

January 22, 2024, Agenda

- I. Meeting convened and *quorum* established
- II. Announcement of Agenda
- III. Approval of previous meeting minutes
- IV. ICRC Directors' Report
- V. Old Business
 - a. Commissioners Appointed to Appeals Report Determinations:

- i. Melvin Lipscomb v. Meijer
(PAra23040381)
Appeal Date: September 29, 2023

Commissioner Tolliver

- ii. Sarah Jones v. New Style Of Anderson, LLC
D/B/A Sports Clips Haircuts (EMha23060568)
Appeal Date: September 25, 2023

Commissioner Silberberg

- iii. Dustin Robinson v. T & T Collision
(EMha23050437)
Appeal Date: November 3, 2023

Chair Slash

- iv. Lisa Goodson v. IQVIA Holdings, Inc.

(EMre23070625)

Appeal Date: October 31, 2023

Vice-Chair Ramos

- v. Jonathan Sawyer Couch v. Dollar General
(PAra23010091)
Appeal Date: October 26, 2023

Commissioner Jackson

- vi. Kenneth Davis v. Discount Auto
(EMra23050511)
Appeal Date: December 4, 2023

Commissioner Harrington

b. Motions and Other Filings:

- i. Deborah Weidner o/b/o Minor Child BNF v. Saint Michael Catholic Church, Brookville, Inc., d/b/a Saint Michael Catholic School Motion To Dismiss (EDse23110848)

Respondent is respectfully moving that the Complaint of the Complainant fails to state a claim for which relief may be granted pursuant to Trial Rule 12(B)(6) of the Indiana Rules of Trial Procedure. Respondent has also attached a Brief In Support along with exhibits referred to in the Complaint which establish that a private school's grooming policy that requires male students to maintain their hair at a length that is "above the collar" is not sex discrimination.

Filed with the Commission 11/27/2023

VI. New Business

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

- i. Jeremy English v. Brookdale Senior Living, Inc.
(EMha23080644)
Appeal Date: January 3, 2024
Requesting the opportunity for oral argument

- ii. Tawannya Woods v. Beacon Pointe
Apartments (HOha23110879)
Appeal Date: January 3, 2024

- iii. Kimberly Addair v. Assist Indiana, Inc.
(EMse22070363)
Appeal Date: January 3, 2024

- iv. Leslie Harrison v. Meijer Stores
Limited Partnership (EMre22110661)
Appeal Date: January 11, 2024
Requesting the opportunity for oral argument

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

b. Motions and Other Filings:

- i. Carl Garland v. Horizon Bank
Complainant's Objections To
Order On Motion For Summary
Judgment (PAra19080473)

Complainant is respectfully moving that the Commission review objections raised by the Complainant, reject the Order issued by the Administrative Law Judge on December 21, 2023, and remand the case back to the Administrative Law Judge for reevaluation of new information, specifically a witness on behalf of the Complainant has since become available to sign an affidavit attesting to factual matters relayed to an ICRC investigator, with the likelihood that they will affirm as factual the same information under oath.

Filed with the Commission 01/05/2024

In response, Respondent filed Respondent's Response In Opposition to Complainant's Objections To Order On Motion For Summary Judgment stating that the Complainant's filing was outside of the allotted fifteen (15) days for filing an objection and the Commission does not have the authority to extend the deadline to allow for additional evidence.

Filed with the Commission 01/09/2024

c. Review of ALJ Decisions and Orders

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

- i. ICRC/Darian Day v. Jerry Wenger, Nikki Haynes, and JKS Marketing (HOha23090705)
Submitted to the Commission on Nov. 14, 2023

The Administrative Law Judge in this matter took under consideration Respondent Jerry Wenger's request to move this matter out of the administrative forum, a request made on November 8, 2023. Since the Parties are not in agreement to have the claims decided in a court of law, the Notice is GRANTED in part and DENIED in part, with the Complaint Of Discrimination under the IFHA against the Respondent DISMISSED with prejudice. 910 IAC 2-7-9(a). The Notice is not effective in moving the Complaint Of Discrimination under the ICRL out of the Administrative forum, which will result in a bifurcation of these proceedings and will be addressed at the initial prehearing conference with the parties to determine their intent before a final dismissal is issued.

The objection period in this matter has closed.

- ii. Gregory L. Wilson, Sr. v. Kittle Property Group, LLC (HOra23060552)
Submitted to the Commission November 21, 2023

The Administrative Law Judge in this matter took under consideration the Respondent's request to move this matter out of the administrative forum, a request made on October 24, 2023. Since the Parties are not in agreement to have the claims decided in a court of law, the Notice is GRANTED in part and DENIED in part, with the Complaint Of Discrimination under the IFHA against the Respondent DISMISSED with prejudice. 910 IAC 2-7-9(a). The Notice is not effective in moving the Complaint Of Discrimination under the ICRL out of the Administrative forum, which will result in a bifurcation of these proceedings and will be addressed at the initial prehearing conference with the parties to determine their intent before a final dismissal is issued. **The objection period in this matter has closed.**

- iii. ICRC/Virginia Phenix v. Brian Atkinson
(HOha23050440)
Submitted to the Commission November 28, 2023

The Administrative Law Judge in this matter took under consideration the Respondent's request to move this matter out of the administrative forum, a request made on October 24, 2023. Since the Parties are not in agreement to have the claims decided in a court of law, the Notice is GRANTED in part and DENIED in part, with the Complaint Of Discrimination under the IFHA against the Respondent DISMISSED

with prejudice. 910 IAC 2-7-9(a). The Notice is not effective in moving the Complaint Of Discrimination under the ICRL out of the Administrative forum, which will result in a bifurcation of these proceedings and will be addressed at the initial prehearing conference with the parties to determine their intent before a final dismissal is issued.

