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INDIANA CIVIL RIGHTS COMMISSION
APRIL 21, 2006, MONTHLY MEETING

ORIGINAL

The public hearing was held on the 21st day of April, 2006, at 402 W. Washington Street, Conference Center 4, and reported by me, Margaret A. McNamara, Notary Public in and for the County of Hamilton, State of Indiana.

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

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APPEARANCES

CHAIRPERSON ALPHA BLACKBURN
COMMISSIONER DAVID C. CARTER
COMMISSIONER BARRY BAYNARD
COMMISSIONER STEVEN RAMOS
COMMISSIONER JOHN GARCIA
GREGORY K. SCOTT, Director
CHRISTINE DeBACA, Deputy Director

ALSO PRESENT:
Judge Robert Lange
Barbara Dobbins
Tamika Henderson
Terri L. Falker
DaMica O'Bryant

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APRIL 21, 2006

2:00 P.M.

CHAIRPERSON BLACKBURN: Good afternoon. The Indiana Civil Rights Commission is now in public session. We will follow the agenda, and I would entertain a motion to adopt the minutes from November, December and January.

COMMISSIONER RAMOS: So moved.

COMMISSIONER CARTER: Second.

CHAIRPERSON BLACKBURN: All in favor?

(Whereupon there was a
unanimous response.)

CHAIRPERSON BLACKBURN: The next item is the financial report, which you have received, recorded by Mr. Chandler. Is there any questions or comments regarding it?

We have a new financial officer in Terri Falker. Welcome. Today I understand we can expect a few changes.

MS. FALKER: Well, I will solicit your comments, but I do think I will anticipate on reformatting the financial report, hopefully to make it a little more user friendly for you, and I'll just solicit your comments. But other than that, unless you have any questions?

CHAIRPERSON BLACKBURN: I would think you would be free to make any changes you would like, and any improvement is always welcome, and we welcome you.

COMMISSIONER BAYNARD: I have a few questions about

1 the financial report. Page 3, the heading, Equal
2 Opportunity Federal Fund, under .421, lumber building
3 supplies, what exactly is that?

4 MS. FALKER: I do not have the detail with me, but if
5 you would like I can actually get back to you on that and
6 explain to you exactly what that is. Da Mica is saying
7 that they are probably some of the supplies that built the
8 facilities used in probably reorganizing the office areas.

9 COMMISSIONER BAYNARD: Okay. Thank you.

10 CHAIRPERSON BLACKBURN: Any other questions or
11 comments? Thank you.

12 New business -- is this May? This is April. We
13 normally have elections in May or April, so it being on the
14 agenda I will entertain a motion from --

15 COMMISSIONER CARTER: I'd like to nominate -- out of
16 the clear blue it just came to me, I would like to nominate
17 Alpha to be the Chairperson on this Commission, as long as
18 she turns her name around so the public sees who she is.

19 COMMISSIONER RAMOS: Does the chairperson wish to
20 continue in that capacity?

21 CHAIRPERSON BLACKBURN: I actually enjoy being the
22 Chair, and as long as it works for you it works for me.

23 COMMISSIONER RAMOS: I second the motion.

24 CHAIRPERSON BLACKBURN: Then we'll have a vote. All
25 in favor?

1 (Whereupon there was a
2 unanimous response.)

3 CHAIRPERSON BLACKBURN: Any opposed?

4 Would someone like to nominate a vice-chair?

5 COMMISSIONER BAYNARD: I would like to nominate
6 Commissioner Carter. He has served well, and I think he
7 will serve well in the future.

8 CHAIRPERSON BLACKBURN: I would presume that he will
9 accept?

10 COMMISSIONER CARTER: Sure.

11 CHAIRPERSON BLACKBURN: May I have a vote? All in
12 favor?

13 (Whereupon there was a
14 unanimous response.)

15 CHAIRPERSON BLACKBURN: Anyone opposed?

16 Director's Advisory Panel regarding proceedings before
17 the Commission, and if the director would like to comment
18 on that?

