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BEFORE THE STATE OF INDIANA
CIVIL RIGHTS COMMISSION



- - -

PUBLIC MEETING OF DECEMBER 17, 2010

COPY

- - -

PROCEEDINGS

in the above-captioned matter, before the Indiana
Civil Rights Commission, David C. Carter,
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 South, Conference Center, Room A, 402 West
Washington Street, Indianapolis, Indiana, on
Friday, December 17, 2010 at 11:18 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:

David C. Carter, Chairman
Alpha Blackburn
Steven A. Ramos
Barry Baynard
Charles D. Gidney

INDIANA CIVIL RIGHTS COMMISSION
By Jamal Smith, Director/Secretary
& Joshua Brewster, Dep. Director
Indiana Government Center North
100 North Senate Avenue, Room N103
Indianapolis, Indiana 46204
On behalf of the Commission.

OTHER COMMISSION STAFF PRESENT:

Robert D. Lange
Joan T. Essex
Tawanda Sharp
Ava Taylor
Brad Meadows

- - -

1 11:18 o'clock a.m.
2 December 17, 2010

3 CHAIRMAN CARTER: I'll call the
4 public meeting of the Indiana Civil Rights
5 Commission to order, the monthly meeting for
6 December, that is, and we have a quorum, and so,
7 you have before you the minutes, and may I have a
8 motion to accept them, please?

9 COMM. RAMOS: So moved.

10 CHAIRMAN CARTER: And a second?

11 COMM. GIDNEY: Second.

12 CHAIRMAN CARTER: All in favor?

13 COMM. BAYNARD: Aye.

14 COMM. RAMOS: Aye.

15 COMM. GIDNEY: Aye.

16 CHAIRMAN CARTER: Aye.

17 Ms. Essex, the Financial Report, which I
18 believe you also have before you.

19 MS. ESSEX: I have nothing to report.
20 Everything seems to be going along just fine. We
21 are closing in on halfway through the year, and
22 we are on target to meet our reversion, and I'll
23 entertain any questions that anyone might have.

1 (No response.)

2 CHAIRMAN CARTER: Hearing none,
3 entertaining or otherwise, we can move on to Old
4 Business. Collier versus Eytcheson. I don't
5 know what that is.

6 MR. BREWSTER: Well, if you will
7 recall, I'm not sure what Commissioner had that
8 case, but they recommended reversing the finding
9 of no cause. That was back in August, I think,
10 sometime.

11 Per our regulation, when that happens, the
12 Respondent's given an opportunity to file
13 objections to the reversal, which they did in
14 this case, and then the file is given back to the
15 Commissioner, to the full Commission, to review,
16 including those objections, and then the
17 Commission needs to vote on whether or not to
18 reverse the finding of no cause, and that vote
19 would be made without the participation of the
20 original Commissioner who reviewed -- who
21 recommended the reversal.

22 CHAIRMAN CARTER: Okay.

23 MR. BREWSTER: Again, I don't recall

1 who that Commissioner was.

2 COMM. BAYNARD: Actually it was me.

3 MR. BREWSTER: Okay.

4 COMM. BAYNARD: I thought we dealt
5 with this at the last meeting, but apparently we
6 didn't go through the right procedure.

7 MR. BREWSTER: Yeah. I'm --

8 COMM. BAYNARD: I was having a hard
9 time figuring out what -- who was this case?

10 MR. BREWSTER: This was the one where
11 the Complainant had attempted to rent a home, and
12 she was -- well, ultimately denied the ability to
13 rent the home, and it was rented to a Caucasian
14 tenant instead. That was -- that was basically
15 the facts of the case. But the Respondent in
16 that case claimed that -- do we have the file?

17 (Discussion off the record.)

18 MR. BREWSTER: Okay. Well, I don't
19 know if you want to get the file and review it.
20 I mean I don't know how that works, but --

21 CHAIRMAN CARTER: Yeah.

22 MR. BREWSTER: -- the whole
23 Commission is supposed to vote on whether to

1 reverse that notice.

2 CHAIRMAN CARTER: Okay. I don't
3 recall seeing the file, either last month or
4 this.

5 MR. BREWSTER: Yeah, I think the only
6 one that's seen it is Mr. Baynard --

7 CHAIRMAN CARTER: So, if we could
8 have it --

9 MR. BREWSTER: -- and he recommended
10 reversing and making it a probable cause based
11 upon the evidence.

12 CHAIRMAN CARTER: If we could have it
13 in January and then --

14 MR. BREWSTER: Okay.

15 CHAIRMAN CARTER: -- review it and
16 talk about it next month --

17 MR. BREWSTER: Okay.

18 CHAIRMAN CARTER: -- perhaps with a
19 note reminding everyone or telling everyone why
20 we are getting the case.

21 MR. BREWSTER: Okay. We will do
22 that.

23 CHAIRMAN CARTER: Okay.

1 COMM. RAMOS: Does a hearing usually
2 accompany that process, then, or no?

3 (Comm. Blackburn arrived.)

4 MR. BREWSTER: Not unless somebody
5 asks for a hearing, like in the past, but we
6 have -- like I said, since the -- Mr. Baynard
7 made his recommendation, the Respondent has
8 submitted their objections to reversing those
9 finding, so those need to be considered.

10 COMM. BAYNARD: Now, the next step,
11 if the whole Commission agrees to reverse, the
12 next step is a hearing?

13 MR. BREWSTER: Right, it would go to
14 Judge Lange then.

15 CHAIRMAN CARTER: Well, we've been
16 joined by our Chairperson, who I offered to pass
17 the gavel back to, and she denied, so I will
18 continue.

19 (Laughter.)

20 CHAIRMAN CARTER: Have we any New
21 Business?

22 (No response.)

