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BEFORE THE STATE OF INDIANA
CIVIL RIGHTS COMMISSION

- - -

PUBLIC MEETING OF MARCH 16, 2018

- - -

PROCEEDINGS

in the above-captioned matter, before the Indiana
Civil Rights Commission, Alpha Blackburn,
Chairperson, 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, Room N300, 100 North
Senate Avenue, Indianapolis, Indiana, on Friday,
March 16, 2018 at 1:02 o'clock p.m.

- - -

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

♀

1 APPEARANCES:

CRC 3-16-18

2 COMMISSION MEMBERS:

3 Alpha Blackburn, Chairperson
4 Adrienne L. Slash
5 Holly Harrington
6 James W. Jackson

7 INDIANA CIVIL RIGHTS COMMISSION
8 By Gregory Wilson, Director
9 Indiana Government Center North
10 100 North Senate Avenue, Room N300
11 Indianapolis, Indiana 46204
12 on behalf of the Commission.

13 OTHER COMMISSION STAFF PRESENT:

14 John Burkhardt
15 Lesley Gordon
16 Anehitia Eromosele

17 ALSO PRESENT:

18 Gordon Dempsey

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21 3

22 1:02 o'clock p.m.
23 March 16, 2018

- - -

3 CHAIRPERSON BLACKBURN: Good
4 afternoon. The Indiana Civil Rights Commission
5 is now in session, and we do indeed have a
6 quorum, with our new members, and before

7 introducing our new Holly Harrington to the
8 Commission, I want to have the announcement of
9 the agenda, and then you can follow along as the
10 agenda is organized.

11 JUDGE BURKHARDT: Thank you. Good
12 afternoon to you, Chair Blackburn, and good
13 afternoon, Commissioners.

14 So, in today's meeting, as you see on your
15 agenda, the ICRC welcomes its most recently
16 appointed Commissioner, Ms. Holly Harrington.
17 Next, you will receive a report from the ICRC
18 Director, then the Commission will receive
19 reports from the Commissioners assigned to seven
20 appeals at the last monthly meeting, and next the
21 Chair's appointment of Commissioners to six new
22 appeals will be made, then the Commission will
23 vote on one dispositive order of the ALJ, and

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1 then a number of announcements will be made.

2 Thank you.

3 CHAIRPERSON BLACKBURN: Thank you
4 very much.

5 And now it is my pleasure to introduce our
6 new Commissioner. I want it really clear, Holly,
7 if you are on the new -- on the board of the
8 airport, or if you are a staff person at the
9 airport.

10 COMM. HARRINGTON: I'm a staff person
11 at the airport, so I'm their Director of Supplier

12 Diversity for the last four years.

13 CHAIRPERSON BLACKBURN: Excellent.

14 COMM. HARRINGTON: Uh-huh.

15 CHAIRPERSON BLACKBURN: Thank you.
16 we're so glad to have you.

17 COMM. HARRINGTON: Thank you very
18 much. I'm glad to be here.

19 CHAIRPERSON BLACKBURN: Good.

20 And for those of you who -- well,
21 everybody was here to meet you, Comm. Jackson.

22 COMM. JACKSON: Yeah, yeah, you're
23 right.

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5

1 CHAIRPERSON BLACKBURN: Okay. So,
2 you're an old Commissioner now.

3 COMM. JACKSON: Sort of, one meeting
4 in, yeah.

5 COMM. HARRINGTON: Oh, this is your
6 second meeting?

7 COMM. JACKSON: Yes, it is.

8 COMM. HARRINGTON: Okay.

9 COMM. JACKSON: Can't you tell?

10 CHAIRPERSON BLACKBURN: So, we're
11 still saying welcome.

12 COMM. JACKSON: Thank you.

13 CHAIRPERSON BLACKBURN: And I was
14 going to say we're going to not overwork you to
15 start, but I'm looking at your notebook. It's as
16 thick as everybody else's.

17 COMM. JACKSON: Yeah, I see it.

18 CHAIRPERSON BLACKBURN: We don't cut
19 you any slack for being new.

20 COMM. JACKSON: Yeah, one of the new
21 people.

22 CHAIRPERSON BLACKBURN: Well,
23 welcome.

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6

1 Next, we have our distinguished Director
2 here to deliver in person the Director's Report.

3 MR. WILSON: Thank you so much,
4 Chair.

5 CHAIRPERSON BLACKBURN: Thank you.

6 MR. WILSON: We appreciate it, and
7 welcome, Holly.

8 We have had the fortune of working with
9 Holly for many years, and we're honored that you
10 are part of this great Commission. I know that
11 we're going to get great work from her, and trust
12 me, there's plenty of work to go around, and I
13 think, as you heard Comm. slash say, plenty of
14 work to go around.

15 But I will say, and you'll see this --
16 before I actually get to the report, I just want
17 to say a couple of things. We are at full staff
18 for the first time in years, that every key
19 position and some is filled, and I'm really
20 excited about that, because what that means is,
21 is that the wheels of justice will continue to

22 move forward when it comes to looking at these
23 cases and these complaints that come in. We'll

7

1 be able to get them done a lot faster.

2 One of the big things, and you'll see in a
3 lot of the work that you get, the fact that even
4 with the Commission, we only had -- when I got
5 here, I think we only had like four or five,
6 and -- actually four -- and we are able to now
7 have a full Commission as well. So, we think
8 that we have come in and tried to have an impact
9 on the agency, and we're happy about that.

10 I've been working with John to come up
11 with a plan for this year to clean up the rest of
12 the backlog of cases, because we had cases that
13 went all of the way back to 2010 or --

14 JUDGE BURKHARDT: Uh-huh.

15 MR. WILSON: -- '7 or '8. We had
16 cases that were that old, and it was -- I found
17 that to be pretty hurtful to me, that we know
18 that these people were looking for resolution to
19 their issues, their complaints, and I don't think
20 we did that in a timely fashion. But with John's
21 help, we're cleaning that all up, and by the end
22 of the year, all of those cases will be gone.
23 So, I think the Commission -- with your help, I

8

1 think that the Commission should be extremely
2 excited about the fact that we're going to have
3 all of these old cases cleaned up.

4 And we have been responsive to those
5 people. The things we've done is we've gone on
6 the radio, we've been talking to people. I told
7 you I take every call that comes in that -- when
8 people say, "I want to talk. I'm not happy with
9 what happened." And we listen, and we try to
10 find a solution to whatever it is they called
11 about.

12 A couple of things we've done the last
13 month or so, I told you we didn't want to just be
14 in the office doing the work. We took the
15 office -- we took the work of intake to the
16 community. It worked. We got complaints while
17 we were out there at the library, and so, now
18 that's going to be part of our standard practice
19 of having intake in the community so people don't
20 have to come downtown and fight traffic. And
21 we'll always have it at a place that they'll have
22 easy access, whether by bus line, parking or
23 whatever. We're going to make it so that it's

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9

1 not complicated for those that we serve.

2 Upcoming things. We're working our
3 Region V Conference. We were supposed to have it
4 a few years ago, and this agency did not deliver
5 on that, but this year we're going to deliver.

6 That's where we have all of the civil rights
7 agencies in our particular regions come in, and
8 we've put together a conference, and we'll be
9 talking more about that later. That is just to
10 kind of give you a heads-up.

11 So, then we go to Agency at a Glance.
12 This is what we do monthly. And I'll pass
13 everybody a copy --

14 COMM. SLASH: Thank you.

15 MR. WILSON: -- of Agency at a
16 Glance. It kind of gives you what we're doing,
17 how we're doing, and where we're doing it at in
18 some instances.

19 COMM. HARRINGTON: Thank you.

20 MR. WILSON: As you can see, the Heat
21 Map just kind of tells you where our cases are
22 at, kind of what's going on. And we're data
23 driven here, so for us to understand where our

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1 marketing strategies need to be focused, we kind
2 of look at the data to see where we have our --
3 the largest amounts of complaints, where they
4 were at. And you'll see right now Marion County
5 tends to be where we have most of our complaints.

