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BEFORE THE STATE OF INDIANA  
CIVIL RIGHTS COMMISSION

- - -

PUBLIC MEETING OF DECEMBER 18, 2009

ORIGINAL

PROCEEDINGS

in the above-captioned matter, before the Indiana  
Civil Rights Commission, Alpha Blackburn,  
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 South, Conference Center,  
Rooms 4 and 5, 402 West Washington Street,  
Indianapolis, Indiana, on Friday, December 18,  
2009 at 11:02 o'clock a.m.

- - -

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

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APPEARANCES :

COMMISSION MEMBERS :

Alpha Blackburn, Chairperson  
David C. Carter  
Charles D. Gidney  
Barry Baynard  
John E. Garcia

INDIANA CIVIL RIGHTS COMMISSION  
By Tony A. Kirkland, Director/Secretary  
Indiana Government Center North  
100 North Senate Avenue, Room N103  
Indianapolis, Indiana 46204  
On behalf of the Commission.

OTHER COMMISSION STAFF PRESENT :

Joshua Brewster  
Joan T. Essex  
Robert D. Lange  
Tawanda Sharp

- - -

11:02 o'clock a.m.  
December 18, 2009

- - -

CHAIRPERSON BLACKBURN: Good morning.

The Indiana Civil Rights Commission is now in its  
public meeting, and we do indeed have a quorum.

We have minutes to approve.

COMM. CARTER: I move we accept the  
minutes.

CHAIRPERSON BLACKBURN: And may I  
have a second?

COMM. BAYNARD: Second.

CHAIRPERSON BLACKBURN: All in favor?

COMM. GARCIA: Aye.

COMM. BAYNARD: Aye.

COMM. CARTER: Aye.

COMM. GIDNEY: Aye.

CHAIRPERSON BLACKBURN: Aye.

Anyone opposed?

(No response.)

CHAIRPERSON BLACKBURN: Thank you.

The Financial Report, submitted by  
Ms. Essex.

MS. ESSEX: You should have two

1 months' worth of Financial Reports in front of  
2 you, for October and November.

3 CHAIRPERSON BLACKBURN: Lengthy  
4 reports.

5 MS. ESSEX: Yes. We have switched  
6 over to the new accounting system and things seem  
7 to be moving fairly well. We are on track to  
8 meet the Governor's request of ten percent of our  
9 appropriation and reversion this year, and I  
10 don't really have anything else to report, but I  
11 would entertain any questions that you may have.

12 CHAIRPERSON BLACKBURN: Any questions  
13 about the Financial Reports? They were very  
14 complete.

15 COMM. GARCIA: And October is the  
16 first fiscal year; right -- or the first month?

17 MS. ESSEX: No, July -- the fiscal  
18 year runs from July 1st to June 30th.

19 COMM. GARCIA: Okay.

20 MS. ESSEX: They switched the system  
21 in the middle of the year for a lot of different  
22 reasons, so --

23 CHAIRPERSON BLACKBURN: Okay.

1           Is there any Old Business?

2                           (No response.)

3           CHAIRPERSON BLACKBURN:  New business?

4                           (No response.)

5           CHAIRPERSON BLACKBURN:  Consent  
6  Agreements.  Where is it I read it?  May I have a  
7  motion to accept the Consent Agreement in our  
8  packet?

9           COMM. BAYNARD:  I don't see it.  Do I  
10 have that?

11          COMM. GARCIA:  I don't see it.

12          COMM. CARTER:  There's none listed.

13          CHAIRPERSON BLACKBURN:  Huh?

14          COMM. CARTER:  There's none listed on  
15 the agenda.

16          CHAIRPERSON BLACKBURN:  Is there a  
17 proposed one?  If there is none, we'll go on then  
18 to the Findings of Fact.

19          COMM. CARTER:  I suggest we wait for  
20 Judge Lange to return with his revised finding.

21          CHAIRPERSON BLACKBURN:  That's an  
22 excellent suggestion.  Thank you.  He'll probably  
23 be here momentarily.

1           Report by Commissioners on the Complaint  
2 Appeals. In the case of Streeter versus State  
3 Farm Insurance, I want to recommend that we  
4 uphold the finding of no probable cause. There  
5 really was no additional information contained in  
6 the request for our reviewing that decision. And  
7 I would ask for your -- a motion to accept that  
8 recommendation.

9           COMM. GIDNEY: So moved.

10          COMM. CARTER: Second.

11          CHAIRPERSON BLACKBURN: All in favor?

12          COMM. GARCIA: Aye.

13          COMM. BAYNARD: Aye.

14          COMM. CARTER: Aye.

15          COMM. GIDNEY: Aye.

16          CHAIRPERSON BLACKBURN: Aye.

17          Anyone opposed?

18                         (No response.)

19          CHAIRPERSON BLACKBURN: And  
20 unfortunately I need to continue the Ross case in  
21 that I did not have a chance to review it.

22          Comm. Carter?

23          COMM. CARTER: Okay. In the case of

1 Hoffman versus Willow Lake Condominium  
2 Association, I recommend that the Commission  
3 supports the Deputy Director's no probable cause  
4 finding.

5 CHAIRPERSON BLACKBURN: May I have a  
6 motion to accept that recommendation?

7 COMM. GARCIA: So moved.

8 COMM. BAYNARD: Second.

9 CHAIRPERSON BLACKBURN: All in favor?

10 COMM. GARCIA: Aye.

11 COMM. BAYNARD: Aye.

12 COMM. CARTER: Aye.

13 COMM. GIDNEY: Aye.

14 CHAIRPERSON BLACKBURN: Aye.

15 Anyone opposed?

16 (No response.)

17 CHAIRPERSON BLACKBURN: Thank you.

18 COMM. CARTER: And in the case of  
19 Gavin versus City of Marion, I would like to --  
20 well, the case was administratively dismissed  
21 for -- because the Complainant complained against  
22 the wrong entity, being City of Marion, and it  
23 seemed confusing to me from the evidence

1 presented, because it certainly seemed to me that  
2 the City of Marion was the right entity.  
3 However, the Mayor of Marion appears to think it  
4 was not the right entity. So, I would like to  
5 remand it for further investigation to determine  
6 who the right entity might be.

7 CHAIRPERSON BLACKBURN: All righty  
8 now. I don't think we need act on that. Yes, we  
9 do. May I have a motion to accept that  
10 recommendation, that we remand it for further  
11 investigation?

12 COMM. GARCIA: So moved.

13 COMM. BAYNARD: Second.

14 CHAIRPERSON BLACKBURN: And all in  
15 favor?

16 COMM. GARCIA: Aye.

17 COMM. BAYNARD: Aye.

18 COMM. CARTER: Aye.

19 COMM. GIDNEY: Aye.

20 CHAIRPERSON BLACKBURN: Aye.

21 Anyone opposed?

22 (No response.)

23 CHAIRPERSON BLACKBURN: Yes. Thank



1 you.

2 Comm. Baynard?

3 COMM. BAYNARD: Yes, Madam Chair.

4 The case of Morrison versus East Washington Rural  
5 Water Corporation, I would recommend to the  
6 Commission that we uphold the Deputy Director's  
7 finding of no probable cause.

8 CHAIRPERSON BLACKBURN: I would ask  
9 for a motion to accept that recommendation.

10 COMM. CARTER: So moved.

11 COMM. GIDNEY: Second.

12 CHAIRPERSON BLACKBURN: All in favor?

13 COMM. GARCIA: Aye.

14 COMM. BAYNARD: Aye.

15 COMM. CARTER: Aye.

16 COMM. GIDNEY: Aye.

17 CHAIRPERSON BLACKBURN: Aye.

18 Anyone opposed?

19 (No response.)

20 CHAIRPERSON BLACKBURN: Thank you.

21 And do we have a report from

22 Comm. Crenshaw?

23 MS. SHARP: No, we don't.

1 CHAIRPERSON BLACKBURN: No? Okay.

2 Comm. Gidney?

3 COMM. GIDNEY: Okay. In the case of  
4 East-Miller verse Donald & Carla Good, I  
5 recommend that we uphold the finding of no  
6 probable cause.

7 CHAIRPERSON BLACKBURN: May I have a  
8 motion to accept that recommendation?

9 COMM. GARCIA: So moved.

10 COMM. CARTER: Second.

11 CHAIRPERSON BLACKBURN: All in favor?

12 COMM. GARCIA: Aye.

13 COMM. BAYNARD: Aye.

14 COMM. CARTER: Aye.

15 COMM. GIDNEY: Aye.

16 CHAIRPERSON BLACKBURN: Aye.

17 Anyone opposed?

18 (No response.)

