINGTON:  So, for --

2                   MR. MATERNACH:  -- or was filled at  
3 that time.

4                   COMM. HARRINGTON:  For confirmation,  
5 the second shift was at the current pay level?

6                   MR. MATERNACH:  Ma'am, the second  
7 shift was just an offer to accommodate if he was  
8 going to work Sat -- if he had to work that sixth  
9 Saturday, that he would be able to leave probably  
10 around 10:00, 10:30, to give him more time to get  
11 sleep.  And then eventually we just said he would  
12 be removed from the Saturday rotation completely,  
13 and that was while he was maintaining his second  
14 shift foreman position.

15                   COMM. HARRINGTON:  So, pay at that  
16 level was the same, and you're saying that the  
17 Complainant declined that as an accommodation?

18                   MR. MATERNACH:  And then we started  
19 looking at the first shift opportunities when it  
20 was expressed that first shift was what the  
21 accom -- what would have been better.

22                   COMM. HARRINGTON:  My question was:  
23 That was declined by the Complainant, not to

1 accept the second shift with the modified --

2 MR. MATERNACH: It was --

3 COMM. HARRINGTON: -- Saturdays?

4 What did he say?

5 MR. MATERNACH: I'm sorry, ma'am; I  
6 interrupted you.

7 COMM. HARRINGTON: No, I was just  
8 saying once you guys offered that, you're saying  
9 that the Complainant declined that as an  
10 accommodation?

11 MR. MATERNACH: Yes, ma'am. It was  
12 kind of -- we were -- that was during that  
13 interactive process where that was one avenue we  
14 looked at going, and then when it became clear  
15 that the preference was to go to first shift,  
16 that's when we started looking at what positions  
17 were available at first shift, and that's --  
18 that's what included that lower paying position.

19 COMM. HARRINGTON: Okay. I have a --

20 MR. MATERNACH: And then during that  
21 time, we -- that's when the meetings were  
22 occurring.

23 COMM. HARRINGTON: All right.

1           So, to the Complainant, you declined their  
2 accommodation for second shift, removing the  
3 Saturdays?

4           MR. BURDICK: No, I did not. I  
5 had -- it was probably two or three months before  
6 they even took the Saturdays away from me. I  
7 should have never been working them in the first  
8 place.

9           COMM. HARRINGTON: I just -- did you  
10 decline to stay on second shift with the  
11 modifications for you on Saturdays?

12          MR. BURDICK: Oh, I see what you're  
13 saying, so yes.

14          COMM. HARRINGTON: You did decline?

15          MR. BURDICK: I stayed -- I wasn't  
16 working Saturdays, and I stayed working second  
17 shift.

18          COMM. HARRINGTON: So, you declined  
19 their accommodation?

20          MR. BURDICK: I took the Saturday  
21 accommodation.

22          COMM. HARRINGTON: So, you said both,  
23 so I'm --

1 MR. BURDICK: Well --

2 COMM. HARRINGTON: -- just trying --  
3 I'm trying to make sure all of the facts are  
4 lining up.

5 MR. BURDICK: Okay.

6 COMM. HARRINGTON: So, they made an  
7 accommodation for you stay at the same -- at the  
8 salary that you were at, and you didn't have to  
9 work Saturdays. Did you accept that or decline  
10 that offer?

11 MR. BURDICK: I accepted that.

12 COMM. HARRINGTON: So, that's -- and  
13 so, I'm looking at the attorney. Was that ac --  
14 you have implied that he's declined all  
15 accommodations. He's stating that he has -- I  
16 just want -- for the record, what actually  
17 happened?

18 MR. MATERNACH: Yes, ma'am. Then it  
19 became -- it continued -- as the interactive  
20 process continued, it was reasserted that he  
21 wanted to be on first shift, which was then when  
22 we went to the second accommodation of offering  
23 the -- offering what was vacant at that time on

1 first shift, and then telling him that once the  
2 foreman on first shift became available, he could  
3 apply for that position.

4 COMM. HARRINGTON: I'm sorry. So,  
5 I'm just trying to make sure we're all saying the  
6 same thing, because some of the documentation  
7 doesn't align to what is being said right now,  
8 because it says he denied all accommodations.  
9 So, he accepted the second shift with the  
10 Saturdays at the same pay, and then he requested  
11 additional accommodation to go to first shift?

12 MR. BURDICK: My doctor --

13 MR. MATERNACH: Ma'am, I --

14 COMM. HARRINGTON: I'm just --

15 MR. MATERNACH: I'll defer to  
16 Mr. Burdick for now, ma'am.

17 MR. BURDICK: It was my doctor that  
18 was saying I needed to go to first just because  
19 of my condition. I was getting disconnected from  
20 my support system, I wasn't sleeping well. They  
21 never offered me a job unless I had applied for  
22 an internal job.

23 COMM. HARRINGTON: Gotcha.

1 MR. BURDICK: And I've been ten feet  
2 away. They were going to take me from 64,000  
3 to 48,000, and they were still going to use all  
4 of my intellectual property, all of my experience  
5 and all of my knowledge, but they were just going  
6 to do it for \$48,000.

7 COMM. HARRINGTON: Okay.

8 MR. BURDICK: And I've always been  
9 able to negotiate, and they absolutely refused to  
10 negotiate with me.

11 VICE-CHAIR RAMOS: Any other  
12 questions?

13 COMM. HARRINGTON: Huh-uh.

14 MR. BURDICK: Oh, one -- one more  
15 thing. They --

16 COMM. HARRINGTON: I can't --

17 VICE-CHAIR RAMOS: Right. Is it  
18 brief?

19 MR. BURDICK: Yeah, it's real fast.  
20 They announced my replacement in July, so why are  
21 they announcing my replacement if there is no  
22 first shift position open?

23 VICE-CHAIR RAMOS: Okay.

1 All right. Comm. Harrington, do you have  
2 a recommendation for this case?

3 COMM. HARRINGTON: Yes. Based on  
4 this, there was an accommodation that was made  
5 and taken. They did make an accommodation. That  
6 was the question that we have jurisdiction to  
7 make.

8 The second piece -- there are two issues  
9 here. As it relates to the first shift, that  
10 wasn't necessarily an accommodation. When you go  
11 to a role that's at a different level, that's not  
12 accommodation. They did make an accommodation in  
13 your other job, but you can't force an  
14 accommodation to make them pay a higher amount if  
15 that's what the stated role -- role is.

16 So, my finding is to support the no  
17 probable cause in the first issue for this one,  
18 and then in the second issue, on a promotion,  
19 again, support the issue of no probable cause.

20 VICE-CHAIR RAMOS: I need a motion to  
21 approve.

22 COMM. COLEMAN: So moved.

23 VICE-CHAIR RAMOS: I need a second.

1           COMM. TOLLIVER: I guess I'm still  
2 trying to decide if I should make a decision on  
3 this case, because I've not heard from anyone.

4           VICE-CHAIR RAMOS: Is there anything  
5 in there that's a conflict?

6           COMM. TOLLIVER: I don't think so.

7           VICE-CHAIR RAMOS: I think --

8           COMM. TOLLIVER: Could he hear? I  
9 don't know if counsel heard.

10          COMM. HARRINGTON: Yeah.

11          MR. MATERNACH: Sorry, sir. It's a  
12 little difficult, I believe, and I'm sorry; I  
13 can't identify who's necessarily speaking because  
14 I'm far away, but my understanding is that one of  
15 the members currently is representing someone in  
16 a separate matter against Truck Country of  
17 Indiana, and we're trying to deem whether that is  
18 a conflict of interest or grounds for recusal; is  
19 that -- is that correct?

