

1 INDIANA CIVIL RIGHTS COMMISSION  
2 INDIANA GOVERNMENT CENTER NORTH  
3 100 NORTH SENATE AVENUE, ROOM N103  
4 INDIANAPOLIS, INDIANA 46204-2255

5 IN THE MATTER OF: )  
6 INDIANA CIVIL RIGHTS )  
7 COMMISSION PUBLIC MEETING )

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10 ORIGINAL  
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13 A transcript of the Indiana Civil Rights  
14 Commission public meeting held before me, Lisa M. Hobbs, a  
15 Notary Public in and for the County of Johnson, State of  
16 Indiana, at the Indiana Government Center South, Conference  
17 Room 5, 402 West Washington Street, Indianapolis, on  
18 ~~December 17, 2004~~, commencing at 4:12 p.m., David C.  
19 Carter, Vice Chair.

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*X January 28, 05*

WM. F. DANIELS d/b/a  
ACCURATE REPORTING OF INDIANA  
12922 BRIGHTON AVENUE  
CARMEL, IN 46032

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A P P E A R A N C E S

COMMISSIONERS IN ATTENDANCE:

- Vice Chair David C. Carter
- Commissioner Barry Baynard
- Commissioner John Garcia
- Commissioner Aleisha Kropf

FROM INDIANA CIVIL RIGHTS COMMISSION:

- Deputy Director Bruce Jefferson
- Robert Lange
- Barbara Dobbins
- Joan Essex
- Helen Scott
- Debra Bluit

Lisa M. Hobbs,  
Court Reporter

1 January 28, 2005 4:12 p.m.

2 VICE CHAIR CARTER: Good afternoon. Sorry to keep you  
3 on a Friday. If we had known earlier, we could have moved  
4 it all up an hour, but here we are.

5 The January meeting of the Indiana Civil Rights  
6 Commission will come to order, please.

7 And you have an agenda, and are there any agenda  
8 requests that you know of?

9 DEPUTY DIRECTOR JEFFERSON: Mr. Vice Chair, no agenda  
10 requests. The only request is that we hold until the end  
11 of today's meeting the cases of Cleveland v. Speedway and  
12 Trexler V. The Trustees of Indiana University.

13 VICE CHAIR CARTER: We have the Cleveland v. Speedway  
14 information.

15 DEPUTY DIRECTOR JEFFERSON: Oh.

16 VICE CHAIR CARTER: But we don't have the other one.

17 COMMISSIONER KROPF: We don't have the official --

18 VICE CHAIR CARTER: -- yet.

19 COMMISSIONER KROPF: We don't have the official Order.

20 DEPUTY DIRECTOR JEFFERSON: Right. Well, we have --

21 VICE CHAIR CARTER: Well, we have --

22 DEPUTY DIRECTOR JEFFERSON: The ALJ had asked that we  
23 hear that --

24 VICE CHAIR CARTER: Oh.

25 DEPUTY DIRECTOR JEFFERSON: -- at the end.

1           VICE CHAIR CARTER: Okay. We can hold both of them  
2 until he comes back with the Trexler case.

3           You have a copy of the minutes from December. May I  
4 have a motion to accept those, please?

5           COMMISSIONER KROPF: So moved.

6           COMMISSIONER BAYNARD: Second.

7           VICE CHAIR CARTER: All in favor?

8                   (The entire Commission voted in favor.)

9           VICE CHAIR CARTER: Any opposed?

10                   (No one opposed.)

11          VICE CHAIR CARTER: There is no new business.

12          Committee reports, Mr. Jefferson.

13          DEPUTY DIRECTOR JEFFERSON: On the personnel report,  
14 since the last meeting of this Commission, we've had three  
15 separations from the Commission. The executive director  
16 Sandra Leek resigned on January 7, 2005. Rebecca Doolin  
17 resigned as a Program Director I December 5, 2004, and also  
18 Jacqueline Schmidt, Administrative Assistant was separated  
19 from employment as of November 24, 2004.

20          We have as vacant positions, the executive director's  
21 position I just mentioned, a chief staff counsel position,  
22 and two civil rights investigators positions.

