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MAY 20, 2005 MEETING OF THE
INDIANA CIVIL RIGHTS COMMISSION
Indiana Government Center South
Indianapolis, Indiana 46206-6015

Transcript of Proceedings at the Meeting of the
INDIANA CIVIL RIGHTS COMMISSION
held on May 20, 2005
beginning at 3:00 p.m. in Conference Room D
at the Indiana Government Conference Center.

David C. Carter , Vice-Chairman

ACCURATE REPORTING OF INDIANA
12922 Brighton Avenue
Carmel IN 46032

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PERSONS PRESENT:

COMMISSIONERS: David C. Carter, presiding
Barry Baynard
Aleisha Kropf (by telephone)
Joseph C. Garcia

OTHERS: Gregory Kellam Scott
Bruce Jefferson
Robert Lange
Barbara Dobbins
Joan Essex
Jackie Cissell
Abigail Seif
Ellen Shevitz

1 [May 20, 2005. 3:00 p.m.]

2 MR. CARTER: The May meeting of the Indiana
3 Civil Rights Commission will come to order, please.

4 Are there any agenda requests?

5 MS DOBBINS: Yes.

6 In the consent agreement of Finley versus GVC
7 Mortgage Company, we will not be ruling on that today;
8 it's going to be pulled due to a lack of a signature.

9 MR. CARTER: Thank you.

10 You have the minutes of the April 22nd meeting of
11 this year. May I have a motion to approve those minutes?

12 MR. BAYNARD: So moved.

13 MR. CARTER: And a second?

14 MS KROPF: I do.

15 MR. CARTER: Thank you.

16 All in favor?

17 Any opposed?

18 Thank you.

19 There is no new business on the agenda. Is that
20 accurate?

21 MS DOBBINS: Yes, sir.

22 MR. CARTER: Committee reports? Personnel?

23 MR SCOTT: On the personnel matters, there are
24 currently six vacancies in the office, or at least five
25 currently, and there will be a sixth one. And we're in

1 the process of filling those vacancies. And we hope to
2 have all of them filled by this summer.

3 One of the attributes that we are seeking is fluency
4 with Spanish, to assist in the office, because we have a
5 number of citizens who speak Spanish and will require
6 assistance when they call in, and our staff will require
7 assistance in being able to interpret their comments
8 during the course of complaints or other conversation
9 that may occur.

10 And those are the personnel matters at this point.

11 MR. CARTER: Thank you.

12 And Ms Essex, the financial report, please.

13 MS ESSEX: You should have a copy of the
14 financial report that came in your packet, and I will be
15 happy to answer any questions you have concerning that.

16 Just one note, that the Auditor of State will close
17 for the end of the fiscal year on 17th of June this year.
18 We are raring to go. We have some additional funds, that
19 we're looking to get a few things in the office that we
20 have needed for a long time. We do a lot of mailings; we
21 were looking at getting a folder for different things
22 like that. And it's been requested that we need some
23 tape recorders for some of the investigators, so we are
24 looking into some of those purchases so that we can make
25 and utilize as much of this year's funds as we can.

1 We will meet our reversion of a hundred and
2 forty-nine thousand plus, and we are well on the way.

3 So does anybody have any questions?

4 MR. CARTER: Thank you.

5 Are there any questions on personnel or finance?

6 Hearing none, let's proceed to the consent
7 agreements—of which there is one, so "consent
8 agreement".

9 That is the case of Hatfield versus West. May I
10 have a motion to accept that consent agreement?

11 MR. GARCIA: I move we accept.

12 MR. CARTER: Second?

13 MR. BAYNARD: Second.

14 MR. CARTER: All in favor?

15 Any opposed?

16 We have no findings of fact, et cetera, this month,
17 and no other orders either in Section G.

18 However, we have a number of motions and orders.
19 First, there are eight cases of findings of no probable
20 cause. May I have a motion to accept those, please?

21 MR. GARCIA: I move we accept.

22 MR. CARTER: Second?

23 MR. BAYNARD: Second.

24 MR. CARTER: All in favor?

25 Any opposed?

1 And we have no cases of failure to locate or failure
2 to cooperate.

3 However, there were five cases where the complaint
4 was withdrawn, four of those through mediation. May I
5 have a motion to accept those, please?