6 Now, we are going around the state and
7 we're partnering with cities. As a matter of
8 fact, we're going to speak at AIM, which is the
9 Indiana cities and towns organization, to find
10 out what mayors, town managers that we can work

11 with to implement our program in their city or
12 their town.

13 And you can kind of see and look, there is
14 our biggest counties here kind of -- and at the
15 top, you'll see kind of the enforcement areas and
16 the type of complaints that they were. And
17 you'll see here to the side, the Complaints by
18 Enforcement Area: Employment, Housing, Public
19 Accommodation and Education. Then the upcoming
20 events.

21 This is just kind of a sheet just to kind
22 of let you know here's what's happening. Do we
23 track our -- what's going on? Yes, we do. I

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11

1 think we get something a month -- John, help me
2 out. How many inquiries in about a month,
3 average? It's not on here. I think it's --

4 JUDGE BURKHARDT: I do not know the
5 average, but --

6 MR. WILSON: -- about 600 plus --

7 JUDGE BURKHARDT: That sounds right.

8 MR. WILSON: -- inquiries --

9 JUDGE BURKHARDT: Yes.

10 MR. WILSON: -- a month with
11 complaints. That don't mean all inquiries turn
12 into a complaint. Some do. As you can see, our
13 Diversity Luncheon, that's Northwest Indiana.
14 AIMS, which is the Mayors Institute, we're going
15 to speak at -- to the mayors on how we can

16 partner.
17 We're getting ready to start doing
18 implicit-bias training for law enforcement.
19 We're going to do that -- our first one is going
20 to be up in Valparaiso. We're working with them
21 now to develop that program to do implicit-bias
22 training. That will allow us to do it with any
23 law enforcement agency across the state of

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1 Indiana. That will be the first time this agency
2 has ever did anything like that before.

3 Fair Housing, and then we're sending some
4 of our staff to get more understanding of better
5 ways of marketing. That's what they're doing in
6 St. Louis. Fair Housing Month is next month.
7 We'll be doing a celebration of 50 years of fair
8 housing. We have a celebration that we're
9 putting together for April.

10 Again, the Remote Intake Series, the next
11 one is at the Nora Branch Library is where we're
12 going to be doing it. And we market it, whether
13 it's Community Corners, on television channels,
14 radio, whatever we have to do to get that. We're
15 working with our partner agencies out there to
16 get the word out where we're going to be at.

17 Fair Housing Tenant and Landlord Seminar
18 that we're putting on. One of the things about
19 Fair Housing Month, we're going to also be doing
20 some movie screenings that deal with fair housing

21 issues, and then we have a renowned speaker, so
22 we're going to really try to make sure that the
23 community knows about it, they come, and

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13

1 hopefully some people will see this and it might
2 be something that has impacted them. We'll also
3 have intake there to be able to take complaints
4 afterwards as well.

5 CHAIRPERSON BLACKBURN: Where?

6 MR. WILSON: That is going to be, I
7 believe, at the library, but we're finishing up
8 on that. As soon as we're done, we'll put that
9 out. You'll get where that's going to be exactly
10 at. I think it's at the library. It's either at
11 the library or at the Madam Walker. They haven't
12 finished the details yet.

13 ICR, again, working with our Statewide
14 Conference in Kokomo. Here it is right here, I'm
15 sorry. The numbers of calls, 742, so it's low,
16 742. Numbers of inquiries, 177; number of
17 complaints, 64; 18 no probable cause; number of
18 closings, 40; appeals, six; open cases right
19 now, 80.

20 And these are the settlements now. We
21 have \$44,000 settlement. We do win cases, we do
22 penalize people. But it's not just about the
23 penalty. It has to be more than that. Sometimes

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1 it's about penalty, sometimes it's getting their
2 job back, sometimes it's just the fact that
3 someone apologizes.

4 What is the complaint really trying to do?
5 Always people think it's monetary. It's not
6 necessarily monetary to them. There's a lot more
7 things that they feel is important. But usually
8 the main thing is the right gets taken -- the
9 wrong gets taken care of if their complaint was
10 valid.

11 I just kind of went through some things at
12 a glance. I know you have more work to do, and I
13 just ask the Commission: Do you have any
14 questions of me?

15 CHAIRPERSON BLACKBURN: Yes. I sent
16 an e-mail to the MLK Commemorative Committee and
17 tried to register for attendance at that
18 celebration. I'm not sure they got it, so can
19 one of you follow up and make sure that I have
20 two reservations to go to that event on the 4th?

21 MR. WILSON: I haven't gotten --

22 CHAIRPERSON BLACKBURN: Will you be
23 in town?

15

1 MR. WILSON: I haven't gotten --

2 CHAIRPERSON BLACKBURN: No, you're
3 going to be out of town.

4 MR. WILSON: I haven't gotten
5 anything back either. We'll follow up, but I
6 haven't got anything back from them either, and
7 from what I was told is that was supposed to be
8 either packed or full or -- but I haven't gotten
9 anything back --

10 CHAIRPERSON BLACKBURN: Yeah.

11 MR. WILSON: -- from them.

12 COMM. SLASH: I don't think I've
13 received anything back.

14 COMM. HARRINGTON: I was going to
15 ask, we just had an inaugural event, and I
16 shared --

17 MR. WILSON: I saw it.

18 COMM. HARRINGTON: -- at the airport.
19 Did they send you guys anything in advance --

20 MR. WILSON: No.

21 COMM. HARRINGTON: -- to let you
22 know?

23 MR. WILSON: No. I didn't know

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16

1 anything about it until I saw your link.

2 COMM. HARRINGTON: My face and my
3 like?

4 MR. WILSON: Yes, yeah, I saw it
5 then.

6 COMM. HARRINGTON: I'll follow -- I
7 can commit to following up with my marketing
8 group, because I know they have to work with

9 somebody to see if I can get any general
10 information.

11 MR. WILSON: Yeah. I've called, and
12 I haven't really gotten any responses. I've
13 called myself, and so, I don't know. Yeah, but
14 I'm not going to be here. I'm actually -- Chair,
15 I'm actually going to Memphis itself. There's a
16 conference up there, and then also I'm going to
17 attend the event they're going to do to
18 commemorate the legacy of Dr. King on the last
19 day at the Lorraine Hotel, and I'm going to be
20 working with the AFSCME Union. They're going to
21 be -- the Sanitation Union is going to be putting
22 on a big event there, so I'm actually going to
23 more of the celebration right there, which I

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17

1 think will -- we're going to try to do Facebook
2 Live. I'm going to give it a shot if I can do
3 that, so --

4 COMM. SLASH: You can do it.

5 MR. WILSON: I'll give it a shot.

6 COMM. HARRINGTON: I have full
7 confidence.

8 MR. WILSON: Thank you for the
9 confidence.

10 COMM. HARRINGTON: I think you can
11 do it.

12 MR. WILSON: Thank you for the
13 confidence, and so, I am going to try to do the

14 Facebook Live and interview and talk to people
15 and give people here back a sense of --

16 COMM. HARRINGTON: Uh-huh.

17 MR. WILSON: -- what people are
18 thinking and saying there at that event.

19 So, chair, anything else?

20 (No response.)

21 MR. WILSON: Commissioners,
22 questions, thoughts?

23 (No response.)

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1 MR. WILSON: Thank you so much. We
2 appreciate that.

3 CHAIRPERSON BLACKBURN: Okay. So
4 that's -- is that it, sir? You've been busy,
5 Mr. Wilson.

6 MR. WILSON: Thank you.

7 CHAIRPERSON BLACKBURN: Next, I want
8 to review -- or get a report on the appeals
9 reviewed by Commissioners. The first one on the
10 agenda, assigned to me, is Rebecca Kiste versus
11 Dennis Pickett, and in that case, I recommend
12 that we uphold the finding of no probable cause
13 of Deputy Director Doneisha, and ask for a motion
14 to accept that.