23 CHAIRMAN CARTER: Okay. And we

1 appear not to have Consent Agreements or Findings
2 of Fact, Conclusions of Law and Order, which will
3 take us to the Report by Commissioners on
4 Complaint Appeals, and the first one is mine,
5 Stone versus Dash, and I recommend that we uphold
6 the -- I've forgotten the word for Housing. It's
7 not no probable cause, but no --

8 MR. LANGE: Reasonable.

9 CHAIRMAN CARTER: Reasonable cause;
10 okay -- the finding of no reasonable cause. May
11 I have a motion to accept that recommendation?

12 COMM. GIDNEY: So moved.

13 CHAIRMAN CARTER: And a second?

14 COMM. BAYNARD: Second.

15 CHAIRMAN CARTER: All in favor?

16 COMM. BAYNARD: Aye.

17 COMM. BLACKBURN: Aye.

18 COMM. RAMOS: Aye.

19 COMM. GIDNEY: Aye.

20 CHAIRMAN CARTER: Aye.

21 Any opposed?

22 (No response.)

23 CHAIRMAN CARTER: Okay.

1 Comm. Gidney, you have cases.

2 COMM. GIDNEY: Okay. In the case of
3 Jones versus CSL Plasma Services, Inc., my
4 recommendation is that we uphold the finding of
5 no probable cause.

6 CHAIRMAN CARTER: Okay. May I have a
7 motion to accept that recommendation?

8 COMM. BLACKBURN: So moved.

9 CHAIRMAN CARTER: And a second?

10 COMM. RAMOS: Second.

11 CHAIRMAN CARTER: All in favor?

12 COMM. BAYNARD: Aye.

13 COMM. BLACKBURN: Aye.

14 COMM. RAMOS: Aye.

15 COMM. GIDNEY: Aye.

16 CHAIRMAN CARTER: Aye.

17 Any opposed?

18 (No response.)

19 CHAIRMAN CARTER: Thank you.

20 And you have another case.

21 COMM. GIDNEY: Okay. In the case of
22 Bullock versus Cardinal Ritter High School, my
23 recommendation is that we reverse the finding of

1 no probable cause.

2 CHAIRMAN CARTER: And may I have a
3 motion to accept that recomm -- oh, do you have a
4 reason for --

5 COMM. GIDNEY: Yeah. In reviewing
6 the case, I felt that some of the things that the
7 mother was saying in regards to how she felt the
8 daughter was treated, I felt like there was some
9 basis to some of the allegations that were being
10 made.

11 Just to bring everybody up to speed, this
12 was a case in which a young lady -- she was a
13 basketball star at Cardinal Ritter,
14 African-American young lady. In her senior year
15 she was cut from the varsity squad, and the
16 mother had the allegation that she believed that
17 it was based on race, ethnicity or whatever.

18 And as I read through the case record, the
19 mother had established a pretty reasonable line
20 of communication with the school, and the school
21 claimed that their decision was not based on
22 ethnicity, it was based on the behavior of the
23 young lady and choices that she made, but yet

1 none of that was communicated with the parent, so
2 it just seemed like as though they were creating
3 a pattern so that they could have potentially
4 excluded her from the team, and that was kind of
5 what I got from it.

6 There was documentation that showed that
7 they had conversations with the student, but
8 after the parent had overextended herself to
9 establish a line of communication with the
10 school, it just seemed glaring that for whatever
11 reason there was no effort on the part of the
12 school to inform the mother that the daughter was
13 making decisions that could have potentially
14 endangered her spot on the team.

15 And again, this was not just an average
16 player. There was plenty of case information as
17 it relates to her being recognized through the
18 state for playing basketball exceptionally well
19 for the team, so just to suddenly have her off
20 without any rationale just -- I won't say without
21 any rationale; without any communication with the
22 mother after the mother had overextended herself
23 to have a line of communication with the school,

1 it just kind of threw up a red flag.

2 If there had been any effort on the part
3 of the school to communicate with the mother, I
4 might have looked at it a little differently.

5 CHAIRMAN CARTER: Okay. Thank you.

6 COMM. GIDNEY: Uh-huh.

7 CHAIRMAN CARTER: May I have a motion
8 to accept the recommendation to reconsider the no
9 probable cause finding?

10 COMM. BAYNARD: So moved.

11 CHAIRMAN CARTER: And a second?

12 COMM. RAMOS: Second.

13 CHAIRMAN CARTER: All in favor?

14 COMM. BAYNARD: Aye.

15 COMM. BLACKBURN: Aye.

16 COMM. RAMOS: Aye.

17 COMM. GIDNEY: Aye.

18 CHAIRMAN CARTER: Aye.

19 Any opposed?

20 (No response.)

21 MR. BREWSTER: And just for the
22 record, so that will go through the same process.
23 The Respondent will be given an opportunity to

1 file objections, and then we'll come back again
2 for consideration of the whole Commission.

3 CHAIRMAN CARTER: But there's now on
4 the record the grounds for --

5 MR. BREWSTER: Right.

6 CHAIRMAN CARTER: -- whatever the
7 facts remain. Thank you.

8 And we apparently have no appeals to
9 assign to Commissioners. It's a Christmas
10 present, or holiday present, depending on your
11 level of political correctness.

12 The Administrative Update, then, please.

13 MR. BREWSTER: Well, I don't know if
14 Jamal had anything he wanted to share in
15 particular. I can just say that we have
16 continued our journeys around the state, meeting
17 with local agencies.

18 We were up in Fort Wayne -- well, I guess
19 since last time, last Commission meeting, we went
20 to Gary, East Chicago, Hammond, met with those
21 agencies; also met with some other individuals in
22 Gary. We've been up to Fort Wayne last week, and
23 then so basically where -- we have to get up to

1 South Bend, Elkhart, Goshen, Michigan City,
2 Anderson, and that will about conclude our tour.

3 But those meetings have been going well,
4 have been fairly receptive, although I think
5 there's still a little of -- oh, I don't know,
6 skepticism on the part of some locals, a little
7 apprehension or -- I think some people perceive
8 us as maybe threatening their existence or their
9 federal contracts or somehow -- we've tried to
10 dispel those fears, but, you know, I don't know.
11 We'll see how it goes.

