

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23

BEFORE THE STATE OF INDIANA  
CIVIL RIGHTS COMMISSION

- - -

PUBLIC MEETING OF MAY 18, 2018

- - -

PROCEEDINGS

in the above-captioned matter, before the Indiana  
Civil Rights Commission, Adrienne L. Slash,  
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, 100 North Senate Avenue,  
Room N300, Indianapolis, Indiana, on Friday,  
May 18, 2018 at 1:03 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 5-18-18

2 COMMISSION MEMBERS:

3 Adrienne L. Slash, Chairperson  
4 weilin Long  
5 Sheryl Edwards  
6 Steven A. Ramos  
7 Holli Harrington  
8 James W. Jackson

9 INDIANA CIVIL RIGHTS COMMISSION  
10 By Gregory Wilson, Director  
11 & Doneisha Posey, Deputy Director  
12 Indiana Government Center North  
13 100 North Senate Avenue, Room N300  
14 Indianapolis, Indiana 46204  
15 On behalf of the Commission.

16 OTHER COMMISSION STAFF PRESENT:

17 John Burkhardt  
18 Lesley Gordon  
19 Anehitā Eromosele

20 - - -

21 †

22 3

23 1:03 o'clock p.m.  
May 18, 2018

- - -

3 COMM. HARRINGTON: All right. It  
4 is 1:04, and at this time, in the absence of our  
5 Chair, I want to call to order the Indiana Civil  
6 Rights Commission meeting. The first item of

7 business is the announcement of agenda.

8 JUDGE BURKHARDT: Yes.

9 COMM. HARRINGTON: So, do I just read  
10 the --

11 JUDGE BURKHARDT: I'll be happy to  
12 provide that, yes.

13 COMM. HARRINGTON: Okay.

14 JUDGE BURKHARDT: Yes. Thank you.

15 So, following our Annual Meeting in April,  
16 we're now convened to conduct some routine  
17 business in terms of addressing appeals of the  
18 Director's no-cause findings, which we will begin  
19 with, after approving of last month's meeting  
20 minutes, and after the ICRC Director's Report.

21 (Chairperson Slash entered the room.)

22 JUDGE BURKHARDT: So, proceeding then  
23 to receive the reports from the assigned

‡

4

1 Commissioners to the appeals, then we will  
2 address the orders issued by the Administrative  
3 Law Judge for your vote on the Commission's  
4 disposition related to those orders, and then  
5 we'll proceed with announcements and any public  
6 comment.

7 COMM. HARRINGTON: Okay.

8 CHAIRPERSON SLASH: Sorry about my  
9 delay.

10 JUDGE BURKHARDT: So, I've just  
11 provided the announcement of the agenda.

12 CRC 5-18-18  
CHAIRPERSON SLASH: Okay.

13 JUDGE BURKHARDT: The previous  
14 meeting minutes, which have been uploaded to  
15 SharePoint for your review, can now be disposed  
16 of.

17 CHAIRPERSON SLASH: Awesome.

18 So, assuming that we have all had an  
19 opportunity to read our meeting minutes because  
20 they were in the Dropbox -- or in the SharePoint  
21 file, can I call for a motion to approve them?

22 COMM. RAMOS: So moved.

23 COMM. HARRINGTON: Second.

‡

5

1 CHAIRPERSON SLASH: Okay. Motion's  
2 been moved and properly seconded. Does anyone  
3 have any discussion on anything that was in them?  
4 (No response.)

5 CHAIRPERSON SLASH: Okay. Wonderful.  
6 So, we will go ahead and move on, and I'll hear  
7 the Director's Report.

8 MR. WILSON: All right. Good  
9 morning, Chair, Commissioners. Again, we  
10 appreciate the opportunity to be here, and we're  
11 excited here at Indiana Civil Rights Commission  
12 in 2018, and we're doing so many great things.

13 Before I get to the actual report, one of  
14 the things, I think, for some who was here  
15 previous -- the last year, I told you one of my  
16 desires was to make sure that people had a better

17 access to filing the complaints. So, I wanted  
18 to -- I've always believed this, is to get  
19 government closer to the people.

20 And so, by doing that, what we did was we  
21 now do our intake in the libraries and community  
22 centers around the city, and actually, this week  
23 we're at the East 38th Street Library, where

‡

6

1 we're doing complaint processes, and we've  
2 marketed through radio and social media outlets,  
3 and we've got some good responses.

4 I mean we've been able to get complaints.  
5 We're trying to make sure that people understand  
6 or are a little bit more educated about the types  
7 of discrimination claims that they can make,  
8 whether it's education, sex, public  
9 accommodation, disability, race.

10 So, we're trying to make sure we educate  
11 the public more and that we're closer, we're  
12 providing the service to them so they don't have  
13 to come downtown and try to fight through  
14 parking. As all of you Commissioners know, we  
15 know that's a challenge.

16 So, anyway, the outreach with intake is  
17 going great, so we're excited about that. We had  
18 a great month of April, which is Fair Housing  
19 Month, and I think we did some great things. We  
20 had a movie premier about housing we thought was  
21 very educational and informative.

22                   So, again, as we go through, I will tell  
23 you we're fully staffed. We just hired our last

♀

7

1 open position, which was for reception up front  
2 here, so now our intake people can actually be  
3 doing their job, because we have a permanent  
4 receptionist that starts Monday.

5                   And so, I won't go through all of this  
6 because I know we have the people's business to  
7 do, but as you can kind of see -- if you have any  
8 questions, you're more than free to ask, but you  
9 can see Marion County is still where we get our  
10 most complaints now.

11                   I will tell you we are -- with our now  
12 marketing campaign that Director -- Deputy  
13 Director Gordon is doing, we're going to be  
14 really focused on these five areas a little  
15 stronger. You'll see a stronger marketing  
16 initiative there, but as you can see, Marion is  
17 still where we get most of our claims from.

18                   These are some of the events that we've  
19 been doing. We're very busy. We're preparing  
20 for our Region 5 Conference in October, where  
21 Secretary Carson's going to be coming and kind of  
22 giving us his vision, and that's in October, the,  
23 I think, 24th, I believe.