19 CHAIRPERSON BLACKBURN: Thank you.

20 Comm. Ramos?

21 MS. SHARP: We have no report from  
22 Comm. Ramos.

23 CHAIRPERSON BLACKBURN: All right.

1           We will move then to assign to  
2 Commissioners the review of these appeals. I  
3 will be pleased to review Blachelder -- Bachelder  
4 versus Purdue University and Matthew versus  
5 Young, Meyer, South Bend, Community & Economic  
6 Development Department.

7           Comm. Carter, if you would please review  
8 Muumba versus Mailing Solutions, Inc. and  
9 Sethaphong versus Midwest Security Forces.

10           Comm. Baynard, Baca versus Scandinavian  
11 Comfort, Inc. and Clervoix verses Retirement  
12 Living, Inc.

13           Comm. Crenshaw is not here, so I'll take  
14 one of those cases and pass the other one off to  
15 the Vice-Chair.

16           And Comm. Gidney, Wright versus Indiana  
17 Department of Correction Administrative Office --  
18 Administration Office, I'm sorry -- and Powers  
19 versus Cathedral High School.

20                           (Mr. Lange returned.)

21           CHAIRPERSON BLACKBURN: Comm. Garcia,  
22 Burns versus Kentucky Fried Chicken and Robinson  
23 versus VAC Master, Inc.

1           And with that, we'll move on to an  
2           Administrative Update with the Director's Report.

3           MR. BREWSTER:  If I may -- excuse  
4           me -- request a remand of the Baca versus  
5           Scandinavian Comfort, Incorporated.  That case,  
6           the Complainant filed with the Indianapolis Civil  
7           Rights Department and the Indianapolis -- or  
8           Indiana Civil Rights Commission.  We therefore  
9           dismissed the case with our agency to let  
10          Indianapolis investigate.  Evidently he then  
11          withdrew his charge from Indianapolis for some  
12          reason or another.  He got into some conflict  
13          with them.

14          CHAIRPERSON BLACKBURN:  And what case  
15          is that?

16          MR. BREWSTER:  It's Baca --

17          COMM. BAYNARD:  It's mine.

18          MR. BREWSTER:  Yeah, assigned to  
19          Baynard, Baca versus Scandinavian Comfort, so we  
20          would ask that that case be sent back for  
21          investigation here, because it's been closed with  
22          Indianapolis.

23          CHAIRPERSON BLACKBURN:  Okay.  Do I

1 need to approve that recommendation?

2 MR. KIRKLAND: Uh-huh.

3 CHAIRPERSON BLACKBURN: Let's do so.

4 MR. KIRKLAND: Yeah.

5 CHAIRPERSON BLACKBURN: May I have a  
6 motion to approve that recommendation, that Baca  
7 be remanded?

8 COMM. CARTER: So moved.

9 COMM. GARCIA: Second.

10 CHAIRPERSON BLACKBURN: All in favor?

11 COMM. GARCIA: Aye.

12 COMM. BAYNARD: Aye.

13 COMM. CARTER: Aye.

14 COMM. GIDNEY: Aye.

15 CHAIRPERSON BLACKBURN: Aye.

16 Anyone opposed?

17 (No response.)

18 CHAIRPERSON BLACKBURN: All right.

19 Now --

20 MR. KIRKLAND: Okay.

21 CHAIRPERSON BLACKBURN: -- Director's  
22 Report.

23 MR. KIRKLAND: What I did was is that

1 I've given you all a report of what I submitted  
2 to the Governor's Office. The Governor has  
3 started requesting for all of his agency heads to  
4 make sure that he's getting a report verbatim,  
5 going over, looking at the numbers and the  
6 figures.

7 So, that's a summary of where we were for  
8 last month. You know, it pretty much entails  
9 everything that we've done, and we even have  
10 cases even broke down, finance, where we are,  
11 milestones. So, take time out when you get a  
12 chance to read over it. You'll be getting this  
13 on a pretty regular basis. So, once -- hopefully  
14 we'll have one ready to roll out again for next  
15 month, and that will start going out in your  
16 report.

17 Other than that, we seem to be on track.  
18 We had our FEPA meeting with EEOC. That was  
19 Monday, last Monday, myself, the Deputy Director,  
20 our intake supervisor as well as our employment  
21 supervisor attended this brief update, and  
22 training was held over at the EEOC office on the  
23 corner of Ohio Street and Illinois, so -- as you

1 know that we are contracted by EEOC to handle  
2 their cases, and just as -- our funder, so that's  
3 one of these required trainings that we need to  
4 take.

5           But other than that, we're moving forward.  
6 I'm sure that we're constantly -- as Joan  
7 mentioned earlier, we're watching our budget.  
8 Everything is under scrutiny right now, so  
9 from -- something we may want to do is get a  
10 second- and third-look question at this  
11 particular point.

12           So, right now we are still running a  
13 tight-ship budget and, you know, I'm always at  
14 the helm that -- once I talk to my good friends  
15 over at Budget -- Joan's buddies, I call them her  
16 buddies, you know, they say -- there's always  
17 something different, something they want.

18           So, this is where we are, you know. I  
19 guess we're just trying to make it work and  
20 trying to make sure that we have staff that's  
21 able to maintain and do what we need to get done,  
22 because we still have the responsibility of  
23 serving the public.

1 Other than that, that's it.

2 CHAIRPERSON BLACKBURN: All right.

3 Any questions of the Director?

4 (No response.)

5 CHAIRPERSON BLACKBURN: We have  
6 received from Mr. Lange the revised findings of  
7 fact, conclusions of law and order, and I think  
8 the pertinent area of change is on page three, if  
9 you want to review that quickly, and then I'd  
10 like a motion to accept the revised order -- I  
11 mean the revised findings.

12 COMM. CARTER: Having already read  
13 it, I'd like --

14 CHAIRPERSON BLACKBURN: Oh, I have  
15 the only copy? I thought --

16 COMM. CARTER: No, I --

17 MR. LANGE: No, you've got it.

18 COMM. CARTER: I would like to move  
19 that in the case of Kovach or Kovach versus  
20 Kankakee Valley Association and Rolling Prairie  
21 Baseball Association, that the Commission enter  
22 an order that overrules Complainant's objections  
23 and adopts the findings of fact, conclusions of



1 law and order proposed by the Administrative Law  
2 Judge in the proposed findings of fact,  
3 conclusions of law and order, with a modified  
4 Paragraph 1 of the order, modified to say,  
5 "Respondent shall apply eligibility criteria and  
6 provide equal opportunity to young persons to  
7 participate in baseball and softball without  
8 regard to race, religion, color, sex, disability,  
9 national origin or ancestry."

10 CHAIRPERSON BLACKBURN: Thank you  
11 very much.

12 May I have a second?

13 COMM. GARCIA: Second.

14 CHAIRPERSON BLACKBURN: All in favor?

15 COMM. GARCIA: Aye.

16 COMM. BAYNARD: Aye.

17 COMM. CARTER: Aye.

18 COMM. GIDNEY: Aye.

19 CHAIRPERSON BLACKBURN: Aye.

20 Anyone opposed?

21 (No response.)

22 CHAIRPERSON BLACKBURN: Thank you.

23 Additional Announcements. Our next

1 meeting dates are listed in the agenda as  
2 January 29th of the next year, February 26th and  
3 March 26th.

4 Hearing no other announcements --

5 MR. KIRKLAND: Just one.

6 CHAIRPERSON BLACKBURN: Yes.

7 MR. KIRKLAND: Just a reminder,  
8 January 14th we will be celebrating Martin Luther  
9 King Celebration, and Joan, do you want to give  
10 them the details?

11 MS. ESSEX: Sure.

12 This year's program consists of two  
13 components. The first component is an  
14 educational views summit that will be held at the  
15 Indiana State Museum.

16 We are inviting sixth through twelfth  
17 graders to attend that event. The keynote  
18 speaker will be Chauncey Holloman. Ms. Holloman  
19 formed her own company at the age of 15, a  
20 company called Harlem Lyrics, and it's an  
21 entertainment -- she has apparel, she has a lot  
22 of different things that this company does. It's  
23 a very diversified group.