15 COMM. SLASH: So moved.

16 CHAIRPERSON BLACKBURN: And a second?

17 COMM. JACKSON: Second.

18 CHAIRPERSON BLACKBURN: Thank you.

19 CRC 3-16-18
Anyone opposed?
20 (No response.)
21 CHAIRPERSON BLACKBURN: Thank you.
22 Comm. Edwards is recuperating from
23 surgery, and I don't know if she has had the

19

1 opportunity to respond or report on the cases
2 that she was assigned.
3 COMM. SLASH: Chair Blackburn, she
4 submitted them by e-mail.
5 CHAIRPERSON BLACKBURN: Okay.
6 COMM. SLASH: would you like for me
7 to read them?
8 CHAIRPERSON BLACKBURN: Please.
9 COMM. SLASH: Okay.
10 JUDGE BURKHARDT: Each binder should
11 have --
12 MS. EROMOSELE: Should have, yes.
13 JUDGE BURKHARDT: -- the printout of
14 her e-mail as well --
15 MS. EROMOSELE: Yes.
16 JUDGE BURKHARDT: -- in the very
17 front pocket.
18 MS. EROMOSELE: Yes.
19 COMM. SLASH: Okay. So, hers, in the
20 case of Adebayo -- I cannot pronounce the last
21 name -- versus Michael Sherfficks, she
22 recommended upholding the no probable cause, and
23 in the case of Anthony Caples versus Meddallion

1 Plastics, Inc., she recommended upholding no
2 probable cause.

3 CHAIRPERSON BLACKBURN: May I have a
4 motion to accept both?

5 COMM. JACKSON: Motion to accept.

6 CHAIRPERSON BLACKBURN: And a second,
7 please?

8 COMM. SLASH: Can I second them? I
9 just them, so I second.

10 CHAIRPERSON BLACKBURN: All in favor?

11 COMM. SLASH: Aye.

12 COMM. HARRINGTON: Aye.

13 COMM. JACKSON: Aye.

14 CHAIRPERSON BLACKBURN: Aye.

15 Anyone opposed?

16 (No response.)

17 CHAIRPERSON BLACKBURN: Thank you.

18 Comm. Jackson.

19 COMM. JACKSON: Chip Otterbein
20 versus Dayton Appliance Parts Company, Docket
21 No. PAha17091282, no probable cause should be
22 upheld, my recommendation.

23 CHAIRPERSON BLACKBURN: May I have a

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1 motion to accept?

2 COMM. SLASH: So moved.
 Page 17

3 COMM. HARRINGTON: Second.

4 CHAIRPERSON BLACKBURN: All in favor?

5 COMM. SLASH: Aye.

6 COMM. HARRINGTON: Aye.

7 COMM. JACKSON: Aye.

8 CHAIRPERSON BLACKBURN: Aye.

9 Anyone opposed?

10 (No response.)

11 COMM. JACKSON: Do I give this to
12 somebody here?

13 JUDGE BURKHARDT: We will collect
14 those yes, thank you, appeal determination
15 worksheets.

16 CHAIRPERSON BLACKBURN: Comm. slash.

17 COMM. SLASH: In the case of Shirley
18 Morens versus Kann Enterprise, I vote to uphold
19 the no probable cause. In the case of -- do you
20 want me to just read them all and then we vote on
21 them?

22 JUDGE BURKHARDT: One at a time would
23 be great.

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1 COMM. SLASH: Okay.

2 JUDGE BURKHARDT: Thank you.

3 CHAIRPERSON BLACKBURN: I do -- I do
4 have a question about the case of --

5 COMM. SLASH: Uh-huh.

6 CHAIRPERSON BLACKBURN: -- Morens.

7 My understanding was that the rebuttal which was

8 alluded to in the analysis came after this was
9 printed for us. Do you know? It says that the
10 Complainant has failed to rebut Respondent's
11 assertions. Yet, it appeared that those concerns
12 were answered in information that was provided in
13 January.

14 COMM. SLASH: Yeah. So, everything
15 looked -- this one didn't feel incomplete to me.
16 I thought I had everything, and it had multiple
17 files. So, when I went back to reread to make
18 sure I didn't miss anything, I thought it was up
19 to date. I didn't -- if that's a question and if
20 there's more for me to review, I have no problem
21 going back.

22 CHAIRPERSON BLACKBURN: why don't
23 we --

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23

1 COMM. SLASH: Hold off on this one?

2 CHAIRPERSON BLACKBURN: -- allow you
3 time to --

4 COMM. SLASH: Okay.

5 CHAIRPERSON BLACKBURN: -- review and
6 make sure that in fact you have reviewed all of
7 the papers, and --

8 COMM. SLASH: Okay.

9 CHAIRPERSON BLACKBURN: -- move on to
10 the next two cases.

11 COMM. SLASH: So, we'll continue this
12 one until next month?

13 CHAIRPERSON BLACKBURN: Yes.

14 COMM. SLASH: Okay.

15 JUDGE BURKHARDT: And for purposes of
16 administration, would there be any way we can
17 identify the document that may be outstanding?

18 COMM. SLASH: So, are you questioning
19 the additional piece that we got after we were
20 assigned the cases?

21 CHAIRPERSON BLACKBURN: Yes, and I
22 don't know if you have it.

23 JUDGE BURKHARDT: All evidence is

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1 uploaded to SharePoint when submitted. Do you --
2 you mentioned there were multiple documents.

3 COMM. SLASH: Yeah, there were two
4 separate files inside of the SharePoint piece.

5 (Discussion off the record.)

6 CHAIRPERSON BLACKBURN: Did you get
7 this one?

8 COMM. SLASH: Oh, yeah, I read this
9 one.

10 JUDGE BURKHARDT: Okay.

11 MR. WILSON: Can we -- can John --
12 Judge John, can he provide any clarification for
13 you, so that --

14 COMM. SLASH: This is the second
15 folder, so inside of her folder there were two
16 separate files.

17 JUDGE BURKHARDT: Yes.

18 COMM. SLASH: And so, this piece is
19 the separate file. It's the second piece.

20 JUDGE BURKHARDT: Right.

21 COMM. SLASH: The one, the original,
22 like the original appeal packet, was the one that
23 we had when we left here last month, but when you

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1 all updated, I think you guys added an additional
2 piece.

3 JUDGE BURKHARDT: Yes. Those are
4 updated in real time, so --

5 COMM. SLASH: Yeah.

6 JUDGE BURKHARDT: -- you having
7 entered that file and found that second document,
8 that's exactly all of the information provided.

9 COMM. SLASH: Okay.

10 JUDGE BURKHARDT: So, you are saying
11 you reviewed that?

12 COMM. SLASH: Uh-huh, I reviewed --

13 JUDGE BURKHARDT: You have all of --

14 COMM. SLASH: -- them. I reviewed
15 them both.

16 JUDGE BURKHARDT: -- the information,
17 yes. So, that would be sufficient for your
18 recommendation.

19 COMM. SLASH: And so, with this case,
20 though, there are two no probable cause
21 upholdings that I need to make a recommendation
22 on; right?

23

JUDGE BURKHARDT: Two issues in one

26

1 complaint?