♀

8

1 MS. GORDON: Uh-huh --  
2 MR. WILSON: -- to the 26th.  
3 MS. GORDON: -- through the 26th.  
4 MR. WILSON: And so, we're going to  
5 invite all of the Region 5 human rights  
6 organizations here, and even some of those  
7 smaller human rights organizations. So, anyway,  
8 those things are moving fairly well, that program  
9 is. And then as you can see, April, the number  
10 of calls that we received and the number of  
11 inquiries and the number of complaints.

12 So, I just feel the agency is doing its  
13 job, performing its service to the public, again,  
14 making sure those that live in Indiana and those  
15 that pass through understand that there is  
16 something they feel -- or if they feel they've  
17 been discriminated against, that they know to  
18 call our agency or one of our -- the local human  
19 rights agencies in their community and report  
20 that discrimination.

21 So, anybody have any questions of me on  
22 the Commission?

23 (Ms. Posey entered the room.)

‡

9

1 COMM. RAMOS: Madam Chair?  
2 CHAIRPERSON SLASH: Uh-huh.  
3 COMM. RAMOS: I have a question.  
4 on the upper left quadrant, it talks about  
5 the ALJ Case Load. Do we have some cases that

6 are growing to now a decade long?

7 MR. WILSON: Yeah, we have -- those  
8 have been here, and so, we actually have been  
9 reducing those, and by the end of the year, all  
10 of those cases will be gone.

11 You've got to remember, when I first got  
12 here, one of the things that I did, I looked at  
13 our backlog, and I sat down with all areas, and  
14 particularly Deputy Director Posey, and then also  
15 the Administrative Law Judge, and said, "Hey, put  
16 together a plan on how we're going to get rid of  
17 this backlog." Because we had cases all of the  
18 way back into -- was it '12? Was it '12.

19 JUDGE BURKHARDT: On the ALJ's  
20 docket?

21 MR. WILSON: Yeah.

22 JUDGE BURKHARDT: 2010.

23 MR. WILSON: Yeah, '10. And so,

‡

10

1 we've been getting rid of those cases. And by  
2 the end of this year, it'll probably be the first  
3 year in years that you won't have this type of  
4 outdated backlog.

5 (Comm. Edwards entered the room.)

6 MR. WILSON: And it should not be  
7 there, it doesn't serve the people well, and  
8 again, that was my commitment. As I told the  
9 Commission when I got here last year, I'm going  
10 to make sure that we did the people's business

11 and we didn't have these type of backlogs,  
12 because that delays justice for those who have  
13 filed a complaint.

14 COMM. RAMOS: I see. Thank you.

15 MR. WILSON: Did I answer your  
16 question?

17 COMM. RAMOS: Yes, sir.

18 MR. WILSON: Okay.

19 COMM. RAMOS: Thank you.

20 CHAIRPERSON SLASH: Were there any  
21 other questions that anyone has for Executive  
22 Director Wilson?

23 (No response.)

♀

11

1 CHAIRPERSON SLASH: Okay.

2 MR. WILSON: Thank you.

3 CHAIRPERSON SLASH: Are there any  
4 further reports from the staff before we move on?

5 (No response.)

6 CHAIRPERSON SLASH: Okay.

7 MS. POSEY: If I may, I just want  
8 to -- we -- I'm very excited about the summer.  
9 We're going to be hosting several interns for our  
10 agency, at least six, six or eight interns this  
11 summer. Half of them will be starting on this  
12 upcoming Monday, and the other half will be  
13 starting on the 4th of June.

14 I'm hoping to make sure that our  
15 internship program is a robust program that is

16 very scheduled and with lots of different  
17 activities for our interns, not only internally  
18 working here, but also externally, making sure  
19 that they're invited to all of the events that we  
20 have this summer and that they can see different  
21 areas of what we do.

22           So, if you have any suggestions, if you'd  
23 like to host an intern maybe to speak about what

♀

12

1 you do in your day-to-day life, and then also  
2 what it means to be a Commissioner, anything like  
3 that, anything you can think of, I would love  
4 that.

5           So, thank you.

6           COMM. HARRINGTON: And we can just  
7 meet with you off line to discuss that?

8           MS. POSEY: Yes.

9           COMM. HARRINGTON: Okay.

10          CHAIRPERSON SLASH: Does anyone have  
11 any questions?

12          COMM. RAMOS: Yes, Madam Chair.

13           One of the things we had previously and I  
14 just don't see it, it's probably somewhere, but  
15 we kind of had the year-to-date financials, just  
16 so that we have some idea of where we're at and  
17 what the plan is and what gets sent back to the  
18 state, and sometimes if the state is asking for  
19 ten percent to be kicked back. I haven't seen  
20 that in a while, so -- and that can maybe be just

21 one little square, but just to kind of see.  
22 CHAIRPERSON SLASH: And I understand,  
23 yeah, and I think we've made that request earlier

13

1 in the year and we still haven't seen it, so if  
2 we could see that, that would be great.

3 MS. POSEY: Okay.

4 CHAIRPERSON SLASH: Okay. All right.  
5 well, without any further question or  
6 concern, we will move along into Old Business,  
7 and I suppose I'll just go straight through as  
8 listed inside of the agenda, if that's okay with  
9 everyone. So, in my cases, in one, the case of  
10 Jeff Hager versus the Muncie Housing Authority,  
11 I'd like to uphold the findings.

12 COMM. RAMOS: You need a motion.

13 CHAIRPERSON SLASH: All I will  
14 call -- yeah, I'll call for a motion.

15 COMM. EDWARDS: I move to --

16 COMM. LONG: Second.

17 CHAIRPERSON SLASH: Thank you.

18 Moved and properly seconded. All in  
19 favor?

20 COMM. EDWARDS: Aye.

21 COMM. HARRINGTON: Aye.

22 COMM. JACKSON: Aye.

23 COMM. LONG: Aye.

1           COMM. RAMOS: Aye.

2           CHAIRPERSON SLASH: Aye.

3           Okay. Any opposed?

4                       (No response.)