23          I talked to you about those last month, and actually  
24 we've been in the interview process and the transition has  
25 sort of slowed that down. We wanted to make the hire

1 relatively quickly. We may still be able to get that hire  
2 done, just not sure yet until we get a final approval on  
3 that.

4 I would like to introduce also our -- a new intern we  
5 have. His name is Perfecto. Why don't you just stand up.

6 MR. CAPARAS: Perfecto Caparas.

7 DEPUTY DIRECTOR JEFFERSON: And he's from IU Law  
8 School, and he's in the Master's Program -- and correct me  
9 if I say this wrong -- Master's Program for -- in American  
10 Law for foreign lawyers.

11 MR. CAPARAS: Yes, sir.

12 DEPUTY DIRECTOR JEFFERSON: So he is a -- an attorney  
13 from the Philippines. And I have a copy of his resume  
14 which if I can find it, I'll show it to you. It's very  
15 impressive.

16 So -- and we're glad that he could come. And he's sat  
17 in on several hearings already, and he's -- so he started a  
18 week ago.

19 That's all I have for personnel unless there are  
20 questions.

21 Joan Essex has provided in your package the financial  
22 report.

23 Joan, is there anything you need to point out?

24 MS. ESSEX: I just wanted to let you know that there  
25 have been some just minor changes on the financial

1 statement. I've added some additional information, such as  
2 under the expense section we've always listed the points  
3 before, and what I've done is I've taken that information  
4 and spelled out what each of the points, what type of  
5 expense those are, whether they're services and contracts  
6 and the like.

7 And I've also split out the encumbrances to give you  
8 an idea of what those particular encumbrances are for and  
9 the companies that those are with.

10 So that's really the only change. It looks a little  
11 different, but it's just -- like I say, it's some  
12 additional information. So please look those over.

13 You've got November and December because I was in the  
14 process of doing the update. And then if you see anything,  
15 so that you know, you can either ask questions now, and  
16 then I can be prepared to answer them now or next month,  
17 either one.

18 And that's really all I have.

19 VICE CHAIR CARTER: Okay. Thank you. Are there any  
20 questions on those items?

21 (No questions.)

22 VICE CHAIR CARTER: Moving on to consent agreements.  
23 We have Clark v. Shelbyville Management, Inc., d/b/a Burger  
24 King. That sounds familiar. May I have a motion to accept  
25 that consent agreement?

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COMMISSIONER BAYNARD: So moved.

VICE CHAIR CARTER: Second?

COMMISSIONER GARCIA: Second.

VICE CHAIR CARTER: All in favor?

(The entire Commission voted in favor.)

VICE CHAIR CARTER: Any opposed?

(No one opposed.)

VICE CHAIR CARTER: Okay. Thank you.

Findings of Fact, Conclusions of Law, And Order: We can vote on two of them, and we will wait until toward the end of the meeting for the other two.

The two we can vote on would be Slayton and Allmost Family -- that's two Ls in Allmost -- and Diaz v. Balance Mortgage Corporation. May I have a motion to accept those findings?

COMMISSIONER GARCIA: I'll move we accept them.

VICE CHAIR CARTER: Okay. Second?

COMMISSIONER BAYNARD: Second.

COMMISSIONER KROPF: Second.

VICE CHAIR CARTER: All in favor?

(The entire Commission voted in favor.)

VICE CHAIR CARTER: Any opposed?

(No one opposed.)

VICE CHAIR CARTER: Okay. And Cleveland and Trexler we will wait for.

1           There are no other orders. There are 25 cases of no  
2 probable cause. May I have a motion to accept those?

3           COMMISSIONER BAYNARD: So moved.

4           VICE CHAIR CARTER: And a second?

5           COMMISSIONER GARCIA: Second.

6           VICE CHAIR CARTER: And all in favor?

7                   (The entire Commission voted in favor.)

8           VICE CHAIR CARTER: Any opposed?

9                   (No one opposed.)

10           VICE CHAIR CARTER: We failed to locate or the  
11 complainant or someone failed to cooperate in one case,  
12 Clark v. Evansville Vanderburgh School. May I have a  
13 motion to accept that?