20          COMM. TOLLIVER: Correct. And my  
21 name's Terry Tolliver.

22          MR. MATERNACH: Oh. Good afternoon,  
23 Mr. Tolliver. I can -- if I have a minute to do

1 a form of voir dire, I guess my biggest question  
2 for Mr. Tolliver is, as a -- you know, as a  
3 member of this Board, whether he finds himself  
4 capable of separating that case, where he is  
5 the -- representing someone, from this case, and  
6 whether he would be an impartial and unbiased  
7 evaluator of the facts.

8 COMM. TOLLIVER: I believe I would,  
9 yes.

10 MR. MATERNACH: Okay. Thank you.

11 VICE-CHAIR RAMOS: All right.

12 Hearing that --

13 MR. MATERNACH: I don't know if I  
14 have grounds to strike or -- but that would be my  
15 one voir dire, I guess.

16 COMM. TOLLIVER: Okay.

17 VICE-CHAIR RAMOS: Okay. So, I had a  
18 motion to approve --

19 COMM. COLEMAN: Uh-huh.

20 VICE-CHAIR RAMOS: -- by

21 Comm. Coleman. Is there a second?

22 COMM. TOLLIVER: Tolliver.

23 VICE-CHAIR RAMOS: Okay. Second by

1 Tolliver. All those in favor, signify by saying  
2 aye.

3 (Commission members responded, "Aye.")

4 VICE-CHAIR RAMOS: Motion passes to  
5 uphold the Director's finding of no probable  
6 cause.

7 Any questions?

8 (No response.)

9 VICE-CHAIR RAMOS: Hearing none,  
10 we'll move to the next case. The next case is  
11 Amanda Erwin versus Triple R LLC, Lafayette  
12 Housing Authority & Management Advantage,  
13 Incorporated. The Case Number is H0ra25060535.  
14 This also has oral arguments. This is also  
15 Comm. Harrington's case.

16 Are all parties here?

17 MR. LOSTUTTER: I believe that they  
18 are here.

19 Do we have representatives for the  
20 Complainant?

21 A. Yes, yes.

22 MR. LOSTUTTER: Okay.

23 And for the Respondent?

1 MR. P. JONES: My name is Patrick  
2 Jones. I'm here on behalf of Lafayette Housing  
3 Authority.

4 MR. LOSTUTTER: There we go.

5 COMM. TOLLIVER: Is he for the -- I  
6 thought there were more. There was three  
7 Respondents. Do we have the others?

8 MR. LOSTUTTER: We have, as far as I  
9 know, no one for triple R LLC here. We have the  
10 Complainant's representative and we have the  
11 representative for Lafayette Housing Authority.

12 COMM. TOLLIVER: Okay. Thank you.

13 VICE-CHAIR RAMOS: Are you okay with  
14 that?

15 COMM. TOLLIVER: Yeah, if he could  
16 just -- yeah, I'm fine.

17 VICE-CHAIR RAMOS: Who will be  
18 representing Ms. Erwin? Is that you, Ms. Erwin?  
19 Just so we have the name of whoever's speaking.  
20 Whoever -- I'm sorry; let me ask that question  
21 again. Whoever is representing Amanda Erwin,  
22 would you please identify yourself with your name  
23 so we have it for the record, please?

1 (No response.)

2 MR. LOSTUTTER: Who will be speaking  
3 on behalf of the Complainant? Will the  
4 Complainant be speaking for themselves,  
5 Ms. Erwin, or do you have a representative?

6 (No response.)

7 VICE-CHAIR RAMOS: Okay. Well, I'm  
8 going to presume -- it says Courtney Richards.

9 COMM. HARRINGTON: I don't know.

10 MR. LOSTUTTER: I was believing that  
11 that --

12 MS. RICHARDS: I'm with Management  
13 Advantage.

14 COMM. HARRINGTON: Oh.

15 MR. LOSTUTTER: Oh.

16 COMM. HARRINGTON: The Complainant's  
17 not here.

18 MR. LOSTUTTER: Okay. Well, then  
19 yes, the Complainant --

20 VICE-CHAIR RAMOS: Okay.

21 MR. LOSTUTTER: -- is not here.

22 (Discussion off the record.)

23 VICE-CHAIR RAMOS: So, we do have

1 Lafayette Housing and we do have Triple R LLC; is  
2 that correct?

3 A. Yes.

4 MS. RICHARDS: Correct.

5 VICE-CHAIR RAMOS: All right. Thank  
6 you. You'll each get two and a half minutes, so  
7 we'll give you a one-minute call, and then since  
8 the Complainant has not responded, then the  
9 decision may be a little more easier.

10 So, Courtney, if you would like to go  
11 first.

12 MS. RICHARDS: Yeah, and I actually  
13 have Taylor Lehnen here. She's our Leasing  
14 Manager. She'll be speaking for us --

15 VICE-CHAIR RAMOS: Okay.

16 MS. RICHARDS: -- as well.

17 VICE-CHAIR RAMOS: Go.

18 MS. LEHNEN: So, as far as  
19 accusations that were made against us, I mean  
20 we're denying all accusations as a whole. The  
21 dispute -- or the dispute that she said that  
22 happened, we have no knowledge of this, as well  
23 as any proof that someone in our office had said

1 something along the lines of -- that was  
2 discriminatory against her race, her boyfriend's  
3 race, or any type of disability.

4 We have no recollection of this. We were  
5 under no impression she, A, has a disability,  
6 or 2, that she even had a boyfriend in that case.  
7 So, as of now, we're not liable for any  
8 accusations that we're being accused of at this  
9 time.

10 VICE-CHAIR RAMOS: Okay.

11 And we'll go ahead with Lafayette Housing,  
12 Mr. Jones.

13 MR. P. JONES: Hi. My name is  
14 Patrick Jones. I'm here on behalf of the  
15 Lafayette Housing Authority, and I'll be really  
16 brief. There are just a few points that I would  
17 like to make.

18 First, I'm not sure that her notice of  
19 appeal was timely, given the issuance of the  
20 notice of findings on 9-19-2025, her initiation  
21 of this appeal on November 10th, 2025.

22 The second thing I would like to note are  
23 the -- I'll quote directly from the notice of

1 findings, that the Complainant was unable to  
2 produce a witness, documentation or other  
3 evidence to show Respondent Lafayette Housing  
4 Authority's employee made any discriminatory  
5 conducts -- or made any such comments; sorry.

6 Evidence suggests that Respondent  
7 Lafayette Housing Authority's employee inquired  
8 about Complainant's boyfriend's presence in order  
9 to determine if he was an unauthorized occupant.  
10 The evidence to show this was motivated by race  
11 or that Complainant was threatened with eviction  
12 for being in an interracial relationship was not  
13 uncovered. Furthermore, no evidence to show any  
14 employee made a condescending comment about  
15 Complainant's disability was uncovered.

