

**In The Matter Of:**  
*BEFORE THE INDIANA CIVIL RIGHTS COMMISSION*

---

*May 17, 2019*

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*WILLIAM F. DANIELS, D/B/A ACCURATE REPORTING OF INDIANA  
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BEFORE THE STATE OF INDIANA  
CIVIL RIGHTS COMMISSION

- - -

PUBLIC MEETING OF MAY 17, 2019

- - -

PROCEEDINGS

in the above-captioned matter, before the Indiana  
Civil Rights Commission, Steven A. Ramos,  
Chairman, 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 17, 2019 at  
1:22 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:

2 COMMISSION MEMBERS:

3 Steven A. Ramos, Chairman  
4 Adrienne L. Slash  
5 Alpha Blackburn (via telephone)  
6 James W. Jackson (via telephone)

7 INDIANA CIVIL RIGHTS COMMISSION  
8 By Doneisha Posey, Deputy 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 Caroline Stephens Ryker  
15 Jordan Burton  
16 Lisa Welch  
17 Anehita Eromosele

18 ALSO PRESENT:

19 Angela Rinehart  
20 Andrew Braxton

21 - - -  
22  
23

1 1:22 o'clock p.m.  
2 May 17, 2019

3 - - -

4 CHAIRMAN RAMOS: I call to order the  
5 meeting of the Indiana Civil Rights Commission.  
6 Today is the 17th of May. It is 1:21, we have an  
7 agenda in front of us. Before we jump into the  
8 agenda, I'd just like to say thanks to the  
9 Commission for the opportunity to serve as Chair.  
10 I indeed look at it as an honor and a privilege,  
11 so thank you so much. I also want to acknowledge  
12 former Chair Slash and Vice-Chair Harrington for  
13 their services. They've done a wonderful job,  
14 and it's exciting.

15 All right. So, we do have a quorum  
16 established, and we have -- I wasn't around  
17 here --

18 MS. POSEY: Do roll.

19 CHAIRMAN RAMOS: Yes, we will do a  
20 roll call.

21 Those on the phone, would you please  
22 identify yourself? Can you hear me,  
23 Comm. Jackson and Comm. Blackburn?

COMM. BLACKBURN: Yes.

1 Comm. Blackburn here.

2 COMM. JACKSON: Comm. Jackson here.

3 CHAIRMAN RAMOS: Okay. And then also  
4 present is Comm. and Vice-Chair Slash and myself.

5 All right. We have -- looking at the  
6 agenda, we have Commissioner training, which I  
7 think is old news?

8 JUDGE STEPHENS RYKER: So, at this  
9 particular meeting, we do not have any  
10 Commissioner training. If in the future we do,  
11 it'll be at that point.

12 CHAIRMAN RAMOS: Okay. So,  
13 announcement of the agenda.

14 JUDGE STEPHENS RYKER: So, for the  
15 different agenda items, I will note is that we  
16 have two agendas here today, and the most recent  
17 is the one we should be using. We'll go through  
18 the approval the previous meeting minutes, the  
19 ICRC's Director Report, we've got a number of Old  
20 Business agenda items that include ten different  
21 appeals that need a decision, and then as far as  
22 New Business, there are five different appeals  
23 that need to be assigned to a Commissioner.



1 Comm. Blackburn.

2 COMM. BLACKBURN: Comm. Blackburn.

3 CHAIRMAN RAMOS: Thank you,  
4 Comm. Blackburn. All those in favor, signify  
5 by -- well, we have a do a roll call; sorry. All  
6 those in favor, I will call on you.

7 Comm. Blackburn?

8 COMM. BLACKBURN: Aye.

9 CHAIRMAN RAMOS: Comm. Jackson?

10 COMM. JACKSON: Aye.

11 CHAIRMAN RAMOS: Vice-Chair Slash?

12 COMM. SLASH: Aye.

13 CHAIRMAN RAMOS: And aye as well, so  
14 the motion to approve the minutes has passed. We  
15 have the ICRC Director's Report next.

16 MS. POSEY: Good afternoon,  
17 Commissioners. I am looking at the April Agency  
18 at a Glance. Just to give you an update on the  
19 internal processes of what we're doing here, so  
20 the big thing to look at first is Complaints by  
21 Protected Class.

22 So, these are formalized complaints that  
23 we received in the month of April, and we

1 separated them by the protected class. So, you  
2 can see with Disability, we had 24 complaints  
3 formally filed, and 18 Race formally filed. From  
4 there, you have eight Sex Discrimination, six  
5 Retaliation, five Age, two Familial Status, and  
6 one National Origin.