1           She will be the keynote speaker at the  
2 Youth Summit, so please -- if you would like to  
3 attend that, please feel free. The youth event  
4 will start at 9:30. We've asked the students to  
5 come in, they'll have some stations that they'll  
6 go through, we'll feed them lunch, and then  
7 Ms. Holloman will speak at approximately 11:30,  
8 and the program will conclude around 12:00.

9           Then at 12:30, over in the Statehouse  
10 rotunda, we will have the State Employees  
11 Celebration, and the keynote speaker for that  
12 event will be Mayor James A. Young, who is the  
13 first African-American mayor of Philadelphia,  
14 Mississippi, where three civil rights workers  
15 were murdered back in 1964 by Klan members. So,  
16 we're looking forward to that.

17           We think both programs are going to be  
18 just -- we're going to hit them out of the park  
19 this year, and we're looking very forward to both  
20 of our speakers, so we would like to have all of  
21 you attend both events if you would like.

22                   CHAIRPERSON BLACKBURN: Thank you  
23 very much. Look forward to it.

1           If there are no other announcements, I  
2    want to say it's been a good year, a lean year,  
3    and it looks like it's going to continue for a  
4    while, but I appreciate everybody's cooperation  
5    and support, especially in that I missed a few  
6    meetings this year, which is unusual for me, and  
7    I'm hoping that my schedule will be better next  
8    year, but I look forward to a new year, as I hope  
9    we all do, that things are going to be better.

10           So, Happy Holidays, everybody.

11           COMM. GARCIA: Thank you.

12           CHAIRPERSON BLACKBURN: We are  
13    adjourned.

14                           - - -  
15           Thereupon, the proceedings of  
16           December 18, 2009 were concluded  
17           at 11:19 o'clock a.m.  
18                           - - -

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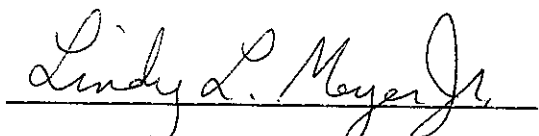
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CERTIFICATE

I, Lindy L. Meyer, Jr., the undersigned Court Reporter and Notary Public residing in the City of Shelbyville, Shelby County, Indiana, do hereby certify that the foregoing is a true and correct transcript of the proceedings taken by me on Friday, December 18, 2009 in this matter and transcribed by me.



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

My Commission expires October 27, 2016.