16 Part of what the Lafayette Housing  
17 Authority does or what the Lafayette Housing  
18 Authority does is that it administers HUD  
19 benefits. It conducted an investigation after  
20 receiving a complaint that there was an  
21 unauthorized person residing at the apartment  
22 with -- with Ms. Erwin in violation of the HUD  
23 regulations, which Lafayette Housing Authority

1 has to apply and inspect.

2 After completing its inspection, it  
3 determined that Ms. Erwin -- there wasn't an  
4 individual residing there with her. It's my  
5 understanding that Ms. Erwin is still receiving  
6 HUD benefits. Her benefits were never suspended.  
7 The investigation's been completed.

8 And frankly, she has not -- there's been  
9 no detrimental action taken against her by the  
10 Lafayette Housing Authority for any violation of  
11 the provisions of HUD. So, she's receiving  
12 everything she's entitled to. So, for that, I  
13 would respectfully request that no probable cause  
14 be found.

15 VICE-CHAIR RAMOS: We'll give  
16 Ms. Amanda Erwin another opportunity.

17 Are you on-line?

18 (No response.)

19 VICE-CHAIR RAMOS: Hearing none,  
20 we'll go ahead, and I don't think we need to have  
21 a rebuttal, so I would make a recommendation --  
22 Comm. Harrington, do you have a recommendation  
23 for this case?

1                   COMM. HARRINGTON: I have a question  
2 for the Docket Clerk.

3                   Do we know that neither -- I know they're  
4 muted, but neither of these individuals --

5                   MR. LOSTUTTER: One gentleman is  
6 Mr. Malcolm Jones.

7                   COMM. HARRINGTON: Okay.

8                   MR. LOSTUTTER: The other person --  
9 if the one person who -- what we see on our  
10 screen is 2607 and then dash-dash-dash-dash 08,  
11 if they could speak up and let us know who they  
12 are, we would appreciate that.

13                   MR. MORROW: Hello?

14                   MR. LOSTUTTER: Yes. Are you the  
15 person that we're addressing?

16                   MR. MORROW: I don't think my case is  
17 ready yet.

18                   VICE-CHAIR RAMOS: Would you identify  
19 yourself, please?

20                   MR. MORROW: Curtis Morrow.

21                   MR. LOSTUTTER: Okay.

22                   VICE-CHAIR RAMOS: Okay.

23                   COMM. HARRINGTON: Thank you.

1 VICE-CHAIR RAMOS: Thank you.

2 MR. LOSTUTTER: Thank you.

3 VICE-CHAIR RAMOS: Okay.

4 Comm. Harrington, do you have a  
5 recommendation?

6 COMM. HARRINGTON: So, I recommend  
7 that we uphold the no-reasonable-cause claim  
8 under the Indiana Fair -- I'm sorry -- under the  
9 Indiana Fair Housing Act.

10 VICE-CHAIR RAMOS: Thank you,  
11 Commissioner.

12 Do I have a motion to approve?

13 COMM. TOLLIVER: So moved.

14 VICE-CHAIR RAMOS: Do I have a  
15 second?

16 COMM. COLEMAN: Second.

17 VICE-CHAIR RAMOS: All those in  
18 favor, signify by saying aye.

19 (Commission members responded, "Aye.")

20 VICE-CHAIR RAMOS: Any opposed?

21 (No response.)

22 VICE-CHAIR RAMOS: Motion carries.

23 Thank you.

1 MR. P. JONES: Thank you, folks.

2 VICE-CHAIR RAMOS: Our next case is  
3 Malcolm Jones versus Fort Wayne-Allen County  
4 Airport Authority.

5 MR. LOSTUTTER: Yes.

6 VICE-CHAIR RAMOS: The Case Number --

7 MR. LOSTUTTER: Just one thing:  
8 Mr. Jones is one of the people up there, and he  
9 does not have an oral argument. I am  
10 anticipating that he may be going to request that  
11 he get one, which, at this late date --

12 VICE-CHAIR RAMOS: Yes.

13 MR. LOSTUTTER: -- I would -- I would  
14 say that that is not possible, but I will defer  
15 to the decision of the Commissioners.

16 VICE-CHAIR RAMOS: I would agree,  
17 following our protocol. There's plenty of  
18 opportunity to provide any records or request for  
19 oral argument. This case has been assigned to  
20 Comm. Silberberg. She is not on-line. However,  
21 she did provide her recommendation to me in  
22 written format, and her recommendation in this  
23 case is to uphold the Director's finding of no

1 probable cause under Indiana Civil Rights Law.

2 I need a motion to approve.

3 COMM. TOLLIVER: So moved.

4 VICE-CHAIR RAMOS: I need a second.

5 COMM. COLEMAN: Second.

6 VICE-CHAIR RAMOS: All those in  
7 favor, signify by saying aye.

8 (Commission members responded, "Aye.")

9 VICE-CHAIR RAMOS: Any opposed?

10 (No response.)

11 VICE-CHAIR RAMOS: Any abstentions?

12 (No response.)

13 VICE-CHAIR RAMOS: Motion carries.

14 All right. The next case -- again, this  
15 is not oral argument, for clarity -- Curtis  
16 Morrow versus The Kenan Advantage Group,  
17 Incorporated (KAG). Case Number is EMra25060524.  
18 This case was also assigned to Comm. Silberberg,  
19 and her -- there are two issues that are  
20 outstanding. Both of them are her recommendation  
21 to uphold the Director's finding of no probable  
22 cause under Indiana Civil Rights Law.

23 I need a motion to approve.



1 Ramos.

2 So, these three matters were consolidated.  
3 Basically the cases are done, but we need to make  
4 sure they get withdrawn from the case before it's  
5 closed. The ALJ has correctly noted that the law  
6 requires approval from the Commission, the reason  
7 being that at one point there was a status  
8 conference or hearing that was set.

9 So, we're just asking for the Commission  
10 to approve that withdrawal, requiring an  
11 approving vote, and then signature of the order,  
12 which I believe the Docket Clerk has. If there's  
13 any specific question about the case, though, we  
14 do have the staff attorney, Ms. Richardson, here  
15 present, who could answer any questions about  
16 those three cases.

17 VICE-CHAIR RAMOS: Does anybody have  
18 any questions for the Deputy Director?

19 COMM. HARRINGTON: Just one. The  
20 withdraw of it was by whom, just for clarity?

21 MR. KREIDER: It's to withdraw ICRC  
22 from the case --

23 COMM. HARRINGTON: And who was

1 requesting it?

2 MR. KREIDER: -- for the matter to be  
3 closed.

4 COMM. HARRINGTON: Was it by the  
5 Complainants?

6 MR. KREIDER: I'd allow --

7 MS. RICHARDSON: The Complainants,  
8 yes. The ICRC is withdrawing due to settlement.

9 COMM. HARRINGTON: Okay. Thank you  
10 for the clarification.

11 MS. RICHARDSON: Uh-huh.

12 VICE-CHAIR RAMOS: So, we need -- we  
13 do need a motion to approve the withdrawal;  
14 correct?

15 MR. KREIDER: Correct.

16 VICE-CHAIR RAMOS: I need a motion.

17 COMM. TOLLIVER: So moved.

18 VICE-CHAIR RAMOS: I need a second.

19 COMM. COLEMAN: Second.

20 VICE-CHAIR RAMOS: All those in  
21 favor, signify by saying aye.

22 (Commission members responded, "Aye.")

23 VICE-CHAIR RAMOS: Any opposed?

1 (No response.)