6 MR. BAYNARD: I move we accept.

7 MS KROPF: Second.

8 MR. CARTER: And all in favor?

9 Opposed?

10 Disembodied white plastic box. It's a little
11 disorienting.

12 MR SCOTT: He's speaking about you—

13 MR. CARTER: Yes.

14 MR SCOTT: —on the telephone, Commissioner
15 Kropf.

16 MS KROPF: I know. I'm recovered.

17 MR. CARTER: "Disembodied voice in a white
18 plastic box," I suppose I should say.

19 There is an open and closed parentheses and no
20 number under Lack of Jurisdiction. I assume that's none.

21 MS DOBBINS: Yes.

22 MR. CARTER: And there was one case of
23 probable cause. What is— Oh. All right.

24 What does that mean? There is— There's a "HA."
25 What does that mean?

1 MS DOBBINS: Commissioner Carter, this is a
2 new— And this is my fault, of course, that I did not
3 tell you about this.

4 This is a new section that we are going to add on to
5 the motions and orders, and that is probable cause cases
6 that have been ruled on—I mean that have been found in
7 the month.

8 MR. CARTER: This is moving on through the
9 process after we approved—

10 MS DOBBINS: Yes.

11 MR. CARTER: That's the "HA" in the margin is
12 not because it's a joke.

13 MS DOBBINS: No, sir.

14 MR. CARTER: And there is one case of probable
15 cause. And may I have a motion to approve the finding of
16 probable cause in the case of Chambers versus Robert
17 Becich, Mildred Becich, and Jack Crayne?

18 MS KROPF: So moved.

19 MR. BAYNARD: Second.

20 MR. CARTER: All in favor?

21 Any opposed?

22 Reports on Appeals from commissioners.

23 Mr. Baynard?

24 MR. BAYNARD: Yes.

25 Yes, I have one case. That's Wilson versus Roseales

1 Investments, Inc., Renaldo, and Pegeen. And I recommend
2 to the Commission that it uphold the director's finding
3 of no probably cause.

4 MR. CARTER: May I have a motion to accept
5 that recommendation?

6 MR. GARCIA: I move we accept his
7 recommendation.

8 MR. CARTER: And a second?

9 MS KROPF: Second.

10 MR. CARTER: All in favor?

11 Any opposed?

12 Thank you.

13 Make an aside here. Bruce—

14 MR. JEFFERSON: I want to speak for
15 announcements, if I can.

16 MR. CARTER: Do we have any news on
17 Commissioner Blackburn's cases?

18 MS DOBBINS: Yes.

19 In the cases of Lauriante versus the Indiana Bureau
20 of Motor Vehicles; Czanderna versus Terre Haute Housing
21 Authority, Patrick J. Barder/Executive Director, she
22 moves that we uphold the director's finding of no
23 probable cause in both cases.

24 MR. CARTER: Okay.

25 May I have a motion to accept the recommendation of

1 no probable cause in those cases?

2 MR. BAYNARD: So moved.

3 MR. CARTER: Second?

4 MR. GARCIA: Second.

5 MR. CARTER: All in favor?

6 Any opposed?

7 In my case, Denson versus Dunedin Apartments, I
8 recommend that we uphold the finding of no probable cause
9 in that case.

10 May I have a motion to accept that?

11 MR. GARCIA: Move we accept your
12 recommendation.

13 MR. BAYNARD: Second.

14 MR. CARTER: Okay, all in favor?

15 Any opposed?

16 Commissioner Garcia and Gibson and—no, Garcia
17 Gibson have no cases.

18 Commissioner Kropf, did you have a case?

19 MS KROPF: Yes, I did have a case.

20 MR. CARTER: Okay.

21 MS KROPF: In the case of Brown versus J. C.
22 Penney, Inc., I move that we uphold the director's
23 finding of no probable cause.

24 MR. CARTER: Okay.

25 May I have a motion to accept that recommendation?

1 MR. GARCIA: I'll move we accept Commissioner
2 Kropf's recommendation.

3 MS BLACKBURN: And a second?

4 MR. BAYNARD: Second.

5 MR. CARTER: All in favor?

6 Any opposed?

7 Now, for the assignment of appeals to commissioners,
8 Commissioner Baynard, if you will review Nguyen versus
9 NaviStar International, Inc. and Sylvan versus Madison
10 Hospital.