2 COMM. SLASH: Yes.

3 CHAIRPERSON BLACKBURN: Two issues.

4 JUDGE BURKHARDT: Okay.

5 COMM. SLASH: One was sex -- it was
6 discrimination based on sex, and the other one
7 was on race.

8 JUDGE BURKHARDT: Okay. Since I have
9 not been appointed to precause matters --

10 COMM. SLASH: Okay.

11 JUDGE BURKHARDT: -- I personally see
12 it as my duty not to actually touch these --

13 COMM. SLASH: Okay.

14 JUDGE BURKHARDT: -- appeals. Our
15 docket clerks stewards the appeal process --

16 COMM. SLASH: Uh-huh.

17 JUDGE BURKHARDT: -- since I have not
18 been appointed to assist with precause
19 complaints.

20 COMM. SLASH: Well, how about I
21 request continuance until next month on this one,
22 just to make sure we get through all sorts of
23 clarifications and --

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1 JUDGE BURKHARDT: Well, it's up to
2 your discretion. However, I will say in your
3 stating that you reviewed everything in
4 SharePoint, I can firmly state that is all that
5 we have --

6 COMM. SLASH: Okay.

7 JUDGE BURKHARDT: -- and that you
8 have reviewed all of the evidence.

9 COMM. SLASH: Okay.

10 JUDGE BURKHARDT: So, it's up to you.
11 As you indicated a recommendation initially, us
12 now having resolved the issue that there was no
13 outstanding information that you didn't
14 receive --

15 COMM. SLASH: Yeah, if there is no
16 outstanding information, then I would like to
17 uphold the finding of no probable cause.

18 CHAIRPERSON BLACKBURN: In that case,
19 I would ask for a motion to accept Comm. Slash's
20 recommendation.

21 COMM. JACKSON: Motion to accept.

22 COMM. HARRINGTON: Second.

23 CHAIRPERSON BLACKBURN: And a second.

28

1 COMM. HARRINGTON: Second.

2 CHAIRPERSON BLACKBURN: And all in
3 favor?

4 COMM. SLASH: Aye.

5 COMM. HARRINGTON: Aye.

CRC 3-16-18

6 COMM. JACKSON: Aye.

7 CHAIRPERSON BLACKBURN: Aye.

8 Anyone opposed?

9 (No response.)

10 CHAIRPERSON BLACKBURN: Thank you so
11 much.

12 COMM. SLASH: Okay. And in the case
13 of Sandra Black versus Hunters Run Apartments,
14 I'd like to uphold the no probable cause finding.

15 CHAIRPERSON BLACKBURN: May I have a
16 motion to accept?

17 COMM. JACKSON: So moved.

18 COMM. HARRINGTON: Second.

19 CHAIRPERSON BLACKBURN: And all in
20 favor?

21 COMM. SLASH: Aye.

22 COMM. HARRINGTON: Aye.

23 COMM. JACKSON: Aye.

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1 CHAIRPERSON BLACKBURN: Aye.

2 Anyone opposed?

3 (No response.)

4 CHAIRPERSON BLACKBURN: Thank you.

5 COMM. SLASH: Okay. And then the
6 last one, in the case of Joe Trump versus
7 Waterscape HOA, I'd like to recommend that no
8 probable cause should be upheld.

9 CHAIRPERSON BLACKBURN: And a motion,
10 please, to accept that recommendation.

11 CRC 3-16-18
COMM. HARRINGTON: So moved.
12 CHAIRPERSON BLACKBURN: And a second?
13 COMM. JACKSON: Second.
14 CHAIRPERSON BLACKBURN: And all in
15 favor?
16 COMM. SLASH: Aye.
17 COMM. HARRINGTON: Aye.
18 COMM. JACKSON: Aye.
19 CHAIRPERSON BLACKBURN: Aye.
20 Anyone opposed?
21 (No response.)
22 CHAIRPERSON BLACKBURN: Thank you so
23 much.

♀

30

1 Listed under item i, the Appointment of
2 Commissioners to Complaint Appeals of Director's
3 Finding, they are listed, and I would like to
4 assign cases to -- from left to right, for the
5 recorder -- or for John to please list the
6 assignments for review of those cases -- or those
7 appeals, and I would like to include the
8 appointment of one of those cases -- assignment
9 of one of those cases to Comm. Long, as she
10 specifically requested --

11 JUDGE BURKHARDT: Okay.

12 CHAIRPERSON BLACKBURN: -- to be
13 assigned a case, even though she is not here.

14 JUDGE BURKHARDT: Okay. So, in your
15 appointment log, as you assigned them left to

16 right, formally for the record, can we receive a
17 notation related to each case name and number?
18 Casey Baker v. Resource Property Management
19 Group, no. 1, to whom will that be; left --
20 Comm. Harrington?

21 CHAIRPERSON BLACKBURN: Yes.

22 JUDGE BURKHARDT: Okay. Then Dustin
23 McClure v. Danny & Sarah Richardson, that would

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1 be to Comm. Jackson.

2 CHAIRPERSON BLACKBURN: Yes.

3 JUDGE BURKHARDT: Bryan Paez v.
4 University Village Apartments, Chairperson. And
5 please, since this is your prerogative, let me
6 know if what I'm saying does not reflect your
7 appointment.

8 CHAIRPERSON BLACKBURN: Yes.

9 JUDGE BURKHARDT: Thomas Hajduch v.
10 ITR America LLC, you're appointing that to
11 Comm. slash?

12 CHAIRPERSON BLACKBURN: Yes.

13 JUDGE BURKHARDT: And then Adeyemo v.
14 LaRue Carter Memorial Hospital, you're appointing
15 that to Comm. Long, I understand.

16 CHAIRPERSON BLACKBURN: Comm. Long.

17 JUDGE BURKHARDT: Correct; okay. And
18 then Scheree Robinson v. Woods of Eagle Creek, to
19 whom do you appoint that?

20 CHAIRPERSON BLACKBURN: He's not

21 here, but I would like to assign it to
22 Comm. Ramos.

23 JUDGE BURKHARDT: Duly noted. Thank

♀

32

1 you.

2 CHAIRPERSON BLACKBURN: And Final
3 Orders.

4 JUDGE BURKHARDT: Okay. Thank you.
5 So, as you'll see listed, Calvin Watkins v. Gary
6 Housing Authority, that was a matter over which I
7 was the presiding officer, and that case
8 represents a matter in which the parties jointly
9 moved to dismiss this matter after successful
10 conciliation, and so on that basis, I issued an
11 order disposing of these proceedings, which order
12 will become the final order of the case, with the
13 Commission's affirmation.

14 CHAIRPERSON BLACKBURN: Well,
15 congratulations.

16 May I have a motion to dismiss?

17 COMM. SLASH: So moved.

18 COMM. HARRINGTON: Second.

19 CHAIRPERSON BLACKBURN: All in favor?

20 COMM. SLASH: Aye.

21 COMM. HARRINGTON: Aye.

22 COMM. JACKSON: Aye.

23 CHAIRPERSON BLACKBURN: Aye.

♀

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1 Anyone opposed?

2 (No response.)

3 CHAIRPERSON BLACKBURN: Thank you.
4 Oral Arguments.

5 JUDGE BURKHARDT: Yes, I will be
6 happy to provide that announcement.

7 CHAIRPERSON BLACKBURN: Would you
8 speak to that?

9 JUDGE BURKHARDT: Yes. Thank you.

10 So, the matter listed as an announcement
11 is the Oral Arguments before the Full Commission
12 in the matter of Terry Lymon v. UAW Local
13 Union 2209, to occur April 20th at the next
14 public meeting.

15 So, the Administrative Law Judge prior to
16 me issued an order disposing of these proceedings
17 in favor of the Respondent on the Respondent's
18 motion for summary judgment, so no hearing on the
19 merits occurred. Respondent has motioned for
20 summary judgment, and summary judgment was
21 granted to Respondent to dispose of the matter.

22 So, while no hearing on the merits
23 occurred, the parties may object to the Judge's

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1 order disposing of the case, and so Complainant
2 did indeed object to the ALJ's grant of summary
3 judgment, and it is the Commission's
4 responsibility now to hold the oral argument

5 pursuant to the Administrative Orders and
6 Procedures Act, and so oral argument has been
7 scheduled to occur at the next meeting.

