



**INDIANA
CIVIL
RIGHTS
COMMISSION**

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INDIANA CIVIL RIGHTS COMMISSION
Minutes of the
July 27, 2007 Meeting

Chairperson Alpha Blackburn called the regular monthly meeting of the Indiana Civil Rights Commission ("Commission" or "ICRC") to order. The meeting was held in Room 203 of the Indiana State Library Indianapolis, Indiana.

ATTENDEES:

The Commissioners present were: Commissioners Alpha Blackburn, Barry Baynard, David C. Carter, Tehji Crenshaw, John Garcia and Charles Gidney. Six Commissioners being present and constituting more than a majority of the commissioners, a quorum exists—being a number sufficient to conduct business and take final actions.

Commission Director Gregory Kellam Scott, and several staff members were present in person.

A. AGENDA REQUEST:

No Agenda requests were received for this month.

B. APPROVAL OF THE MINUTES:

It was moved by Commissioner Garcia and seconded by Commissioner Baynard to adopt the March and May minutes. The motion carried by unanimous vote of all Commissioners present.

"Morality cannot be legislated, but behavior can be regulated." – Dr. Martin Luther King, Jr

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Recycled Paper

C. NEW BUSINESS:

Director Gregory Kellam Scott ("Judge Scott" or "Director Scott") spoke about the U. S. Supreme Court school integration case, recently decided regarding Seattle schools. While many took exception with portions of the Chief Justice's opinion, Justice Scott Noted that Justice Kennedy's opinion significantly limited what the chief justice opinion stated. Judge Scott quoted from a newscaster, "Justice Kennedy, that all-important swing vote, left a little bit of wiggle room here," regarding consideration of race in school assignments.

Judge Scott stated that the brilliance of Thurgood Marshall, the NAACP's lead attorney, was that he had the ability to use every decision announced, adverse and helpful in the next case that would follow. He was involved in the development of the law as he learned from the mentoring of Charles Hamilton Houston, the deputy dean but actual dean of Howard Law School.

Judge Scott next reported on the Director's trip to Washington DC. Judge Scott reported he had a meeting with Naomi Earp, Chair of the EEOC regarding funding for ICRC. Judge Scott stated the commission is hoping to receive support for an EEOC advertising or media campaign. The agency currently has a Fair Housing advertising campaign that is going well. The meeting at the U.S. Department of Education was not held, but will occur at a later date. He also met with Congressmen Mike Pence and Bobby Scott. Senator Lugar has been informed about funding efforts with the U.S. Department of Education and our Education Steering Committee and is supportive. He, Representative Pence and Representative Scott have offered their support for future efforts.

Judge Scott stated the Emmit Till Act Resolution will be delivered to the congressional delegation as well as the governor's office and the state General Assembly.

Judge Scott stated the Attorney General's (AG) office has apologized for foot-dragging with the retaliation regulations. We hope to meet with staff members from the AG's office to obtain support and to build solid ground of agreement before proceeding with the actual regulations.

Chairperson Blackburn asked for a motion to renew or extend the effectiveness of current existing regulations. It was moved by Commissioner Carter and seconded by Commssioner Baynard to re-adopt existing regulations. The motion carried by unanimous vote of all Commissioners present.

All current existing regulations

D. OLD BUSINESS

Director Scott reported that the Annual Report for Fiscal Year 2006 has been completed, but will not be generally distributed as is expected of subsequent annual reports. This Annual Report is a first-time publication for ICRC for many years and provides a snapshot of the agency, a list of accomplishments, shortcomings and new objectives, short and long-term. A hard copy will be provided to the public on request and will be provided to Commissioners in the next several weeks.

Director Scott reported on the upcoming Terre Haute meeting and the importance of having a quorum for the Terre Haute meeting on August 24, 2007. Terre Haute's Interim Director Jeff Lorick has offered to host this meeting helping to provide lunch for the Commissioners and offering to set up a welcome from the Mayor of Terre Haute. Four commissioners confirmed they would be present at the meeting.

Director Scott reported that the agency is working with the multi-cultural working group, which is planning to hold a conference in 2008 to address the many different cultures that make up Indiana. The conference will look to similarities more so than differences, combining groups from the International Center, Hispanic and Latino Affairs and several non-governmental groups or organizations. The Civil Rights Commission has committed \$5000 as a sponsor of the program which is set for 2008.

Director Scott reported there was a new component to the Indiana Black Expo which included an Africa program. There were hopes of Nelson Mandela attending the expo but due to health reasons he was not able to attend. However his art was there on display along with several representatives who spoke on his behalf.

Director Scott served on a business panel at the request of the local HUD office. He was a speaker addressing section 3 of the Housing and Urban Development Act of 1968. Section 3 is a unique government to respond to natural and man-made disasters in terms of assisting communities.