14           COMMISSIONER GARCIA: I'll move we accept it.

15           VICE CHAIR CARTER: Okay. And a second?

16           COMMISSIONER BAYNARD: Second.

17           VICE CHAIR CARTER: All in favor?

18                   (The entire Commission voted in favor.)

19           VICE CHAIR CARTER: Any opposed?

20                   (No one opposed.)

21           VICE CHAIR CARTER: And the complaint was withdrawn in  
22 one case. And may I have to motion to approve that?

23           COMMISSIONER GARCIA: I move we approve it.

24           VICE CHAIR CARTER: And a second?

25           COMMISSIONER KROPF: Second.



1 VICE CHAIR CARTER: Okay. All in favor?

2 (The entire Commission voted in favor.)

3 VICE CHAIR CARTER: And we didn't lack jurisdiction in  
4 any case this month.

5 So we have reports on appeals from commissioners.

6 Commissioner Baynard, did you have two cases?

7 COMMISSIONER BAYNARD: Yes, I have two cases. The  
8 case of Lakins v. Century Services Corporation, et. al.,  
9 and Shamlin v. Van Parks Apartment, et. al., I move or  
10 recommend to the Commission that we uphold the Director's  
11 Finding of No Probable Cause.

12 VICE CHAIR CARTER: Okay. May I have a motion to  
13 accept that recommendation, please?

14 COMMISSIONER GARCIA: I'll move we accept it.

15 COMMISSIONER KROPF: I'll second.

16 VICE CHAIR CARTER: Second. All in favor?

17 (The entire Commission voted in favor.)

18 VICE CHAIR CARTER: And any opposed?

19 (No one opposed.)

20 VICE CHAIR CARTER: I had three cases: Story v. Deals  
21 Nothing Over a Dollar, Walker v. Federal Express, and  
22 LaFrate, which is, I believe, actually, Iafate,  
23 I-A-F-R-A-T-E, v. Housing Authority of Evansville, and I  
24 recommend that we sustain the No Probable Cause Finding of  
25 the Director. And may I have a motion to accept that

1 recommendation?

2 COMMISSIONER BAYNARD: So moved.

3 COMMISSIONER KROPF: So moved.

4 VICE CHAIR CARTER: And a second?

5 COMMISSIONER KROPF: Second.

6 COMMISSIONER GARCIA: Second.

7 VICE CHAIR CARTER: Okay. I guess two motions  
8 mathematically make a motion and a second. All in favor?

9 (The entire Commission voted in favor.)

10 VICE CHAIR CARTER: Any opposed?

11 (No one opposed.)

12 VICE CHAIR CARTER: Thank you.

13 Commissioner Garcia, you had a case?

14 COMMISSIONER GARCIA: Yes.

15 In the case of Steward v. Hills of Aberdeen  
16 Apartments, I recommend that we remand that back to -- for  
17 further investigation. I'd like them to investigate  
18 specifically the letter from the contractor which arrived  
19 -- it's, I guess, additional evidence, and it arrived after  
20 the Notice of Finding.

21 VICE CHAIR CARTER: Okay. May I have a motion to  
22 accept that remand?

23 COMMISSIONER BAYNARD: So moved.

24 VICE CHAIR CARTER: Or recommendation.

25 COMMISSIONER KROPF: Second.

1 VICE CHAIR CARTER: Second. All in favor?

2 (The entire Commission voted in favor.)

3 VICE CHAIR CARTER: Any opposed?

4 (No one opposed.)

5 VICE CHAIR CARTER: Okay. And vacant had no cases.

6 Commissioner Blackburn -- did we hear --

7 MS. DOBBINS: I do not have a report from Commissioner  
8 Blackburn or Commissioner Gibson.

9 VICE CHAIR CARTER: Okay. And in those four cases,  
10 then, we will continue them.

11 Commissioner Kropf.

12 COMMISSIONER KROPF: In the case of Brown v.  
13 Nordstrom, I move that we uphold the Director's Finding of  
14 No Probable Cause.

15 VICE CHAIR CARTER: May I have a motion to accept that  
16 recommendation?

17 COMMISSIONER GARCIA: I'll move we accept the  
18 recommendation.

19 VICE CHAIR CARTER: Okay. And a second?

20 COMMISSIONER BAYNARD: Second.

21 VICE CHAIR CARTER: All in favor?

22 (The entire Commission voted in favor.)