19 DIRECTOR SCOTT: Yes, Madame Chair, the directors had
20 communication with members of the bar that practice for
21 this agency, and they have expressed a willingness to serve
22 on an advisory panel hoping to have a committee or a panel
23 that would consist of an equal number of attorneys who
24 represent plaintiffs or complainants, as well as those who
25 represent respondents or defendants. And it will be a

1 group of individuals that are familiar with the operations
2 and have practiced before the agency, and it would just be
3 an informal group in terms of meeting and certainly would
4 share information if they raised issues that should be
5 brought to the Commission. And I'm hoping that we can put
6 this on the agenda for the next meeting when we can present
7 the names to the Chair for that purpose.

8 CHAIRPERSON BLACKBURN: Thank you very much. I think
9 any ways that we can involve the public in our activities
10 it's a good thing. There being no old business, nor
11 consent agreements, nor findings of facts, conclusions of
12 law and order or any other orders, I want to move to Item H
13 on the agenda, report from commissioners on complaint
14 appeals and begin with Commissioner Baynard.

15 COMMISSIONER BAYNARD: Yes, Madam Chair, I have one
16 case in the case of Guzman versus J.P. Morgan Chase and
17 Company I recommend to the Commission that we uphold the
18 director's finding of no probable cause.

19 CHAIRPERSON BLACKBURN: May I have a motion to accept
20 that recommendation?

21 DIRECTOR CARTER: So moved.

22 CHAIRPERSON BLACKBURN: And a second?

23 DIRECTOR RAMOS: Second.

24 CHAIRPERSON BLACKBURN: And all in favor, please?

25

1 (Whereupon there was a
2 unanimous response.)

3 CHAIRPERSON BLACKBURN: Anyone opposed? Thank you.
4 Commissioner Carter?

5 COMMISSIONER CARTER: Madame Chair, I have two cases.
6 In the case of Byrd, B-Y-R-D, versus Mishawaka Housing
7 Authority, Rachel Stewart, Section 8, Case Manager, Coleen
8 Olund, Executive Director, Kathleen Baumgartner, Section 8,
9 and Everman versus United States Student Aid Funds, Inc.,
10 for both cases I recommend that we uphold the no probable
11 cause finding.

12 CHAIRPERSON BLACKBURN: May I have a motion to accept?

13 COMMISSIONER BAYNARD: So moved.

14 COMMISSIONER GARCIA: Second.

15 CHAIRPERSON BLACKBURN: All in favor?

16 (Whereupon there was a
17 unanimous response.)

18 CHAIRPERSON BLACKBURN: Anyone opposed? Thank you.
19 Commissioner Garcia?

20 COMMISSIONER GARCIA: In the case of Mead versus Edie
21 Morrison and Morrison TV I recommend to the Commission that
22 we concur with the Executive Director's conclusion of no
23 probable cause.

24 CHAIRPERSON BLACKBURN: May I have a motion to accept
25 that recommendation?

1 COMMISSIONER RAMOS: So moved.

2 COMMISSIONER CARTER: Second.

3 CHAIRPERSON BLACKBURN: All those in favor?

4 (Whereupon there was a

5 unanimous response.)

6 CHAIRPERSON BLACKBURN: Anyone opposed? Thank you.

7 The case which I reviewed, Pittman versus PEDCOR

8 Management Company, Inc., I recommend that we do uphold the

9 Director's finding of no probable cause.

10 May I have a motion to accept that recommendation?

11 COMMISSIONER CARTER: So moved.

12 COMMISSIONER BAYNARD: Second.

13 CHAIRPERSON BLACKBURN: All in favor?

14 (Whereupon there was a

15 unanimous response.)