5           CHAIRPERSON SLASH: Okay. We'll move  
6 on to the next one. In the case of Cecilia  
7 Shelby versus Willow Trace Apartments, I would  
8 also move to uphold that as well.

9           COMM. JACKSON: So moved.

10          CHAIRPERSON SLASH: Thank you.

11          I call for a second.

12          COMM. HARRINGTON: Second.

13          CHAIRPERSON SLASH: Thank you.

14          All in favor?

15          COMM. EDWARDS: Aye.

16          COMM. HARRINGTON: Aye.

17          COMM. JACKSON: Aye.

18          COMM. LONG: Aye.

19          COMM. RAMOS: Aye.

20          CHAIRPERSON SLASH: Aye. Thank you.

21          All right. And Vice-Chair Harrington.

22          COMM. HARRINGTON: In the case of

23 Denise Perez versus Windsor Park Apartments, I

1 move that we uphold the no-probable-cause  
2 finding.

3           CHAIRPERSON SLASH: Can I have a

4 motion?

5 COMM. RAMOS: So moved.

6 COMM. EDWARDS: Second.

7 CHAIRPERSON SLASH: Thank you.

8 All in favor?

9 COMM. EDWARDS: Aye.

10 COMM. HARRINGTON: Aye.

11 COMM. JACKSON: Aye.

12 COMM. LONG: Aye.

13 COMM. RAMOS: Aye.

14 CHAIRPERSON SLASH: Aye.

15 Okay. We will move along. Comm. Long?

16 COMM. LONG: Yeah, in the case of

17 Robert O'Dell versus Applebee's, I recommend

18 upholding, the finding was no probable cause.

19 CHAIRPERSON SLASH: Okay. Thank you.

20 May I have a motion?

21 COMM. EDWARDS: So moved.

22 CHAIRPERSON SLASH: Thank you.

23 COMM. HARRINGTON: Second.

♀

16

1 CHAIRPERSON SLASH: Thank you.

2 All in favor?

3 COMM. EDWARDS: Aye.

4 COMM. HARRINGTON: Aye.

5 COMM. JACKSON: Aye.

6 COMM. LONG: Aye.

7 COMM. RAMOS: Aye.

8 CHAIRPERSON SLASH: Aye.

9 Any opposed?

10 (No response.)

11 CHAIRPERSON SLASH: Okay. Thank you.

12 And the next case?

13 COMM. LONG: In the case of Marck  
14 Vachon versus Parkview Hospital, I recommend of  
15 upholding the decision of administratively  
16 dismissing the case.

17 CHAIRPERSON SLASH: Okay.

18 And do we take an action on this one as  
19 well?

20 JUDGE BURKHARDT: Vachon?

21 CHAIRPERSON SLASH: Uh-huh.

22 JUDGE BURKHARDT: With the  
23 recommendation that no probable cause be upheld?

‡

17

1 COMM. LONG: Actually, dismissing the  
2 case.

3 JUDGE BURKHARDT: Oh, administrative  
4 dismissal --

5 COMM. LONG: Yes.

6 JUDGE BURKHARDT: -- that's correct.  
7 So, that would constitute an appealable finding  
8 with the same sorts of decisions being rendered.

9 CHAIRPERSON SLASH: Okay.

10 COMM. LONG: Yes.

11 CHAIRPERSON SLASH: I just wanted to  
12 make sure. This is a slightly different one, so  
13 I wanted to make sure we were in the same shape.

14 JUDGE BURKHARDT: Yes.  
15 CHAIRPERSON SLASH: Okay. Can I have  
16 a motion in favor of that?  
17 COMM. JACKSON: So moved.  
18 CHAIRPERSON SLASH: Thank you.  
19 COMM. EDWARDS: Second.  
20 CHAIRPERSON SLASH: Thank you.  
21 All in favor?  
22 COMM. EDWARDS: Aye.  
23 COMM. HARRINGTON: Aye.

‡

18

1 COMM. JACKSON: Aye.  
2 COMM. LONG: Aye.  
3 COMM. RAMOS: Aye.  
4 CHAIRPERSON SLASH: Aye.  
5 All right. Very good.  
6 Comm. Ramos.  
7 COMM. RAMOS: In the case of Scheree  
8 Robinson versus woods of Eagle Creek, I recommend  
9 that we uphold the reversal of no probable cause  
10 and find probable cause.  
11 CHAIRPERSON SLASH: Okay.  
12 Can I have a motion to support that?  
13 COMM. HARRINGTON: So moved.  
14 COMM. LONG: Second.  
15 CHAIRPERSON SLASH: Thank you.  
16 All in favor?  
17 COMM. EDWARDS: Aye.  
18 COMM. HARRINGTON: Aye.

CRC 5-18-18

19                   COMM. JACKSON: Aye.  
20                   COMM. LONG: Aye.  
21                   COMM. RAMOS: Aye.  
22                   CHAIRPERSON SLASH: Aye.  
23                   Okay. Any opposed?

‡

19

1                   (No response.)  
2                   CHAIRPERSON SLASH: All right. And  
3 your next case.  
4                   COMM. RAMOS: In the case of Terry  
5 Bias versus Bill Monroe Music Park, I recommend  
6 we uphold the Director's finding of no probable  
7 cause.  
8                   CHAIRPERSON SLASH: Thank you.  
9                   Can I hear a motion?  
10                  COMM. EDWARDS: So moved.  
11                  COMM. HARRINGTON: Second.  
12                  CHAIRPERSON SLASH: Thank you.  
13                  And your third case.  
14                  COMM. RAMOS: In the case of Tionia  
15 Richardson versus Athena Real Estate Services, I  
16 must recommend that we uphold the Director's  
17 finding of no probable cause.  
18                  CHAIRPERSON SLASH: Okay.  
19                  Can I hear a motion for that one, please?  
20                  COMM. LONG: So moved.  
21                  COMM. EDWARDS: So moved.  
22                  COMM. HARRINGTON: Second.  
23                  COMM. EDWARDS: Second.