7 One thing to notate is the age complaints.  
8 So, we receive age complaints of discrimination,  
9 but our statute does not allow us to enforce age  
10 discrimination, so we in turn send those directly  
11 to the EEOC for their investigation of those  
12 cases.

13 Right below that, I'm looking at Inquiries  
14 by Enforcement Areas, so these are just the calls  
15 that were received about possibly filing  
16 complaints. We may have drafted these  
17 complaints, the complainant may decide not to go  
18 through with a complaint, they might have just  
19 called to ask questions. There could be a  
20 plethora of reasons as to why these inquiries do  
21 not turn into formalized complaints. They might  
22 not even be jurisdictional. But it's good for us  
23 to see what's going on around the state.

1           So, we had 128 Employment inquiries, 31  
2 Public Accommodation inquiries, 46 Housing, five  
3 Education, six Unknown, and one Credit. So,  
4 Unknown is we started talking to them about  
5 something and either it wasn't one of our  
6 enforcement areas or we didn't get enough  
7 information from them to really have a good  
8 assessment of that.

9           And then we like to look at the complaints  
10 by the five biggest counties in Indiana, so if  
11 you think, you know, Indianapolis -- I think you  
12 told me last week, Mr. Ramos, Indianapolis is 13  
13 percent of the population of the state. Did you  
14 tell me that?

15           CHAIRMAN RAMOS: No, but that makes  
16 sense.

17           MS. POSEY: Okay. Somebody told me,  
18 and I thought it was you. And, you know, what  
19 should complaints look like coming from those  
20 big -- from the biggest counties? Should we be  
21 receiving a lot more versus the smaller counties?  
22 So, 97 inquiries from Marion County, 56 from Lake  
23 County, 17 from Allen County, ten from Hamilton,

1 and seven from St. Joseph. And that's fairly  
2 consistent with what we see each month with those  
3 numbers, really.

4 And finally, on the right, I'm going to  
5 talk about that small table, where it talks about  
6 number of calls, so we've had an increased number  
7 of calls for the month of April as from March.  
8 Our number of inquiries went down just a little  
9 bit. We had 214 total inquiries in April, where  
10 there was 216 in March.

11 Number of inquiries drafted, so those are  
12 the case -- the inquiries that we actually helped  
13 to draft -- to formalize complaints. That number  
14 also went down, but we had some staff changes in  
15 April, so that would account for that.

16 Number of formalized complaints, we've  
17 only had 64 from April. That's not necessarily  
18 anything that we can really do. For example,  
19 when we draft a complaint, we send it to the  
20 party, and they have to send it back to us. If  
21 they don't send it back to us, then we don't have  
22 a formalized complaint.

23 So -- and then finally, number of

1 closures, we had 111 closures, which is really  
2 good. That will help us to meet our goals and  
3 expectations that we have with our federal  
4 partners at EEOC and HUD. So, for this fiscal  
5 year, we have to close about 320 employment cases  
6 to meet our -- our goals for EEOC, and then we  
7 would like to get about 120 to 130 housing cases  
8 that are duly filed with HUD for the end of this  
9 fiscal year. So, we're on track to meet those  
10 numbers, so we're happy about that.

11 COMM. SLASH: So, that's 320 total,  
12 not 320 to go?

13 MS. POSEY: Three hundred -- no,  
14 total, yes.

15 COMM. SLASH: Okay.

16 MS. POSEY: Yes. Well, the fiscal  
17 year for EEOC is September 30th, so we have until  
18 September 30th to meet our contract with EEOC.  
19 And then HUD's fiscal year end is June 30th, so  
20 we don't have much time to get any additional  
21 housing cases completed.

22 ADR monetary settlements. So, really  
23 happy to announce that we had, just for the month

1 of April alone, 200 and -- yeah, \$233,000 in ADR  
2 settlements. So, I mean that's amazing. That  
3 number is up dramatically from the month before,  
4 an additional 156,000 in just one month. So,  
5 we're really excited about that.

6 We're doing really great oper -- with our  
7 operations of our cases. The big thing is we  
8 want to make sure that we're staying out in the  
9 community, getting our marketing to all corners  
10 of the state, so that we're making sure that  
11 everyone is being heard and everyone who's having  
12 any type of discrimination or equal opportunity  
13 issue is being reached.

14 CHAIRMAN RAMOS: Okay.

15 JUDGE STEPHENS RYKER: And I've also  
16 invited Lisa Welch to be here as well, to provide  
17 some information concerning the upcoming events,  
18 so I'll turn it over to her.