The objection period in this matter has closed.

- iv. ICRC/Aisha Rashid v. Kenneth and Sherry Thompson (HOha22080395)
Submitted to the Commission October 11, 2023

The Administrative Law Judge in this matter issued a Notice Of Proposed Default Order against the Respondent Kenneth Thompson, due to his not being present, either in person or by counsel, for a telephonic prehearing conference on November 28, 2022 at 11:00 AM EST. Respondent Kenneth Thompson never filed a Motion of Continuance regarding the prehearing conference, nor is there any evidence indicating that service of the Notice of the date and time of the prehearing conference was not perfected. No response was filed regarding the Notice Of Proposed Default Order was received within the seven (7) day deadline after being issued on October 3, 2023, so the Proposed Default Order went into effect. **The objection period in this matter has closed.**

- v. ICRC/Marsha Rush v. M Fine on Spring LP, and

Heron Property Management LLC (HOha23040378)
Submitted to the Commission on Dec. 11, 2023

The Administrative Law Judge in this matter grants the Complainant's Motion To Withdraw as the Parties have reached a Settlement Agreement, and the Complainant's Complaint is DISMISSED, with prejudice. **The objection period in this matter has closed.**

- vi. ICRC/Charlene Cripps v. Noblesville Senior, LLC and NRP Management, LLC (HOha23090755)
Submitted to the Commission on Dec. 11, 2023

The Administrative Law Judge in this matter took under consideration the Respondent's request to move this matter out of the administrative forum, a request made on October 24, 2023. Since the Parties are not in agreement to have the claims decided in a court of law, the Notice is GRANTED in part and DENIED in part, with the Complaint Of Discrimination under the IFHA against the Respondent DISMISSED with prejudice. 910 IAC 2-7-9(a). The Notice is not effective in moving the Complaint Of Discrimination under the ICRL out of the Administrative forum, which will result in a bifurcation of these proceedings and will be addressed at the initial prehearing conference with the parties to determine their intent before a final dismissal is issued. **The objection period in this matter has closed.**

- vii. Carl Garland v. Horizon Bank (PAra19080473)
Submitted to the Commission Dec. 21, 2023

The Administrative Law Judge in this matter was asked to rule on a Motion For Summary Judgment filed by counsel for the Respondent on July 7, 2023. Complainant, by counsel, filed their Memorandum Of Law in Response To Respondent's Motion for Summary Judgment on October 23, 2023. On December 1, 2023, Respondent's counsel filed Respondent's Reply Brief In Support of its Motion For Summary Judgment. The Administrative Law Judge granted Respondent's Motion For Summary Judgment on December 21, 2023, dismissing Complainant's case with prejudice. **The objection period in this matter has closed, but objections to the Proposed Order were filed by the Complainant on 01/05/2024. Respondent has filed a Response in Objection to the Complainant's Objections to the Proposed Order. Complainant is also moving for time to be scheduled for Oral Arguments on Complainant's objections and for the allowing of briefs from both parties regarding Complainant's objections in advance of the Commission hearing the arguments on the objections, and if granted, Respondent will have thirty (30) days to respond.**

d. ALJ Decisions Automatically Confirmed

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

- i. Juanita Gambler v. Maintenance On Wheels, Inc. (EMrt22120719)
Submitted to the Commission Nov. 28, 2023
- ii. Sabrina Murray v. Rhenus Logistics (EMra23050436)
Submitted to the Commission Nov. 30, 2023
- iii. ICRC/Rachel Shadix v. Ronald Peterson (HOha21110429)
Submitted to the Commission Dec. 1, 2023
- iv. Eric Lewis v. Our Pizza House and Robert B and Rhonda J. Main (PAha23050407)
Submitted to the Commission Dec. 12, 2023
- v. Kristina Guerrero Neace v. PSI Online Exams (PAha23020085)
Submitted to the Commission Dec. 19, 2023
- vi. ICRC/Misty Lee v. North American Hospitality Inc., and Anup Bhalla (HOfs23080673)
Submitted to the Commission Jan. 11, 2024

VII. Meeting Dates for 2024

January 22, 2024

February 19, 2024

March 18, 2024

April 15, 2024

May 20, 2024

June 17, 2024

July 15, 2024

August 19, 2024

September 16, 2024

October 21, 2024

November 18, 2024

December 16, 2024

VIII. Election/Training/Other

IX. Announcements

X. Public Comment

XI. Adjournment