‡

1 CHAIRPERSON SLASH: Thank you.  
2 All in favor?  
3 COMM. EDWARDS: Aye.  
4 COMM. HARRINGTON: Aye.  
5 COMM. JACKSON: Aye.  
6 COMM. LONG: Aye.  
7 COMM. RAMOS: Aye.  
8 CHAIRPERSON SLASH: Aye.  
9 Any opposed?  
10 (No response.)  
11 CHAIRPERSON SLASH: okay. Thank you  
12 very much.  
13 Comm. Edwards.  
14 COMM. EDWARDS: okay. For the first  
15 one, Edwood Bigot versus Federal Express, I  
16 recommend upholding the finding of administrative  
17 dismissal. Is that how I do that?  
18 JUDGE BURKHARDT: Correct.  
19 COMM. EDWARDS: okay. Thank you.  
20 CHAIRPERSON SLASH: All right. Can I  
21 have a motion in support of that?  
22 COMM. RAMOS: So moved.  
23 CHAIRPERSON SLASH: okay.

‡

1 COMM. LONG: Second.  
2 CHAIRPERSON SLASH: Thank you.  
Page 17

3 All in favor?

4 COMM. EDWARDS: Aye.

5 COMM. HARRINGTON: Aye.

6 COMM. JACKSON: Aye.

7 COMM. LONG: Aye.

8 COMM. RAMOS: Aye.

9 CHAIRPERSON SLASH: Aye.

10 Any opposed?

11 (No response.)

12 CHAIRPERSON SLASH: Thank you.

13 And the next one.

14 COMM. EDWARDS: Tamika Riggs versus  
15 Dollar General Store, I recommend upholding the  
16 finding of no probable cause.

17 CHAIRPERSON SLASH: May I have a  
18 motion for that one?

19 COMM. HARRINGTON: So moved.

20 COMM. LONG: Second.

21 CHAIRPERSON SLASH: Thank you.

22 All in favor?

23 COMM. EDWARDS: Aye.

‡

1 COMM. HARRINGTON: Aye.

2 COMM. JACKSON: Aye.

3 COMM. LONG: Aye.

4 COMM. RAMOS: Aye.

5 CHAIRPERSON SLASH: Aye.

6 Any opposed?

7 (No response.)  
Page 18

8 CHAIRPERSON SLASH: Okay. Thank you.  
9 Comm. Jackson.  
10 COMM. JACKSON: In the case of Tina  
11 Halupka versus Hsd/Dim Deer, no probable cause  
12 should be upheld.  
13 CHAIRPERSON SLASH: Okay.  
14 Can I have a motion in favor?  
15 COMM. LONG: So moved.  
16 CHAIRPERSON SLASH: Thank you.  
17 COMM. RAMOS: Second.  
18 CHAIRPERSON SLASH: Thank you.  
19 All in favor?  
20 COMM. EDWARDS: Aye.  
21 COMM. HARRINGTON: Aye.  
22 COMM. JACKSON: Aye.  
23 COMM. LONG: Aye.

♀

23

1 COMM. RAMOS: Aye.  
2 CHAIRPERSON SLASH: Aye.  
3 Any opposed?  
4 (No response.)  
5 CHAIRPERSON SLASH: Okay.  
6 COMM. JACKSON: In the case of  
7 Jacquelyn Thompson versus Kohl's Department  
8 Stores, Incorporated, a referral for further  
9 investigation. After reading -- do I have to  
10 tell you?  
11 CHAIRPERSON SLASH: No.  
12 MS. POSEY: Yes, please.

13 CHAIRPERSON SLASH: Oh, you would  
14 like -- you would like it on record?

15 MS. POSEY: Yes, please.

16 CHAIRPERSON SLASH: Okay.

17 COMM. JACKSON: Okay. After reading  
18 through the documents, it seemed like it was a  
19 really big blowup. I didn't see any inclusion of  
20 other witnesses who might have heard it or other  
21 employees who were not in management.

22 MS. POSEY: Okay. So, you would like  
23 the investigator to ask -- or see if there's

♀

24

1 other witnesses --

2 COMM. JACKSON: Yeah.

3 MS. POSEY: -- who can make a  
4 statement or give further information about the  
5 incident?

6 COMM. JACKSON: Yeah.

7 MS. POSEY: Okay.

8 COMM. JACKSON: Just going through  
9 it, it's their word against management or --

10 MS. POSEY: Uh-huh.

11 COMM. JACKSON: -- the corporation.

12 MS. POSEY: Yeah.

13 COMM. JACKSON: I'd like to hear what  
14 someone else saw and heard.

15 MS. POSEY: Okay. Thank you.

16 CHAIRPERSON SLASH: So, it's my  
17 understanding we don't have to do anything else

18 with that; correct?

19 JUDGE BURKHARDT: Right.

20 CHAIRPERSON SLASH: Okay. Thank you.

21 All right. And now we will move into the

22 Final Orders.

23 JUDGE BURKHARDT: Thank you very

25

1 much.

2 As you see on the agenda, there are three  
3 Final Orders on the table. Number one is in the  
4 case of Gregory L. Wilson, in his official  
5 capacity as Executive Director of the ICRC v.  
6 Terre Haute Housing Authority. That was a 2017  
7 case where the parties jointly stipulated to or  
8 agreed to dismissal in the state court following  
9 an election of forum.

10 So, as you know, the parties, once a cause  
11 finding is made, have a limited opportunity to  
12 elect out of this administrative forum for the  
13 adjudication into state court. This is one of  
14 those cases, where I, on that basis, issued an  
15 order dismissing the proceedings, which, then,  
16 you can vote to either affirm, dissolve or  
17 modify.

18 CHAIRPERSON SLASH: And can I ask --  
19 would this be the appropriate time to ask if  
20 anybody has questions for clarity if they need  
21 them here?

22 MS. POSEY: So, were there objections  
Page 21

23 filed to this particular case?

♀

26

1 JUDGE BURKHARDT: Not in this case.  
2 We have no objections on file that I -- are you  
3 concerned that some have been filed in Riley, as  
4 the aggrieved party?