<p><b>1</b></p> <p>1 [1] - 17:4  <b>100</b> [1] - 2:8  <b>11:02</b> [2] - 1:18, 3:1  <b>11:19</b> [1] - 20:15  <b>11:30</b> [1] - 19:7  <b>12922</b> [1] - 1:22  <b>12:00</b> [1] - 19:8  <b>12:30</b> [1] - 19:9  <b>14th</b> [1] - 18:8  <b>15</b> [1] - 18:19  <b>18</b> [5] - 1:5, 1:17, 3:1, 20:15, 21:7  <b>1964</b> [1] - 19:15  <b>1st</b> [1] - 4:18</p>	<p><b>above-captioned</b> [1] - 1:10  <b>accept</b> [8] - 3:7, 5:7, 6:7, 7:6, 8:9, 9:9, 10:8, 16:10  <b>accounting</b> [1] - 4:6  <b>ACCURATE</b> [1] - 1:21  <b>act</b> [1] - 8:8  <b>Additional</b> [1] - 17:23  <b>additional</b> [1] - 6:5  <b>adjourned</b> [1] - 20:13  <b>Administration</b> [1] - 11:18  <b>Administrative</b> [3] - 11:17, 12:2, 17:1  <b>administratively</b> [1] - 7:20  <b>adopts</b> [1] - 16:23  <b>African</b> [1] - 19:13  <b>African-American</b> [1] - 19:13  <b>age</b> [1] - 18:19  <b>agency</b> [2] - 12:9, 14:3  <b>agenda</b> [2] - 5:15, 18:1  <b>Agreement</b> [1] - 5:7  <b>Agreements</b> [1] - 5:6  <b>Alpha</b> [2] - 1:11, 2:3  <b>American</b> [1] - 19:13  <b>ancestry</b> [1] - 17:9  <b>Announcements</b> [1] - 17:23  <b>announcements</b> [2] - 18:4, 20:1  <b>apparel</b> [1] - 18:21  <b>Appeals</b> [1] - 6:2  <b>appeals</b> [1] - 11:2  <b>APPEARANCES</b> [1] - 2:1  <b>apply</b> [1] - 17:5  <b>appreciate</b> [1] - 20:4  <b>appropriation</b> [1] - 4:9  <b>approve</b> [3] - 3:6, 13:1, 13:6  <b>area</b> [1] - 16:8  <b>assign</b> [1] - 11:1  <b>assigned</b> [1] - 12:18  <b>Association</b> [3] - 7:2, 16:20, 16:21  <b>attend</b> [3] - 18:17, 19:3, 19:21  <b>attended</b> [1] - 14:21  <b>Avenue</b> [2] - 1:22, 2:8  <b>Aye</b> [40] - 3:13, 3:14, 3:15, 3:16, 3:17, 6:12, 6:13, 6:14, 6:15, 6:16, 7:10, 7:11, 7:12, 7:13, 7:14, 8:16, 8:17, 8:18, 8:19, 8:20, 9:13, 9:14, 9:15, 9:16, 9:17, 10:12, 10:13, 10:14, 10:15, 10:16, 13:11, 13:12, 13:13, 13:14, 13:15, 17:15, 17:16, 17:17, 17:18, 17:19</p>	<p>12:19, 13:6  <b>Bachelor</b> [1] - 11:3  <b>Barry</b> [1] - 2:4  <b>Baseball</b> [1] - 16:21  <b>baseball</b> [1] - 17:7  <b>basis</b> [1] - 14:13  <b>Baynard</b> [4] - 2:4, 9:2, 11:10, 12:19  <b>BAYNARD</b> [14] - 3:11, 3:14, 5:9, 6:13, 7:8, 7:11, 8:13, 8:17, 9:3, 9:14, 10:13, 12:17, 13:12, 17:16  <b>BEFORE</b> [1] - 1:1  <b>behalf</b> [1] - 2:9  <b>Bend</b> [1] - 11:5  <b>better</b> [2] - 20:7, 20:9  <b>Blachelder</b> [1] - 11:3  <b>Blackburn</b> [2] - 1:11, 2:3  <b>BLACKBURN</b> [53] - 3:3, 3:9, 3:12, 3:17, 3:20, 4:3, 4:12, 4:23, 5:3, 5:5, 5:13, 5:16, 5:21, 6:11, 6:16, 6:19, 7:5, 7:9, 7:14, 7:17, 8:7, 8:14, 8:20, 8:23, 9:8, 9:12, 9:17, 9:20, 10:1, 10:7, 10:11, 10:16, 10:19, 10:23, 11:21, 12:14, 12:23, 13:3, 13:5, 13:10, 13:15, 13:18, 13:21, 13:18, 13:21, 16:2, 16:5, 16:14, 17:10, 17:14, 17:19, 17:22, 18:6, 19:22, 20:12  <b>Chairperson</b> [2] - 1:12, 2:3  <b>chance</b> [2] - 6:21, 14:12  <b>change</b> [1] - 16:8  <b>charge</b> [1] - 12:11  <b>Charles</b> [1] - 2:4  <b>Chauncey</b> [1] - 18:18  <b>Chicken</b> [1] - 11:22  <b>City</b> [4] - 7:19, 7:22, 8:2, 21:4  <b>CIVIL</b> [2] - 1:2, 2:6  <b>civil</b> [1] - 19:14  <b>Civil</b> [4] - 1:11, 3:4, 12:6, 12:8  <b>Clervoix</b> [1] - 11:11  <b>closed</b> [1] - 12:21  <b>CM</b> [1] - 1:21  <b>color</b> [1] - 17:8  <b>Comfort</b> [3] - 11:11, 12:5, 12:19  <b>COMM</b> [63] - 3:7, 3:11, 3:13, 3:14, 3:15, 3:16, 4:15, 4:19, 5:9, 5:11, 5:12, 5:14, 5:19, 6:9, 6:10, 6:12, 6:13, 6:14, 6:15, 6:23, 7:7, 7:8, 7:10, 7:11, 7:12, 7:13, 7:18, 8:12, 8:13, 8:16, 8:17, 8:18, 8:19, 9:3, 9:10, 9:11, 9:13, 9:14, 9:15, 9:16, 10:3, 10:9, 10:10, 10:12, 10:13, 10:14, 10:15, 12:17, 13:8, 13:9, 13:11, 13:12, 13:13, 13:14, 16:12, 16:16, 16:18, 17:13, 17:15, 17:16, 17:17, 17:18, 20:11  <b>Comm</b> [11] - 6:22, 9:2, 9:22, 10:2, 10:20, 10:22, 11:7, 11:10, 11:13, 11:16, 11:21  <b>COMMISSION</b> [4] - 1:2, 2:2, 2:6, 2:10</p>	<p><b>C</b></p> <p><b>captioned</b> [1] - 1:10  <b>Carla</b> [1] - 10:4  <b>Carmel</b> [1] - 1:22  <b>Carter</b> [3] - 2:3, 6:22, 11:7  <b>CARTER</b> [21] - 3:7, 3:15, 5:12, 5:14, 5:19, 6:10, 6:14, 6:23, 7:12, 7:18, 8:18, 9:10, 9:15, 10:10, 10:14, 13:8, 13:13, 16:12, 16:16, 16:18, 17:17  <b>case</b> [12] - 6:2, 6:20, 6:23, 7:18, 7:20, 9:4, 10:3, 12:5, 12:9, 12:14, 12:20, 16:19</p>
<p><b>2</b></p> <p>2009 [5] - 1:5, 1:18, 3:1, 20:15, 21:7  <b>2016</b> [1] - 21:15  <b>26th</b> [2] - 18:2, 18:3  <b>27</b> [1] - 21:15  <b>29th</b> [1] - 18:2</p>	<p><b>apparel</b> [1] - 18:21  <b>Appeals</b> [1] - 6:2  <b>appeals</b> [1] - 11:2  <b>APPEARANCES</b> [1] - 2:1  <b>apply</b> [1] - 17:5  <b>appreciate</b> [1] - 20:4  <b>appropriation</b> [1] - 4:9  <b>approve</b> [3] - 3:6, 13:1, 13:6  <b>area</b> [1] - 16:8  <b>assign</b> [1] - 11:1  <b>assigned</b> [1] - 12:18  <b>Association</b> [3] - 7:2, 16:20, 16:21  <b>attend</b> [3] - 18:17, 19:3, 19:21  <b>attended</b> [1] - 14:21  <b>Avenue</b> [2] - 1:22, 2:8  <b>Aye</b> [40] - 3:13, 3:14, 3:15, 3:16, 3:17, 6:12, 6:13, 6:14, 6:15, 6:16, 7:10, 7:11, 7:12, 7:13, 7:14, 8:16, 8:17, 8:18, 8:19, 8:20, 9:13, 9:14, 9:15, 9:16, 9:17, 10:12, 10:13, 10:14, 10:15, 10:16, 13:11, 13:12, 13:13, 13:14, 13:15, 17:15, 17:16, 17:17, 17:18, 17:19</p>	<p><b>12:19, 13:6</b>  <b>Bachelor</b> [1] - 11:3  <b>Barry</b> [1] - 2:4  <b>Baseball</b> [1] - 16:21  <b>baseball</b> [1] - 17:7  <b>basis</b> [1] - 14:13  <b>Baynard</b> [4] - 2:4, 9:2, 11:10, 12:19  <b>BAYNARD</b> [14] - 3:11, 3:14, 5:9, 6:13, 7:8, 7:11, 8:13, 8:17, 9:3, 9:14, 10:13, 12:17, 13:12, 17:16  <b>BEFORE</b> [1] - 1:1  <b>behalf</b> [1] - 2:9  <b>Bend</b> [1] - 11:5  <b>better</b> [2] - 20:7, 20:9  <b>Blachelder</b> [1] - 11:3  <b>Blackburn</b> [2] - 1:11, 2:3  <b>BLACKBURN</b> [53] - 3:3, 3:9, 3:12, 3:17, 3:20, 4:3, 4:12, 4:23, 5:3, 5:5, 5:13, 5:16, 5:21, 6:11, 6:16, 6:19, 7:5, 7:9, 7:14, 7:17, 8:7, 8:14, 8:20, 8:23, 9:8, 9:12, 9:17, 9:20, 10:1, 10:7, 10:11, 10:16, 10:19, 10:23, 11:21, 12:14, 12:23, 13:3, 13:5, 13:10, 13:15, 13:18, 13:21, 16:2, 16:5, 16:14, 17:10, 17:14, 17:19, 17:22, 18:6, 19:22, 20:12  <b>Chairperson</b> [2] - 1:12, 2:3  <b>chance</b> [2] - 6:21, 14:12  <b>change</b> [1] - 16:8  <b>charge</b> [1] - 12:11  <b>Charles</b> [1] - 2:4  <b>Chauncey</b> [1] - 18:18  <b>Chicken</b> [1] - 11:22  <b>City</b> [4] - 7:19, 7:22, 8:2, 21:4  <b>CIVIL</b> [2] - 1:2, 2:6  <b>civil</b> [1] - 19:14  <b>Civil</b> [4] - 1:11, 3:4, 12:6, 12:8  <b>Clervoix</b> [1] - 11:11  <b>closed</b> [1] - 12:21  <b>CM</b> [1] - 1:21  <b>color</b> [1] - 17:8  <b>Comfort</b> [3] - 11:11, 12:5, 12:19  <b>COMM</b> [63] - 3:7, 3:11, 3:13, 3:14, 3:15, 3:16, 4:15, 4:19, 5:9, 5:11, 5:12, 5:14, 5:19, 6:9, 6:10, 6:12, 6:13, 6:14, 6:15, 6:23, 7:7, 7:8, 7:10, 7:11, 7:12, 7:13, 7:18, 8:12, 8:13, 8:16, 8:17, 8:18, 8:19, 9:3, 9:10, 9:11, 9:13, 9:14, 9:15, 9:16, 10:3, 10:9, 10:10, 10:12, 10:13, 10:14, 10:15, 12:17, 13:8, 13:9, 13:11, 13:12, 13:13, 13:14, 16:12, 16:16, 16:18, 17:13, 17:15, 17:16, 17:17, 17:18, 20:11  <b>Comm</b> [11] - 6:22, 9:2, 9:22, 10:2, 10:20, 10:22, 11:7, 11:10, 11:13, 11:16, 11:21  <b>COMMISSION</b> [4] - 1:2, 2:2, 2:6, 2:10</p>	<p><b>C</b></p> <p><b>captioned</b> [1] - 1:10  <b>Carla</b> [1] - 10:4  <b>Carmel</b> [1] - 1:22  <b>Carter</b> [3] - 2:3, 6:22, 11:7  <b>CARTER</b> [21] - 3:7, 3:15, 5:12, 5:14, 5:19, 6:10, 6:14, 6:23, 7:12, 7:18, 8:18, 9:10, 9:15, 10:10, 10:14, 13:8, 13:13, 16:12, 16:16, 16:18, 17:17  <b>case</b> [12] - 6:2, 6:20, 6:23, 7:18, 7:20, 9:4, 10:3, 12:5, 12:9, 12:14, 12:20, 16:19</p>