12 But as the new year comes in, we'll kind
13 of solidify these arrangements with some
14 memorandums of understanding with all of these
15 agencies about how we will cooperate in providing
16 education and outreach and how they might refer
17 complaints to us that lie outside of their
18 jurisdictions.

19 Other than that, when we were up in
20 Fort Wayne, actually we met with a superintendent
21 of the East Allen County Schools. We're dealing
22 with an issue that's been brought to our
23 attention up there, a complaint having actually

1 been filed by eight separate parents involving a
2 reorganization of that school district.

3 (Mr. Smith arrived.)

4 MR. BREWSTER: And some of the
5 parents believe there is possibly some disparate
6 impact on a particular high school that is
7 majority African-American, so we're going to
8 investigate that complaint, and at the same time
9 we're trying to work cooperatively with the
10 school district and the parents and see if we
11 can't come to some understanding or way of going
12 forward during this reorganization of the
13 district to make things a little more transparent
14 for the parents. I think there's just maybe a
15 lack of understanding about what's going on.

16 But I see Jamal is here.

17 Do you want to -- I was just giving them a
18 briefing on our state tour and kind of the East
19 Allen County thing, and --

20 MR. SMITH: Okay.

21 MR. BREWSTER: Do you want to talk
22 about the strategic plan at all the we've
23 unveiled?

1 MR. SMITH: Yes, first let me
2 apologize for being late. In my other capacity
3 as Commissioner for the Minority Owned Business
4 piece, we had a meeting there, so I do apologize
5 for that.

6 I'm not sure how much Josh dove into the
7 strategic plan. I heard you mentioning the East
8 Allen County bit, which could potentially be a
9 big piece, a heavy load. They had -- we've had
10 some conversations with the Department of
11 Education, we've also had some conversation with
12 the young lady who was originally the one that
13 filed the complaint, had some conversation with
14 the Governor's Office and with some what we would
15 consider to be stakeholders in the Fort Wayne,
16 East Allen County area.

17 And there's a lot of conflicting stories,
18 so I think it's important for us to really take a
19 good look and determine how we want to approach
20 it. One of two things could happen. I mean
21 obviously we have to investigate the charge. The
22 problem with a charge like that is I think it
23 would be very, very difficult to prove that they

1 knowingly discriminated against anything, because
2 it's basically going to come back to funding.

3 And so, on one hand, obviously the
4 Complainant is arguing that the district didn't
5 allocate or didn't take into consideration the
6 needs of this particular school and therefore
7 allocate enough funds. The district, in turn, is
8 obviously going to say, "Well, you know, number
9 one, that school got more funding than any other
10 school in the district, first of all.

11 "Second of all, there is no more funding.
12 There was ten dollars in the pot. They got six
13 of it. They got more than anybody else. There's
14 no more funds that we have. We're open to you
15 giving us greater ways to find funding, but in
16 terms of the funding issue, it's not our
17 problem."

18 So, what -- so, in preliminary discussion,
19 what we've kind of come up with is that we think
20 a large part of our focal point should probably
21 be not so much the closing of the school, per se,
22 but -- and this is not concrete; we could
23 definitely go back on this -- but one important

1 piece will be the divergence of the kids out of
2 school, because it's the only African-American
3 school; the other schools are primarily
4 Caucasian. And in addition to that, they have a
5 history of some racially charged incidents that
6 have happened at that school.

7 MR. BREWSTER: But just so you know,
8 I didn't point out what that -- the
9 reorganization, so you understand, involved --
10 there's five high schools --

11 MR. SMITH: Yes.

12 MR. BREWSTER: -- in the district.
13 The plan involves closing the one and only
14 minority school and moving those kids to the
15 other four schools, the school of their choice.

16 MR. SMITH: Right.

17 MR. BREWSTER: So, that's what he's
18 referring to there.

19 MR. SMITH: Right, five high schools.
20 One's not all African-American, and then like 20
21 percent from east, and then 10 percent somewhere.
22 Then the other schools are 90 percent Caucasian,
23 the other four, and those four, a couple of those

1 four have a history of nooses found in some
2 lockers, racial epithets being tossed around at
3 kids during athletic events, so on and so forth.
4 So, there's some concern there, some legitimate
5 concern, from the parents in that regard.

6 Also, too, kids would have to be bussed out
7 to outside of their community into some other
8 communities. We sat down with the
9 superintendent, and one of the things she said
10 was -- you know, we asked the superintendent
11 to -- you know, "What course are you taking?
12 Give us your side of this."

13 And she says, and I -- well, I wish I
14 could give it verbatim. She goes on to say how
15 many other schools are going to be closed. It's
16 not the only school. It's the only high school,
17 but there are other schools in the district. She
18 wanted to use the basis that they are organizing
19 the district comprehensively, right, to
20 consolidate and save money.

21 And she says, "So, these aren't the only
22 kids that'll have to find another school to go
23 to, and changing schools, you know, it causes

1 angst, you know, no matter when it happens," and
2 so forth. And my response to her was, "Yeah,
3 that's fine, but that's apples to oranges,
4 because the other schools, number one, are not
5 high schools."

6 The other schools are also primarily
7 white, so even if they're going to another
8 high -- or another middle school or elementary
9 school, they're entering into an environment
10 that's very similar, if not identical, to the one
11 that they left, whereas the kids in this
12 all-black school, number one, they have to change
13 schools -- angst.

14 Number two, when they do change schools,
15 they'll be going into a school that looks
16 completely different from where they came from.
17 Not to mention that they'll have to leave their
18 community as a whole to be bussed into a
19 community that is -- the history has shown may
20 not be very welcoming.

