

November 17, 2023, Agenda

- I. Meeting convened and *quorum* established
- II. Announcement of Agenda
- III. Approval of previous meeting minutes
- IV. ICRC Directors' Report
- V. Old Business

a. Commissioners Appointed to Appeals Report Determinations:

- i. Keith McCoy v. Biomat USA A/K/A Grifols Plasma (PAse22080393)
Appeal Date: September 21, 2023

Commissioner Harrington

- ii. Melvin Lipscomb v. Meijer (PAra23040381)
Appeal Date: September 29, 2023

Commissioner Tolliver

- iii. Sarah Jones v. New Style Of Anderson, LLC D/B/A Sports Clips Haircuts (EMha23060568)
Appeal Date: September 25, 2023
Continued To December Meeting

Commissioner Silberberg

b. Motions and Other Filings:

VI. New Business

a. Appointment of Commissioners to Complainants' Appeals of Director's Findings

- i. Dustin Robinson v. T & T Collision
(EMha23050437)
Appeal Date: November 3, 2023

- ii. Lisa Goodson v. IQVIA Holdings, INC
(EMre23070625)
Appeal Date: October 31, 2023

- iii. Jonathan Sawyer Couch v. Dollar General
(PAra23010091)
Appeal Date: October 26, 2023

"The Chair shall appoint a Commissioner to review and rule on each appeal." 910 IAC 1-3-2(h).

b. Motions and Other Filings:

- i. ICRC/John Chubb v. Fike Investments, Et. Al.
Respondents' Response To Complainant's
Objections To Recommended Findings Of Fact,
Conclusions Of Law, And Order As To Damages
(HOha15070510 and HOra15090649)

Respondent is respectfully moving the ALJ issue an order overruling Complainant's Objections to the Recommended Findings Of Fact, etc., in their entirety, along with the award for emotional distress damages. Respondent also seeks to yet again to address issues brought up in their Supplemental Motions filed on 09/27/2023 and 10/11/2023

Filed with the Commission 10/25/2023

In response, Complainant filed Complainant's Motion To Strike Portions Of Respondents' Response To Complainant's Objections

Filed with the Commission 11/03/2023

Respondents then filed a Response To Complainant's Motion To Strike Portions Of Respondents' Response To Complainant's Objections.

Filed with the Commission 11/09/2023

Chair Slash affirmed/granted Complainant's Motion To Strike 11/15/2023

c. Review of ALJ Decisions and Orders

"The Administrative Law Judge's Order Disposing of the proceeding becomes a final order when affirmed under [IC 4-21.5-3-29]." IC 4-21.5-3-27(a). Votes Required.

- i. ICRC/John Chubb v. Fike Investments, LLC, Jim Fike and Kim Fike (HOra15070510 & HOrt15090649) Submitted to the Commission on September 8, 2023

The Administrative Law Judge in this matter incorporated all Findings Of Facts contained in the Order Granting the ICRC's Motion For Summary Judgment and Notice Of Final Prehearing Conference from March 26, 2021, and the ICRC Motion For Summary Judgment filed December 22, 2021, as well as any Conclusion Of Law deemed a Finding Of Fact and this Order's Statement Of Procedural History. Based on this and Conclusions Of Law, John Chubb's July 16, 2015 and September 11, 2015 complaints and the ICRC's Director's Charge are DISMISSED with prejudice, the Respondent must cease and desist from discriminating against people on the basis of disability in the protected area of housing, and awards to Mr. Chubb the amount of twenty-six thousand six hundred and seventeen dollars and eleven cents (\$26,617.11), along with other forms of compensation as listed in this Order, and must provide proof of compliance to the ICRC again according to the guidelines put forth in this Order. **The objection period in this matter has closed, but Respondent has responded to the Objections filed by the Complainant regarding the Proposed Order on 09/25/2023 (Respondents' response filed 10/25/2023). Complainant filed their Motion To Strike Portions Of Respondents' Response To Claimants' Objections on November 3, 2023, to which Respondent filed a response on 11/09/2023. Oral Arguments to be heard today.**

- ii. ICRC/Eric Harden v. John Johnson (HOha23010061)
Submitted to the Commission on September 6, 2023

Proposed Default Order, was issued on August 7, 2023, in which it was stated that the allegations contained in the Notice Of Finding and Issuance Of Charge by the ICRC, dated June 29, 2023, were accepted as true. The Administrative Law Judge decides in favor of the Complainant, ordering the Respondent to cease and desist from discriminating against people because of disability in the protected area of housing, citing in its Order the actions and steps necessary to demonstrate and prove their compliance with said Order. **The objection period in this matter has closed, but objections to the Proposed Order were filed by the Complainant on 09/22/2023. Respondent had thirty (30) days to respond to the Objections, of which time has expired without any response. Oral arguments are scheduled for today's November meeting.**

- iii. ICRC/Darian Day v. Jerry Wenger, Nikki Haynes, and JKS Marketing (HOha23090705)
Submitted to the Commission on Nov. 14, 2023

The Administrative Law Judge in this matter took under consideration Respondent Jerry Wenger's request to move this matter out of the administrative forum, a request made on November 8, 2023. Since the Parties are not in agreement to have the claims decided in a court

of law, the Notice is GRANTED in part and DENIED in part, with the Complaint Of Discrimination under the IFHA against the Respondent DISMISSED with prejudice. 910 IAC 2-7-9(a). The Notice is not effective in moving the Complaint Of Discrimination under the ICRL out of the Administrative forum, which will result in a bifurcation of these proceedings and will be addressed at the initial prehearing conference with the parties to determine their intent before a final dismissal is issued. **The objection period in this matter has not closed and no decision on this matter is due at this time.**

d. ALJ Decisions Automatically Confirmed

Automatically Confirmed under Commission's Order on Automatic Adoption and Approval of Certain Non-Final Decisions—No Vote Required.

- i. ICRC/Ginger Leinhos v. Midtown Realty, LLC, S&L Enterprises I, LLC, and Acacia Creek Community Association (HOha22090558)
Submitted to the Commission October 24, 2023

VII. Meeting Dates for 2023

**December 18, 2023
Action On 2024 Calendar**

VIII. Election/Training/Other

IX. Announcements

X. Public Comment

XI. Adjournment