16 CHAIR PERSON BLACKBURN: Anyone opposed?

17 Commissioner Ramos, do you have a case?

18 COMMISSIONER RAMOS: I do not.

19 CHAIRPERSON BLACKBURN: I would like to now assign

20 cases. Commissioner Baynard, Worth versus Bobeck Real

21 Estate. I'll review Williams versus Denny's Restaurant,

22 and Commissioner Ramos, Slutsky versus EG & G Technical

23 Service, and move to the Administrative Update and the

24 Director's report.

25 DIRECTOR SCOTT: I would like to first acknowledge

1 Barbara Dobbins and Judge Lange for their work in putting
2 on a program which we entitled, Proceedings Before the
3 Indiana Civil Rights Commission, and fortunately we had the
4 Commissioners there and able to see the program and better
5 able to understand my description of what was a fine
6 program, was well-attended. We had over 50 attorneys
7 participating in a day-long program, and we had the benefit
8 of having Greg Stewart who has worked for quite sometime in
9 the civil rights vineyard, beginning even in law school
10 when he was a research assistant to Arthur Kinnoy.

11 And for those in civil rights know that Arthur
12 Kinnoy's name is very familiar. Mr. Kinnoy represented
13 Adam Clayton Powell when he was removed from Congress, and
14 then the Supreme Court allowed him to come back, not only
15 allowed him to come back, but actually wrote an opinion
16 that he was a representative of his District, and Congress
17 could not exclude him. Kinnoy also represented Mohammed
18 Ali when he did not step forth in the draft in order to
19 take an oath because of his religious beliefs, and he
20 successfully represented both of those in those cases and
21 was a wonderful man, a Scholar at Rutgers University and a
22 law professor. And he went on to work with the New Jersey
23 Civil Rights Commission and then became an appointee
24 President Clinton as the general counsel of EEOC, and he
25 made some very interesting remarks.

1 And one thing the Commissioners did not have an
2 opportunity to see was his presentation along with Sam
3 Cornelius to the staff in talking about where the staff
4 might be looking or what is occurring in the civil rights
5 area, so I wanted to mention that in particular. They sent
6 their regards to -- or have sent their regards to the
7 Commissioners and said they enjoyed the evening as well,
8 especially since they didn't have to pay a pro rata share.
9 But they really did not say that, of course, that was,
10 unfortunately, the Director's poor sense of humor. They
11 really enjoyed the opportunity to be here.

12 CHAIRPERSON BLACKBURN: You mean you haven't told them
13 that they have to pay their share?

14 DIRECTOR SCOTT: Well, I understand there is now a
15 petition for mandamus to require that payment, but I'm not
16 sure the Court is going to hear it. But they sent their
17 regards, and they enjoyed their time here and the
18 opportunity really to speak, even more to a greater amount
19 regarding the civil rights venue and the work the
20 Commissioners are doing, and they also extend to each of
21 the Commissioners their appreciation for the work that you
22 are doing, because they have learned that you are not
23 overpaid. And so Judge Lange and Barbara, thank you very
24 much for your work on that, and I appreciate it.

25 I did send in my letter to you, an e-mail, which

1 indicated -- or was an inquiry regarding the Commission's
2 view as to the new voting law, voter ID, and I had invited
3 the individual to attend the meeting to be able to express
4 their views directly to the Commission, or her views
5 directly to the Commission, and certainly tried to indicate
6 a sharing of concerns when it comes to voting rights.
7 There is a reason why there is a 1965 Voting Rights Act,
8 but that individual is not here, so other than the e-mail I
9 don't know what else we will be able to do, but at least I
10 wanted to pass that on to you.

11 And at the same time I might add something, which
12 Tomika has had an opportunity to become involved in,
13 working on our policy regarding confidential and non-public
14 information, and that policy is in substantially completed
15 draft form I take it.

16 MS. HENDERSON: Yes.

17 DIRECTOR SCOTT: And we will have that policy --
18 actually the director intends to issue the policy in the
19 next week or so, and unfortunately I don't have a copy of
20 it right now, but I can very briefly, at least, attempt to
21 briefly describe it. With respect to information that is
22 obtained in the course of investigation that employees are
23 required -- thank you. I do have a copy of this.