21 Now, I will say that one of the things --
22 she had some other folks in the meeting that said
23 some of these historical events that we mentioned

1 may be hearsay and that there hasn't been any
2 validity to it. Now, that's where the
3 investigation things would come in.

4 So, that's just kind of an update on that
5 piece, let you know the thought process that
6 we've put into this. We thought it was such a
7 complex issue from a local standpoint. Number
8 one, our first response to them -- they wanted me
9 to draft a director's initiated complaint, and I
10 said no, we wouldn't do that because, you know, I
11 don't want to set a precedent where we're just
12 completely jumping into a local issue.

13 They were voting on some property tax
14 pieces and some other things. I said, "That's a
15 local issue, but if you have some individual
16 complaints, let's protocol -- you file those, and
17 we'll definitely look into those." And then that
18 kind of snowballed into where we sit today. So,
19 that's that case. It's kind of a stay tuned on
20 that front.

21 A part of that is the strategic plan, and
22 I've mentioned this in some of the meetings that
23 we had before, and one of the things, in the

1 midst of just a conversation, I wanted to make
2 sure that we put something together that gave us
3 kind of a game plan, a road map, as to where
4 we're going.

5 Our focus areas -- obviously I won't go
6 over this entirely -- I'll give you guys at the
7 next meeting. Obviously, you'll have an
8 opportunity to approve it, and then we can carry
9 on some discussion at that next meeting. But our
10 focus areas being housing, employment, and then
11 our new one, education, or equal access to
12 education, as a major part of our time, three of
13 the branches we'll be taking on.

14 Our primary focuses are, number one, to
15 rebrand and reposition the agency so that we
16 increase or statewide presence, so as a result --
17 and I'm sure Josh has kind of alluded to this --
18 we've actually been out and covered, I would say,
19 a good three-fourths of the state so far. We've
20 done New Albany, Jeffersonville area, we've done
21 Columbus, Bloomington, we've been down to Terre
22 Haute, Evansville, we've done East Chicago,
23 Hammond, Gary area, we've done Fort Wayne. Josh

1 did a solo trip to Muncie, I believe --

2 MR. BREWSTER: Uh-huh.

3 MR. SMITH: -- and spoke to directors
4 there. And the initiation of all of those trips
5 was obviously our conversation with the heads of
6 all of the human rights consortiums at local, and
7 in addition, to all of the stakeholders, whether
8 it's the NAACP's or the Urban Leagues, Housing
9 Authority, so on and so forth, anyone who might
10 have a vested stake in any one of our focus
11 areas, including the chambers of commerce.

12 As it stands, there are a lot of private
13 sector companies and corporations that have a
14 vested interest in the area of education, and
15 when we have a conversation with school districts
16 and administrations about lack of funding, you
17 know, our message is that we wanted our folks in
18 the community to actually provide the services
19 that you're looking to fund already, so that may
20 mitigate expenses.

21 And then part two, there's other capital
22 resources that you can tap into, versus the tax
23 dollars that are obviously limited at this time.

1 And so, that outreach.

2 And then the outcome for those will be
3 like to establish MOU's with each of the local
4 human rights consortiums and basically set up an
5 agreement and a process that says we'll come
6 down, provide research -- or not research,
7 outreach and education -- to basically -- and in
8 some cases, strictly on what you do. For
9 example, in Terre Haute, they have no
10 authoritative powers, they have no contracts,
11 their resources are limited, so we can go down
12 and basically give those people what we do.

13 And in exchange, with that education and
14 outreach and collaboration with the Jeff Cord,
15 who is the director there, we increase our
16 presence in Terre Haute. So, we'd like to take
17 that model and kind of -- obviously MOU's are
18 different, depending on what city you go to.

19 Like, for example, Fort Wayne is
20 completely different from Terre Haute in that
21 Fort Wayne does have federal contracts and has
22 more resources than Terre Haute, and so then the
23 outcome becomes a series of events and outreach,

1 things that are listed in here that we'd like to
2 accomplish in the next 12 months.

3 We broke it down from what I consider to
4 be the short-term goals and objectives, some
5 mid-terms, and then some long-terms, which would
6 ultimately be an assessment of years past of
7 cases we've done and basically assess whether
8 they've been effective or not, whether we need to
9 be face to face.

10 And the last thing I'd like to mention, in
11 doing so, one of the first pieces that we wanted
12 to do -- and I don't know -- did you distribute
13 these?

14 MR. MEADOWS: Yes, there is a copy.

15 MR. SMITH: -- is establish what we
16 want to be our -- you know, we need to establish
17 a baseline metric, so that we won't be spinning
18 our wheels. So, you know, some of our primary
19 concerns, although anecdotal, we found out that,
20 you know, if we were to have some conversations
21 with the lay person on the street and ask them
22 what the Civil Rights Commission is or does, that
23 most would have absolutely no clue.

1 So, you know, this survey that we wanted
2 to send out -- and we've done it, we've put it
3 on-line, there's hard copies, and we wanted to
4 hit everyone from as high as the executive
5 directors of commissions and city administration
6 down to the grass-roots, churches, the Urban
7 Leagues, NAACP's, et cetera, to get a feel for
8 what our presence or lack thereof is in these
9 respective communities.

10 Take that, and that will give us a
11 baseline as to how prevalent we are in each area,
12 which will then give us an idea of how much focus
13 we need to put on, you know, wherever we go. So,
14 assess that information, then resend out
15 something very similar at the end of the year,
16 our long-term piece, figure out what we've done
17 throughout the year that's been effective, or
18 whether we need to re-evaluate what we're doing.