19 COMM. BLACKBURN: The sound is going  
20 out.

21 CHAIRMAN RAMOS: Lisa is going to  
22 provide updates on some of the events coming up,  
23 Comm. Blackburn.

1 MS. WELCH: Okay. For those present,  
2 I've just put together some quick handouts, but  
3 we were talking before the meeting, we have sent  
4 out some additional information, and some I have  
5 here for everybody, if we can get those events on  
6 our calendar.

7 As you know, last time I talked a lot  
8 about the conference, so I just wanted to just  
9 touch on that one more time of the specific  
10 reference to the Civil Rights Awards Dinner that  
11 we have coming up on the evening of June 19th. I  
12 certainly would encourage everyone to attend.

13 And visit our page for nominations,  
14 self-nominations or organizations that you know  
15 that might be good candidates to receive one of  
16 these awards. We're providing opportunities to  
17 honor individuals, organizations, nonprofits,  
18 businesses, government agencies. So, I wanted to  
19 make sure that everyone had that information  
20 there. For those on the phone, I will be sending  
21 these to you via e-mail later.

22 And also, Caroline let me know that there  
23 were some questions about major events that we

1 have coming up over the summer, so I just made a  
2 quick handout for you. Obviously we have the  
3 Conference coming up the 17th through the 20th,  
4 but we are also going to be participating in  
5 Civil Rights Night at the Indianapolis Indians on  
6 June 14th.

7           After the conference, on July 12th will be  
8 our Know Your Rights night with the Indiana  
9 Fever. For both of these, we'll obviously be  
10 having like in-game marketing and messaging,  
11 we'll be having -- making information  
12 available at a table for the Know Your Rights  
13 night, and we'll be participating in a panel as  
14 well to talk about the work that ICRC does.

15           July 16th, as part the Summer Celebration,  
16 we'll be participating in the Governor's  
17 Reception at the Convention Center, and we'll be  
18 presenting awards -- an award there as well for  
19 an internal employee, to honor their  
20 contributions to the Commission.

21           And then finally, the last major event in  
22 the summer is on July 18th, also part of the  
23 Indiana Black Expo Summer Celebration, we'll be

1 presenting two different workshops at their  
2 Education Conference, so we'll be presenting our  
3 Cultural Commissions for an implicit bias  
4 presenta -- or panel, excuse me -- and we'll also  
5 be providing continuing legal education as well.

6 So -- and again, I will be sending these  
7 out so that everyone can get those added to their  
8 calendars.

9 CHAIRMAN RAMOS: Thank you.

10 MS. WELCH: And if there are any  
11 questions, I'm happy to answer them.

12 CHAIRMAN RAMOS: Comm. Blackburn and  
13 Comm. Jackson, I know we were chatting just  
14 previously. Are you going to be able to attend  
15 any of the events on the 19th or the 18th?

16 Right?

17 MS. WELCH: Uh-huh.

18 CHAIRMAN RAMOS: There's a lunch on  
19 the 18th, and there's a lunch and a dinner on  
20 the 19th, and major awards events on the 19th.

21 COMM. JACKSON: Yeah, I'll possibly  
22 go to that.

23 CHAIRMAN RAMOS: Great.

1 Comm. Blackburn?

2 COMM. JACKSON: June; right? July?

3 CHAIRMAN RAMOS: It is June.

4 COMM. JACKSON: June.

5 CHAIRMAN RAMOS: June, yeah. 18th is  
6 a luncheon then -- and correct me if I'm wrong --  
7 and the 19th is a luncheon and a dinner.

8 MS. WELCH: Uh-huh.

9 COMM. JACKSON: Yeah.

10 COMM. BLACKBURN: I will try. I  
11 don't have -- I'm afraid until I check my  
12 calendar. I can't recall. So -- but I will --  
13 can someone follow up with me?

14 JUDGE STEPHENS RYKER: Absolutely.  
15 I'll have Anehitia again just reach out and  
16 provide those dates as well as coming from Lisa,  
17 so you'll get a couple of e-mails, and if you  
18 just want to respond directly to that e-mail, I'd  
19 be happy to forward that information along.

20 CHAIRMAN RAMOS: And again, the 14th  
21 is the Indians game. You can sign me up for that  
22 one, and I'm a big sports fan.

23 MS. WELCH: So, if we had a race car,

1 we'd do the race car, too.

2 (Laughter.)

3 CHAIRMAN RAMOS: And the 12th as  
4 well.

5 MS. WELCH: Maybe we should consider  
6 that.

7 CHAIRMAN RAMOS: Yeah, that would be  
8 great. Okay. Thank you, Lisa.

9 MS. WELCH: Absolutely. One more  
10 thing Doneisha let me know. I neglected to  
11 mention we're participating June 11th in Equal  
12 Opportunity Day at the Indianapolis Urban League,  
13 so the workshops there as well.