24 And the policy states, "Information within the files
25 and records of the Commission and information regarding the

1 actions, deliberations and work of the Commission, its
2 Director and staff is non-public information. Information,
3 documents and materials related to the filing of a
4 complaint, as described in our statute, is considered
5 non-public and confidential information." And then it
6 states that, "An employee who discloses to third parties
7 confidential information and non-public information will be
8 subject to discipline, including termination."

9 And the guidelines regarding the program -- or I
10 should say the policies are set forth afterwards, and then
11 at the Director's request we are going to have a
12 confidentiality agreement for State employees format that
13 has been used in other agencies which each employee will be
14 asked to sign and execute, which essentially indicates that
15 they have been made aware of the policy, that they
16 understand the policy, as well as the -- I guess, the
17 treatment in the event there was a violation of that
18 policy.

19 CHAIRPERSON BLACKBURN: Thank you very much.

20 Next, the Deputy Director's report.

21 DEPUTY DIRECTOR DE BACA: On the case processing and
22 statistical report, our pending case inventory reported in
23 March was 434 cases. We had 43 additions to that inventory
24 during the month, and once again, as in January, we had 69
25 closures. So we have many more closures than we did new

1 intakes, so our total pending case inventory as of March
2 31st was 408 cases, and in the next -- if not next month,
3 then the following month you will probably see yet a change
4 to this report as well.

5 Right now the EEOC is -- we go live next week with the
6 new data base. We have always had this problem with the
7 nine adjustments to the inventory that I've explained every
8 month. EEOC is -- we are providing training right now on
9 the new data base. We go live with that next month. We'll
10 be able to do reports much more efficiently than the way
11 that we do now because now we do them by hand.

12 So we'll have reports probably from the HUD data base
13 and the EEOC data base that will be much different than
14 this, and we also -- one of our concerns was that because
15 we house -- within the current data base we house our
16 public accommodations and education cases within this data
17 base, so we thought that EEOC was not going to be able to
18 allow us to put that on that data base. But they said yes,
19 we will be able to keep those on the data base, so we'll
20 have a very accurate inventory, and your report may look
21 different, if not next month, then the following month.

22 With regards to the ADR unit, the data base, we will
23 be able to print different reports, different types of
24 reports. So with regard to ADR we have seven cases settled
25 during the month of March in successful settlements,

1 monetary benefits totaled \$13,150 and of course there were
2 also other benefits as well.

3 CHAIRPERSON BLACKBURN: Very good.

4 DIRECTOR SCOTT: Actually there was one other thing.
5 We have been asked by the Commission on Hispanic and Latino
6 Affairs to provide information in terms of how
7 discrimination impacts Latinos, and this data base will
8 allow us now to have an opportunity to actually be able to
9 collect that kind of information and be able to do it based
10 on several different factors involving the individuals who
11 are citizens of the State.

12 COMMISSIONER RAMOS: A question I should know the
13 answer to, but in the outlying areas of Indiana with issues
14 regarding and related to civil rights, is there a local
15 area office, or is it all concentrated in Indianapolis?

16 DEPUTY DIRECTOR DE BACA: We have other human rights
17 agencies or offices, one in Gary, one in Fort Wayne.

18 DIRECTOR SCOTT: That's the consortium, and you
19 received a list of the membership of that.

20 CHAIRPERSON BLACKBURN: Well, I certainly want to
21 congratulate you for being on the Hispanic Latino Affairs,
22 especially in that our Deputy Director serves on the
23 Commission on the Status of Black Men, it just seems
24 appropriate that each of you should be involved as you are.

25 Under announcements, we have coming up next week on

1 April 25th the Holocaust observance in the rotunda. Do you
2 want to make any comments about the program that's planned?

3 MS. O'BRYANT: No, no further comments besides the
4 ones that I've already made. We are very excited. We are
5 prepared ahead of scheduled, and we think it's going to be
6 a very appropriate celebration. We are excited about the
7 continued partnership that we always have with this event,
8 so we look forward to seeing you all there.