<p><b>3</b></p> <p>30th [1] - 4:18  <b>317</b> [1] - 1:23</p>	<p><b>apparel</b> [1] - 18:21  <b>Appeals</b> [1] - 6:2  <b>appeals</b> [1] - 11:2  <b>APPEARANCES</b> [1] - 2:1  <b>apply</b> [1] - 17:5  <b>appreciate</b> [1] - 20:4  <b>appropriation</b> [1] - 4:9  <b>approve</b> [3] - 3:6, 13:1, 13:6  <b>area</b> [1] - 16:8  <b>assign</b> [1] - 11:1  <b>assigned</b> [1] - 12:18  <b>Association</b> [3] - 7:2, 16:20, 16:21  <b>attend</b> [3] - 18:17, 19:3, 19:21  <b>attended</b> [1] - 14:21  <b>Avenue</b> [2] - 1:22, 2:8  <b>Aye</b> [40] - 3:13, 3:14, 3:15, 3:16, 3:17, 6:12, 6:13, 6:14, 6:15, 6:16, 7:10, 7:11, 7:12, 7:13, 7:14, 8:16, 8:17, 8:18, 8:19, 8:20, 9:13, 9:14, 9:15, 9:16, 9:17, 10:12, 10:13, 10:14, 10:15, 10:16, 13:11, 13:12, 13:13, 13:14, 13:15, 17:15, 17:16, 17:17, 17:18, 17:19</p>	<p><b>12:19, 13:6</b>  <b>Bachelor</b> [1] - 11:3  <b>Barry</b> [1] - 2:4  <b>Baseball</b> [1] - 16:21  <b>baseball</b> [1] - 17:7  <b>basis</b> [1] - 14:13  <b>Baynard</b> [4] - 2:4, 9:2, 11:10, 12:19  <b>BAYNARD</b> [14] - 3:11, 3:14, 5:9, 6:13, 7:8, 7:11, 8:13, 8:17, 9:3, 9:14, 10:13, 12:17, 13:12, 17:16  <b>BEFORE</b> [1] - 1:1  <b>behalf</b> [1] - 2:9  <b>Bend</b> [1] - 11:5  <b>better</b> [2] - 20:7, 20:9  <b>Blachelder</b> [1] - 11:3  <b>Blackburn</b> [2] - 1:11, 2:3  <b>BLACKBURN</b> [53] - 3:3, 3:9, 3:12, 3:17, 3:20, 4:3, 4:12, 4:23, 5:3, 5:5, 5:13, 5:16, 5:21, 6:11, 6:16, 6:19, 7:5, 7:9, 7:14, 7:17, 8:7, 8:14, 8:20, 8:23, 9:8, 9:12, 9:17, 9:20, 10:1, 10:7, 10:11, 10:16, 10:19, 10:23, 11:21, 12:14, 12:23, 13:3, 13:5, 13:10, 13:15, 13:18, 13:21, 16:2, 16:5, 16:14, 17:10, 17:14, 17:19, 17:22, 18:6, 19:22, 20:12  <b>Chairperson</b> [2] - 1:12, 2:3  <b>chance</b> [2] - 6:21, 14:12  <b>change</b> [1] - 16:8  <b>charge</b> [1] - 12:11  <b>Charles</b> [1] - 2:4  <b>Chauncey</b> [1] - 18:18  <b>Chicken</b> [1] - 11:22  <b>City</b> [4] - 7:19, 7:22, 8:2, 21:4  <b>CIVIL</b> [2] - 1:2, 2:6  <b>civil</b> [1] - 19:14  <b>Civil</b> [4] - 1:11, 3:4, 12:6, 12:8  <b>Clervoix</b> [1] - 11:11  <b>closed</b> [1] - 12:21  <b>CM</b> [1] - 1:21  <b>color</b> [1] - 17:8  <b>Comfort</b> [3] - 11:11, 12:5, 12:19  <b>COMM</b> [63] - 3:7, 3:11, 3:13, 3:14, 3:15, 3:16, 4:15, 4:19, 5:9, 5:11, 5:12, 5:14, 5:19, 6:9, 6:10, 6:12, 6:13, 6:14, 6:15, 6:23, 7:7, 7:8, 7:10, 7:11, 7:12, 7:13, 7:18, 8:12, 8:13, 8:16, 8:17, 8:18, 8:19, 9:3, 9:10, 9:11, 9:13, 9:14, 9:15, 9:16, 10:3, 10:9, 10:10, 10:12, 10:13, 10:14, 10:15, 12:17, 13:8, 13:9, 13:11, 13:12, 13:13, 13:14, 16:12, 16:16, 16:18, 17:13, 17:15, 17:16, 17:17, 17:18, 20:11  <b>Comm</b> [11] - 6:22, 9:2, 9:22, 10:2, 10:20, 10:22, 11:7, 11:10, 11:13, 11:16, 11:21  <b>COMMISSION</b> [4] - 1:2, 2:2, 2:6, 2:10</p>	<p><b>C</b></p> <p><b>captioned</b> [1] - 1:10  <b>Carla</b> [1] - 10:4  <b>Carmel</b> [1] - 1:22  <b>Carter</b> [3] - 2:3, 6:22, 11:7  <b>CARTER</b> [21] - 3:7, 3:15, 5:12, 5:14, 5:19, 6:10, 6:14, 6:23, 7:12, 7:18, 8:18, 9:10, 9:15, 10:10, 10:14, 13:8, 13:13, 16:12, 16:16, 16:18, 17:17  <b>case</b> [12] - 6:2, 6:20, 6:23, 7:18, 7:20, 9:4, 10:3, 12:5, 12:9, 12:14, 12:20, 16:19</p>
<p><b>4</b></p> <p>4 [1] - 1:16  <b>402</b> [1] - 1:16  <b>46032</b> [1] - 1:22  <b>46204</b> [1] - 2:8</p>	<p><b>apparel</b> [1] - 18:21  <b>Appeals</b> [1] - 6:2  <b>appeals</b> [1] - 11:2  <b>APPEARANCES</b> [1] - 2:1  <b>apply</b> [1] - 17:5  <b>appreciate</b> [1] - 20:4  <b>appropriation</b> [1] - 4:9  <b>approve</b> [3] - 3:6, 13:1, 13:6  <b>area</b> [1] - 16:8  <b>assign</b> [1] - 11:1  <b>assigned</b> [1] - 12:18  <b>Association</b> [3] - 7:2, 16:20, 16:21  <b>attend</b> [3] - 18:17, 19:3, 19:21  <b>attended</b> [1] - 14:21  <b>Avenue</b> [2] - 1:22, 2:8  <b>Aye</b> [40] - 3:13, 3:14, 3:15, 3:16, 3:17, 6:12, 6:13, 6:14, 6:15, 6:16, 7:10, 7:11, 7:12, 7:13, 7:14, 8:16, 8:17, 8:18, 8:19, 8:20, 9:13, 9:14, 9:15, 9:16, 9:17, 10:12, 10:13, 10:14, 10:15, 10:16, 13:11, 13:12, 13:13, 13:14, 13:15, 17:15, 17:16, 17:17, 17:18, 17:19</p>	<p><b>12:19, 13:6</b>  <b>Bachelor</b> [1] - 11:3  <b>Barry</b> [1] - 2:4  <b>Baseball</b> [1] - 16:21  <b>baseball</b> [1] - 17:7  <b>basis</b> [1] - 14:13  <b>Baynard</b> [4] - 2:4, 9:2, 11:10, 12:19  <b>BAYNARD</b> [14] - 3:11, 3:14, 5:9, 6:13, 7:8, 7:11, 8:13, 8:17, 9:3, 9:14, 10:13, 12:17, 13:12, 17:16  <b>BEFORE</b> [1] - 1:1  <b>behalf</b> [1] - 2:9  <b>Bend</b> [1] - 11:5  <b>better</b> [2] - 20:7, 20:9  <b>Blachelder</b> [1] - 11:3  <b>Blackburn</b> [2] - 1:11, 2:3  <b>BLACKBURN</b> [53] - 3:3, 3:9, 3:12, 3:17, 3:20, 4:3, 4:12, 4:23, 5:3, 5:5, 5:13, 5:16, 5:21, 6:11, 6:16, 6:19, 7:5, 7:9, 7:14, 7:17, 8:7, 8:14, 8:20, 8:23, 9:8, 9:12, 9:17, 9:20, 10:1, 10:7, 10:11, 10:16, 10:19, 10:23, 11:21, 12:14, 12:23, 13:3, 13:5, 13:10, 13:15, 13:18, 13:21, 16:2, 16:5, 16:14, 17:10, 17:14, 17:19, 17:22, 18:6, 19:22, 20:12  <b>Chairperson</b> [2] - 1:12, 2:3  <b>chance</b> [2] - 6:21, 14:12  <b>change</b> [1] - 16:8  <b>charge</b> [1] - 12:11  <b>Charles</b> [1] - 2:4  <b>Chauncey</b> [1] - 18:18  <b>Chicken</b> [1] - 11:22  <b>City</b> [4] - 7:19, 7:22, 8:2, 21:4  <b>CIVIL</b> [2] - 1:2, 2:6  <b>civil</b> [1] - 19:14  <b>Civil</b> [4] - 1:11, 3:4, 12:6, 12:8  <b>Clervoix</b> [1] - 11:11  <b>closed</b> [1] - 12:21  <b>CM</b> [1] - 1:21  <b>color</b> [1] - 17:8  <b>Comfort</b> [3] - 11:11, 12:5, 12:19  <b>COMM</b> [63] - 3:7, 3:11, 3:13, 3:14, 3:15, 3:16, 4:15, 4:19, 5:9, 5:11, 5:12, 5:14, 5:19, 6:9, 6:10, 6:12, 6:13, 6:14, 6:15, 6:23, 7:7, 7:8, 7:10, 7:11, 7:12, 7:13, 7:18, 8:12, 8:13, 8:16, 8:17, 8:18, 8:19, 9:3, 9:10, 9:11, 9:13, 9:14, 9:15, 9:16, 10:3, 10:9, 10:10, 10:12, 10:13, 10:14, 10:15, 12:17, 13:8, 13:9, 13:11, 13:12, 13:13, 13:14, 16:12, 16:16, 16:18, 17:13, 17:15, 17:16, 17:17, 17:18, 20:11  <b>Comm</b> [11] - 6:22, 9:2, 9:22, 10:2, 10:20, 10:22, 11:7, 11:10, 11:13, 11:16, 11:21  <b>COMMISSION</b> [4] - 1:2, 2:2, 2:6, 2:10</p>	<p><b>C</b></p> <p><b>captioned</b> [1] - 1:10  <b>Carla</b> [1] - 10:4  <b>Carmel</b> [1] - 1:22  <b>Carter</b> [3] - 2:3, 6:22, 11:7  <b>CARTER</b> [21] - 3:7, 3:15, 5:12, 5:14, 5:19, 6:10, 6:14, 6:23, 7:12, 7:18, 8:18, 9:10, 9:15, 10:10, 10:14, 13:8, 13:13, 16:12, 16:16, 16:18, 17:17  <b>case</b> [12] - 6:2, 6:20, 6:23, 7:18, 7:20, 9:4, 10:3, 12:5, 12:9, 12:14, 12:20, 16:19</p>
<p><b>5</b></p> <p>5 [1] - 1:16</p>	<p><b>apparel</b> [1] - 18:21  <b>Appeals</b> [1] - 6:2  <b>appeals</b> [1] - 11:2  <b>APPEARANCES</b> [1] - 2:1  <b>apply</b> [1] - 17:5  <b>appreciate</b> [1] - 20:4  <b>appropriation</b> [1] - 4:9  <b>approve</b> [3] - 3:6, 13:1, 13:6  <b>area</b> [1] - 16:8  <b>assign</b> [1] - 11:1  <b>assigned</b> [1] - 12:18  <b>Association</b> [3] - 7:2, 16:20, 16:21  <b>attend</b> [3] - 18:17, 19:3, 19:21  <b>attended</b> [1] - 14:21  <b>Avenue</b> [2] - 1:22, 2:8  <b>Aye</b> [40] - 3:13, 3:14, 3:15, 3:16, 3:17, 6:12, 6:13, 6:14, 6:15, 6:16, 7:10, 7:11, 7:12, 7:13, 7:14, 8:16, 8:17, 8:18, 8:19, 8:20, 9:13, 9:14, 9:15, 9:16, 9:17, 10:12, 10:13, 10:14, 10:15, 10:16, 13:11, 13:12, 13:13, 13:14, 13:15, 17:15, 17:16</p>		