2 VICE-CHAIR RAMOS: Motion carries.

3 All right. The next order of business is  
4 New Business and the Appointment of Commissioners  
5 to Complainants' Appeals of Director's Findings.  
6 The first case is William Barnhart versus  
7 Indianapolis Public Library West Perry Branch.  
8 The Case Number is PAre25020083, and the appeal  
9 date was -- I don't know if I need to read all of  
10 that into it, I'll just assign the case  
11 accordingly.

12 MR. CLAY: (Nodded head yes.)

13 VICE-CHAIR RAMOS: I will assign that  
14 to you, Comm. Harrington. It goes to me. I know  
15 you've had your docket full, but we'll assign  
16 that to Comm. Harrington.

17 The next case is Molly Radecki versus  
18 Indiana University, Case No. EDha24101065. I  
19 will assign that case to me.

20 The next case, a question for  
21 Comm. Coleman: Are you up to speed and  
22 comfortable with taking on a case?

23 COMM. COLEMAN: Yes.

1                   VICE-CHAIR RAMOS:   Okay.   Awesome.

2                   So, the next case is Leslie Harrison  
3 versus Whole Foods Marketing Group Inc.   The Case  
4 Number is EMse25020119.   I'll assign that case to  
5 Comm. Coleman.

6                   The next case is William Wilson versus  
7 Indiana University Health West Hospital, Case  
8 No. EMse25040230.   Comm. Tolliver, I'll assign  
9 that to you.

10                  COMM. TOLLIVER:   Thank you.

11                  VICE-CHAIR RAMOS:   The next two cases  
12 I'll read for the record, but they have already  
13 been assigned, and that's Holly June Lewis versus  
14 Marble Products International LLC, Case  
15 No. EMse24060594.   That was assigned for review  
16 today.   We move that to March, and that case is  
17 assigned to me.

18                  The next case, Jennifer Warner versus  
19 Woody Creek, LLC & Vilgar Property Management,  
20 LLC.   The Case Number is HOra25070563, and that  
21 was assigned to Comm. Tolliver, and that move --  
22 that will be held at our next meeting in March.

23                  Next on the agenda is Motions and Other

1 Filings, and it's a request for Commissioners  
2 input on how to proceed with the Chairman's [sic]  
3 request to approve an untimely appeal.

4 Deputy Director Kreider?

5 MR. KREIDER: Yeah. Thank you, Chair  
6 Ramos.

7 So, we received a request --

8 MR. JONES: I have a ques --

9 MR. KREIDER: -- to accept an appeal.

10 VICE-CHAIR RAMOS: I'm sorry. Is  
11 there a comment on-line?

12 (No response.)

13 VICE-CHAIR RAMOS: Okay. We'll  
14 continue on.

15 MR. KREIDER: Yes. We received a  
16 request for an untimely appeal from a party  
17 indicating that they did not get the notice of  
18 finding until February 10th; however, our records  
19 indicate that the Certified Mail was received on  
20 January 16th, was signed for.

21 Unfortunately, the signature is not real.  
22 We can't confirm who's received it, or not, and  
23 it is not really clear how the Complainant

1 finally did get the notice. She didn't explain,  
2 it's a little vague.

3 But we're asking for some direction on  
4 that. It would be similar to a case in the trial  
5 court where they'd get default judgment entered,  
6 and it'd go to -- have it set aside, claiming  
7 somebody else signed for it, it wasn't them.

8 So, I guess there's three options here:  
9 We can accept what they're saying and allow the  
10 appeal to proceed; hold it as untimely; as ask  
11 for some additional information. There's an  
12 investigation on that as to who actually signed  
13 for it and how she finally became aware of the  
14 notice of finding. But as far as our records  
15 show, it was received, and the request for appeal  
16 would be untimely.

17 VICE-CHAIR RAMOS: Comments,  
18 Commissioners?

19 COMM. HARRINGTON: Is it a home or an  
20 apartment? So, could there be someone else  
21 signing?

22 MR. LOSTUTTER: I was -- I was under  
23 the impression that it was a home, but I could

1 easily be mistaken.

2 MR. KREIDER: It looks like a  
3 residential address, but --

4 COMM. HARRINGTON: I think we would  
5 need to verify if there was a potential that  
6 someone other -- you know, there could be a third  
7 party signing for it, and we all know how stuff  
8 can sit in a location. First, hopefully it's not  
9 a home where somebody signed and just didn't  
10 share it, but --

11 VICE-CHAIR RAMOS: Is -- is your  
12 recommendation to further investigate, or to  
13 allow the claimant to submit their information  
14 later?

15 COMM. HARRINGTON: I would like to  
16 investigate, and if we find that there was a  
17 third party, that there was reasonable cause to  
18 believe that they did not receive it or someone  
19 else could have delayed it, and then I would  
20 support allowing them, but if we didn't -- if it  
21 was to a home, I would uphold the recommendation.

22 VICE-CHAIR RAMOS: Any other  
23 comments, Commissioners?

1                   COMM. TOLLIVER: I guess I would  
2 treat it more like the -- what Mr. Kreider  
3 suggests, like at trial, where they make a  
4 motion, so what's the defense if your appeal were  
5 to continue? So, it sounds like it's an untimely  
6 appeal and if -- or if they're moving to set  
7 aside default, then how would you defend it?  
8 What the cons are there before we move down that  
9 path? So, would they be able to win if they  
10 appeal --

11                   MR. KREIDER: Yes.

12                   COMM. TOLLIVER: -- or it's admitted?

13                   MR. KREIDER: I think on the  
14 information we have now, I would say no, we don't  
15 have enough information, but at the same time,  
16 you know, if the Commission is willing to give  
17 them the opportunity to explain who really signed  
18 for it and how they became aware of it, certainly  
19 I think it would be prudent to let us at least go  
20 back and investigate that and see what the  
21 answers are.

22                   VICE-CHAIR RAMOS: I think that's a  
23 reasonable request.

1                   COMM. TOLLIVER:  But that would be  
2  their response if -- what would you argue if the  
3  appeal were accepted?

4                   MR. KREIDER:  If the appeal's  
5  accepted, we just go on, I guess, at that point  
6  in time and --

7                   COMM. TOLLIVER:  Oh, I'm sorry; it's  
8  that we don't know if we're going to accept it or  
9  if we're not, but what would you argue if the  
10 appeal were accepting to determine whether there  
11 is -- there's grounds for --

12                   MR. KREIDER:  Yeah, like is there a  
13 record to show that it was delivered to the  
14 appropriate address and someone has signed for  
15 it?  And it was received on the 16th of January,  
16 so at this point, timely -- this is the only  
17 information we have for us.

18                   VICE-CHAIR RAMOS:  Do we anticipate  
19 there would -- is there any other discovery that  
20 we would come up with?

21                   MR. KREIDER:  I don't know if we  
22 would have any other discovery that we would do  
23 for the Commission's side, other than that,

1 following up to see who actually may have signed  
2 for it, whether this person lived there or not,  
3 why they waited from the 16th of January till  
4 the 10th of February when they finally found they  
5 got it.