14 CHAIRMAN RAMOS: Okay. Great. Thank  
15 you. That's great, a lot of great activities.  
16 You don't have the paper in front of you, but we  
17 also have the Month at a Glance, and there's a  
18 whole page and a half of activities across the  
19 state that the Commission is involved in, so --

20 MS. WELCH: Uh-huh.

21 CHAIRMAN RAMOS: -- congratulations  
22 to you all. It's a great activity. So, on the  
23 Executive Director's points, a couple of things

1 that I would like to see, and I know we've  
2 chatted about it as well, is the Financial Report  
3 from Ms. Cook, just so we can get an idea of  
4 where that's at.

5 We used to previously have that. It was  
6 kind of a one-pager that says, "Here's where the  
7 funding's at, here's where we're at year to  
8 date," and I know we were in the process of --  
9 since it's part of the year for -- some of it's  
10 closing end of June.

11 And I'm sure there's been a submission of  
12 a budget for the next fiscal year, and just some  
13 insight into that, because I know from Executive  
14 Director Wilson -- I was going to say "Smith,"  
15 but Wilson's perspective, that I know he's  
16 looking to grow. You have taken on a lot more  
17 accounts, you've been able to close a lot, and  
18 that provides opportunities for growth, and  
19 that's a good thing.

20 So, thank you for that. So, if we could  
21 see that report in our next meeting, I would  
22 appreciate that. And you've already covered the  
23 events coming up, so that's good stuff.

1 MS. WELCH: Uh-huh.

2 CHAIRMAN RAMOS: Any questions on the  
3 Director's Reports?

4 (No response.)

5 CHAIRMAN RAMOS: Hearing none, we  
6 will move --

7 COMM. BLACKBURN: No.

8 CHAIRMAN RAMOS: Thanks,  
9 Comm. Blackburn.

10 So, we'll move to our next item, which is  
11 the Old Business, and we have several of the  
12 reports to go through. Comm. Jackson, you're up  
13 first, which is Hong Shaddy versus Saint Mary's  
14 College.

15 COMM. JACKSON: Yes. In the case of  
16 Ms. Hong Shaddy versus Saint Mary's College,  
17 uphold the Director's findings for no probable  
18 cause.

19 CHAIRMAN RAMOS: Thank you.

20 I need a motion to approve.

21 COMM. SLASH: So moved.

22 CHAIRMAN RAMOS: I need a second.

23 COMM. BLACKBURN: Second.

1                   CHAIRMAN RAMOS: Okay. So, we'll  
2 have to take individual votes on that. All those  
3 in favor, Comm. Blackburn?

4                   COMM. BLACKBURN: Aye.

5                   CHAIRMAN RAMOS: Comm. Jackson?

6                   COMM. JACKSON: Aye.

7                   CHAIRMAN RAMOS: Comm. Slash?

8                   COMM. SLASH: Aye.

9                   CHAIRMAN RAMOS: And aye as well.

10                  (Ms. Welch left the room.)

11                  CHAIRMAN RAMOS: The next case is  
12 Penny Washington versus County Inn Suites,  
13 Comm. Blackburn.

14                  COMM. BLACKBURN: I'm sorry; I need  
15 to ask for a continuance.

16                  CHAIRMAN RAMOS: All right. The next  
17 case is Mouhamed Dieng versus LSC Communications.  
18 That was a case I reviewed. In this case, I  
19 recommend that we uphold the Executive Director's  
20 finding of no probable cause. I need a motion to  
21 approve.