8 And as the notice of oral argument which
9 went to all of the parties states, the
10 Commission's review at that time is not
11 restricted to determining whether there's
12 substantial evidence supporting the ALJ's
13 decision, but the Commission, as the ultimate
14 trier of fact, may weigh the evidence before it
15 in ultimately deciding itself whether summary
16 judgment should be granted, and then eventually,
17 if it were not granted, deciding on the merits.

18 So, the oral argument will occur on
19 April 20th, and materials for your review prior
20 to the oral argument are in the meeting materials
21 folder for this month's meeting on SharePoint.

22 CHAIRPERSON BLACKBURN: Okay. Thank
23 you very much.

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1 JUDGE BURKHARDT: Thank you.

2 CHAIRPERSON BLACKBURN: Next month,
3 on the 20th, also we'll elect Chair and
4 Vice-Chair.

5 JUDGE BURKHARDT: Yes.

6 CHAIRPERSON BLACKBURN: And I'm
7 actively campaigning, since we have a form.

8 (Laughter.)

9 JUDGE BURKHARDT: And so, the --
Page 29

10 pertaining to that announcement, we'll be happy
11 to provide at your pleasure.

12 CHAIRPERSON BLACKBURN: Then Annual
13 Meeting on the 20th will also include
14 Commissioner Training. I think it is of benefit
15 to all Commissioners, not just our new
16 Commissioners, to remind ourselves of the
17 progress of a complaint through the agency, and
18 that we can do the ultimate speech for anybody
19 who wants to know what we do here and how we do
20 it. So, I look forward to the Commissioner
21 Training the morning of the 20th, and the public
22 meeting at 1:00 o'clock.

23 Are there any questions?

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1 COMM. JACKSON: Can we make sure that
2 the Commissioners are aware of the importance of
3 the April 20th meeting with regard to the
4 election of officers, to possibly make sure we
5 have a full Commissioner meeting? There could be
6 multiple reminders sent out expressing that in
7 particular.

8 JUDGE BURKHARDT: Thank you. I'll be
9 happy to attend to that. In fact, to that end,
10 to get the matter on everyone's radar, some
11 nomination forms were provided to you, and as you
12 know, the -- in some Indiana Commissions, for
13 example, the Dr. Martin Luther King, Jr. Indiana
14 Holiday Commission and also the Native American

15 Indian Affairs Commission, the Governor
16 designates the Chair.

17 But under the Indiana Civil Rights Law,
18 it's stated that the -- at each annual meeting,
19 the Commission shall organize by the election of
20 a Chair and Vice-Chair from its membership, each
21 of whom shall serve for a term of one year and
22 until his successor is elected.

23 And so, that being stated to occur at the

♀

1 Annual Meeting on April 20th, the nomination
2 forms before you now are to assist anyone on our
3 fully stocked Commission, which contains a
4 majority of recently appointed individuals, to
5 ensure that everyone is able to provide their
6 nominations.

7 So that via that form, which we request
8 you e-mail to the docket clerk by April 10th,
9 then results of the nominations being pooled will
10 be announced at the April meeting, so that the
11 vote can then be taken on those nominations. So,
12 we do request your completion of the nomination
13 form, which --

14 COMM. SLASH: Was it e-mailed? Was
15 it e-mailed?

16 JUDGE BURKHARDT: In your folder, and
17 it will be available on SharePoint, and via that
18 nomination form, you can make your nominations
19 for both positions, Chair and Vice-Chair, and

20 that will provide the basis for a good vote with
21 a quorum --

22 COMM. JACKSON: May I ask a question?

23 JUDGE BURKHARDT: -- in April. Yes.

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1 COMM. JACKSON: Is this date firm to
2 do this? Is it -- is there a statute that says
3 we have to do it on April 20th?

4 JUDGE BURKHARDT: No. The April
5 month is designated the Annual Meeting. The 20th
6 of the month is not stipulated.

7 COMM. JACKSON: Because I don't know
8 any of these folks, and it would be very
9 difficult for me to -- for my integrity anyway --
10 nominate someone. It would only be procedural
11 for me. I would recommend, if at all possible,
12 at our April 20th meeting we could get to know
13 each of the people that's on this list, just to
14 hear who they are, what they're about.

15 MR. WILSON: Well, the date's not
16 firm, but the Annual Meeting is firm.

17 COMM. JACKSON: Yeah, yeah. I'm fine
18 with the Annual Meeting. I'm just saying with
19 regard to the election of officers.

20 MR. WILSON: Uh-huh. would you like
21 their resumes sent to you as well?

22 COMM. JACKSON: That would be good.

23 MR. WILSON: Well, let's send you

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1 resumes, because even though you're here at that
2 meeting, that's still only going to tell you so
3 much. But we'll send --

4 COMM. JACKSON: Well, the resumes are
5 good.

6 MR. WILSON: Yeah, we'll send you
7 their resumes, and maybe that will help you in
8 looking at your selections.

9 So, will you please make sure that they
10 get resumes from those who serve on the
11 Commission?

12 JUDGE BURKHARDT: Okay. And pursuant
13 to Robert's Rules, it would be customary to
14 receive the nominations before a vote, and in
15 follow-up to your concern, it could absolutely be
16 added to the training agenda that at that time,
17 anyone nominated via these forms by April 10th
18 can then state to their colleagues if they, one,
19 accept the nomination; and two, if so, why
20 they -- you know, they could give themselves a
21 proper introduction to you and make their case.

22 COMM. JACKSON: Okay.

23 JUDGE BURKHARDT: So, would that

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1 resolve your concerns?

2 COMM. JACKSON: The resume would be

3 sufficient.

4 JUDGE BURKHARDT: Okay.

5 COMM. JACKSON: Yeah. You can learn
6 a lot about a person in a resume.

7 JUDGE BURKHARDT: Sure. Understood.

8 MR. WILSON: we'll have that to you.

9 JUDGE BURKHARDT: Thank you.

10 COMM. HARRINGTON: And just -- I've
11 shared that on the 20th --

12 JUDGE BURKHARDT: Uh-huh.

13 COMM. HARRINGTON: -- it's the
14 meeting -- these meetings coincide with our
15 airport board meetings, and so that takes place
16 at 8:00 o'clock until probably about 10:00, and
17 I'm on the agenda to present. So, as soon as
18 that's over, I'll come over for the Annual
19 Meeting, but I'll be here for the full afternoon.
20 So, I just wanted to let you know.

21 JUDGE BURKHARDT: Okay.

22 COMM. SLASH: And my -- I have very
23 brief conflict, so I'm hoping to be here by the

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1 meeting portion, but it's also the date that they
2 are recognizing United Way's Hundred Heroes, and
3 I have to kind of be there for that recognition.

4 COMM. HARRINGTON: That recognition.

5 JUDGE BURKHARDT: Understood.

6 COMM. SLASH: I'll race here to get
7 here in time for the meeting portion. My hope is

8 that I can be at a portion of the training, slip
9 out, and come back. That's my plans for the day.

10 MR. WILSON: I might actually mention
11 a question. Is that then -- should we look and
12 make sure this is a good day in April? Should we
13 relook at another day?

14 COMM. JACKSON: It's sounding like it
15 could possibly not be.

16 MR. WILSON: Because I don't want
17 anyone to have to rush and do -- we don't --
18 anything that's inconvenient for you as
19 Commissioners to be able to do your duties or
20 roles here as Commissioners. So, looking at the
21 rule, I mean that's not getting rid of the Annual
22 Meeting, but looking at the day.

23 CHAIRPERSON BLACKBURN: But maybe

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1 it's -- pardon me for interrupting. Maybe it's
2 not the day, but the hour that we start. If you
3 can't get here until 11:00, let's say, and you
4 could only get here until 11:00, we could just
5 start later.