6 VICE-CHAIR RAMOS: What's the  
7 Respondent's position?

8 MR. KREIDER: We haven't heard from  
9 the Respondent.

10 MR. LOSTUTTER: Yeah, this just  
11 came --

12 MR. KREIDER: This just came in --

13 MR. LOSTUTTER: -- in last week.

14 MR. KREIDER: -- last week. So, we  
15 can also get their position as well as part of  
16 the investigation.

17 VICE-CHAIR RAMOS: I think that's  
18 warranted. If we could do any research into  
19 that, and then request what the Respondent's --  
20 if they have an issue with it or not, I would  
21 appreciate that. Are we good?

22 COMM. COLEMAN: And how often does  
23 this happen, and what's your typical response to

1 it?

2 MR. KREIDER: I don't think it's  
3 happened that often. I mean typically it's  
4 untimely unless they prove otherwise.

5 COMM. COLEMAN: Uh-huh.

6 MR. KREIDER: It's kind of the  
7 burden's on them. But given the kind of the  
8 unusual nature of it and the fact we can't make  
9 out the signature, I'd the say if the Commission  
10 would like to proceed with that -- and there is a  
11 possibility that there may -- it just may have  
12 been something happened and it's not the  
13 Complainant's fault. I mean that --

14 COMM. HARRINGTON: And the only other  
15 thing that I would add is: On both of the cases,  
16 the oral arguments that I had today, Respondent  
17 made a comment saying that the notice of appeal  
18 was outside. So, I think we should take that  
19 into account, just to make sure we are not making  
20 exceptions to our timing, but we have a clear  
21 understanding so we can speak to that.

22 MR. LOSTUTTER: We have had, in my  
23 opinion, too many instances where we have gotten

1 these appeals delivered to us late, and we've  
2 done some checking into it, and a goodly amount  
3 of the blame -- you know, I hate to say it, but  
4 it falls on the U.S. Postal Service.

5 MR. KREIDER: And in those  
6 situations, we've been able to confirm --

7 MR. LOSTUTTER: Yes.

8 MR. KREIDER: -- that they had timely  
9 submitted their request, and it just didn't  
10 arrive.

11 MR. LOSTUTTER: And we have stressed  
12 to people, you know, when this has happened,  
13 "Show us proof that you had sent it, and even  
14 though we have gotten it at this late date, we  
15 will go with it." And the complainants, with  
16 maybe one or two exceptions, have been able to do  
17 that. And so, that's why we have proceeded, you  
18 know, with hearing it.

19 I understand the feeling of the  
20 representatives of the Respondents there, and I  
21 know on one of the cases that got continued, I  
22 had to explain to him, because that was going to  
23 be one of their central arguments, that it had

1 gone past the deadline, but I explained to them  
2 the situation. They were understanding. The  
3 only thing that they requested, after the  
4 attorney spoke with his client, the Respondent,  
5 was that they continue it to next month, which we  
6 did.

7 VICE-CHAIR RAMOS: Okay. I think  
8 we're clear. Do the investigation and --

9 MR. KREIDER: Thank you.

10 VICE-CHAIR RAMOS: -- see how the  
11 parties respond. Thank you.

12 The next, Review of the ALJ Decisions and  
13 Orders. I'll read this for you. The  
14 Administrative Law Judge order disposing of the  
15 proceedings become a final order when affirmed  
16 under Indiana Code 4-21.5-3-29 and Indiana  
17 Code 4-21.5-3-27, and we do have votes required  
18 on this.

19 So, this particular case is General --  
20 I'm sorry -- Gerald Rowe versus the Health &  
21 Hospital Corporation of Marion County doing  
22 business as Eskenazi Health. The Case Number  
23 is PAha22010026.

1           The Administrative Law Judge in this  
2 matter has found that the Respondent has violated  
3 the Indiana Civil Rights Law and is ordered to  
4 cease and desist from discriminating against  
5 people on the basis of disability in the  
6 protected area of public accommodation and to  
7 take steps to make sure that it does not happen  
8 again.

9           The Complainant, by their counsel, has  
10 filed an objection to the recommended findings of  
11 fact and conclusions of law and order issued by  
12 the ALJ. The oral argument is scheduled for  
13 today.

14           Do we have both parties?

15           MS. CIOBANU: Yes, Your Honor. I'm  
16 the attorney for Complainant, Andrea Ciobanu.

17           VICE-CHAIR RAMOS: You are -- what's  
18 your name, please?

19           MS. CIOBANU: Andrea Ciobanu,  
20 C i o b a n u, on behalf of Gerald Rowe.

21           VICE-CHAIR RAMOS: Okay.

22           Do you have that?

23           THE REPORTER: Yes.

1 VICE-CHAIR RAMOS: All right.

2 And on the Indiana Civil Rights?

3 MR. KREIDER: Yeah, we have counsel,  
4 Tracy Richardson.

5 MS. RICHARDSON: Tracy Richardson of  
6 the Indiana Civil Rights Commission. I am the  
7 attorney assigned to the case, but it has been  
8 brought by other counsel.

9 VICE-CHAIR RAMOS: All right. Thank  
10 you.

11 All right. So, we'll do the oral  
12 arguments. Same rules as before.

13 MR. POCKRASS: Your Honor, I --

14 VICE-CHAIR RAMOS: I'm sorry?

15 MR. POCKRASS: I'm Steve Pockrass.  
16 I'm here on behalf of Eskenazi Health.

17 VICE-CHAIR RAMOS: Oh, okay. Thank  
18 you. What was your name again? I'm sorry.

19 MR. POCKRASS: My name is Steve, S --  
20 Steven, S t e v e n, last name Pockrass, P, like  
21 in Paul, o c k r a s s.

22 VICE-CHAIR RAMOS: Okay. We'll start  
23 with the Indiana Civil Rights Commission's

1 perspective on this.

2 So, Ms. Richardson, the same rules, five  
3 minutes, two minutes for --

4 MS. RICHARDSON: No, private  
5 counsel's going to provide that information.

6 VICE-CHAIR RAMOS: Okay. I'm fine  
7 with that.

8 MS. CIOBANU: Thank you. Thank you,  
9 Your Honors. Thank you for your time.

10 I would note that the issue is limited to  
11 damages and costs. There's already been  
12 liability established that there was a violation,  
13 there was a cease and desist ordered. The issue  
14 is novel, as we have communicated with ICRC that  
15 this has not come up before. The issue is  
16 limited when there is private counsel, and the  
17 Complainants have -- they have the right to  
18 pursue a matter on an issue with their private  
19 counsel.

20 So, there was a finding of liability, and  
21 the Commission then -- they may deem necessary  
22 to -- they have relief for the discriminatory  
23 treatment as the Commission may deem necessary to

1 assure justice, including the award for damages  
2 of emotional distress. I will note that this is  
3 going on almost three and a half years now. This  
4 is the second appeal. The appeal reversed it,  
5 found liability.

6 This is a deaf individual who was in the  
7 emergency room for 12 hours without a working --  
8 and Your Honor's probably reviewed the history,  
9 but without any working translating services.  
10 So, he was there, and it was a very difficult  
11 situation, him not knowing what was going on.

12 And there's even longer history than that.  
13 Going back to 2018, there was another matter  
14 where the same hospital signed, filed in his  
15 admitted notation in his file, that he needs an  
16 interpreter. So, this is a repeat issue. ALJ  
17 Triggs found that emotional damages were not  
18 warranted, because it was a conclusory statement.

19 However, when we look at that, I mean --  
20 and she cited this and said there was no evidence  
21 that Eskenazi's actions were inherently degrading  
22 or humiliating to support a damage award of  
23 emotional distress.