22                  COMM. SLASH: So moved.

23                  CHAIRMAN RAMOS: I need a second.

1                   COMM. JACKSON: Second,  
2 Comm. Jackson.

3                   CHAIRMAN RAMOS: Those in favor,  
4 Comm. Jackson?

5                   COMM. JACKSON: Aye.

6                   CHAIRMAN RAMOS: Comm. Blackburn?

7                   COMM. BLACKBURN: Aye.

8                   CHAIRMAN RAMOS: Comm. Slash?

9                   COMM. SLASH: Aye.

10                  CHAIRMAN RAMOS: And aye as well.

11                  Next case is for Comm. Slash, Judith  
12 Falzon versus St. Joseph County Public Library.

13                  COMM. SLASH: I move to uphold the  
14 findings of no probable cause.

15                  CHAIRMAN RAMOS: Okay. I need a  
16 motion to approve?

17                  COMM. BLACKBURN: So moved.

18                  COMM. JACKSON: So moved.

19                  CHAIRMAN RAMOS: Okay. Blackburn so  
20 moved, Jackson seconds. Those in favor,  
21 Comm. Jackson?

22                  COMM. JACKSON: Aye.

23                  CHAIRMAN RAMOS: Comm. Blackburn?

1                   COMM. BLACKBURN: Aye.

2                   CHAIRMAN RAMOS: Comm. Slash?

3                   COMM. SLASH: Aye.

4                   CHAIRMAN RAMOS: And aye as well.

5                   The next case, we do not have any  
6 responses from Comm. Harrington?

7                   JUDGE STEPHENS RYKER: Correct.

8                   CHAIRMAN RAMOS: Okay. So, the next  
9 case is Michael Simson versus Lafayette  
10 Transitional Housing Center, and we'll move that  
11 to the next Commissioner meeting. Comm. Jackson,  
12 you're up next with Gloria Hughes versus  
13 Indianapolis Marriott East.

14                  COMM. JACKSON: Uphold the Director's  
15 finding of no probable cause.

16                  CHAIRMAN RAMOS: I need a motion to  
17 approve.

18                  COMM. SLASH: Oh, so moved.

19                  CHAIRMAN RAMOS: Second? I need a  
20 second.

21                                 (No response.)

22                  CHAIRMAN RAMOS: Comm. Black --

23                  COMM. JACKSON: Second,

1 Comm. Jackson.

2 CHAIRMAN RAMOS: He cannot approve  
3 his own motion. Nice try, but Comm. Blackburn,  
4 can you second that motion?

5 COMM. BLACKBURN: Yes.

6 CHAIRMAN RAMOS: Seconded by --

7 COMM. BLACKBURN: Yes.

8 CHAIRMAN RAMOS: -- Blackburn. All  
9 those in favor, signify.

10 Comm. Blackburn?

11 COMM. BLACKBURN: Aye.

12 CHAIRMAN RAMOS: Comm. Jackson?

13 COMM. JACKSON: Aye.

14 CHAIRMAN RAMOS: Comm. Slash?

15 COMM. SLASH: Aye.

16 CHAIRMAN RAMOS: And aye as well.

17 Comm. Slash, the next one, Kennitha Barnes  
18 versus the Vibra Hospital of Northwest Indiana.

19 COMM. SLASH: I recommend we uphold  
20 the Director's finding of no probable cause.

21 CHAIRMAN RAMOS: I need a motion to  
22 approve.

23 COMM. BLACKBURN: So moved.

1                   CHAIRMAN RAMOS: I need a second.

2                   COMM. JACKSON: Second,

3 Comm. Jackson.

4                   CHAIRMAN RAMOS: All those signify by  
5 saying aye.

6                   Comm. Blackburn?

7                   COMM. BLACKBURN: Aye.

8                   CHAIRMAN RAMOS: Comm. Jackson?

9                   COMM. JACKSON: Aye.

10                  CHAIRMAN RAMOS: Comm. Slash?

11                  COMM. SLASH: Aye.

12                  CHAIRMAN RAMOS: And aye as well.

13                  The next case was a case I reviewed,  
14 Makarand Bidwai versus the Lake County Public  
15 Library/Ingrid Norris, and in this case, I also  
16 recommend that we uphold the Executive Director's  
17 finding of no probable cause. I need a motion to  
18 approve.

19                  COMM. SLASH: So moved.

20                  CHAIRMAN RAMOS: I need a second.

21                  COMM. JACKSON: Second,

22 Comm. Jackson.

23                  CHAIRMAN RAMOS: Those in favor,

1 signify by aye.

2 Comm. Jackson?

3 COMM. JACKSON: Aye.

4 CHAIRMAN RAMOS: Comm. Blackburn?

5 COMM. BLACKBURN: Aye.

6 CHAIRMAN RAMOS: Comm. Slash?

7 COMM. SLASH: Aye.

8 CHAIRMAN RAMOS: And aye as well.

9 The next case is Comm. Harrington's, so  
10 we'll move that to next month. That's Jimella  
11 Harris o/b/o -- that's otherwise --

12 MS. POSEY: On behalf of.

13 CHAIRMAN RAMOS: -- on behalf of  
14 Jacqueline [sic] Hightower, et al. versus East  
15 Allen County School District. We will move that  
16 to the June meeting.

17 Comm. Slash, in the case of Jonathan Garza  
18 and Stephanie Knopic versus Kristen Hughes.

19 COMM. SLASH: After really reviewing  
20 this one for the second time, I move to up -- or  
21 I'm sorry -- I recommend that we uphold the  
22 Director's finding.