5 MS. POSEY: Yes.

6 JUDGE BURKHARDT: You do? Okay.  
7 This should have been directed to my attention.

8 MS. POSEY: So, is this not -- yeah,  
9 this case -- if I could have a couple of minutes?

10 CHAIRPERSON SLASH: Surely.

11 (Ms. Posey left the room.)

12 JUDGE BURKHARDT: So, in the event  
13 objections are filed, that would trigger the  
14 administrative review by you, as the full  
15 Commission. Sometimes those objections are  
16 filed. If they are not filed and if the  
17 Commission does not undertake on its own motion  
18 administrative review, then the Commission would  
19 affirm such an order.

20 The concern here would be, if objections  
21 had been filed, then the parties are entitled to  
22 administrative review by the Commission of that  
23 order.

♀

27

1 CHAIRPERSON SLASH: In the same way  
2 that we would review the other cases as well?  
3 JUDGE BURKHARDT: Very similar, yes.  
4 CHAIRPERSON SLASH: Okay.  
5 JUDGE BURKHARDT: So, we have at two  
6 points your administrative review. One, you can  
7 review the Director's findings; two, sometimes  
8 you review the ALJ's orders.  
9 CHAIRPERSON SLASH: Okay.  
10 JUDGE BURKHARDT: If an objection's  
11 on file, that needs to be taken into account.  
12 And you should have received those in SharePoint  
13 so that you could have reviewed them prior to  
14 today. If somehow those went through our file  
15 system and I --  
16 COMM. EDWARDS: They were there.  
17 JUDGE BURKHARDT: So, objections of  
18 Respondent.  
19 COMM. EDWARDS: I'm sorry; I was just  
20 saying I remember seeing them in the SharePoint.  
21 JUDGE BURKHARDT: Okay. You saw  
22 these cases?  
23 COMM. EDWARDS: Right, uh-huh.

♀

28

1 JUDGE BURKHARDT: Okay. Good.  
2 CHAIRPERSON SLASH: Yeah, I was going  
3 to say, the cases were there.  
4 JUDGE BURKHARDT: Right.  
5 CHAIRPERSON SLASH: But if she's

6 concerned about an objection that we haven't  
7 seen --

8 JUDGE BURKHARDT: Then we would need  
9 to get that to you.

10 CHAIRPERSON SLASH: And then we'd  
11 continue that for next month?

12 JUDGE BURKHARDT: Yes, so that you  
13 can review those. We would upload this to  
14 SharePoint today so you could review those for a  
15 decision next month.

16 CHAIRPERSON SLASH: Okay. We'll give  
17 Deputy Director Posey a moment to get back in.

18 JUDGE BURKHARDT: Okay.

19 CHAIRPERSON SLASH: And I'll say good  
20 afternoon to everybody, since I missed the  
21 opportunity to do that when I first got here.  
22 So, good afternoon, everyone.

23 COMM. EDWARDS: Good afternoon to

♀

29

1 everyone as well.

2 CHAIRPERSON SLASH: And thank you for  
3 your time. I appreciate everybody being here  
4 today.

5 JUDGE BURKHARDT: All right. So, a  
6 sort of similar case is a retaliation case filed  
7 after that one. I'll wait as well to report on  
8 that until --

9 CHAIRPERSON SLASH: Okay.

10 JUDGE BURKHARDT: -- Director Posey

11 is back, but I will duly report on this case,  
12 Bartlett v. Vectren, which was a 2015 employment  
13 case --

14 CHAIRPERSON SLASH: Uh-uh.

15 JUDGE BURKHARDT: -- based -- with  
16 race allegations of discrimination. And so, in  
17 this case, this is one where, following a  
18 successful conciliation, the parties jointly  
19 moved for the dismissal of the proceedings. I  
20 simply issued an order consistent with their  
21 desire to see this dismissed, and so, that would  
22 be appropriate for your vote.

23 CHAIRPERSON SLASH: Okay.

‡

30

1 So, does anyone have questions, or are you  
2 comfortable moving ahead with that one?

3 COMM. RAMOS: Uh-huh.

4 CHAIRPERSON SLASH: Okay. So, I'd  
5 like to call for a motion.

6 COMM. EDWARDS: I move to accept the  
7 settlement.

8 COMM. RAMOS: Dismissal.

9 CHAIRPERSON SLASH: Okay. And is  
10 there a second?

11 COMM. RAMOS: Second.

12 CHAIRPERSON SLASH: Thank you.

13 All in favor?

14 COMM. EDWARDS: Aye.

15 COMM. HARRINGTON: Aye.

16                   COMM. JACKSON: Aye.  
17                   COMM. LONG: Aye.  
18                   COMM. RAMOS: Aye.  
19                   CHAIRPERSON SLASH: Aye. Okay. And  
20 that's in the case of Jacque Bartlett versus  
21 Vectren.  
22                   JUDGE BURKHARDT: Yes. And I'll  
23 simply note that in the case of interest right

‡

31

1 now, the -- there was a joint stipulation of  
2 dismissal on file.  
3                   (Ms. Posey entered the room.)  
4                   JUDGE BURKHARDT: That would --  
5                   MS. POSEY: I apologize. I was on  
6 the wrong case.  
7                   JUDGE BURKHARDT: That's all right.  
8                   MS. POSEY: So, I apologize.  
9                   JUDGE BURKHARDT: No problem.  
10                  CHAIRPERSON SLASH: And with that in  
11 mind, can I, just for the good of the order, ask  
12 for clarity, as we're going into this case once  
13 more, what is it that we are taking action upon,  
14 just so that we are all on the same page?  
15                  JUDGE BURKHARDT: Yes. Thank you.  
16                  So, in this case, a housing case with  
17 allegations of race discrimination, the parties  
18 jointly stipulated to dismissal, so fortunately,  
19 since we have that on file, it's in the record  
20 they agree --

CRC 5-18-18

21 CHAIRPERSON SLASH: Okay.

22 JUDGE BURKHARDT: -- that there --

23 that we didn't have objections here. There was

♀

32

1 no trigger by the parties of administrative  
2 review. If the Commission decided to undertake  
3 it, they could, but here, with the agreement by  
4 the parties to dismissal, that they'll proceed in  
5 state court rather than here, all that would be  
6 needed here is the Commission's affirmation of  
7 this order.