<p><b>Commission</b> [8] - 1:11, 2:9, 3:4, 7:2, 9:6, 12:8, 16:21, 21:15  <b>Commissioners</b> [2] - 6:1, 11:2  <b>Community</b> [1] - 11:5  <b>company</b> [3] - 18:19, 18:20, 18:22  <b>Complainant</b> [2] - 7:21, 12:6  <b>Complainant's</b> [1] - 16:22  <b>complained</b> [1] - 7:21</p>	<p><b>Director's</b> [4] - 7:3, 9:6, 12:2, 13:21  <b>Director/Secretary</b> [1] - 2:7  <b>disability</b> [1] - 17:8  <b>dismissed</b> [2] - 7:20, 12:9  <b>diversified</b> [1] - 18:23  <b>Donald</b> [1] - 10:4  <b>done</b> [2] - 14:9, 15:21  <b>down</b> [1] - 14:10</p>	<p>16:23, 17:2  <b>first</b> [4] - 4:16, 18:13, 19:13  <b>fiscal</b> [2] - 4:16, 4:17  <b>Forces</b> [1] - 11:9  <b>foregoing</b> [1] - 21:5  <b>formed</b> [1] - 18:19  <b>forward</b> [5] - 15:5, 19:16, 19:19, 19:23, 20:8  <b>free</b> [1] - 19:3  <b>Friday</b> [2] - 1:17, 21:7  <b>Fried</b> [1] - 11:22</p>	<p><b>I</b>  <b>Illinois</b> [1] - 14:23  <b>Inc</b> [4] - 11:8, 11:11, 11:12, 11:23  <b>Incorporated</b> [1] - 12:5  <b>indeed</b> [1] - 3:5  <b>INDIANA</b> [3] - 1:1, 1:21, 2:6  <b>Indiana</b> [13] - 1:10, 1:14, 1:17, 1:22, 2:7, 2:8, 3:4, 11:16, 12:8, 18:15, 21:4, 21:13  <b>Indianapolis</b> [7] - 1:17, 2:8, 12:6, 12:7, 12:10, 12:11, 12:22  <b>information</b> [1] - 6:5  <b>insurance</b> [1] - 6:3  <b>intake</b> [1] - 14:20  <b>investigate</b> [1] - 12:10  <b>investigation</b> [3] - 8:5, 8:11, 12:21  <b>inviting</b> [1] - 18:16</p>
<p><b>Complaint</b> [1] - 6:1  <b>complete</b> [1] - 4:14  <b>component</b> [1] - 18:13  <b>components</b> [1] - 18:13  <b>conclude</b> [1] - 19:8  <b>concluded</b> [1] - 20:15  <b>conclusions</b> [3] - 16:7, 16:23, 17:3  <b>Condominium</b> [1] - 7:1  <b>Conference</b> [1] - 1:15  <b>conflict</b> [1] - 12:12  <b>confusing</b> [1] - 7:23  <b>Consent</b> [2] - 5:5, 5:7  <b>consists</b> [1] - 18:12  <b>constantly</b> [1] - 15:6  <b>contained</b> [1] - 6:5  <b>continue</b> [2] - 6:20, 20:3  <b>contracted</b> [1] - 15:1  <b>cooperation</b> [1] - 20:4  <b>copy</b> [1] - 16:15  <b>corner</b> [1] - 14:23  <b>Corporation</b> [1] - 9:5  <b>correct</b> [1] - 21:6  <b>Correction</b> [1] - 11:17  <b>County</b> [2] - 1:14, 21:4  <b>Court</b> [1] - 21:3  <b>Crenshaw</b> [2] - 9:22, 11:13  <b>criteria</b> [1] - 17:5</p>	<p><b>E</b>  <b>East</b> [2] - 9:4, 10:4  <b>East-Miller</b> [1] - 10:4  <b>Economic</b> [1] - 11:5  <b>educational</b> [1] - 18:14  <b>EEOC</b> [3] - 14:18, 14:22, 15:1  <b>eligibility</b> [1] - 17:5  <b>Employees</b> [1] - 19:10  <b>employment</b> [1] - 14:20  <b>entails</b> [1] - 14:8  <b>enter</b> [1] - 16:21  <b>entertain</b> [1] - 4:11  <b>entertainment</b> [1] - 18:21  <b>entity</b> [4] - 7:22, 8:2, 8:4, 8:6  <b>equal</b> [1] - 17:6  <b>especially</b> [1] - 20:5  <b>Essex</b> [2] - 2:12, 3:22  <b>ESSEX</b> [5] - 3:23, 4:5, 4:17, 4:20, 18:11  <b>event</b> [3] - 18:17, 19:3, 19:12  <b>events</b> [1] - 19:21  <b>evidence</b> [1] - 7:23  <b>Evidently</b> [1] - 12:10  <b>excellent</b> [1] - 5:22  <b>excuse</b> [1] - 12:3  <b>expires</b> [1] - 21:15</p>	<p><b>F</b>  <b>friends</b> [1] - 15:14  <b>front</b> [1] - 4:1  <b>funder</b> [1] - 15:2</p> <p><b>G</b>  <b>Garcia</b> [2] - 2:5, 11:21  <b>GARCIA</b> [17] - 3:13, 4:15, 4:19, 5:11, 6:12, 7:7, 7:10, 8:12, 8:16, 9:13, 10:9, 10:12, 13:9, 13:11, 17:13, 17:15, 20:11  <b>Gavin</b> [1] - 7:19  <b>Gidney</b> [3] - 2:4, 10:2, 11:16  <b>GIDNEY</b> [11] - 3:16, 6:9, 6:15, 7:13, 8:19, 9:11, 9:16, 10:3, 10:15, 13:14, 17:18  <b>given</b> [1] - 14:1  <b>Government</b> [2] - 1:15, 2:7  <b>Governor</b> [1] - 14:2  <b>Governor's</b> [2] - 4:8, 14:2  <b>graders</b> [1] - 18:17  <b>group</b> [1] - 18:23  <b>guess</b> [1] - 15:19</p>	<p><b>J</b>  <b>James</b> [1] - 19:12  <b>January</b> [2] - 18:2, 18:8  <b>Joan</b> [3] - 2:12, 15:6, 18:9  <b>Joan's</b> [1] - 15:15  <b>John</b> [1] - 2:5  <b>Joshua</b> [1] - 2:11  <b>Jr</b> [3] - 1:13, 21:2, 21:11  <b>Judge</b> [2] - 5:20, 17:2  <b>July</b> [2] - 4:17, 4:18  <b>June</b> [1] - 4:18</p>
<p><b>D</b>  <b>d/b/a</b> [1] - 1:21  <b>Daniels</b> [1] - 1:21  <b>dates</b> [1] - 18:1  <b>David</b> [1] - 2:3  <b>DECEMBER</b> [1] - 1:5  <b>December</b> [4] - 1:17, 3:1, 20:15, 21:7  <b>decision</b> [1] - 6:6  <b>Department</b> [3] - 11:6, 11:17, 12:7  <b>Deputy</b> [3] - 7:3, 9:6, 14:19  <b>details</b> [1] - 18:10  <b>determine</b> [1] - 8:5  <b>Development</b> [1] - 11:6  <b>different</b> [3] - 4:21, 15:17, 18:22  <b>Director</b> [2] - 14:19, 16:3</p>	<p><b>F</b>  <b>Fact</b> [1] - 5:18  <b>fact</b> [3] - 16:7, 16:23, 17:2  <b>fairly</b> [1] - 4:7  <b>Farm</b> [1] - 6:3  <b>favor</b> [8] - 3:12, 6:11, 7:9, 8:15, 9:12, 10:11, 13:10, 17:14  <b>February</b> [1] - 18:2  <b>feed</b> [1] - 19:6  <b>FEPA</b> [1] - 14:18  <b>few</b> [1] - 20:5  <b>figures</b> [1] - 14:6  <b>filed</b> [1] - 12:6  <b>finance</b> [1] - 14:10  <b>Financial</b> [3] - 3:21, 4:1, 4:13  <b>Findings</b> [1] - 5:18  <b>findings</b> [4] - 16:6, 16:11,</p>	<p><b>H</b>  <b>handle</b> [1] - 15:1  <b>Happy</b> [1] - 20:10  <b>Harlem</b> [1] - 18:20  <b>heads</b> [1] - 14:3  <b>Hearing</b> [1] - 18:4  <b>held</b> [2] - 14:22, 18:14  <b>helm</b> [1] - 15:14  <b>hereby</b> [1] - 21:5  <b>High</b> [1] - 11:19  <b>hit</b> [1] - 19:18  <b>Hoffman</b> [1] - 7:1  <b>Holidays</b> [1] - 20:10  <b>Holloman</b> [3] - 18:18, 19:7  <b>hope</b> [1] - 20:8  <b>hopefully</b> [1] - 14:13  <b>hoping</b> [1] - 20:7</p>	<p><b>K</b>  <b>Kankakee</b> [1] - 16:20  <b>Kentucky</b> [1] - 11:22  <b>keynote</b> [3] - 18:17, 19:1, 19:11  <b>King</b> [1] - 18:9  <b>KIRKLAND</b> [6] - 13:2, 13:4, 13:20, 13:23, 18:5, 18:7  <b>Kirkland</b> [1] - 2:7  <b>Klan</b> [1] - 19:15  <b>Kovach</b> [2] - 16:19</p>
			<p><b>L</b>  <b>Lake</b> [1] - 7:1  <b>Lange</b> [4] - 2:12, 5:20, 11:20, 16:6  <b>LANGE</b> [1] - 16:17  <b>last</b> [2] - 14:8, 14:19  <b>law</b> [3] - 16:7, 17:1, 17:3</p>