6 COMM. SLASH: Yeah, what if we did
7 our training portion after our --

8 CHAIRPERSON BLACKBURN: After the --

9 COMM. SLASH: -- scheduled meeting?

10 CHAIRPERSON BLACKBURN: After the
11 meeting?

12 COMM. SLASH: would that work for

13 anyone else --

14 COMM. HARRINGTON: I think so.

15 COMM. SLASH: -- to have that
16 afternoon instead of the morning?

17 COMM. JACKSON: Or still 11:00
18 to 3:00 or something like that.

19 CHAIRPERSON BLACKBURN: Yeah.

20 MR. WILSON: You, the Commission,
21 tell us, and we'll do what you need to do. You
22 tell us what you want.

23 JUDGE BURKHARDT: We absolutely

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1 extend ourselves to you, not only in April, but
2 at any time you'd like to schedule such training,
3 so no pressure to fit in all of the hours of your
4 desired training onto that day. It can always be
5 accommodated.

6 MR. WILSON: We need the training,
7 though.

8 JUDGE BURKHARDT: Right.

9 MR. WILSON: We need the training
10 sooner than later, because --

11 JUDGE BURKHARDT: Right.

12 MR. WILSON: -- we have so many new
13 Commissioners.

14 JUDGE BURKHARDT: Right.

15 MR. WILSON: And so, that would be
16 unfair if we don't do training that month.

17 JUDGE BURKHARDT: Of course.

18 COMM. SLASH: Well, my vote is for us
19 having our regular time start and just moving a
20 little bit later into the afternoon with our
21 training. That would be my preference. So, if
22 we were to start at our actual time --
23 JUDGE BURKHARDT: Uh-huh.

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1 COMM. SLASH: -- and then stay until
2 about 4:00, that would be my preference.
3 CHAIRPERSON BLACKBURN: May I hear a
4 second?
5 COMM. JACKSON: About 4:00, so maybe
6 closer to 3:00?
7 COMM. SLASH: Okay.
8 COMM. JACKSON: I'll second that.
9 CHAIRPERSON BLACKBURN: All in favor?
10 I'm an aye.
11 COMM. SLASH: Aye.
12 COMM. HARRINGTON: Aye.
13 COMM. JACKSON: Aye.
14 CHAIRPERSON BLACKBURN: Okay.
15 COMM. HARRINGTON: So, for these
16 meetings, do you send Outlook so we can hold the
17 time, or do we do that on our own?
18 COMM. JACKSON: They're in your thing
19 there.
20 JUDGE BURKHARDT: Absolutely.
21 COMM. HARRINGTON: No, I'm just
22 saying do -- in some of the meetings I'm in, for

♀ 23 the board members or the commissioners they'll

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1 send them an Outlook meeting, so if there are
2 updates or agendas, everybody's on one accord,
3 and especially if there are any changes. I'm
4 just trying to find out is that what we do?

5 JUDGE BURKHARDT: Yes. At the
6 preference of the Commission, we have available
7 two means for slating that on your calendar.
8 Number one, I will send out an e-mail reminder to
9 everyone of these meetings about one to two weeks
10 in advance. Number two is the agenda approved by
11 the Commission at the beginning of the year,
12 which states each date, the third Friday of every
13 month. And then also on SharePoint, a calendar
14 exists on which is slated the time, place and
15 date of every meeting. So, if you --

16 COMM. HARRINGTON: So, you do an
17 e-mail and each of us posts it individually on
18 our calendar? There's not a group --

19 JUDGE BURKHARDT: There is a group
20 calendar.

21 COMM. HARRINGTON: No, no, there's
22 not a group invitation?

♀ 23 JUDGE BURKHARDT: There is not a --

46

1 correct.

2 COMM. HARRINGTON: So, that's what I
3 was just --

4 MR. WILSON: Is that something you
5 want? We can do that.

6 JUDGE BURKHARDT: It can be done as
7 you please.

8 COMM. HARRINGTON: I just think it'd
9 be good, because then you're communicating to
10 everybody at once --

11 MR. WILSON: Yes.

12 COMM. HARRINGTON: -- relative to
13 the meeting, so if there's ever a shift -- like
14 there are certain people that aren't here.

15 MR. WILSON: Uh-huh.

16 COMM. HARRINGTON: So, that ensures
17 on their calendar there'll be a shift, that they
18 don't need to be here at 9:00, it's been --

19 JUDGE BURKHARDT: Uh-huh.

20 COMM. HARRINGTON: -- moved back into
21 the afternoon, so everybody's on the same page.
22 I just think you get consistent interpretation
23 and turnout.

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1 MR. WILSON: That's no problem.

2 COMM. HARRINGTON: Okay.

3 MR. WILSON: We'll send an outlook
4 invite. That's the way I schedule all of my
5 meetings, so yes.

6 Please, so, if you'll add that outlook.

7 JUDGE BURKHARDT: Yes.

8 MR. WILSON: And put me on there as
9 well so I'll know that did happen.

10 JUDGE BURKHARDT: Okay.

11 MR. WILSON: So, that will have all
12 of the extended dates out for that.

13 COMM. HARRINGTON: Okay.

14 JUDGE BURKHARDT: And that invite
15 will be to the calendar to which everyone has
16 access on SharePoint.

17 COMM. HARRINGTON: Okay.

18 JUDGE BURKHARDT: And the
19 appointments are stated there, so those
20 appointments, we can invite you to that.

21 MR. WILSON: No, no, we'll send an
22 Outlook invite.

23 COMM. HARRINGTON: Yeah.

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1 MR. WILSON: Let's just do that.

2 JUDGE BURKHARDT: Okay.

3 MR. WILSON: Okay.

4 CHAIRPERSON BLACKBURN: I might say,
5 to assuage any fear you have that somebody on the
6 Commission might not qualify for the position for
7 which you might vote them, each one of your
8 fellow commissioners, like you, was appointed by
9 the Governor for this Commission, and comes
10 qualified to do the work here.

11 Now, whether you'll get along with them,
Page 40

12 that's on you, but we try to all get along and do
13 the work assigned to us. So, I think you'll find
14 it to be a congenial place to do the people's
15 work.

16 COMM. JACKSON: Thank you.

17 CHAIRPERSON BLACKBURN: Okay. You
18 have also on your agenda the meeting dates for
19 the rest of 2018, and on the rare occasion that a
20 date has to be moved, you'll have adequate
21 notification. Thank you.

22 Also on this agenda, there is public
23 comment opportunity. Do we have anyone?

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1 MR. DEMPSEY: Gordon Dempsey here,
2 from Indianapolis.

3 Ma'am, when you said "public comment," I
4 just kind of stumbled down here. I learned this
5 morning -- I sent -- I had an e-mail sent -- I
6 don't know if you got it -- about the retention
7 vote on November 6th on Judge David and some
8 civil rights concerns. Do you get that this
9 morning?

10 MS. EROMOSELE: I didn't get it in my
11 e-mail.

12 CHAIRPERSON BLACKBURN: I did not.

13 MR. DEMPSEY: I sent it to the lady
14 at the front desk and she was going to circulate
15 it to each of you, but anyways, whatever time, if
16 any, you want to assign to that, I wanted to try

17 to get the Commissioners' attention on a concern
18 about him as far as whether he should be retained
19 or not.

20 MR. WILSON: Do you want to explain
21 your concerns?

22 MR. DEMPSEY: Sure. I brought -- in
23 case the e-mail didn't get circulated, I

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1 brought --

2 MR. WILSON: I'll pass those around.

3 MR. DEMPSEY: Oh, okay. Thanks.

4 MR. WILSON: Do you have any more?

5 MR. DEMPSEY: Yeah, sure. Take a
6 minute or two to read that. I have a hard time
7 listening to people while I'm reading.

8 (Pause in proceedings.)

9 CHAIRPERSON BLACKBURN: Do you have a
10 further statement to make --

11 MR. DEMPSEY: Yes, thanks.

12 CHAIRPERSON BLACKBURN: -- with
13 regard to this?

14 MR. DEMPSEY: Yes. The two web
15 sites -- or the main web site that addressed it
16 is foundationforlegalreform.org. That used to be
17 my site. There is a page in there on Indiana
18 needs a stronger Supreme Court. There's another
19 one on Zionist's manipulation of a retention
20 process.