9 CHAIRPERSON BLACKBURN: Thank you very much.

10 Potential conferences in Indianapolis, NAHRW and
11 IAOHRA?

12 DIRECTOR SCOTT: Yes. We have the benefit of future
13 conferences, and I think that luxury is more a burden, but
14 several organizations, including national organizations,
15 have asked us to consider hosting conferences. And right
16 now we are on the drawing board beginning in October of
17 this year, and running through October of next year we will
18 be hosting the three national conferences -- or two
19 national and one state-wide conference. NAHRW is the
20 National Association for Human Rights Workers, and IAOHRA
21 is the International Association of Official Human Rights
22 Agencies.

23 CHAIRPERSON BLACKBURN: Was NAHRW formerly NAHRO?

24 DIRECTOR SCOTT: Yes. There was a split which led to
25 IAOHRA, I believe, but both organizations are both vital

1 and very active, and in fact, they are speaking and
2 continue to speak and communicate with each other. And
3 they are speaking about having every third year or every
4 second year, that their national conference would be a
5 joint conference and both working in the same area, and
6 then the consortium of state and local human rights
7 agencies is actually an Indiana organization, and we work
8 with several local human rights organizations.

9 We have meetings quarterly as well as an annual
10 meeting, and some of those agencies do not have enforcement
11 authority. And you are aware, of course, that a filing can
12 be made with that agency, and it can come to our agency as
13 a consequence, or they can file with our agency, depending
14 on whether an applicant decides if it's in his or her best
15 interests. And most agencies -- some are municipal, and
16 some are from larger county organizations.

17 CHAIRPERSON BLACKBURN: All right. Thank you very
18 much. Are there any other announcements? Commissioner
19 Carter, you don't have an announcement?

20 COMMISSIONER CARTER: No. We had the last activity
21 yesterday.

22 CHAIRPERSON BLACKBURN: Well, we look forward to
23 everyone convening at the date and the place of our next
24 meeting, which is June the 19th.

25 MS. O'BRYANT: I wanted to announce that the Indiana

1 Civil Rights Commission in partnership with the Martin
2 Luther King, Jr. Multi-Service Center will be sponsoring an
3 event, the third anniversary of the King Center at the
4 Children's Museum on June 3rd, and we are bringing Merilee
5 Evers here. So you will all be receiving a personal
6 invitation on that. It will be at 8:30 in the morning at
7 the Children's Museum, and it's a breakfast. And we are
8 excited, and we wanted to give you notice about that now,
9 and you will be receiving a personal invitation.

10 DIRECTOR SCOTT: Thank you, Da Mica. That is going to
11 be an exciting event, and fortunately we are not required
12 to provide any funding, and our name is going to be as a
13 co-sponsor, and it will be an important event for our city.

14 CHAIRPERSON BLACKBURN: Thank you very much.

15 Hearing no additional business or announcements we are
16 adjourned.

17 DIRECTOR SCOTT: One correction to the record is the
18 Indiana Civil Rights Commission will be providing funding
19 to the Merilee Evers program in that we will be providing
20 the programs for the program at a cost not to exceed \$500.

21 (Whereupon the proceedings
22 were adjourned at 2:45 p.m.)

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CERTIFICATE

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STATE OF INDIANA
COUNTY OF HAMILTON

SS:

I, MARGARET A. McNAMARA, the undersigned Court Reporter and Notary Public residing and maintaining offices in the City of Indianapolis, Hamilton County, Indiana, do hereby certify:

That I reported to the best of my ability in machine shorthand all of the words spoken by all parties in attendance during the course of the ensuing proceedings, including objections, if any, made by all counsel present;

That I later reduced my shorthand notes into the foregoing typewritten transcript form, which typewritten transcript is a true record to the best of my ability of the testimony given by this witness as stated above:

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

IN WITNESS HERETO, I have affixed my Notarial Seal and subscribed my signature below this 27th day of April, 2006.



Notary Public
County of Residence: Hamilton (Seal)
My Commission Expires on: August 28, 2013