8 CHAIRPERSON SLASH: Okay. So, I will  
9 call for a motion to affirm the dismissal.

10 COMM. EDWARDS: So moved.

11 COMM. HARRINGTON: Second.

12 CHAIRPERSON SLASH: Thank you.

13 All in favor?

14 COMM. EDWARDS: Aye.

15 COMM. HARRINGTON: Aye.

16 COMM. JACKSON: Aye.

17 COMM. LONG: Aye.

18 COMM. RAMOS: Aye.

19 CHAIRPERSON SLASH: Aye.

20 All right. Any opposed?

21 (No response.)

22 CHAIRPERSON SLASH: Okay. Very good.

23 JUDGE BURKHARDT: And then following

♀

33

1 with the companion case as well, where an  
2 election was filed, and the parties will then  
3 just air all of this dispute in that state court  
4 forum. This is another order of dismissal of the  
5 proceedings.

6 CHAIRPERSON SLASH: Okay.

7 All right. Does anyone have any questions  
8 on this one? Holli?

9 COMM. HARRINGTON: Are these two  
10 totally separate -- they're both with the Terre  
11 Haute Housing Authority -- or are they in some  
12 way connected?

13 CHAIRPERSON SLASH: So, if you --

14 JUDGE BURKHARDT: I'm sorry?

15 CHAIRPERSON SLASH: She is asking for  
16 clarity on the two cases being unique, or if they  
17 are companion, as you were mentioning before.  
18 Can you just give us a little clarity on how that  
19 works?

20 JUDGE BURKHARDT: Yes. Thank you.

21 So, as you know, there are prohibited  
22 bases for discrimination: Race, color, religion,  
23 sex, national origin, there's a whole list.

♀

34

1 well, people are also afforded protections  
2 against retaliation, so you could almost consider  
3 that added to that list is individuals who have  
4 filed complaints.

5           So, if someone experiences an adverse  
6 action following them acting on their civil  
7 rights, filing a complaint, participating in an  
8 investigation, then they could file a complaint  
9 on that basis. That would be an allegation of  
10 retaliation, sort of a whistle-blower type  
11 statute.

12           And so, here, following the allegations of  
13 race discrimination, there was received  
14 allegations of retaliation. That's why it's  
15 referred to as a companion case.

16           CHAIRPERSON SLASH: Okay.

17           MS. POSEY: So, any time you have a  
18 retaliation claim, it's going to be separately  
19 docketed from --

20           CHAIRPERSON SLASH: Okay.

21           MS. POSEY: -- the original  
22 complaint, because the original complaint, you  
23 know, started on one day, and then retaliation

‡

35

1 happened at a time after, and what -- what you  
2 could find interesting is that we may have a no  
3 cause on the discrimination complaint, but you  
4 could find cause on the retaliation complaint.

5           COMM. HARRINGTON: Uh-huh.

6           COMM. EDWARDS: Uh-huh.

7           MS. POSEY: So, we keep those  
8 separate in case something like that happens.

9           CHAIRPERSON SLASH: Okay. Thank you

10 so much for the clarity. And I want to make sure  
11 moving forward that we kind of do some of these  
12 clarity -- clarifying conversations, just to make  
13 sure that, as many of us are still kind of  
14 rolling into the work, that we're not making  
15 decisions on things that we don't understand.

16 MS. POSEY: Uh-huh.

17 CHAIRPERSON SLASH: So, thank you for  
18 taking that extra moment to give us that piece of  
19 information, because as we read them, they read  
20 just alike, but sometimes it's important to hear  
21 that out loud as well.

22 So, with that in mind, I'd like to call  
23 for a motion to affirm the dismissal on this one

‡

36

1 as well.

2 COMM. EDWARDS: So moved.

3 CHAIRPERSON SLASH: Thank you.

4 COMM. LONG: Second.

5 CHAIRPERSON SLASH: Thank you.

6 All in favor?

7 COMM. EDWARDS: Aye.

8 COMM. HARRINGTON: Aye.

9 COMM. JACKSON: Aye.

10 COMM. LONG: Aye.

11 COMM. RAMOS: Aye.

12 CHAIRPERSON SLASH: Aye.

13 Any opposed?

14 (No response.)  
Page 30

15 CHAIRPERSON SLASH: Okay. Very good.  
16 So, in our agenda, I don't see any case to  
17 assign. Do I have --  
18 JUDGE BURKHARDT: Correct.  
19 CHAIRPERSON SLASH: -- any cases to  
20 assign? Okay.  
21 MS. EROMOSELE: No cases.  
22 CHAIRPERSON SLASH: Okay.  
23 JUDGE BURKHARDT: So, the docket

♀

37

1 clerk has received no appeals to be assigned.  
2 CHAIRPERSON SLASH: Okay. So,  
3 consider yourselves a month without reading any  
4 of those. If we don't have anything assigned,  
5 it's very good.  
6 (Discussion off the record.)  
7 CHAIRPERSON SLASH: Okay. All right.  
8 So, we are in the Announcements portion. We've  
9 got our meeting dates here, but do we have any  
10 announcements that any of the Commissioners would  
11 like to share or that any of the staff would like  
12 to share with Commissioners?  
13 COMM. RAMOS: Do we have a calendar  
14 for coming events? That's usually in our thing  
15 as well.  
16 MR. WILSON: I'm sorry?  
17 MS. GORDON: It's in your --  
18 MR. WILSON: It's in your packets.  
19 MS. GORDON: -- packets.

CRC 5-18-18

20 COMM. HARRINGTON: It's in here?

21 MS. GORDON: They are double rowed,  
22 so this is 5-14 to the end of June.

23 CHAIRPERSON SLASH: Can I ask a

♀

38

1 question about this, though?