<p><b>Law</b> [1] - 17:1  <b>lean</b> [1] - 20:2  <b>Lengthy</b> [1] - 4:3  <b>Lindy</b> [3] - 1:12, 21:2, 21:11  <b>listed</b> [3] - 5:12, 5:14, 18:1  <b>Living</b> [1] - 11:12  <b>Look</b> [1] - 19:23  <b>look</b> [2] - 15:10, 20:8  <b>looking</b> [3] - 14:5, 19:16, 19:19  <b>looks</b> [1] - 20:3</p>	<p><b>moved</b> [6] - 6:9, 7:7, 8:12, 9:10, 10:9, 13:8  <b>moving</b> [2] - 4:7, 15:5  <b>MR</b> [10] - 12:3, 12:16, 12:18, 13:2, 13:4, 13:20, 13:23, 16:17, 18:5, 18:7  <b>MS</b> [7] - 3:23, 4:5, 4:17, 4:20, 9:23, 10:21, 18:11  <b>murdered</b> [1] - 19:15  <b>Museum</b> [1] - 18:15  <b>Muumba</b> [1] - 11:8</p>	<p><b>park</b> [1] - 19:18  <b>participate</b> [1] - 17:7  <b>particular</b> [1] - 15:11  <b>pass</b> [1] - 11:14  <b>percent</b> [1] - 4:8  <b>persons</b> [1] - 17:6  <b>pertinent</b> [1] - 16:8  <b>Philadelphia</b> [1] - 19:13  <b>pleased</b> [1] - 11:3  <b>point</b> [1] - 15:11  <b>Powers</b> [1] - 11:18</p>	<p><b>report</b> [6] - 4:10, 9:21, 10:21, 14:1, 14:4, 14:16  <b>Report</b> [4] - 3:21, 6:1, 12:2, 13:22  <b>Reporter</b> [1] - 21:3  <b>REPORTING</b> [1] - 1:21  <b>reports</b> [1] - 4:4  <b>Reports</b> [2] - 4:1, 4:13  <b>request</b> [3] - 4:8, 6:6, 12:4  <b>requesting</b> [1] - 14:3  <b>required</b> [1] - 15:3</p>
<p><b>lunch</b> [1] - 19:6  <b>Luther</b> [1] - 18:8  <b>Lyrics</b> [1] - 18:20</p>	<p><b>N</b></p>	<p><b>Prairie</b> [1] - 16:20  <b>PRESENT</b> [1] - 2:10  <b>presented</b> [1] - 8:1  <b>pretty</b> [2] - 14:8, 14:13  <b>probable</b> [4] - 6:4, 7:3, 9:7, 10:6  <b>proceedings</b> [2] - 20:14, 21:6  <b>PROCEEDINGS</b> [1] - 1:9  <b>program</b> [2] - 18:12, 19:8  <b>programs</b> [1] - 19:17  <b>proposed</b> [3] - 5:17, 17:1, 17:2  <b>provide</b> [1] - 17:6  <b>public</b> [2] - 3:5, 15:23  <b>PUBLIC</b> [1] - 1:5  <b>Public</b> [3] - 1:13, 21:3, 21:12  <b>Purdue</b> [1] - 11:4</p>	<p><b>residing</b> [1] - 21:3  <b>Respondent</b> [1] - 17:5  <b>response</b> [11] - 3:19, 5:2, 5:4, 6:18, 7:16, 8:22, 9:19, 10:18, 13:17, 16:4, 17:21  <b>responsibility</b> [1] - 15:22  <b>Retirement</b> [1] - 11:11  <b>return</b> [1] - 5:20  <b>returned</b> [1] - 11:20  <b>reversion</b> [1] - 4:9  <b>review</b> [5] - 6:21, 11:2, 11:3, 11:7, 16:9  <b>reviewing</b> [1] - 6:6  <b>revised</b> [4] - 5:20, 16:6, 16:10, 16:11  <b>rights</b> [1] - 19:14  <b>RIGHTS</b> [2] - 1:2, 2:6  <b>Rights</b> [4] - 1:11, 3:4, 12:7, 12:8  <b>rightly</b> [1] - 8:7  <b>Robert</b> [1] - 2:12  <b>Robinson</b> [1] - 11:22  <b>roll</b> [1] - 14:14  <b>Rolling</b> [1] - 16:20  <b>Room</b> [1] - 2:8  <b>Rooms</b> [1] - 1:16  <b>Ross</b> [1] - 6:20  <b>rotunda</b> [1] - 19:10  <b>RPR/CP</b> [1] - 1:21  <b>running</b> [1] - 15:12  <b>runs</b> [1] - 4:18  <b>Rural</b> [1] - 9:4</p>
<p><b>M</b></p>	<p><b>N103</b> [1] - 2:8  <b>national</b> [1] - 17:9  <b>need</b> [5] - 6:20, 8:8, 13:1, 15:3, 15:21  <b>new</b> [2] - 4:6, 20:8  <b>New</b> [1] - 5:3  <b>next</b> [4] - 14:14, 17:23, 18:2, 20:7  <b>none</b> [3] - 5:12, 5:14, 5:17  <b>North</b> [2] - 2:7, 2:8  <b>Notary</b> [3] - 1:13, 21:3, 21:12  <b>November</b> [1] - 4:2  <b>numbers</b> [1] - 14:5</p>	<p><b>Q</b></p>	<p><b>questions</b> [3] - 4:11, 4:12, 16:3  <b>quickly</b> [1] - 16:9  <b>quorum</b> [1] - 3:5</p>
<p><b>Madam</b> [1] - 9:3  <b>Mailing</b> [1] - 11:8  <b>maintain</b> [1] - 15:21  <b>March</b> [1] - 18:3  <b>Marion</b> [4] - 7:19, 7:22, 8:2, 8:3  <b>Martin</b> [1] - 18:8  <b>Master</b> [1] - 11:23  <b>matter</b> [2] - 1:10, 21:7  <b>Matthew</b> [1] - 11:4  <b>mayor</b> [1] - 19:13  <b>Mayor</b> [2] - 8:3, 19:12  <b>mean</b> [1] - 16:11  <b>meet</b> [1] - 4:8  <b>meeting</b> [3] - 3:5, 14:18, 18:1  <b>MEETING</b> [1] - 1:5  <b>meetings</b> [1] - 20:6  <b>MEMBERS</b> [1] - 2:2  <b>members</b> [1] - 19:15  <b>mentioned</b> [1] - 15:7  <b>Meyer</b> [4] - 1:12, 11:5, 21:2, 21:11  <b>middle</b> [1] - 4:21  <b>Midwest</b> [1] - 11:9  <b>might</b> [1] - 8:6  <b>milestones</b> [1] - 14:11  <b>Miller</b> [1] - 10:4  <b>mine</b> [1] - 12:17  <b>minutes</b> [2] - 3:6, 3:8  <b>missed</b> [1] - 20:5  <b>Mississippi</b> [1] - 19:14  <b>modified</b> [2] - 17:3, 17:4  <b>momentarily</b> [1] - 5:23  <b>Monday</b> [2] - 14:19  <b>month</b> [3] - 4:16, 14:8, 14:15  <b>months'</b> [1] - 4:1  <b>morning</b> [1] - 3:3  <b>Morrison</b> [1] - 9:4  <b>motion</b> [8] - 5:7, 6:7, 7:6, 8:9, 9:9, 10:8, 13:6, 16:10  <b>move</b> [4] - 3:7, 11:1, 12:1, 16:18</p>	<p><b>O</b></p>	<p><b>R</b></p>	<p><b>S</b></p>
<p><b>motion</b> [8] - 5:7, 6:7, 7:6, 8:9, 9:9, 10:8, 13:6, 16:10  <b>move</b> [4] - 3:7, 11:1, 12:1, 16:18</p>	<p><b>P</b></p>	<p><b>race</b> [1] - 17:8  <b>Ramos</b> [2] - 10:20, 10:22  <b>read</b> [3] - 5:6, 14:12, 16:12  <b>ready</b> [1] - 14:14  <b>really</b> [2] - 4:10, 6:5  <b>reason</b> [1] - 12:12  <b>reasons</b> [1] - 4:22  <b>received</b> [1] - 16:6  <b>recommend</b> [4] - 6:3, 7:2, 9:5, 10:5  <b>recommendation</b> [7] - 6:8, 7:6, 8:10, 9:9, 10:8, 13:1, 13:6  <b>regard</b> [1] - 17:8  <b>regular</b> [1] - 14:13  <b>religion</b> [1] - 17:8  <b>remand</b> [3] - 8:5, 8:10, 12:4  <b>remanded</b> [1] - 13:7  <b>reminder</b> [1] - 18:7</p>	<p><b>Scandinavian</b> [3] - 11:10, 12:5, 12:19  <b>schedule</b> [1] - 20:7  <b>School</b> [1] - 11:19  <b>scrutiny</b> [1] - 15:8  <b>second</b> [3] - 3:10, 15:10, 17:12  <b>Second</b> [8] - 3:11, 6:10, 7:8, 8:13, 9:11, 10:10, 13:9, 17:13  <b>Security</b> [1] - 11:9  <b>see</b> [2] - 5:9, 5:11  <b>seem</b> [2] - 4:6, 14:17</p>
<p><b>packet</b> [1] - 5:8  <b>page</b> [1] - 16:8  <b>Paragraph</b> [1] - 17:4</p>			