23 CHAIRMAN RAMOS: I need a motion to

1 approve.

2 COMM. JACKSON: So moved.

3 COMM. BLACKBURN: So moved.

4 CHAIRMAN RAMOS: Jackson so moves,  
5 Blackburn seconds. All those in favor, signify  
6 by saying aye.

7 Comm. Blackburn?

8 COMM. BLACKBURN: Aye.

9 CHAIRMAN RAMOS: Comm. Jackson?

10 COMM. JACKSON: Aye.

11 CHAIRMAN RAMOS: Comm. Slash?

12 COMM. SLASH: Aye.

13 CHAIRMAN RAMOS: And aye as well.

14 The next item of business is the New  
15 Business and the Appointment of the Commissioners  
16 to Complainant Appeals of Director's Findings,  
17 and we have five cases, so I just have to set  
18 them up to be assigned. So, the first case is  
19 Kellee Rembert versus Central Elementary School.  
20 I will take that case. The next case is Travis  
21 Story versus FCA US LLC. Comm. Slash, if you  
22 would take that, please.

23 COMM. SLASH: (Nodded head yes.)

1                   CHAIRMAN RAMOS: The next case is  
2 Dewitt Green versus O -- I'm sorry -- versus  
3 AACOA. Comm. Blackburn, can you take that case?

4                   COMM. BLACKBURN: Yes.

5                   CHAIRMAN RAMOS: Thank you.

6                   The next case is Linda Long versus  
7 Dynamic -- versus Dynamite Building Maintenance.  
8 Comm. Jackson?

9                   COMM. JACKSON: Yes.

10                  CHAIRMAN RAMOS: Thank you. We'll  
11 assign that case to you.

12                  And the last --

13                  COMM. JACKSON: Can you send that to  
14 me?

15                  CHAIRMAN RAMOS: Yes, we will do  
16 that. Well, I won't do that, but somebody will  
17 do that.

18                  JUDGE STEPHENS RYKER: I'll do that.

19                  MS. POSEY: I will do that.

20                  CHAIRMAN RAMOS: Yeah, and we'll want  
21 to chat a little bit on the technology thing  
22 before we hang up on the phone.

23                  The next item is Amy Simpson versus the

1 City of Tell City, and I will take that case as  
2 well.

3 Okay. The next item on the agenda is the  
4 Review of ALJ Decisions and Orders.

5 JUDGE STEPHENS RYKER: So, with  
6 respect to the one agenda item, Kuss versus CTI,  
7 there's not really any action the Commission  
8 needs to take at this time. Previously, at the  
9 last Commission meeting, there was a briefing  
10 deadline set, with oral argument to occur at the  
11 next Commission meeting, so until the brief is  
12 filed, it's just a waiting game at this point.  
13 As soon as that does come in, and that should be  
14 later this month, I'll e-mail that out to you.

15 CHAIRMAN RAMOS: Okay. Thank you.

16 And the next item, an Update on Appeal.  
17 Judge Ryker?

18 JUDGE STEPHENS RYKER: So, there are  
19 two different updates on two different appeals  
20 I'd like to go through. Evansville Vanderburgh  
21 School Corporation versus Lynne Farmer. This  
22 case was recently appealed to the Indiana Court  
23 of Appeals, and there was an order in this case.

1 I've been helping put together the record to  
2 facilitate that appeal, but an order of abeyance  
3 has been filed, meaning that the case is  
4 essentially put on hold for the time being.

5 The Indiana Court of Appeals has set a  
6 June 3rd deadline for an update from the parties  
7 regarding any settlement efforts or a request to  
8 go ahead and continue towards a briefing and oral  
9 arguments schedule with respect to that case.

10 So, that's the procedural position, and hopefully  
11 we'll know more relatively soon.

12 With respect to the second case, Melissa  
13 Cope Davis versus Knox County Association for  
14 Retarded Citizens, Inc., this case went up before  
15 the Indiana Court of Appeals, and the Indiana  
16 Court of Appeals, on April 18th, 2018, actually  
17 remanded it back to the Commission.

18 So, the Commission does need to take  
19 action to comply with the requirements set forth  
20 in the order, and I'll kind of walk through the  
21 major high points. As far as the substantive law  
22 on the Indiana Civil Rights piece and liability,  
23 we were upheld, so the Commission's findings were

1 found to be correct, and they were untouched by  
2 the Indiana Court of Appeals.