19 So, that's it in a nutshell. Obviously I
20 wanted to give you guys an opportunity over the
21 next month or so to take some time and look it
22 over. If you have any questions at any time,
23 feel free -- and if you have any questions now,

1 I'll definitely field some of those.

2 COMM. GIDNEY: I have a quick
3 question.

4 MR. SMITH: Yeah.

5 COMM. GIDNEY: You guys talked about
6 the situation with the high school and the
7 potential culture of the predominantly
8 African-Americanized school, but I didn't get --
9 I may have missed it -- but what city is that
10 situation taking place?

11 MR. SMITH: It's in East Allen
12 County, which is right outside of Fort Wayne, and
13 I don't know what city that falls in.

14 MR. BREWSTER: Well, there's several
15 towns, New Haven.

16 MR. SMITH: New haven.

17 COMM. GIDNEY: Okay.

18 MR. BREWSTER: I think there's some
19 other little towns kind of right outside of
20 Fort Wayne, but --

21 MR. SMITH: Just outside of the new
22 addition in Fort Wayne is the civil rights
23 consortium.

1 COMM. GIDNEY: Uh-huh.

2 MR. SMITH: So, they conveniently,
3 you know, passed the buck on that.

4 COMM. GIDNEY: Okay.

5 MR. SMITH: So, East Allen County is
6 the -- sorry, I don't know the name of the --

7 COMM. GIDNEY: Oh, that's okay.

8 MR. SMITH: -- of the city.

9 COMM. GIDNEY: And in terms -- I'm
10 sorry. In terms of the visits with the
11 respective civil rights agencies within the
12 different cities that you've visited, have any of
13 them had issues with regard to getting funding
14 from the municipality that they're based in or --

15 MR. SMITH: Many of them do.

16 COMM. GIDNEY: Okay.

17 MR. SMITH: Gary is having a huge
18 issue. We haven't made it out to Richmond yet,
19 but we've already found out they got theirs
20 pulled and they're done, and an interesting note
21 to cite about that one, it's funny, because at
22 the -- by default, we're part the Human Rights --
23 Indiana Human Rights Consortium, which, you know,

1 we've talked about that, so I'll reserve comment
2 on that one.

3 He mentions that they were getting the
4 funding pulled and wanted us, the state agency,
5 to make a case for him, in order to make a case
6 to their city-county council on behalf of them,
7 that the services that they provide -- and I
8 think I mentioned this at the last meeting --
9 that the services that they provide were not a
10 duplication of services, which is what the
11 city-county council was arguing --

12 COMM. GIDNEY: Uh-huh.

13 MR. SMITH: -- on their basis for
14 pulling the funding; right? Which I told him I
15 would be do that because it was duplication of
16 services and I would not lie. Then after the
17 fact we had a conversation and I told him, I
18 said, "I think your focus -- you know, your
19 shot's good, but your aim is just off." And so,
20 he's focusing on the duplication of services, but
21 that's not the case. You are relevant, and your
22 relevancy becomes as -- and this should -- on
23 behalf of the agency, this should have happened

1 before. There should have been relationships
2 with these local agencies prior to this.

3 COMM. GIDNEY: Uh-huh.

4 MR. SMITH: Because what happens is,
5 we are a state agency, but we're relatively small
6 compared to a lot of the others; right? We can't
7 be everywhere all of the time. But they're
8 already there. They are our eyes and ears on the
9 ground, and that's where they become relevant.
10 The people within their communities have a face
11 and a place to put to the issues that they have,
12 and that's another incidence that they care.

13 And what I told them, my message to all of
14 the locals when we were at the meeting, was where
15 we sit, we want to come out -- you know, my
16 mission now that I'm here is to make sure that we
17 get out, establish those relationships, and where
18 you fall short from a resource standpoint, we can
19 provide a lot of those, especially in the areas
20 of outreach and education, which ultimately
21 strengthens you, either financially or from a
22 human capital standpoint, and gives you a little
23 bit more teeth in a lot of cases where you

1 wouldn't have that.

2 And so, you can make your case to your
3 city-county council at that point as, "We're the
4 eyes and ears for the local." You know, our
5 people here in Richmond, for example, they don't
6 know Jamal Smith in Indianapolis. You know,
7 they're the state, but they know me here, and
8 they have a place they can come to here locally.

9 And as a result, we kind of mitigate the
10 issues of the local businesses and the
11 landowners, because we also want to focus our
12 concern on them as well, not just on the
13 complainant or not just on the tenant or the
14 employer -- or the employee, but the employer, as
15 well as the landowners as well, with the
16 education, and educate them on the -- you know,
17 the risk of not adhering to the civil rights
18 laws.

19 So, yeah, that's a long-winded way of
20 saying a lot of them are facing some issues, and
21 I take -- not that I was here, but I take
22 responsibility on behalf of the agency. Now, we
23 could have mitigated a lot of the issues that

1 we're having now had these things been done in
2 the past.

3 A large part of the problems that we're
4 running into now, though, is that a lot of them
5 have this possessive thing going on to where
6 they're possessive of their own little thieftoms,
7 and it's almost like, you know -- what's the
8 saying -- bite your nose to spite your face,
9 because they're so possessive of it that they're
10 losing the sight of we, as a state agency, can be
11 of help to them.

12 So, they're a little resistant. You know,
13 they're a little resistant to us coming in, and
14 so, you know, we've been trying some creative and
15 collaborative conversations to say it, but we're
16 not here to step on them. And this is mainly the
17 ones that have the contracts, however small they
18 are, with either HUD or EEOC, but we're not here
19 to interfere with any of your contracts or
20 agreements, we don't want to take away any of
21 your cases. We want to strengthen you. We want
22 to help you spend less money or resources on the
23 outreach and education issue and increase your

1 presence.

2 In addition, what I tell them is that, you
3 know, you have jurisdiction over your little
4 city. There are some counties that surround you
5 that are full of people who never get service,
6 and because it's outside your jurisdiction, these
7 people have no recourse. We're here to, number
8 one, widen that reach that you have so that those
9 people have services as well; right?