2 MS. GORDON: Uh-huh.

3 CHAIRPERSON SLASH: Are there events  
4 where it would behoove the staff to have  
5 representation from the Commission, events that  
6 would be good places for Commissioners to see the  
7 Commission at work or places where you should see  
8 us?

9 MR. WILSON: I think you're welcome  
10 to come to any of our events, but we have  
11 nothing -- when we do identify something we want  
12 you to participate in for a specific reason, we  
13 will, but we want you to feel free to come to any  
14 event that we have.

15 CHAIRPERSON SLASH: Okay.

16 MR. WILSON: I think you can learn  
17 from any event that we put on the calendar.

18 CHAIRPERSON SLASH: Okay.

19 MS. GORDON: To piggy-back on there,  
20 we went into June and our Know Your Rights Night  
21 with the Indiana Fever. It is June 8th, and that  
22 will be a fun event, and we'll send you -- you'll  
23 have the opportunity to claim tickets and send

♀

1 the invite group out in the coming week. So,  
2 you'll see a promotion for that, but that'll be a  
3 fun community event, and we would love for you to  
4 come and promote it as well.

5 CHAIRPERSON SLASH: Okay.

6 MS. GORDON: And then -- yes, that  
7 was the one.

8 COMM. RAMOS: And are you going to be  
9 doing the Indians thing again in August, or is  
10 that --

11 MS. GORDON: That's the end of July.  
12 No, we will be, we surely will.

13 CHAIRPERSON SLASH: Okay.

14 MS. GORDON: And you'll also be  
15 invited to come to that, and I believe it's  
16 the 27th.

17 CHAIRPERSON SLASH: Okay. Can I make  
18 a request that we get events -- and I don't know  
19 what's the best way to do that. On paper it's  
20 great, but if there were things that would be,  
21 you know, something where you would want us to  
22 come or bring people with us, maybe calendar  
23 appointments as a tentative invitation, so that

♀

1 we could see them as things where we could  
2 potentially be with you, get them to the calendar

3 so that we know.

4 so, like if you know a date further down  
5 the road -- I don't know about anybody else's  
6 calendar, but my calendar kind of fills up really  
7 early, and so, if I can get a date the earlier  
8 the better, but I would love, if you're putting  
9 it on your calendar, if you'd get it in our  
10 little calendar, that could be a beneficial  
11 thing. I don't know -- does someone else feel  
12 that way?

13 COMM. LONG: Uh-huh, yes.

14 COMM. HARRINGTON: Yes.

15 CHAIRPERSON SLASH: Okay.

16 COMM. LONG: Maybe even some groups  
17 that would you like us to reach out to. For me,  
18 Asian groups that you would want us to put that  
19 on the local Asian newspaper, we'd be happy to.

20 MS. GORDON: Yeah, and so, when that  
21 invite comes out, we'll make sure that happens.

22 CHAIRPERSON SLASH: All right.

23 Awesome.

♀

41

1 Okay. So, that takes us through our  
2 announcements.

3 JUDGE BURKHARDT: If I could add one  
4 other thing.

5 CHAIRPERSON SLASH: Sure, absolutely.

6 JUDGE BURKHARDT: At a recent meeting  
7 of all staff here, we celebrated the one-year

8 anniversary for our Executive Director, and I  
9 just want to state that in review of this last  
10 year, it's been a year of adventures in  
11 efficiency, morale for this agency, and  
12 professionalism that I think is unprecedented, so  
13 I just want to state that.

14 MR. WILSON: Thank you.

15 (Applause.)

16 MR. WILSON: Thank you very much.  
17 I'm very fortunate.

18 CHAIRPERSON SLASH: Thank you, and  
19 congratulations on a full staff.

20 COMM. HARRINGTON: Yes.

21 MR. WILSON: Thank you. I'm very  
22 fortunate. I think --

23 COMM. LONG: Only a year?

‡

42

1 MR. WILSON: Yes, it's been a year  
2 already.

3 COMM. LONG: I can't imagine being  
4 here for long.

5 MR. WILSON: I know it's been a  
6 whirlwind, but we're fortunate. We have improved  
7 the talent level here at the agency. I believe  
8 there's never been this type of talent at once.  
9 I'm sure there's been great talent here, don't  
10 get me wrong, but I think in every position --  
11 that's why we're able to move this stuff a lot  
12 faster.

13           Like I say, it is -- this is going to be a  
14 great year, 2018. I mean this is -- as  
15 Doneisha -- Deputy, if you don't mind, but  
16 Doneisha's been here with me with this path,  
17 again, with restructuring, reorganizing the  
18 agency.

19           And so, the things we wanted to do, any  
20 hiccups that we had, even though we wasn't here  
21 at that particular time, we wanted to fix them so  
22 that we have a better reputation of -- I mean we  
23 had a couple of issues that concerned us greatly,

♀

43

1 and I think we've almost cleaned up everything  
2 that we saw made us -- had gave us a bad look.

3           CHAIRPERSON SLASH: Uh-huh.

4           MR. WILSON: You know, and one was we  
5 had tried the Region 5 before, a couple of years  
6 ago, and it failed. And so, when we told them we  
7 were going to do Region 5 again, they was like,  
8 "we don't really want you to." And that's bad  
9 when you hear someone say that to you, that they  
10 don't want you to do that. And right now, the  
11 fact that we've added such great talent with  
12 Leslie, we're able to do this Region 5, we did  
13 the Fair Housing events, we did the MLK events.

14           And then the fact that we had John, we put  
15 him here at -- when John was doing so many other  
16 things, and we put him here as the Administrative  
17 Law Judge, and I tasked him to look and give me a

18 chart of how we clean these old cases, because  
19 when you think about a case here through 2010 --  
20 I said '12, but they corrected me at '10 --  
21 CHAIRPERSON SLASH: Uh-huh.  
22 MR. WILSON: -- that's not good, and  
23 it's all because people kept kicking the can down

†

44

1 the road, and they really kicked it down the road  
2 having a case that old in the system. And so,  
3 with the group we have now, we're very fortunate  
4 to be able to move this thing along. So, it's  
5 all of us together that are getting it done, so  
6 we're happy.