1           What it is, Your Honors, is -- we propose  
2           that it is humiliating and degrading to sit there  
3           for 12 hours and not know what's going on, to  
4           repeatedly ask for an interpreter, to repeatedly  
5           be denied, and then to have to argue this for  
6           three and a half years, which is -- which is  
7           definitely Respondent's right, but then to incur  
8           costs. It did incur litigation costs.

9           And I would note that IC 34-52-1-1, which  
10          is general litigation cases in Indiana in  
11          general, that you can be awarded costs -- or that  
12          when you win a case, you're awarded costs. I'm  
13          differentiating that from attorney fees.

14          So, Respondents engaged in private  
15          mediation, which they have that right; they  
16          engaged in private depositions, which they have  
17          that right; but all of that incurs costs for the  
18          Complainant. And so, he is entitled to those  
19          litigation costs pursuant to 34-52-1-1.

20          But in addition, the Commission language  
21          states deemed necessary to assure justice and to  
22          restore his losses incurred as a result of the  
23          discriminatory treatment. If he's paying out of

1 pocket for deposition costs, for these other  
2 litigation costs, even for a private attorney,  
3 which he has that right, he has to be put back in  
4 the same position, where it says loss is  
5 incurred.

6 I understand their position will be that  
7 the language doesn't explicitly state that the --  
8 with the ADA counterpart -- that attorney fees  
9 are awarded, or even litigation costs, which are  
10 still separate.

11 We would posit, though, that it's  
12 discretionary, and the language is broad and is  
13 not prohibitive. The language does not prohibit  
14 attorney fees or litigation costs, and in fact,  
15 the ADA does not require.

16 That is still discretionary. Just like  
17 Your Honors, it's discretionary, and it would be  
18 discretionary to assure justice and to put him  
19 back in the same position, including for  
20 emotional distress. He was not even awarded  
21 emotional distress damages, even though it was  
22 found that there is a violation, there's a cease  
23 and desist, there's a history here, there's a

1 history not only with this hospital, but with  
2 this particular patient.

3 So, he should be awarded, at the very,  
4 very least, some emotional damages, the  
5 litigation costs, and we would posit that yes,  
6 the attorney fees are a novel issue before this  
7 Commission, but we would argue that they're not  
8 prohibited. The language does not prohibit it --

9 MR. LOSTUTTER: One minute.

10 MS. CIOBANU: -- so it's  
11 discretionary, and we would argue that he has the  
12 right to private counsel, and he shouldn't have  
13 to pay out of pocket for private counsel.

14 And the ICRC, they focus on public policy.  
15 They did find that there was a violation, but  
16 there's an emotional damage, and private  
17 injury -- and the private individual has the  
18 right to pursue that on a private level and with  
19 a private attorney, and we found -- we find that  
20 the language assures justice in placing him back  
21 in the same position.

22 Thank you.

23 VICE-CHAIR RAMOS: I have a question

1 for the Deputy Director first. There is -- this  
2 is no new precedent. We would provide in,  
3 historically, cases where we do provide emotional  
4 and litigation support; correct?

5 MR. KREIDER: Maybe I'm just not  
6 appreciating your question.

7 VICE-CHAIR RAMOS: I'm sorry. The  
8 request, as I understand it, is to provide for  
9 emotional and litigation funding at some level;  
10 right?

11 MS. CIOBANU: (Nodded head yes.)

12 VICE-CHAIR RAMOS: And there's --  
13 there's ample evidence out there that supports  
14 that this is not a new precedent for the Civil  
15 Rights Commission.

16 MR. KREIDER: Right, for whatever  
17 costs, yeah.

18 VICE-CHAIR RAMOS: So, we're all on  
19 the same page with that. Thank you.

20 Okay. Mr. Potridge?

21 MR. POCKRASS: Pockrass. Thank you.  
22 May it please the Commission.

23 I'd like to emphasize five points today.

1 First would be that there was no finding by the  
2 Judge of deliberate indifference, which is a  
3 requirement under the ADA in order to award  
4 actual damages.

5 Second is: Even if there had been a  
6 finding, Mr. Rowe did not prove that he suffered  
7 any economic or emotional losses. Again, when  
8 you heard Mr. Rowe's counsel speak, there was no  
9 actual evidence of those economic or emotional  
10 losses.

11 Third, this case was brought under the  
12 Indiana Civil Rights Law, not under the Indiana  
13 Fair Housing Law. The language of these two  
14 statutes is very different, and the relief that  
15 is available is drastically different.

16 Unlike the Indiana Housing -- Indiana Fair  
17 Housing Law, the Civil Rights Law does not  
18 provide for civil penalties. In addition, it  
19 does not provide for an award of attorney's fees  
20 and costs.

21 I would simply begin by saying that we  
22 have in fact, or are certainly attempting to  
23 comply with the order as it exists. Here is a

1 copy of our notice of accessibility and  
2 nondiscrimination. We also have additional  
3 notices that I can certainly give to you. These  
4 are posted in 36 locations throughout the  
5 Eskenazi Health campus, and as this Court has  
6 affirmed, and we would certainly share with the  
7 Civil Rights Commission to confirm, that this is  
8 compliant with the Judge's order.

9 Indiana Code 29 -- 22-9-1-6-(j) says that  
10 you can "...restore the complainant's  
11 loss...incurred as a result of discriminatory  
12 treatment..." but you have to prove through  
13 substantial evidence, according to the Indiana  
14 Supreme Court, that it is -- if it is in fact  
15 substantial evidence. And in fact, the ALJ was  
16 in the best position to determine whether there  
17 was any emotional distress damage, and if so,  
18 what that was.

19 The Respondent, we've put forth  
20 uncontroverted evidence that there were no  
21 out-of-pocket costs billed to Mr. Rowe. He has  
22 not indicated how our alleged discriminatory  
23 practice impacted his life. He merely said he

1 was stressed and frustrated during the  
2 experience. He has not sought mental health  
3 counseling as a result of his visit to the  
4 emergency department. He subsequently returned  
5 to Eskenazi Health to receive additional medical  
6 treatment.

7           When we took his deposition, he testified  
8 that he was actually feeling a lot better  
9 relative to the prior period of his life when he  
10 had been seeking behavioral health care. He's  
11 maintained his employment at both Goodwill and  
12 Liberty Tax. So, simply put, he has not proven  
13 he suffered any economic or emotional losses.  
14 Therefore, he cannot recover any monetary relief.

15           Moving on, again, during the arguments  
16 there was a lot of discussion with the Judge in  
17 terms of what was submitted about the Indiana  
18 Civil Rights Law and what it does and doesn't  
19 provide as compared to the Indiana Fair Housing  
20 Law. The Indiana Fair Housing Law specifically  
21 authorizes the ICRC to award appropriate relief,  
22 including actual damages, reasonable attorney's  
23 fees, court costs, and other injunctive and

1 equitable relief.

2 In contrast, the legislature --

3 MR. LOSTUTTER: One minute.

4 MR. POCKRASS: -- the legislature has  
5 said nothing about reasonable attorney's fees,  
6 court -- or court costs in the Indiana Civil  
7 Rights Law. And so, to award anything without  
8 actual evidence would be punitive. Punitive  
9 damages are not allowed under the Indiana Civil  
10 Rights Law.