10 And in exchange, those complaints that
11 come in that fall outside of your jurisdiction,
12 yes, we do expect you to send those to us so that
13 we can make sure they are accurately investigated
14 and potentially litigated.

15 COMM. GIDNEY: Uh-huh.

16 MR. SMITH: So, that's been a part of
17 the discussion, but a lot of them, it's just
18 going to take some time. And my end, though, is,
19 you know, whether you like it or not, we're
20 coming, so I advise you to work with us now or
21 for us later, either way. You know, one of the
22 directives we have is that actually we are not
23 just the Indianapolis Civil Rights Commission,

1 but the Indiana Civil Rights Commission, and
2 that's our focus.

3 COMM. GIDNEY: Okay.

4 COMM. RAMOS: A question for you on
5 the strategy pieces. I just had a chance to look
6 through this, but in there you mentioned metrics.

7 MR. SMITH: Yes.

8 COMM. RAMOS: I know that's kind of a
9 baseline on really the overall perspective of the
10 community.

11 MR. SMITH: Right.

12 COMM. RAMOS: And what's their
13 knowledge, and other questions as well. As far
14 as some of your key pieces that are in here, I
15 know you had three key areas. Are you going to
16 set objectives as a part of that as well, or --
17 because you want to cover it all; right, not just
18 what people know of us, but, you know, if it's --

19 MR. SMITH: Yeah.

20 COMM. RAMOS: -- case load, if it's,
21 you know, whatever, education aspects.

22 MR. SMITH: Right.

23 COMM. RAMOS: Are you going to look

1 at that as far as setting base lines as well?

2 MR. SMITH: Well, yes, and we do
3 have -- internally we've set some goals that we
4 have for each unit. One of the reasons that
5 those remain a focus there, though, is because we
6 receive funding and we can do some things.

7 COMM. RAMOS: Right.

8 MR. SMITH: So, for example, HUD just
9 so happens to be the most -- the largest part of
10 our funding, so it would make sense that as we go
11 out, you know, lot of that is given to us to do
12 outreach and education specifically.

13 So, for example, one of the things that we
14 also have funding for, that -- and I had a
15 conversation with the Judge and the legal unit --
16 that we need to reimplement our CLE's that --
17 from what I gather, at one point we used to do
18 and do quite consistently, but here in recent
19 times we have not done that at all.

20 So, in 2011 we'll reinstate that and do so
21 on a minimum of a bimonthly basis, so every other
22 month we'll have a CLE, and one of the things I
23 gave to the staff is that a majority of them have

1 to be outside of the City of Indianapolis. So,
2 the first one, which is in February, we'll make
3 sure that we give you guys as the Commissioners
4 information because, you know having you along
5 would be great.

6 The first one will be in February, which
7 will be here. The last one will be in December,
8 and it will be here. Everything in between will
9 be elsewhere. A case in point, April, which is
10 ironically Fair Housing Month, will be in the
11 Northwest section of the state, hopefully in
12 Gary, which will be ideal. We want to make sure
13 that we're in the heart of the city and the
14 Northwest region.

15 And so, the baseline would be the CLE;
16 right? The biggest portion of the funding would
17 be housing related, you know, so we can take
18 resources via staff and moneys and make sure that
19 we're doing -- bringing keynote speakers.
20 Chicago's there. We're going to have some
21 speakers.

22 So, the biggest portion of it will be the
23 housing related pieces, but in addition, we want

1 to have an education round table and summit, we
2 want to have some employment public accommodation
3 seminars and trainings and so on and so forth,
4 and so, that gives us, by using those three,
5 which is where we get our funding from, that
6 gives us an opportunity to address, especially
7 when we do outreach and education, everything.

8 So, all of the information that we send
9 out -- for example, we have to put together --
10 when we're gearing up to go into a city or a
11 region, we want to make sure that we send out
12 press releases ahead of time and put together --
13 and we had some preliminary conversations with
14 all of the staff here to go through all of this,
15 so we want to leverage and be as efficient with
16 the resources that we have as we can.

17 So, for example, historically this agency
18 has sponsored the Indiana Black Expo to the tune
19 of, I think, 15K per year. As a result, what we
20 got in return was a table at a luncheon and a
21 booth to sit in at the Expo. In my opinion, that
22 was a bad use of funds.

23 So, I had at conversation with the

1 President, or the Director, Tanya Bell, of IBE,
2 and I said, "Look, we love what IBE is doing, the
3 mission, and we want to continue to support it,
4 but we need more ROI and more return on the 15K
5 that we give."

6 So, one of the things that we want to
7 leverage are the chapters that they have locally,
8 and as go out and do our outreach and our housing
9 and things, then we can leverage those
10 relationships, as well as they have videos, they
11 also have Latino videos, to relationship with
12 them, and they can help us put together some
13 video PSA's; right, both in Spanish and in
14 English.

15 And so, as we gear up to go into a city or
16 a region, you know, we send out our PSA's, we
17 submit our PSA's, press releases and things of
18 that nature, and those pieces of media will
19 address everything that we cover so that we
20 get -- ideally we want to pull in the bang for
21 the buck, as many people from within that
22 community as we can potentially bring in. Does
23 that make sense?