23 VICE CHAIR CARTER: Any opposed?

24 (No one opposed.)

25 VICE CHAIR CARTER: There is a long list of appeals

1 for commissioners, and there are four of us, even though  
2 there are six commissioners. So we'll have to --

3 MS. DOBBINS: May I, Commissioner Carter, suggest  
4 since there's so many that I be allowed to send  
5 Commissioner Blackburn and Commissioner Gibson theirs, or  
6 do you want me to --

7 VICE CHAIR CARTER: That's --

8 MS. DOBBINS: -- disburse them --

9 VICE CHAIR CARTER: That's a very good idea.

10 MS. DOBBINS: -- amongst the four of you?

11 VICE CHAIR CARTER: I think --

12 MS. DOBBINS: You want me to go ahead and send them?

13 VICE CHAIR CARTER: I think sending them would be a  
14 very good idea.

15 MS. DOBBINS: Thank you.

16 VICE CHAIR CARTER: I have no personal interest in  
17 that outcome.

18 So I will review Cork v. Gold Seal Termite and Pest  
19 Control and Green v. Irwin Mortgage Corp.

20 Commissioner Baynard, Manzili v. Hall Render Killian  
21 Heath and Lyman PSC and Dunlap v. Clarian Health.

22 Commissioner Garcia, Jones v. ACS Healthcare Solutions  
23 and Reynolds v. AMDG LLC.

24 Commissioner Blackburn will be sent Caudle v.  
25 Silvercrest Children's Development Center and Wilkerson v.

1 Neth Schweizer, Incorporated.

2 Commissioner Kropf will review Yoder v. City of  
3 Logansport, et. al., and I hope it's not a big box.

4 And Commissioner Gibson will be sent Hill v. AMDG LLC  
5 and Severns v. Bethel Manor.

6 And I believe before we turn to the administrative  
7 update, we -- should we -- actually, Bob, you want to  
8 distribute those while we get the --

9 MR. LANGE: That's fine by me.

10 VICE CHAIR CARTER: -- the administrative update?

11 MR. LANGE: Yeah.

12 VICE CHAIR CARTER: Okay.

13 DEPUTY DIRECTOR JEFFERSON: For the update on the case  
14 processing department, the December Statistics Report that  
15 was distributed to you, we brought in 68 cases in December,  
16 and we completed 47 investigations. That's a little lower  
17 than the -- the disposition is a little bit lower than the  
18 intake. Hopefully that's a reflection of the holidays.  
19 But we'll be watching that because we do want to make sure  
20 that we keep a reasonably good flow.

21 I do know that because of the transition that's been  
22 going on, January has been kind of -- there's been some  
23 distractions, and then this month also. But I'm hopeful  
24 that we'll have a little better month than this.

25 Also included in your package is the ADR report from

1 Steve Tilden. He resolved -- his unit resolved seven cases  
2 successfully in December. One of those cases included a  
3 return of a job to a complainant, so that's always a  
4 positive outcome for everyone.

5 And lastly, I wanted to highlight for you the -- under  
6 legislation and the Legislature, the only bill that I'm  
7 aware of that would have an impact on the Civil Rights  
8 Commission, per se, is the House Bill 1188 which is the  
9 bill pending that calls for a moratorium on all the state  
10 boards and commissions.

11 That -- I'm not sure that that's moved anywhere. It's  
12 been assigned to a committee. It's had a first reading.  
13 So I'm sure that's all commissions and boards. We will be  
14 aware of what happens with that, and I'll give you an  
15 update on any developments on that.

16 Unless there are questions on the case processing  
17 department, I would ask Joan Essex to give an up -- her  
18 update on the grants and programs, and also the Martin  
19 Luther King State Celebration.

20 MS. ESSEX: I have given you all a letter that has  
21 gone out to enlighten you to a Fair Housing Open Forum  
22 which will be held on Wednesday, February 9th, from 1:30 to  
23 3:30 in the Government Center South, in fact, in Training  
24 Center Room 5, not Conference Center Room 5.