21 And this was six years ago, and how Judge

22 David was under some heat because of his opinion
23 in Barnes versus State, where he took the lead in

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1 undercutting time honored common law rights
2 against false arrest. And that's a biggie,
3 because as any group consolidates its domination
4 of a society, anything that makes it easier to
5 get a target into custody is a very powerful
6 tool.

7 And I say yes, I think he's a -- I think
8 he's a bit of a -- I think he's influenced -- I'm
9 talking about a judge, you understand -- he's
10 influenced strongly by people who are
11 consolidating the power over the U.S., and
12 there's a lot of commentary to that effect.

13 But he -- the first thing that I wanted to
14 mention was the -- that case, Barnes v. State,
15 you know, there was a big movement, a lot of
16 resistance to him. You can see how the newspaper
17 and a professor got together and did an article
18 in the paper that supported him and so forth.

19 And the implications on the common law
20 protections against false arrest were -- they
21 show up in 1931 in Soviet -- in the USSR,
22 basically the same group that financed and led
23 the Bolsheviks and the Soviets is the same group

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1 I'm talking about that I think is establishing
2 domination over the U.S. over the last several
3 decades, and this is very troubling to me. In
4 the USSR, anti-Semitism is considered -- it was
5 considered counterrevolutionary and it was
6 subject to summary execution.

7 And I'm going to leap forward to
8 November 1963 in Dallas, when Jacob Rubenstein,
9 who was by then known as Jack Ruby, shot Lee
10 Harvey Oswald in a police station when he was in
11 custody.

12 On arrest, they had virtually no evidence.
13 The only evidence they had against Oswald was he
14 was in the building at the time, and then these
15 press releases went out, "He's their man, the man
16 they're looking for." And the sheriff admitted
17 they had virtually no evidence against him at the
18 time. So, he was a patsy from the beginning.

19 And he was -- Rubenstein -- or excuse
20 me -- yeah, Jack Ruby told his lawyer, William
21 Kunstler, at least three times that he shot
22 Oswald to keep people from finding out about the
23 pivotal role of Jews in the assassination of the

♀

1 President.

2 And there's a lot more, if you look at --
3 I've got -- I'll put it in a follow-up e-mail.
4 Within the last year, I've put a couple of pages

5 laying out the indicators of Israel and its
6 supporters, the pivotal role in that
7 assassination, and there's quite a few of them.

8 But the media and President Nixon and
9 William -- Billy Graham, rest in peace, agreed
10 in '72 at a white House meeting, they said --
11 they talked about it. They said, well, the Jews,
12 quote, had a stranglehold on the media, and I
13 think it's basically still true, and it was used
14 on me when I passed out my fliers to object to
15 abuses in the Bankruptcy Court's exploiting
16 behavior patterns.

17 Jewsjournal.com said that the bankruptcy
18 courts historically are Jewish as a culture, and
19 I did something that people very rarely do, I
20 started connecting dots between the chauvinistic
21 and exploitive content of Torah and Talmud, along
22 with the behavior patterns and the comments of
23 bankruptcy fee experts from Harvard and Stanford

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1 and so forth.

2 I happened to go to law school, too, down
3 in North Carolina, and there are five law schools
4 in the U.S. that have hired media in their staff,
5 and Duke. And I grew up right here in New
6 Albany; okay? But -- so, anyway, I set off a big
7 firestorm, and it was a question of time, you
8 know, they started coming after me. This is
9 where the Disciplinary Commission got involved.

10 But -- so, another-- and that's item 4.
11 Item 1, the sheep dipping at Guantanamo, the
12 release by -- prosecutors quit at Guantanamo,
13 calling it a fraud, or so many words, which it
14 is. It was a dog and pony show, and it's a
15 terrible blot on America's reputation for human
16 rights. And his high point after going with the
17 court, that David, he was a defense lawyer, kind
18 of pivotal defense lawyer at Guantanamo. So, he
19 kind of sheep dipped there; okay?

20 And also, I think the Governor, no. 2,
21 struck me as extraordinary. The Governor made a
22 public statement about how the -- all of the
23 calls he was getting to put David on the bench.

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1 And I'm saying there were a number of
2 qualified -- there was a lot of pressure, you
3 know, "Let's get at least one woman on there;
4 okay?"

5 And there was a lot of pressure in that
6 direction, but no, he was getting all of these
7 calls. So, okay. David's going on the bench.
8 And so, the question is who those calls were
9 coming from and where they're being made to.

10 So, that's four points that I raise.
11 Basically I think that his connection with
12 Guantanamo and his vote -- his attempts to
13 undermine common law rights against false arrest
14 in his circumstances of his original appointment,

15 and then fourth, the Commission, you know, they
16 saw free speech on my flier. I mean my
17 Constitutional Law teacher and a group of 20-some
18 students, 24, a small section -- Walter Dellinger
19 was later acting Solicitor General. That's
20 sometimes referred to as Lieutenant Justice of
21 the U.S.

22 So, you know, I'm a reasonably bright
23 person and I was very well educated in the

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1 Constitution, and now I go in front of a
2 Commission that says it's protecting my free
3 speech to some judge who what, thinks I should be
4 disbarred. And he was -- he attended Murray
5 state, which is fine, you know, it's -- and then
6 here in Indianapolis, he was about the middle
7 third.

8 So, that's basically -- I was hoping -- I
9 wanted the Commission to start looking at this
10 and looking at his record on civil rights and see
11 whether the Commission ought to be heard about
12 that, because referendums are almost always a
13 bust. You know, they're almost a farce, because
14 the public doesn't get any information about the
15 judges.

16 The political parties don't take an
17 interest in them, and in fact, I had a similar
18 concern with Massa. He was -- well, and I tried
19 to get a --

20 CHAIRPERSON BLACKBURN: With whom?

21 MR. DEMPSEY: Mark Massa. Mark Massa
22 was like middle -- about 40 percent or something
23 out of Indianapolis, and he was similar at IU.

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1 No indication of leadership ability prior to his
2 political appointment, and so he was just going
3 on.

4 And -- but anyway, I tried to get a county
5 chairman to pass out my concerns, and I was just
6 a rank-and-file Republican, and she said, "we
7 don't pass out things of that sort. She said,
8 "we think he's a good judge." So, basically the
9 county chairman is going to -- not going to pass
10 out anything to criticize somebody they think is
11 a good judge. You know, so it's a big problem if
12 the referendum's not going to have any
13 credibility as far as people actually getting the
14 information they need.

15 So, anyway, that's -- so, any questions or
16 comments or requests?

17 COMM. JACKSON: Just a point of
18 clarity. So, are you the one that is being
19 disbarred?

20 MR. DEMPSEY: No, I was suspended in
21 June of 2013, and I have -- I served on the
22 Indiana Civil Liberties Union Screening Committee
23 before it became ACLU Indiana, and was -- they

♀

1 switched to a screening czar. I represented
2 people with race, sex and age discrimination
3 cases.

4 COMM. JACKSON: But you are an
5 attorney?

6 MR. DEMPSEY: Well, I'm sorry I'm
7 beating around the bush here. I'm about to get
8 right to it; okay? And I served as an officer of
9 the U.S. Peace and Justice Center for several
10 years. Basically they said I was bigoted because
11 of the way I criticized the value system that I
12 think is at the core of the problems that are
13 pervasive in bankruptcy courts, and suspended me.

14 And that's -- what they basically, they
15 said, "we don't like your opinion, so we're going
16 to punish you for your opinion." You just can't
17 do that under the First Amendment. Once you
18 start doing that, you're done. And there's --
19 there are two key cases. There's *Gentile versus*
20 *Nevada State Bar* -- a lawyer has the same free
21 speech rights as anybody else, except if he is
22 impairing, the impeding Constitutional rights of
23 somebody in a pending case or a pending matter.