1 COMM. RAMOS: Yeah.

2 COMM. BLACKBURN: Yeah. Let me
3 suggest to you that -- and maybe you've already
4 made plans to do so --

5 MR. SMITH: Yes, ma'am.

6 COMM. BLACKBURN: -- but we've found
7 in our -- over the years, our efforts to do
8 outreach in locations around this state --

9 MR. SMITH: Uh-huh.

10 COMM. BLACKBURN: -- that there's low
11 attendance and participation despite those kinds
12 of efforts that you've just explained --

13 MR. SMITH: Okay.

14 COMM. BLACKBURN: -- by way of media
15 and that sort of thing, that you might partner
16 with local organizations and their regular
17 meeting times or regular events or special events
18 so that you become an adjunct to their already
19 set program, a feature on something that is
20 already well established and there will be
21 attendance guaranteed --

22 MR. SMITH: Already.

23 COMM. BLACKBURN: -- for the event so

1 that you don't have to start at ground zero with
2 each one of these presentations. And --

3 COMM. GIDNEY: Uh-huh.

4 COMM. BLACKBURN: -- on that, once
5 the schedule is set, that you also allow for
6 Commissioners to have those dates on their
7 calendars, so when and if they can be in
8 attendance at those events, they can bolster the
9 efforts and heighten the import of what we're
10 trying to do.

11 MR. SMITH: I agree wholeheartedly,
12 and that has been a lot of the premise, that I
13 didn't want to recreate the wheel, which is a
14 large reason why we started out sort of reaching
15 out to all of these organizations. It's -- one
16 of the fears is to go into an empty room after
17 we've poured so much effort and resources into
18 it.

19 So, I agree wholeheartedly the idea is to
20 find an event or a meeting or something that's
21 already going on and hopefully just beef it up
22 and add more to it. So, we'll definitely take
23 that and make sure that we do a better job of

1 getting information out to you guys as well.

2 CHAIRMAN CARTER: Are there any
3 further questions, comments, observations?

4 COMM. BLACKBURN: Nothing of real
5 importance except that I want to make an
6 administrative request, that I get my reports by
7 snail mail and then printed. I appreciate the
8 effort of the agency to try to cut back on paper
9 and printing and mailing and those kind of costs,
10 but you transfer it to my office and my
11 secretary's going to complain.

12 So, I don't know how that affects the
13 other Commissioners, but to the extent that you
14 need to have your reports mailed to you rather
15 than sent by e-mail, the request should be made
16 to you or to whom?

17 MS. SHARP: To me. I will do that.

18 COMM. BLACKBURN: Thank you kindly.

19 MR. SMITH: Actually, Tawanda won't
20 be -- right now she will, but that will transfer
21 soon. We'll work that out. If -- and one of the
22 reasons -- and I cut that out and I'll take
23 responsibility for that, and one of the reasons

1 we did it is because, as I gathered, we were
2 printing them twice.

3 And so, we can definitely get them to you
4 guys, print them up and send them ahead of time
5 and make sure you have them, everyone who wants
6 them that way. We just wanted to do that, but
7 that's no big deal. We just have to make sure we
8 have them here. Does that just -- does anybody
9 else want them ahead of time, hard copy?

10 CHAIRMAN CARTER: E-mail's fine with
11 me.

12 COMM. BAYNARD: I've asked that
13 Tawanda send them to me. I think this is the
14 second month.

15 MR. SMITH: So, you want a hard copy
16 as well?

17 COMM. BAYNARD: Yes, and I really
18 don't need to have a hard copy here in front of
19 me when I get here. I can bring mine from home.

20 MR. SMITH: That's what I would -- I
21 mean yeah, that's perfect, I think that would be
22 perfect. Okay. We'll definitely do that.

23 CHAIRMAN CARTER: Any more?

1 COMM. BLACKBURN: Well, in fact we
2 know you've been working hard because you haven't
3 been around. We've missed you.

4 MR. SMITH: Yeah, I know. I'm sorry
5 about that.

6 COMM. BLACKBURN: That's all right.

7 MR. SMITH: I think last time we were
8 actually -- the last Commission meeting we were
9 traveling, I know we took a trip down south. So,
10 thank you guys for the time.

11 CHAIRMAN CARTER: Thank you.
12 Actually I could say that in the last month, the
13 name of the Commission has come up twice, once at
14 the Governor's Disability Conference, where Doris
15 from Gary came up to me, recognized me from
16 something, and then apparently the City of
17 Bloomington was asked for -- to fund a busload of
18 kids for MLK activities or something by the
19 Commission, and so I -- in almost 20 years, I
20 don't think a month has gone by that the name has
21 come up once, never mind twice, so you must be
22 doing something right.

23 MR. SMITH: We would like to

1 interject -- and I apologize -- have we touched
2 on MLK events?

3 COMM. RAMOS: (Shook head no.)

4 MR. SMITH: Okay. We will forward
5 that information to you guys. At least
6 preliminarily we're still trying to tie up loose
7 ends. As you know, the responsibility of putting
8 on the event falls on the Commission, although
9 there is an MLK Commission statutorily
10 responsible for that. So, that being said, we
11 kind of wrapped our arms around the event, and
12 Ava -- and have you officially been introduced?
13 I know I'm late, so a part of this -- and I
14 apologize.

15 MS. TAYLOR: No, I haven't.

16 MR. SMITH: Well, then let me
17 officially introduce you guys to our new outreach
18 and event coordinator, Ms. Ava Taylor.

19 MS. TAYLOR: Hi.

20 COMM. BLACKBURN: Good morning, and
21 welcome.

22 MR. SMITH: She is and will be --

23 MS. TAYLOR: Thank you.

1 MR. SMITH: She is and will be
2 responsible for coordination of -- as we kind of
3 get out -- the outreach, but in addition, all of
4 the events and things we put on, including our
5 monthly Commission meetings, we want to make sure
6 that we strengthen up these local fields.

7 I say that to say that the MLK event is
8 probably our first significant -- will be our
9 first significant event in 2011. The scheduled
10 date for it -- and again, we'll send this
11 information to you guys -- will be Thursday,
12 January 13th, which is the Thursday prior to the
13 actual holiday.