25 Just to read off of this particular letter, this is a

1 -- it deals with the assessment of impediments and the  
2 consolidated plan which we have been affiliated with for  
3 several years, develops strategies to ensure that all  
4 Hoosiers are afforded fair housing choice. The plan  
5 developed in this meeting may be used to determine federal  
6 government funding priorities.

7 If you care to attend, there's very limited seating,  
8 and we're getting ready -- we've e-mailed this out to  
9 several organizations that we have e-mail addresses for,  
10 and we have 700 of these that are going out in the mail  
11 that should possibly be delivered either over the weekend  
12 or Monday at the latest.

13 So if you would like to attend, I would suggest that  
14 you give Judy Kochanczyk a call, and her number is here on  
15 the letter, or e-mail her as quick as you can, because we  
16 really only have about 50 seats.

17 We're checking to see if we can secure a bigger room  
18 if we're going to need one, and so far I don't know that  
19 there's going to be another room ready. So right now we're  
20 looking at only being able to house about 50 people.

21 As far as grants and programs, Damika O'Bryant has  
22 given me a short synopsis, and I will just read for you  
23 what she has put together for me.

24 For the EEOC contract, proposals are now being  
25 accepted for the 2005 mediation workshare agreement. ICRC

1 will be applying for this contract again. Applications are  
2 due 12/18/05.

3 If awarded, money may be used for staff mediation  
4 training and development, equipment, and mediation staff  
5 salaries. These are monies available for public education.  
6 We are requesting program ideas for funding staying mindful  
7 that our ideology that programs drive funding. Suggestions  
8 have been made for a combined fair housing and equal  
9 employment disability brochure as well as an employment  
10 brochure by itself.

11 Additionally, there is an EEOC conference scheduled  
12 for May, 2005, in Atlanta, Georgia.

13 For the FHAP account, which is our contract account  
14 with HUD, the 2002-2003 final report has been sent to HUD.  
15 A request was made therein to direct the remaining funds  
16 for the current '03-'04 media campaign, which is phase IV,  
17 and we're awaiting response from HUD at this time.

18 The '03-'04 phase IV media campaign is winding down,  
19 and a final report will be sent to HUD once all invoices  
20 have been paid.

21 As far as the 2004-2005 Partnership Grants, these were  
22 awarded to the Indiana Coalition on Housing and Homeless  
23 issues, and the Indiana Institute on Disability and  
24 Community.

25 The grant period for the award is January 1, 2005,



1 through December 31, 2005, and the award packets will be  
2 sent out next week.

3 The -- we were awarded a FHIP grant through HUD which  
4 is a separate grant. There were the 2002-2004 cooperative  
5 agreement which is closed, and the remaining funds that  
6 were from that agreement we -- what happened was we  
7 completed all of the projects we said we were going to  
8 complete, but it came in less than what we had anticipated  
9 the expenses to be. HUD has indicated to us that since we  
10 fulfilled our contractual obligations, those monies were  
11 drawn down in good faith, and we can use them to further  
12 fair housing at our discretion.

13 So what we are going to do is roll those monies over  
14 into the 2004-2005 agreement, and that will encompass a  
15 full-scale media campaign that includes print, radio, and  
16 television, literature distribution administrative costs.

17 Finally, the 2003-2004 Home Grant is closed. We spent  
18 every dime. And the final claim voucher was sent over  
19 Wednesday, December 29th, and payment is outstanding.  
20 We're waiting on a final check from them.

21 So that's all on grants and programs. That only final  
22 thing that I have is just to let everyone know that on  
23 January 5th, the Dr. Martin Luther King, Jr., State  
24 Employee's Celebration was held at the Rotunda, and it was  
25 a resounding success.

1           It was a different format. It was more of a -- an  
2           interactive program where individuals were portrayed --  
3           historical figures from the past. It was very well  
4           received, and we're getting a lot of people that are  
5           interested in getting copies of this particular program for  
6           viewing.

7           We have copies from Channel 16 who taped the entire  
8           program for us. If you know of anyone who is interested in  
9           viewing the program, it's currently being shown on Channel  
10          16 in one hour segments. We will have a complete  
11          three-and-a-half hour cassette -- or VHS made, and we will  
12          have those in our office available to be loaned out. And  
13          I'll let you know as those are completed.