11 And finally, in terms of attorney fees and  
12 costs, again, the statutory language is silent  
13 with regard to attorney's fees, costs. There's  
14 been no evidence provided or argument provided in  
15 terms of actual law, and the law in fact shows  
16 that there is nothing in the Indiana Civil Rights  
17 Law that provides for attorney's fees or costs.

18 When you look at the Indiana -- the  
19 Housing Law, it specifically says that you look  
20 to the damages available under the Federal  
21 Housing Law. The legislature could have --

22 MR. LOSTUTTER: Time.

23 MR. POCKRASS: -- included that

1 language, but it did not.

2 Thank you.

3 VICE-CHAIR RAMOS: Thank you.

4 Go ahead.

5 MS. CIOBANU: Thank you, Your Honors.

6 Just a clarification: The emotional  
7 damage is not new, so that had been before Your  
8 Honors multiple times, and it's repeatedly given  
9 to complainants that win on the merits and  
10 show -- and they do not need to show that they've  
11 sought mental health treatment. In fact, ALJ  
12 Triggs even cites that.

13 And then it is not true on the ADA on  
14 deliberate indifference. That is not the  
15 standard, there is just a violation, and it can  
16 award fees under Title 2.

17 On -- under injunctive relief cases,  
18 historically, repeatedly, litigation costs and  
19 attorney fees are given. It is not accurate that  
20 he did not pay anything out of pocket. His  
21 testimony was that when he did come and the  
22 636.87 was allocated exactly what those costs  
23 were for: Deposition costs, other attorney --

1 they weren't litigation costs, and they were very  
2 specified and on the record.

3 And it is a de novo standard, and he did  
4 have out-of-pocket costs. He testified to those.  
5 We have to put him back in that position. That  
6 is separate and distinct from the emotional  
7 damage, and he clearly had emotional damage, he  
8 suffered that, and he should be -- he is entitled  
9 to the emotional damages, litigation costs.

10 And we would also to Your Honors say that  
11 there's attorney fees. He is responsible for  
12 those. His testimony is he couldn't afford to  
13 pay them -- he couldn't afford to pay the  
14 attorney fees. He did pay some costs, and his  
15 testimony was he could not afford to pay the  
16 rest. But still, they're owe and due -- they're  
17 due and owed, and he should be awarded those, to  
18 be put back, as justice requires, and to put him  
19 back in the same position.

20 Thank you.

21 VICE-CHAIR RAMOS: Thank you.

22 MR. POCKRASS: Your Honor, I have  
23 nothing really additional, other than the --

1 again, what the statutes say, you know, what the  
2 Indiana General Assembly has included in the Fair  
3 Housing Law. They could have included that in  
4 the Civil Rights Law. They didn't. You know,  
5 basically, the premise is that which is not  
6 included is excluded. They could have treated  
7 this differently. They did not.

8 With regard to out-of-pocket costs,  
9 there -- the evidence did not show any  
10 out-of-pocket costs for the hospital visit, and  
11 again, the statute itself does not provide for  
12 any sort of attorney's fees, litigation costs, or  
13 the rest.

14 And with regard to emotional distress,  
15 well, you know, there's an argument being made by  
16 Rowe's attorney that "Well, yes, he must have  
17 suffered emotional distress," Judge Triggs was in  
18 the best position to evaluate that issue, and she  
19 did not find evidence to prove any specific  
20 amount of emotional distress.

21 Thank you.

22 VICE-CHAIR RAMOS: Commissioners,  
23 this is another really interesting area that

1 we've moved into. My -- I'll provide some  
2 thoughts and then would welcome your comments as  
3 well. We really didn't get this until very late.  
4 I'm not sure everybody had a chance to read  
5 through this. We got it Friday afternoon, I  
6 believe.

7           So, I will ask first the Commissioners,  
8 and then we appreciate the information from both  
9 counsels, but are you comfortable that you are in  
10 a position to be able to make a recommendation,  
11 or do we need to take this one and take it  
12 off-line and make a decision in the March  
13 timeframe, where we have more time to be able to  
14 review this?

15           COMM. COLEMAN: Can we take it under  
16 advisement or get a couple of memos from you  
17 guys?

18           VICE-CHAIR RAMOS: Are you fine with  
19 that?

20           MR. KREIDER: (Nodded head yes.)

21           MS. CIOBANU: Yes.

22           COMM. COLEMAN: Okay.

23           MR. KREIDER: We're glad to brief it

1 if you would like.

2 VICE-CHAIR RAMOS: Okay. Any other  
3 comments?

4 COMM. HARRINGTON: Now, what are we  
5 asking them to do?

6 VICE-CHAIR RAMOS: Would you  
7 formalize that request, please, for the record?

8 COMM. COLEMAN: I make a motion to  
9 take this matter under advisement and have both  
10 parties send us a brief or a memo on this.

11 VICE-CHAIR RAMOS: All right.

12 All those in favor, signify by saying aye.

13 MR. KREIDER: Was there a second?

14 COMM. TOLLIVER: We need a second.

15 I'll second.

16 VICE-CHAIR RAMOS: Oh, I'm sorry;  
17 yes. Point of order; right. Now, all those in  
18 favor, signify by saying aye.

19 (Commission members responded, "Aye.")

20 VICE-CHAIR RAMOS: Any opposed?

21 (No response.)

22 VICE-CHAIR RAMOS: Motion carries.

23 Thank you.

1 (Discussion off the record.)

2 VICE-CHAIR RAMOS: So, when we have  
3 these kind of things, give them to us as soon as  
4 possible so we have the opportunity to look at  
5 these things, because we're all busy people and  
6 we have full slates. Thank you both.

7 MR. POCKRASS: Is this a specific  
8 date by which you'd like briefs submitted?

9 VICE-CHAIR RAMOS: At least a week  
10 before the next Commission meeting. That way we  
11 all have time to be able to digest it.

12 MR. POCKRASS: Thank you.

13 VICE-CHAIR RAMOS: When's our --  
14 when's our next meeting?

15 COMM. TOLLIVER: March 16th.

16 VICE-CHAIR RAMOS: March 16th? So,  
17 with that --

18 MS. CIOBANU: May I have a  
19 clarification? Do we just send it out on the  
20 docket, or is there a certain way you want us to  
21 submit it?

22 VICE-CHAIR RAMOS: I'd submit it to  
23 the docket.

1 MR. LOSTUTTER: You can just submit  
2 it to me. I will forward it to them.

3 MS. CIOBANU: Okay. Thank you.

4 VICE-CHAIR RAMOS: Okay. So,  
5 March 9th we should receive it?

6 MR. LOSTUTTER: Yes.

7 VICE-CHAIR RAMOS: Okay.

8 MR. POCKRASS: Okay.

9 MR. LOSTUTTER: I mean if you can get  
10 it to me sooner, that -- that would be nice, but  
11 that's the deadline.

12 VICE-CHAIR RAMOS: Okay. Thank you.

13 MS. CIOBANU: Thank you.

14 VICE-CHAIR RAMOS: The next case is  
15 ICRC/Lanita Goins versus Spicewood Garden  
16 Apartments II, LP, Herron Property Management,  
17 and Hand, Incorporated. The Case Number  
18 is HOra23080663.