14 The idea for that was that because of the
15 holiday, many people take off on Friday. Number
16 two, we didn't want to require anybody on than
17 Monday to do something on the actual holiday.
18 It's a two-part event, just like normal. We have
19 an early piece for the young folks. That will be
20 at the State Museum. Rodney Lomax at the State
21 Museum has done a really good job of working with
22 us on that.

23 We're looking at -- hopefully we'll get up

1 to 500 kids. I think the last report, we were
2 around 200-something kids coming. So, we'll feed
3 the kids, they'll have -- and then the anchor
4 event that morning, there's a two-man show. I
5 forget what it's called, but the focus is Abraham
6 Lincoln and --

7 MS. TAYLOR: Frederick Douglass.

8 MR. SMITH: -- Frederick Douglass,
9 and it's kind of a precursor to conversations
10 that they would have had about slavery and so on
11 and so forth, so it'll give the kids kind of a
12 snapshot about what that looks like.

13 In addition, too, they have a theatre
14 there at the Museum, and the kids will get a
15 chance to watch an MLK documentary piece, so
16 they'll do that, they'll eat, see the show, and
17 then that will take up the morning, and they're
18 welcome to come over, obviously, to the
19 Statehouse, which is where -- I'm starting to
20 call it the adult part of the day.

21 It's where we'll have -- we'll hand out
22 four awards, which we're still tying up loose
23 ends on the four recipients. I decided -- I

1 guess historically we gave two or three or four
2 awards per award away. I cut that down. One
3 person per award will get an award at the time of
4 the event, so we'll let you know who those
5 recipients are.

6 And tentatively scheduled as the keynote
7 speaker, Tom King --

8 MS. TAYLOR: Tim King.

9 MR. SMITH: -- Tim King of Urban Prep
10 Academy out of Chicago, that's the school where
11 they graduated a hundred percent -- it's an
12 all-boys school, all African-American. They
13 graduated a hundred percent of their class, and a
14 hundred percent are -- have been accepted and are
15 going to four-year institutions or college. And
16 we've invited him to come in as the keynote, the
17 focus being on education, equal access to an
18 education. That's the best use of our time, and
19 he'll be the anchor of the event.

20 So, those are the basic details for that,
21 and we'll make sure that we get a report out to
22 you guys, including a slide low for the strategic
23 plan and the specific information about the MLK

1 events to you guys very soon.

2 And we welcome again Ava Taylor, and I
3 think this is the first time that you guys have
4 had an opportunity to see and/or meet Mr. Brad
5 Meadows, who was here at the last two meetings
6 that I wasn't here to introduce, and he is our
7 communications specialist.

8 And if you've checked our Web site any
9 time lately, it is actually up to date and we
10 have moved into at least 2010, and he's done a
11 fantastic job of providing the meeting and
12 communication and things that we're working on as
13 well.

14 So, thanks again.

15 MS. TAYLOR: If I may, excuse me.

16 CHAIRMAN CARTER: Yes.

17 MS. TAYLOR: I'd like to just add an
18 administrative note, and, of course, you'll get
19 this in writing. Mr. Smith indicated we will be
20 traveling to Northwest Indiana in April, and as a
21 result of that, we needed to change the April
22 meeting date because we wanted to meet there
23 the 28th and 29th. So, the new Commission

1 meeting date for April will be Thursday,
2 April 21st, 2011. It will still be in this
3 location, we but we moving to Rooms -- Conference
4 Rooms 4 and 5.

5 CHAIRMAN CARTER: Okay. I hope we
6 can handle such drastic changes, a different day
7 and a different place.

8 (Laughter.)

9 MS. TAYLOR: You don't know if you
10 can handle that, huh?

11 CHAIRMAN CARTER: Well, you know,
12 like the cattle, we'll all come to the gate like
13 an hour before to get let through the barn to be
14 fed, and if you feed them somewhere else, they
15 don't know what to do.

16 (Laughter.)

17 MR. SMITH: The only other thing I
18 want to toss out is having a Commission meeting
19 actually in Gary in conjunction with kind of
20 that --

21 MS. TAYLOR: I call it a road show.

22 MR. SMITH: -- event, and we are
23 having it northwest, but, you know, I know you

1 guys travel from different parts of the state and
2 the reason it's always here in Indianapolis is
3 because it's a central location, so if you guys
4 decide that you want to have it up there, I'm
5 sure that can be -- we'll make sure that happens.

6 MS. TAYLOR: Uh-huh. And the date
7 for that -- for the time there in Gary is
8 April --

9 MR. SMITH: 28th.

10 MS. TAYLOR: -- 28th and 29th, that
11 Thursday and Friday, the last Thursday and Friday
12 of the month of April, so if you are interested
13 in traveling there and having the Commission
14 meeting there, we certainly can make
15 accommodations for that to happen. But as it
16 stands now, we're still scheduled for here in
17 Indianapolis, just that change of date and
18 room --

19 CHAIRMAN CARTER: Okay.

20 MS. TAYLOR: -- on the 21st.

21 CHAIRMAN CARTER: For now, we have
22 the winter to deal with, and it's supposed to
23 snow again Monday.

1 Okay. Are there any other announcements
2 or anything?

3 (No response.)

4 CHAIRMAN CARTER: Hearing none,
5 please observe the dates of the upcoming meetings
6 and stay if there are any signatures. I don't
7 know if there are any or not, but don't run
8 off -- well, there are five of us, so one of you
9 can run off.

10 And we are adjourned.

11 - - -
12 Thereupon, the proceedings of
13 December 17, 2010 were concluded
14 at 12:04 o'clock p.m.
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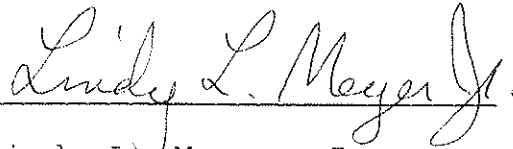
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1 CERTIFICATE

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, December 17, 2010 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 October 27, 2016.
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