11 I will review Bey versus A&R Security Services,
12 Harmon versus Camotop Last, Inc.

13 And Mr. Garcia, if you would review Page versus
14 Division Seven, Robinson versus Majestic, S-E-C.—guess
15 that's securities—& Protection, Inc.

16 And that takes us to the Administrative Update.

17 MR SCOTT: In the director's report, as you
18 know, we have a commission meeting that has been called
19 by Chair Blackburn, which is set for July 17th and 18th.
20 And that meeting will take place here in Indianapolis.

21 And we do have several individuals who have agreed
22 to participate in that program. And we will provide to
23 each of the Commissioners an itinerary regarding the
24 program. And we are looking forward to have the
25 commissioners having that opportunity to meet.

1 The second matter is the MLK—Martin Luther King,
2 Jr. Holiday Commission. And all that I really want to
3 report is that several members of that Commission
4 attended the Holocaust observance program, and they met
5 with Jackie Cissell, and also had an opportunity to talk
6 with Jackie and Joan; Joan was also there, Joan Essex.
7 And they are very pleased to continue their work, those
8 that were present, and they are looking forward to the
9 ceremony or program that will be held to acknowledge Dr.
10 King's birthday, coming up in January, and seem to be
11 very energetic.

12 And I will mention that Jackie Cissell and I both
13 will be meeting with each of those commissioners when
14 they are available over the next several months, in terms
15 of just having an opportunity to be introduced one to the
16 other.

17 Also, we have an annual conference which will be
18 held next month in Michigan City, and that is the annual
19 conference of the Consortium of Indiana Human Rights
20 Agencies. And that conference will involve a day of
21 programs and training for staff and management of all
22 those agencies, and we are really looking forward to that
23 program.

24 And the fourth matter that I want to report on is,
25 the Indianapolis Star did a series of articles beginning

1 last Sunday, and will complete the series this coming
2 Sunday, regarding Indiana schools and concerns regarding
3 how well those schools are performing in terms of
4 educating our children and preparing those citizens who
5 we will rely on in the future. And there were some
6 interesting comments made in the series, and in fact
7 there are going to be a couple of programs following up
8 on that regarding the comments that have now raised to a
9 greater level of attention our Hoosier schools and how
10 well they are or are not preparing our children. And we
11 anticipate that there will be an opportunity to discuss
12 those articles as well as the issues raised by those
13 articles during the course of the special meeting held in
14 July.

15 And I have already reviewed with you the Agency
16 report, which really gives an update to you regarding the
17 number of cases that have been filed and the cases that
18 have been closed during the course of this year.

19 And I think that completes the Director's Report.

20 MR. CARTER: Deputy Director's Report?

21 MR. JEFFERSON: Yes. I did want to pass out
22 the monthly statistics report, which I am going to call a
23 draft. We started doing this with staff other than
24 Cecilia P., and we are sort of working out some of the
25 bugs on this, but I wanted to give you a sense of how

1 we're doing in monthly production. And if you will note,
2 for April we disposed of thirty-one cases, while we had
3 fifty-seven intakes.

4 You will also notice, if you look at the front
5 there, there's a disparity of pending inventory of the
6 two places with two different numbers, and that is a bug
7 we are working out. A lot of that results from the fact
8 that we used two different databases, because we have a
9 HUD contract and an EEOC contract.

10 This report will be revised, and I will give it to
11 you again next month, so we will have tabulated cases
12 correctly.

13 And that sort of reflects what I said last month:
14 We have a—we got a little bit of dip in production,
15 nothing substantial, but we're sort of working toward the
16 finding letters—our format for our finding letters.

17 And also I want to pass out to you a copy of a
18 spreadsheet that would sort of put together— The
19 director and I have got a list of the cases that we're
20 reviewing right now. And this is just to keep track of
21 where they were at and how many were coming in. And I
22 put it together sort of by clumps of investigator's
23 cases, and with the case name and the case number and
24 when it was submitted. This is something that we're
25 filling in now.

1 I think the important thing to see on this really is
2 that we have got about seventy-five cases pending review
3 now, so the production has stayed pretty well. And the
4 column just says date approved and about the thirty or
5 thirty-five that have been approved. So next month
6 production will be going up.

7 Those are most important things on the case
8 processing.

9 On the ADR units, Steve Tilton's group has started
10 mediating EEOC complaints again, and we had our first one
11 this month. So we are back on the road for those.