19 The ALJ in this matter has determined that  
20 the Complainant in this matter has failed to meet  
21 the burden -- her burden of proof in either issue  
22 and hereby rules in favor of the Respondent and  
23 against the Complainant and the Aggravated [sic]

1 Person, with the IR -- Indiana Civil Rights  
2 Commission Director's charged dismissed with  
3 prejudice.

4 The Complainant has filed an objection to  
5 the proposed finding order issued in this matter  
6 by the ALJ. The Respondent has filed a response  
7 and objection to the Complainant's objection.  
8 The Complainant has 30 days to respond, so no  
9 action is required at this time.

10 Section d. of our agenda has ALJ Decisions  
11 Automatically Confirmed. I will read these into  
12 the record. Automatically confirmed under  
13 Commission's order on automatic adoption and  
14 approval on [sic] certain non-final decisions.  
15 There is no vote required.

16 Darius Pulliam versus The Shyft Group,  
17 Incorporated, Case Number is EMra24010060. The  
18 next case is ICRC Mary McCalla versus Auburn  
19 Limited Partnership/PK Indiana GP LLC & Indian  
20 Terrace I & II Apartments, Case No. HOha24090858.  
21 Case three is Kristopher Jacobs versus Online  
22 Transport, Incorporated, Case No. EMra23050438.

23 That takes us to our next meeting dates.

1 The next meeting date we have on schedule is  
2 March 16th. Does that work for everyone's  
3 calendar, Commissioners?

4 COMM. COLEMAN: Yes.

5 COMM. HARRINGTON: That's okay.

6 VICE-CHAIR RAMOS: Okay. So, we'll  
7 need to confirm with Comm. Silberberg. Will you  
8 be able to be on-site, or do you -- will you have  
9 to take this virtually?

10 COMM. COLEMAN: On-site for me.

11 COMM. TOLLIVER: I'll be here -- in  
12 person; I'm sorry.

13 COMM. HARRINGTON: I will be here.

14 VICE-CHAIR RAMOS: All right. So,  
15 we should have four -- at least four here for  
16 the 16th.

17 The next item is the 20th of April, just  
18 looking out, because typically in April we do  
19 education for the Commissioners, and we also do  
20 the annual vote for the Chair. I'm the acting  
21 Chair right now. And so, we will do that voting  
22 in the April timeframe. Are there any questions  
23 on that?

1 (No response.)

2 VICE-CHAIR RAMOS: If there are any  
3 conflicts on the 20th, please let --

4 COMM. HARRINGTON: I may be virtual.

5 VICE-CHAIR RAMOS: Okay. So, we need  
6 to have Silberberg here then, so just check to  
7 make sure. If we need to adjust the calendar, we  
8 can look at that later.

9 Are you okay, Comm. Coleman?

10 COMM. COLEMAN: Yes.

11 VICE-CHAIR RAMOS: Comm. Tolliver?

12 COMM. TOLLIVER: What date?

13 VICE-CHAIR RAMOS: April 20th.

14 COMM. TOLLIVER: Yes, I am fine.

15 VICE-CHAIR RAMOS: Good. Okay.

16 Other dates we can look at at a later  
17 time. There are no Election, Training or Others,  
18 which is part of Section VIII of the agenda.  
19 Section IX, are there any Announcements?

20 (No response.)

21 VICE-CHAIR RAMOS: Hearing none --  
22 but I do have a question. The previous  
23 administration were certainly very outgoing over

1 a number of different events that are out there  
2 for all of the people that are part of our  
3 protected classes, and I presume that that  
4 continues. So, if there are, you know, major  
5 events that you participate in, that -- I don't  
6 know. I know a lot of budgets were cut, so I  
7 just didn't know if that would impact you.

8 MR. CLAY: Yeah. We'll make sure  
9 that you're informed of any events that we're  
10 having and/or partnering in.

11 VICE-CHAIR RAMOS: Good. Thank you.

12 Yeah, any comments?

13 (No response.)

14 VICE-CHAIR RAMOS: There are no  
15 comments. We've pretty much cleaned the house.  
16 All those -- well, I will -- I'm sorry. Oh,  
17 yeah. We do have two people on-line.

18 MR. LOSTUTTER: Well, one of them, I  
19 believe, was one of the Complainants. I believe  
20 it's Mr. --

21 VICE-CHAIR RAMOS: Morrow?

22 MR. LOSTUTTER: -- Morrow there.

23 Mr. Morrow, do you have anything that you

1 wish to say in our Public Comments time?

2 MR. MORROW: Yes, sir. I just -- I  
3 was questioning the investigation that the EEOC  
4 did. I mean they were -- KAG said they had a  
5 video of me and Mr. Foreman's argument, and they  
6 never viewed the video or never obtained the  
7 video. And I asked the representative of the  
8 EEOC. He said he never seen the video. So, I'm  
9 like, "How could they find a no finding if they  
10 didn't even look at the video?"

11 And then I was wondering: Like on the day  
12 of the incident --

13 THE REPORTER: I'm having a little  
14 trouble hearing what he's saying.

15 VICE-CHAIR RAMOS: I'm sorry.

16 MR. MORROW: I was wondering: On  
17 the -- on the -- go ahead.

18 MR. LOSTUTTER: No, we were asking  
19 you to speak maybe just a little bit louder  
20 there.

21 MR. MORROW: Oh, okay. On the day of  
22 the incident, I was told that I was being  
23 suspended until an investigation was being

1 completed, but there was no video brought forward  
2 to the EEOC. And I was wondering: If there was  
3 an investigation, why was I the only one  
4 suspended internally?

5 And then the EEOC said they found no  
6 findings of wrongful doing, but they never viewed  
7 the video at all. So, I just didn't understand  
8 how there was no finding if they didn't do a full  
9 investigation.

10 VICE-CHAIR RAMOS: Yeah. So,  
11 Mr. Morrow, I'll have the Docket Clerk reach out  
12 to you to answer those questions, so they should  
13 be able to provide the information that you  
14 request, and if need be, they can follow up with  
15 the investigator. So, we'll put that on  
16 Mr. Lostutter's docket to review.

17 Are there any other Comments?

18 MR. MORROW: Okay. I appreciate it.

19 VICE-CHAIR RAMOS: Are there any  
20 other Public Comments?

21 (No response.)

22 VICE-CHAIR RAMOS: Okay. Hearing  
23 none --

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MR. MORROW: None.

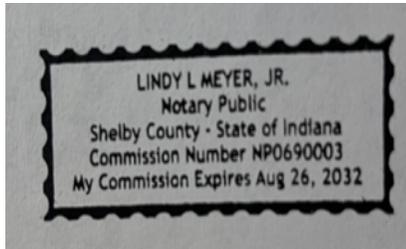
VICE-CHAIR RAMOS: -- the meeting is  
adjourned. Thank you all.

- - -  
Thereupon, the proceedings of  
February 16, 2026 were concluded  
at 2:27 o'clock p.m.  
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CERTIFICATE

I, Lindy L. Meyer, Jr., the undersigned Court Reporter and Notary Public residing in the City of Shelbyville, Shelby County, Indiana, do hereby certify that the foregoing is a true and correct transcript of the proceedings taken by me on Monday, February 16, 2026 in this matter and transcribed by me.



Lindy L. Meyer, Jr.

Lindy L. Meyer, Jr.,  
Notary Public in and  
for the State of Indiana.

My Commission expires August 26, 2032.

Commission No. NP0690003

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