14          That is all I have unless anyone has any questions.

15          COMMISSIONER KROPF: So we can come, and we can check  
16          those out?

17          MS. ESSEX: Check those out. We're putting together a  
18          plan now to try to give people enough time. We want to  
19          devise a schedule, you know, loan them out for two weeks or  
20          loan them out for a month. But -- because we're only going  
21          to make four. If we need to make more, we can.

22          DEPUTY DIRECTOR JEFFERSON: I just kind of want to  
23          point out one thing. On the letter that we gave you a copy  
24          of, this fair housing meeting on February 9th, this is sort  
25          of a town hall forum done by a professor at Ball State.

1 Her name is Linda Keys. And she does this for the -- an  
2 annual report she gives to HUD, which the State is required  
3 to do. It's this analysis of impediments in fair housing.

4 So basically she opens the floor up to whoever comes,  
5 and the people that come tell us and her what they think  
6 about the issues. Some of them have housing problems.  
7 Some of them have good ideas that they think need to be in  
8 the report.

9 So if you know anybody that might want to come to that  
10 or have ideas about that, that's the point of that.

11 And that's all I have.

12 VICE CHAIR CARTER: Okay. Any other questions?

13 (No questions.)

14 VICE CHAIR CARTER: Thank you.

15 I regret that I was not able to participate because of  
16 the weather in the King Ceremony thing as I was supposed to  
17 portray George Wallace. I don't believe he was in a  
18 wheelchair until after he was --

19 MS. DOBBINS: Shot.

20 VICE CHAIR CARTER: -- being a nasty person. Well, I  
21 mean, then he turned -- he was a nasty person, and then he  
22 got better. He got over it. Perhaps being in a wheelchair  
23 had something to do with it.

24 We will return now to those other two cases, and do I  
25 have a motion about the disposition of Cleveland v.

1       Speedway?

2               COMMISSIONER BAYNARD:  Yes.  In the case of Cleveland  
3       v. Speedway SuperAmerica, LLC, I move that the Commission  
4       enter an Order that, number one, approves Complainant's  
5       withdrawal of complaint, and number two, dismiss the  
6       complaint with prejudice.

7               VICE CHAIR CARTER:  Thank you.  Is there a second?

8               COMMISSIONER GARCIA:  I'll second.

9               VICE CHAIR CARTER:  Okay.  All in favor?

10              (The entire Commission voted in favor.)

11              VICE CHAIR CARTER:  And any opposed?

12                              (No one opposed.)

13              VICE CHAIR CARTER:  Thank you.

14              And in the matter of Trexler v. The Trustees of  
15       Indiana University, which we heard this afternoon, is there  
16       a motion about it?

17              COMMISSIONER GARCIA:  In the case of Trexler v.  
18       Indiana University, I move that the Commission enter an  
19       Order that, number one, overrules the Complainant's  
20       objections to the Administrative Law Judge's Proposed  
21       Findings of Fact, Conclusions of Law, And Order, and number  
22       two, adopt as its own Findings of Fact, Conclusions of Law,  
23       And Order proposed by the Administrative Law Judge in the  
24       Proposed Findings of Fact, Conclusions of Law, And Order.

25              VICE CHAIR CARTER:  Thank you.

1 Is there a second?

2 COMMISSIONER BAYNARD: Second.

3 VICE CHAIR CARTER: Okay. All in favor?

4 (The entire Commission voted in favor.)

5 VICE CHAIR CARTER: And any opposed?

6 (No one opposed.)

7 VICE CHAIR CARTER: Okay. And are there any  
8 announcements?

9 (No announcements.)

10 VICE CHAIR CARTER: Hearing none, I remind you that  
11 next month is Black History Month and Valentine's Day.  
12 Well, cover all the bases. You can -- whatever that word  
13 is.

14 And may I have a motion to adjourn?

15 COMMISSIONER KROPPF: So moved.

16 VICE CHAIR CARTER: Okay. And anyone opposed?

17 (No one opposed.)

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(The meeting concluded at 4:35 p.m., January 28, 2005.)