<p>Senate [1] - 2:8 sent [1] - 12:20 serving [1] - 15:23 Sethaphong [1] - 11:9 sex [1] - 17:8 shall [1] - 17:5 Sharp [1] - 2:13 SHARP [2] - 9:23, 10:21 Shelby [2] - 1:14, 21:4 Shelbyville [1] - 21:4 ship [1] - 15:13</p>	<p>training [1] - 14:22 trainings [1] - 15:3 transcribed [1] - 21:8 transcript [1] - 21:6 true [1] - 21:5 trying [2] - 15:19, 15:20 twelfth [1] - 18:16 two [2] - 3:23, 18:12</p> <p style="text-align: center;"><b>U</b></p>	<p>Youth [1] - 19:2 youth [1] - 19:3</p>
<p>sixth [1] - 18:16 softball [1] - 17:7 Solutions [1] - 11:8 sorry [1] - 11:18 South [2] - 1:15, 11:5 speaker [3] - 18:18, 19:1, 19:11 speakers [1] - 19:20 staff [1] - 15:20 STAFF [1] - 2:10 start [2] - 14:15, 19:4 started [1] - 14:3 STATE [1] - 1:1 State [5] - 1:13, 6:2, 18:15, 19:10, 21:13 Statehouse [1] - 19:9 stations [1] - 19:5 still [2] - 15:12, 15:22 Street [2] - 1:16, 14:23 Streeter [1] - 6:2 students [1] - 19:4 submitted [2] - 3:21, 14:1 suggest [1] - 5:19 suggestion [1] - 5:22 summary [1] - 14:7 summit [1] - 18:14 Summit [1] - 19:2 supervisor [2] - 14:20, 14:21 support [1] - 20:5 supports [1] - 7:3 switched [2] - 4:5, 4:20 system [2] - 4:6, 4:20</p>	<p>under [1] - 15:8 undersigned [1] - 21:2 unfortunately [1] - 6:20 University [1] - 11:4 unusual [1] - 20:6 update [1] - 14:21 Update [1] - 12:2 uphold [3] - 6:4, 9:6, 10:5</p>	
	<b>V</b>	
	<p>VAC [1] - 11:23 Valley [1] - 16:20 verbatim [1] - 14:4 verse [1] - 10:4 verses [1] - 11:11 versus [16] - 6:2, 7:1, 7:19, 9:4, 11:4, 11:8, 11:9, 11:10, 11:16, 11:19, 11:22, 11:23, 12:4, 12:19, 16:19 Vice [1] - 11:15 Vice-Chair [1] - 11:15 views [1] - 18:14</p>	
	<b>W</b>	
<b>T</b>	<p>wait [1] - 5:19 Washington [2] - 1:16, 9:4 watching [1] - 15:7 Water [1] - 9:5 West [1] - 1:16 William [1] - 1:21 Willow [1] - 7:1 withdrew [1] - 12:11 workers [1] - 19:14 worth [1] - 4:1 Wright [1] - 11:16</p>	
<p>Tawanda [1] - 2:13 ten [1] - 4:8 THE [1] - 1:1 therefore [1] - 12:8 Thereupon [1] - 20:14 third [1] - 15:10 third-look [1] - 15:10 three [2] - 16:8, 19:14 tight [1] - 15:13 tight-ship [1] - 15:13 Tony [1] - 2:7 track [2] - 4:7, 14:17</p>	<b>Y</b>	
	<p>year [11] - 4:9, 4:16, 4:18, 4:21, 18:2, 19:19, 20:2, 20:6, 20:8 year's [1] - 18:12 young [1] - 17:6 Young [2] - 11:5, 19:12</p>	