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1 You can't take away a lawyer's
2 Constitutional rights to speak and say what he
3 thinks just because you don't like his opinions,

4 unless -- the only time he's separated from other
5 people is if he has an obligation in a case or
6 something.

7 And as Justice Kennedy pointed out in
8 Gentile, if anything, a lawyer should have more
9 latitude to say what he thinks when it's about
10 the legal system than Joe Schmoe, because the
11 lawyer's in a position to know what's going on.
12 But "Oh, no. Oh, no. You know, you can't say
13 that."

14 It was just -- Brent Dickson, who wrote
15 the opinion, was a C student at Purdue. He had,
16 in his 11 hard science courses, he had seven C's,
17 two D's, an F and a withdrawal, and he had a C in
18 Constitutional law, and he went to the -- he was
19 in the evening division of IU Indianapolis School
20 of Law, a B-minus student. So, "Okay. You know,
21 whatever you say, Judge."

22 So, that's kind of -- so, the short answer
23 is -- I apologize. I went way around the barn

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1 there. I was suspended in June of '0 -- of 2013,
2 and for three years, without automatic
3 reinstatement. I had to come up and explain why.
4 "Well, I'm sorry for having my opinion, and if
5 you will give me my license back, I'll accept
6 your opinion and I'll dump my opinion and I'll
7 ignore this corrupt mentality that's pervaded the
8 bankruptcy courts for decades."

9 COMM. JACKSON: Was this judge the
10 one that suspended you, Steven --

11 MR. DEMPSEY: Dickson wrote the
12 opinion. He's retired. He retired a year or two
13 ago.

14 COMM. JACKSON: Did Steven David
15 suspend you?

16 MR. DEMPSEY: No, David did not --
17 Dickson wrote the order, wrote the order, the
18 suspension order, but -- and then there was --
19 David gave a consent -- or an opinion accepting,
20 and said that he thought I should be disbarred.
21 So -- so, this is really frightening in terms of
22 where it leads everybody.

23 But I was throwing strikes. In terms of

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1 talking about what's going on with the bankruptcy
2 courts and what it's pointing to, I was throwing
3 strikes. Anyway --

4 CHAIRPERSON BLACKBURN: I don't know
5 if there is something actionable that you are
6 requesting of the Commission.

7 MR. DEMPSEY: You know what? I filed
8 a -- this is really a little bit of a
9 jaw-dropper. I filed a civil rights complaint
10 against the Disciplinary Commission for their
11 aggressive abuse of the disciplinary process.

12 JUDGE BURKHARDT: One moment. Is
13 that an open --

14 MR. DEMPSEY: No, no, it's not. It's
15 closed. It was kicked out, because under the
16 Indiana Constitution, my opinions on religion, I
17 can say whatever I want about religion, okay, and
18 it's protected. So, anyway, it didn't -- it went
19 to the Attorney General representative, and it
20 was dismissed.

21 COMM. JACKSON: So, when you say have
22 we looked at the retention of Judge David, what
23 are you asking us to do with regard to that?

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1 MR. DEMPSEY: I'm saying he's -- he
2 bodes poorly for the people of Indiana in terms
3 of his understanding and application of civil
4 rights, and that the Commission should notice
5 that and go on record that he should not -- in
6 the referendum, that he -- people should not vote
7 for him.

8 COMM. JACKSON: I would refer to the
9 Director to get some understanding as to whether
10 or not we have any jurisdiction in that or --

11 MR. WILSON: No.

12 You -- I don't believe this is the right
13 agency that you want to get to take that action.
14 what I will do is I will sit down with John and I
15 will go through and look at kind of what he has
16 said and see who we can connect him with so that
17 he can file his complaint in the proper place.

18 But you -- we don't have anything that we

19 can do regarding those appointments. There's
20 been no complaint or anything that has been filed
21 to give you any reason to look at this issue
22 against any of those individuals that are
23 nominated.

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1 MR. DEMPSEY: Well, you know, that's
2 an intriguing point. As you can imagine, I'll
3 probably try to comb through there and see if I
4 can find some groundwork, some basis for the
5 Commission taking a position. I see your point.
6 It may well be that your hands are tied. Even if
7 you do think it's a bad appointment or that he
8 should not be retained, your hands might be tied
9 in terms of saying anything about it. But as you
10 can imagine, I'll look and see whether -- if I
11 can find something that says, "No, your hands
12 aren't tied," I'll pass it over to you; okay?

13 MR. WILSON: Okay.

14 MR. DEMPSEY: Thanks.

15 CHAIRPERSON BLACKBURN: I thank you
16 for your comment today.

17 And if there are no further comments --

18 MR. WILSON: Can he leave us with his
19 information so we'll have it and be able to get
20 back with him, and I would like it to go on the
21 record that we --

22 CHAIRPERSON BLACKBURN: Something in
23 addition to the sheets --

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1 COMM. HARRINGTON: It doesn't have
2 his name.

3 MR. DEMPSEY: It doesn't give contact
4 information.

5 MR. WILSON: It doesn't have contact
6 information.

7 MR. DEMPSEY: It's in the e-mail, but
8 it's Gordon Dempsey, D e m p s e y.

9 MR. WILSON: Give it to -- yeah. I
10 just want to make sure we can follow back up.

11 MR. DEMPSEY: well, I appreciate
12 that. Gordon G o r d o n, Dempsey, D e m, as in
13 Michael, p s e y. And it's 317-925-8000 and my
14 e-mail address is gdempsey, d e m p s e y,
15 pc@aol.com, and the address is 1414 North Exeter,
16 E x e t e r, Avenue.

17 MS. EROMOSELE: You said 14 --

18 MR. DEMPSEY: 1414, uh-huh.

19 MS. EROMOSELE: Okay.

20 MR. DEMPSEY: That's right. I'm just
21 about three blocks east of the Indianapolis Motor
22 Speedway.

23 CHAIRPERSON BLACKBURN: Thank you.

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1 MR. DEMPSEY: Yes.

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2 CHAIRPERSON BLACKBURN: Yes, John.

3 JUDGE BURKHARDT: I will only bring
4 to your attention the adoption of the previous
5 meeting minutes --

6 CHAIRPERSON BLACKBURN: Oh, yes.

7 JUDGE BURKHARDT: -- that was --

8 CHAIRPERSON BLACKBURN: May I have a
9 motion to --

10 JUDGE BURKHARDT: -- overshadowed by
11 our new --

12 CHAIRPERSON BLACKBURN: Thank you.
13 May I have a motion to accept?

14 COMM. SLASH: So moved.

15 COMM. JACKSON: Second.

16 CHAIRPERSON BLACKBURN: All in favor?

17 COMM. SLASH: Aye.

18 COMM. HARRINGTON: Aye.

19 COMM. JACKSON: Aye.

20 CHAIRPERSON BLACKBURN: Aye. Thank
21 you.

22 Are there any other announcements?

23 (No response.)

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1 CHAIRPERSON BLACKBURN: Hearing none,
2 the Commission is over.

3 MR. WILSON: Thank you.

4 CHAIRPERSON BLACKBURN: Thank you.

5 - - -
6 Thereupon, the proceedings of
March 16, 2018 were concluded
at 2:03 o'clock p.m.

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1 CERTIFICATE

2 I, Lindy L. Meyer, Jr., the undersigned
3 Court Reporter and Notary Public residing in the
4 City of Shelbyville, Shelby County, Indiana, do
5 hereby certify that the foregoing is a true and
6 correct transcript of the proceedings taken by me
7 on Friday, March 16, 2018 in this matter and
8 transcribed by me.

9
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11

Lindy L. Meyer, Jr.,

12 CRC 3-16-18
13 Notary Public in and
14 for the State of Indiana.
15 My Commission expires August 26, 2024.
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