3 Really, where the remand came into play is  
4 with respect to damages. So, there was some  
5 change to the calculation of back pay, what date  
6 should be used, and the date that the Indiana  
7 Court of Appeals found should end back pay was  
8 when she was terminated from a new employer.

9 So, that reduced the award that was given  
10 by the Administrative Law Judge, and in and of  
11 itself, that doesn't require any Commission  
12 action, but the calculation of prejudgment  
13 interest to make that money the real value of  
14 what it would have been today does need to be  
15 recalculated.

16 And I've provided the actual decision in  
17 the binders, but on page 14 of that decision, it  
18 talks about the requirement that prejudgment  
19 interest be calculated through -- let me see  
20 here -- compounding it annually with respect to  
21 very specific interest rates.

22 And the Indiana Court of Appeals  
23 recommended that the Commission use the federal

1 post-judgment interest rate found in 28 USC (a),  
2 Provision 1961, and all that is to say we need to  
3 use the one-year cost of maturity treasury yield  
4 rate as published by the Board of Governors of  
5 the Federal Reserve for the calendar week prior  
6 to the judgment.

7           So, I'll just really quickly walk through  
8 the math with you all so that you know what the  
9 recommendation is from the Indiana Court of  
10 Appeals, and let me get that out here. The  
11 interest rates prior to the -- of the week prior  
12 to the issuance of the ALJ's original decision,  
13 which was April 13th, 2016, were .59, .56, .55,  
14 .52 and .54. So, when all of that's averaged  
15 together, the interest rate that should be used  
16 is .552.

17           And then the recommended amount of back  
18 pay from the Indiana Court of Appeals was  
19 \$6,202.28, so when that's calculated compounded  
20 annual -- annually -- for the 3.6 years from the  
21 date that the complaint was filed to the date of  
22 the ALJ's decision, that comes to a total of  
23 \$124.14 in prejudgment interest. So, added back

1 to the original back pay award, the total damages  
2 would be \$6,326.42.

3 CHAIRMAN RAMOS: Okay.

4 JUDGE STEPHENS RYKER: Does anyone  
5 have any questions about the decision or the  
6 math?

7 COMM. SLASH: No.

8 CHAIRMAN RAMOS: To put that into  
9 layman's terms, we have the decision was handed  
10 down; they upheld the decision; the  
11 recommendation was to remand to the Civil Rights  
12 commission; they corrected the amount from the  
13 financial damages award. I think it was closer  
14 to what, 25,000? Was that the original number?

15 JUDGE STEPHENS RYKER: (Nodded yes.)

16 CHAIRMAN RAMOS: And so, that's been  
17 reduced based on their decision to only account  
18 for that which -- when her employment ended. So,  
19 we have two motions that we want to make. One of  
20 those is to basically approve the amendment of  
21 the findings of facts and laws and conclusions in  
22 the case of Melissa Davis versus the Knox County  
23 Association for Retarded Citizens. So, I need a

1 motion to approve that.

2 COMM. SLASH: So moved.

3 CHAIRMAN RAMOS: I need a second.

4 COMM. BLACKBURN: Second.

5 COMM. JACKSON: Second.

6 CHAIRMAN RAMOS: Those in favor,  
7 signify by saying aye.

8 Comm. Blackburn?

9 COMM. BLACKBURN: Aye.

10 CHAIRMAN RAMOS: Comm. Jackson?

11 COMM. JACKSON: Aye.

12 CHAIRMAN RAMOS: Comm. Slash?

13 COMM. SLASH: Aye.

14 CHAIRMAN RAMOS: And aye as well.

15 The second motion is to approve the  
16 modified amount of the damages, which is  
17 \$6,326.42. So, a motion to approve the damages?

18 COMM. SLASH: So moved.

19 CHAIRMAN RAMOS: I need a second.

20 COMM. BLACKBURN: Second.

21 CHAIRMAN RAMOS: Those in favor,  
22 signify by saying aye.

23 Comm. Blackburn?

1                   COMM. BLACKBURN: Aye.

2                   CHAIRMAN RAMOS: Comm. Jackson?

3                   COMM. JACKSON: Aye.

4                   CHAIRMAN RAMOS: Comm. Slash?

5                   COMM. SLASH: Aye.

6                   CHAIRMAN RAMOS: And aye as well.

7                   So, that takes care of the Updates on Appeals.

8                   Any other questions or comments on that.

9                   JUDGE STEPHENS RYKER: No. Thank  
10                  you.

11                  CHAIRMAN RAMOS: Okay. Thank you.

12                  Before we go to meeting dates, I know we  
13                  wanted to talk a little bit about the technology,  
14                  because we're still struggling a little bit on  
15                  that.