7 CHAIRPERSON SLASH: Well,  
8 congratulations --

9 MR. WILSON: Thank you so much.

10 CHAIRPERSON SLASH: -- to the entire  
11 staff.

12 COMM. LONG: Yes.

13 CHAIRPERSON SLASH: And so, I think  
14 that I have to make one of my requests as like in  
15 open conversation; right? Okay. So, I would  
16 like to ask -- if the rest of the Commissioners  
17 would be comfortable, I would like us to consider  
18 moving forward to open all of our Commission  
19 meetings with a 15-minute executive session and  
20 to close with executive session, with the goal  
21 being an opportunity to ask for clarity on  
22 direction prior to the start and clarity on

23 direction with cases that we have moved that --

♀

45

1 as we move into the following month.

2 Just to make sure that each time, we're  
3 properly educated on what we're reading for, the  
4 decisions that we're being asked to make, and if  
5 there's potentially a case in our file that might  
6 really require the scrutiny of all Commissioners,  
7 or just the one that's really reading it, I would  
8 love to have an opportunity for better clarity.

9 So, does anyone have any issue with that?

10 COMM. RAMOS: I don't have any issue.  
11 I think it's a great idea, but I know that when  
12 we once upon a time looked to do that, there were  
13 certain rules and guidelines we had to have that  
14 were out there, whether what was public or what  
15 wasn't, we have to announce it, or some --  
16 there's some means in there that it just isn't  
17 quite as easy as, "Let's just try and do that."  
18 So, I would just make sure we do not --

19 MR. WILSON: Before we commit --

20 MS. POSEY: Yes.

21 MR. WILSON: -- to that, let us go  
22 back and make sure we research that --

23 CHAIRPERSON SLASH: Okay.

♀

46

1 MR. WILSON: -- and provide you with  
Page 38

2 feedback before you, as a body, take a vote on  
3 that. I just want to make sure, too, because  
4 when you're doing that and the whole Commission  
5 is together, you are the Commission, so --

6 CHAIRPERSON SLASH: All right. I  
7 just wanted to --

8 MS. POSEY: I will definitely look  
9 into that personally on public access and what  
10 can be done in a closed session. It sounds like  
11 you're just interested in being educated upon --

12 CHAIRPERSON SLASH: Uh-huh.

13 MS. POSEY: -- the cases, whether the  
14 ones that you're about to make your decisions on  
15 or the cases that you are being assigned, to  
16 maybe have a little bit more clarity on.

17 CHAIRPERSON SLASH: Yeah, and the  
18 pure -- the pure heart of that matter would be to  
19 make sure that when we're in open session  
20 publicly, that we are making decisions in a  
21 professional, well informed, and assertive kind  
22 of a way, versus not being certain in --

23 MS. POSEY: Yes.

♀

47

1 CHAIRPERSON SLASH: -- the decision  
2 that we were asked to make, because some of the  
3 cases that we get might have one or two decisions  
4 inside of them, some of them don't actually  
5 require a vote, some of them do, and so, just an  
6 opportunity, because every month is unique.

7 MS. POSEY: Uh-huh. Okay. I will  
8 look into that and have an answer for you.

9 CHAIRPERSON SLASH: Thank you.

10 JUDGE BURKHARDT: Thank you. And if  
11 I could simply add here, the Indiana Public  
12 Access Counselors Handbook simply states that  
13 executive sessions are significant, because  
14 open-door law permits governing bodies to meet  
15 privately under certain circumstances, which  
16 then --

17 MS. POSEY: Uh-huh.

18 JUDGE BURKHARDT: -- that could be  
19 elaborated about for you. But simply, there is a  
20 48-hour advance notice requirement, similar to  
21 the notice of these meetings, and significantly,  
22 any final action on a matter which is the subject  
23 of an executive session, the vote must be taken

‡

48

1 at the public meeting --

2 MS. POSEY: Right.

3 JUDGE BURKHARDT: -- following, which  
4 I think would -- that would --

5 MS. POSEY: Right.

6 JUDGE BURKHARDT: -- your sessions  
7 would lead into that.

8 CHAIRPERSON SLASH: Okay.

9 MR. WILSON: But we'll still take  
10 a -- do a review, and then --

11 CHAIRPERSON SLASH: Okay.

12 MR. WILSON: -- we'll give your our  
13 feedback.

14 CHAIRPERSON SLASH: Thank you. I  
15 just wanted to make sure that I got that asked  
16 where I needed to get that asked, and so that the  
17 record actually reflects that.

18 COMM. RAMOS: Just as case in point,  
19 in some of the -- because we've had open forums,  
20 and we had just wanted to have a private  
21 conversation without the public, and once you  
22 have that -- and when we were afforded that  
23 opportunity, we had to have that debate publicly,

♀

49

1 which is -- I mean, again, you do all of your  
2 homework ahead of time, and which we all do  
3 anyway, but it was just strange. And so, that's  
4 why I just throw out the caution, just to make  
5 sure we --

6 CHAIRPERSON SLASH: Uh-huh.

7 COMM. RAMOS: I think it's a great  
8 idea, and I think it's a good thing to do.

9 CHAIRPERSON SLASH: Okay. Does  
10 anyone else have any announcements or questions  
11 before we close the public portion of this and  
12 get into the remainder of our training?

13 (No response.)

14 CHAIRPERSON SLASH: Okay. Without  
15 any further questions, comments, please note the  
16 meeting dates that we have moving forward.

CRC 5-18-18

17 Friday, June 15th is our next one.

18 The meeting's adjourned.

19 Thereupon, - - -  
20 May 18, 2018 were concluded  
21 at 1:38 o'clock p.m.  
- - -

22

23

†

50

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, May 18, 2018 in this matter and  
8 transcribed by me.

9

10

\_\_\_\_\_

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

14

15 My Commission expires August 26, 2024.

16

17

18

19

20

21

CRC 5-18-18

22

23

♀