Director Scott stated that the tenure of the current members of the Dr. Martin Luther King Jr. Indiana Holiday Commission have expired; however, no appointments have been made by Governor Daniels. A new statute has been passed by the legislature that has made minor amendments to the King statute.

E. COMMITTEE REPORTS:

Financial Report

The Commission's monthly financial report was presented by Robin Degner, the Office Operations Manager. The Report was accepted without any questions.

F. CONSENT AGREEMENTS:

It was moved by Commissioner Garcia and seconded by Commissioner Carter to accept the Consent Agreement in the case ***Monica Williams v. Evergreen Aviation Ground Logistics Enterprise, Inc.*** The motion carried unanimously.

G. FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDERS:

It was moved by Commissioner Baynard and seconded by Commissioner Gidney, that the Commission accept the findings of fact, conclusions of law and order proposed in the case ***Zile v. Carmel Apartments, Lucas Family Investments, L.P. and Donald Lucas.*** The motion was approved unanimously.

It was moved by Commissioner Baynard and seconded by Commissioner Gidney, that the Commission accept the findings of fact, conclusions of law and order proposed in the case ***Worland v. Elks Lodge.*** The motion was adopted unanimously.

H. REPORT FROM COMMISSIONERS ON COMPLAINANT APPEALS:

It was moved by Commissioner Garcia and seconded by Commissioner Gidney to accept the recommendation of Commissioner Blackburn to uphold the Director's or the Deputy Director's finding of No Probable Cause in the case of ***Arvin v Northeast Dubios High School.*** The motion was adopted unanimously.

It was moved by Commissioner Garcia and seconded by Commissioner Crenshaw to accept the recommendation of Commissioner Carter to uphold the Director's or the Deputy Director's finding of No Probable Cause in the case of ***Burnett & Marshall v Phillippe Builders, Inc., Robert Phillippe, President.*** The motion was adopted unanimously.

It was moved by Commissioner Gidney and seconded by Commissioner Garcia to accept the recommendation of Commissioner Baynard to uphold the Director's or the Deputy Director's finding of No Probable Cause in the case of **Burns v Beechmill Apartments**. The motion was adopted unanimously.

It was moved by Commissioner Garcia and seconded by Commissioner Baynard to accept the recommendation of Commissioner Crenshaw to uphold the Director's or the Deputy Director's finding of No Probable Cause in the case of **Saahir v Indianapolis Fire Department**. The motion was adopted unanimously.

It was moved by Commissioner Baynard and seconded by Commissioner Crenshaw to accept the recommendation of Commissioner Garcia to uphold the Director's or the Deputy Director's finding of No Probable Cause in the case of **Carter v Indiana University Northwest**. The motion was adopted unanimously.

It was moved by Commissioner Carter and seconded by Commissioner Crenshaw to accept the recommendation of Commissioner Gidney to uphold the Director's or the Deputy Director's finding of No Probable Cause in the case of **Barnett v JVM Realty Corporation**. The motion was adopted unanimously.

I. ASSIGNMENT OF APPEALS TO COMMISSIONERS:

Complainant Appeals were assigned to the Commissioners as follows:

Commissioner David C. Carter – Smith v Riverside Café Inc
EMsh06060228

J. ADMINISTRATIVE UPDATE :

Director's Report

Director Scott reported his meeting with the Indianapolis Star Editorial Board has not taken place yet; but will happen. The meeting was shecuded for the same date the Supreme Court's cases were announced and the same hour of a national telephone conference held to discuss the decision.

Director Scott reported that the issue of tensions growing between the African-American and Latino communities were discussed with Juana Watson, the Governor's Bureau of Hispanic and Latino Affairs. There will be additional meetings to address this concern and the Director will keep the Commission apprised.

Deputy Director's Report

Robin Degner, ICRC Office Operations Manager, filled in for Deputy Director, Christine Cde Baca. Robin reported that the Commission's pending case inventory this month reflects 520 cases. During the month of June, 65 cases were added to the caseload.

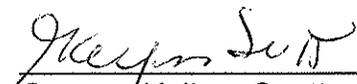
Robin Degner stated the education report was passed out in the packet and that any questions may be communicated by phone or emailed to Deputy Director, Christine Cde Baca.

K. ANNOUNCEMENTS:

Vice-chairperson Davic Carter announced that July 26, 2007 was the 17th anniversary of the Americans with Disabilities Act (ADA).

L. ADJOURNMENT:

There being no further business to come before the Commission, on motion duly made and seconded, the meeting was adjourned.



Gregory Kellam Scott
Director
Dated: _____



~~Alpha Blackburn~~ — DAVID C. CARTER
Vice-Chair
Dated: 9/21/07