16                  JUDGE STEPHENS RYKER: So, at our  
17                  Annual Meeting, we had talked a little bit about  
18                  the challenges that SharePoint presents, and  
19                  specifically that the policies with protecting  
20                  data don't real allow for SharePoint to be used  
21                  in the way that we have been using it. So, I had  
22                  placed it on a different site, and at that time  
23                  it sounded like people were able to access that

1 and the Commissioners were getting the  
2 information that they needed.

3           However, based on the feedback I got this  
4 month, it sounds like, for one reason or another,  
5 the new platform is not working as expected  
6 either. So, for the foreseeable future, we are  
7 just going to e-mail out those documents to the  
8 best of our abilities and continue to look for  
9 another on-line platform. I'm going to circle  
10 back with our IT Department to see what went  
11 wrong for this last month. I haven't had a  
12 chance to do that yet since it's been a  
13 relatively short turnaround, but we'll keep  
14 working to find a new platform.

15           COMM. SLASH: Did they just not want  
16 us playing around in your one drive?

17                           (Laughter.)

18           JUDGE STEPHENS RYKER: You know,  
19 honestly, I'm not sure what the reason was this  
20 time around, so I need to figure it out. If it's  
21 something that, you know, I need to change a  
22 permission setting somewhere, since this is a new  
23 way that we're trying to do something, it may be

1 something simple like that.

2 COMM. SLASH: Yeah, because it  
3 wouldn't let us log in to get past the link.

4 JUDGE STEPHENS RYKER: Yeah.

5 COMM. SLASH: So, like the file pass  
6 was there. It looks like it was a strong way for  
7 us to get there, and I actually was not expecting  
8 to have to log in to receive it, because if you  
9 set them for us to be able to just review what  
10 you're sending, it should be fine.

11 JUDGE STEPHENS RYKER: Right, without  
12 the ability to edit.

13 COMM. SLASH: Right.

14 JUDGE STEPHENS RYKER: So, I'm going  
15 to have to go back through and figure that out  
16 and figure what exact settings I need to make in  
17 order to facilitate that. So, you know, I  
18 appreciate your patience with me as I figure out  
19 the workaround to get those documents, because we  
20 do really want to keep the confidentiality of the  
21 documents that need to be kept confidential while  
22 also making sure that you get the documents you  
23 need to do your job.

1           So, you know, two things: We are going to  
2 e-mail them out. If it's a document that does  
3 need to be kept confidential, we'll send that as  
4 a secure e-mail, so that may require a password.  
5 I don't think there's anything like that coming  
6 up at least for the next agenda, and I'll try to  
7 give you a heads-up if that's the case.

8           And we are printing out all of the  
9 documents, so for the Commissioners that are here  
10 in person, you do have the paper copies. I know  
11 that's not ideal, but it's another way to make  
12 sure that you get those. If there are documents,  
13 particularly for the appeals, that you don't  
14 receive, please reach out and let us know. You  
15 know, we're definitely trying to make sure you  
16 get those.

17           And I appreciate very much that the  
18 Commissioners have reached out to let me know  
19 that the link was broken or needed a revision.  
20 So, we'll keep working on that, and hopefully  
21 it'll be set up relatively soon.

22           CHAIRMAN RAMOS: Uh-huh. Thank you.

23           Meeting Dates are the next item, so our

1 next meeting is on the 21st of June, and it is  
2 going to be a longer meeting. Would you like to  
3 discuss that, Judge Ryker?

4 JUDGE STEPHENS RYKER: So, just a  
5 reminder that on the June 21 meeting we are going  
6 to have the oral arguments, so keep that in mind,  
7 and it will be probably the full two-hour meeting  
8 time.

9 CHAIRMAN RAMOS: Okay. Thank you.

10 Before that meeting, of course, we --  
11 there's a baseball game on the 14th. I'm looking  
12 at the notes from Lisa. The 14th is the game,  
13 and then we have, of course, the Conference that  
14 week as well, and hopefully we can participate in  
15 some of those things.

16 Any questions on the dates of upcoming  
17 meetings?

18 (No response.)

19 CHAIRMAN RAMOS: Any announcements  
20 that we have?

21 (No response.)

22 CHAIRMAN RAMOS: Hearing none, the  
23 last item is: Are there any Public Comments?

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(No response.)

CHAIRMAN RAMOS: No Public Comments.  
So, without any other questions, we will adjourn.  
Thank you for attending.

- - -  
Thereupon, the proceedings of  
May 17, 2019 were concluded  
at 1:58 o'clock p.m.  
- - -

## 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 17, 2019 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.  
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