12 And that's really all that I have on the case
13 processing, unless there were questions.

14 MR. CARTER: All right.

15 I notice almost two hundred thousand dollars during
16 the—or the complaints—

17 MR. JEFFERSON: Right.

18 MR. CARTER: —and even that's pretty good.

19 But I did have a question on number 11 on the back
20 of the ADR—

21 MR. JEFFERSON: Okay.

22 MR. CARTER: —report, which is that the
23 respondent agreed to pay complainant \$1,760, in numbers.
24 In parentheses, in words, it says two thousand five
25 hundred dollars. I didn't know if that was a misprint

1 or—

2 MR. JEFFERSON: I don't know if I remember
3 this exactly, but—

4 I think that's a misprint. Now, If you're going to
5 ask me which one's right I'll have to lie to you.

6 MR. CARTER: I wasn't going to ask you that; I
7 just pointed out the possibility that there was an error
8 there.

9 MR. JEFFERSON: That is a misprint.

10 MR. CARTER: All right. Thank you.

11 Are there any other questions?

12 Okay, are there any announcements?

13 I have one here that was fax'd from Chairperson
14 Blackburn, a letter to her from the Department of the
15 Navy.

16 "Dear Miss Blackburn:

17 "On behalf of the Commandant of Midshipmen and the
18 Midshipmen Black Studies Club, I would like to thank
19 Justice Gregory Kellam Scott for speaking at our third
20 annual Black History Month celebration. Justice Scott
21 was the keynote speaker and guest of honor during the
22 United States Naval Academy Black History Month
23 Celebration on Sunday, February 27, 2005.

24 "Justice Scott's inspiring and educational speech,

25 "The Promise of Freedom: The Absence of Evidence Is Not

1 The Evidence of Absence," was the highlight of this
2 year's observance. He was able to help us understand and
3 feel the grandeur and importance of the historical times
4 in which we live. Justice Scott's speech was heartfelt
5 and stimulating. He summed it up when he stated, 'The
6 strength of America is our diversity. We are a nation
7 built by all citizens, Anglos and those who are different
8 by race or ethnic origin.'

9 "We are indeed fortunate to have someone with
10 Justice Scott's professional expertise and credentials
11 volunteer time from his busy schedule to address these
12 future military leaders. Justice Scott's participation
13 attests to his character and professionalism.

14 "We are grateful for your support of the Brigade of
15 Midshipmen and the Naval Academy.

16 "Sincerely, Delores A. Duncan-White, Commander, U.S.
17 Navy."

18 And if there are no further announcements, I would
19 consider a motion to adjourn.

20 MR. GARCIA: I'll move we adjourn.

21 MR. CARTER: Okay. So adjourned.

22 [The meeting was adjourned at 3:27 p.m.]
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1 STATE OF INDIANA]
2 COUNTY OF MARION] SS:
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3 C E R T I F I C A T E :

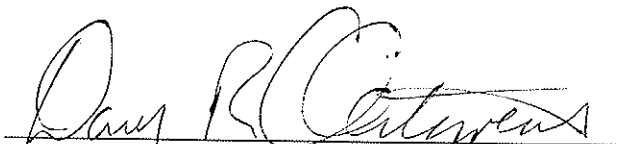
4 I, DAVID R. OESTERREICH, the undersigned Court
5 Reporter and Notary Public residing and maintaining
6 offices in the City of Indianapolis, Indiana, do hereby
7 certify:

8 That at the time and place described above in this
9 transcript, I reported to the best of my ability in
10 machine shorthand all of the words spoken by all parties
11 in attendance during the course of the subject
12 proceedings, including objections, if any, made by all
13 counsel present;

14 That I later reduced my shorthand notes into the
15 foregoing typewritten transcript form, which typewritten
16 transcript is a true record of the testimony and/or
17 statements given by those individuals indicated herein;

18 That I am not a relative or employee or attorney or
19 counsel of any of the parties, nor am I a relative or an
20 employee of such attorney or counsel, and that I am not
21 financially interested in this action.

22 IN WITNESS WHEREOF I have affixed my Notarial Seal
23 and subscribed my signature below on this 5th day of
24 June, 2005.

25 

[SEAL]

David R. Oesterreich
Notary Public
County of residence: Marion
My commission expires August 28, 2008