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BEFORE THE STATE OF INDIANA
CIVIL RIGHTS COMMISSION

- - -

PUBLIC MEETING OF JANUARY 29, 2010

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,
Room A, 402 West Washington Street, Indianapolis,
Indiana, on Friday, January 29, 2010 at 11:57
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

1 APPEARANCES:

2 COMMISSION MEMBERS:

3 Alpha Blackburn, Chairperson
4 David C. Carter
5 Barry Baynard
6 Tehiji G. Crenshaw
7 Charles D. Gidney

8 INDIANA CIVIL RIGHTS COMMISSION
9 By Joshua Brewster, Dep. Director
10 Indiana Government Center North
11 100 North Senate Avenue, Room N103
12 Indianapolis, Indiana 46204
13 On behalf of the Commission.

14 OTHER COMMISSION STAFF PRESENT:

15 Robert D. Lange
16 Joan T. Essex
17 Victoria Anderson
18 Tawanda Sharp

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1 11:57 o'clock a.m.
2 January 29, 2010

3 CHAIRPERSON BLACKBURN: I want to
4 reconvene the Indiana Civil Rights Commission for
5 its public meeting, and begin with the
6 adoption -- approval and adoption of the meeting
7 minutes in your packet. May I have a motion?

8 COMM. CARTER: So moved.

9 COMM. GIDNEY: Second.

10 CHAIRPERSON BLACKBURN: All in favor?

11 COMM. CARTER: Aye.

12 COMM. BAYNARD: Aye.

13 COMM. CRENSHAW: Aye.

14 COMM. GIDNEY: Aye.

15 CHAIRPERSON BLACKBURN: Aye.

16 Anyone opposed?

17 (No response.)

18 CHAIRPERSON BLACKBURN: Thank you.

19 And now, Joan Essex.

20 MS. ESSEX: You have a financial
21 statement in your packet, hopefully, and I have
22 really nothing to report other than we are
23 halfway through the year and we are about halfway

1 through the money that has been appropriated to
2 us, so we are well on track.

3 With the new accounting system that has
4 come into play, I may be changing the look of the
5 financial statement to reflect the new way in
6 which the accounting system represents the same
7 dollars that -- they use some different
8 terminology, and I'd like to be able to give you
9 more than an actual real-world balance sheet, and
10 I think we're moving closer to that now with this
11 new system.

12 So, I may give you some samples in the
13 next couple of months to see which ones you like
14 better than others and that makes more sense to
15 you. I don't want to give you something that is
16 not easy to read. So, that's really all I have
17 unless anyone has any questions.

18 CHAIRPERSON BLACKBURN: All right.
19 Thank you very much.

20 Any questions?

21 (No response.)

22 CHAIRPERSON BLACKBURN: Is there any
23 Old Business?

1 (No response.)

2 CHAIRPERSON BLACKBURN: Under New
3 Business, I do want to suggest that our next
4 public meeting commence at 11:30 to allow for
5 some time between the executive meeting and the
6 public meeting, knowing that they're all public,
7 really, but it gives us a little bit more time to
8 talk.

9 COMM. CARTER: Would you be making
10 that a blanket recommendation, or only when
11 there's a hearing?

12 CHAIRPERSON BLACKBURN: Well, I
13 suggest it as a blanket recommendation, because
14 it makes it easier for everybody to remember --

15 COMM. CARTER: Okay.

16 CHAIRPERSON BLACKBURN: -- speaking
17 really quite personally.

18 (Laughter.)

19 CHAIRPERSON BLACKBURN: But if that's
20 okay with you. Any differing opinions, express
21 it now. Will it work for you?

22 COMM. TEHIJI: What? I'm sorry.

23 CHAIRPERSON BLACKBURN: Will that

1 work for you?

2 COMM. TEHIJI: Yes, yes.

3 CHAIRPERSON BLACKBURN: Okay. That's
4 like a consent agreement. And now we will
5 consider the Consent Agreements on our agenda.
6 Holman versus City of Portage Parks and
7 Recreation Department. May I have a motion to
8 accept?

9 COMM. BAYNARD: So moved.

10 COMM. CARTER: Second.

11 CHAIRPERSON BLACKBURN: All in favor?

12 COMM. CARTER: Aye.

13 COMM. BAYNARD: Aye.

14 COMM. CRENSHAW: Aye.

15 COMM. GIDNEY: Aye.

16 CHAIRPERSON BLACKBURN: Aye.

17 Anyone opposed?

18 (No response.)

19 CHAIRPERSON BLACKBURN: Thank you.

20 Findings of Fact, Conclusions of Law and
21 Order. The cases are Youngman versus Holiday
22 Health Care Corp., Butler versus Correction
23 Corporation of America. May I have a motion to

1 accept those?

2 COMM. TEHIJI: So moved.

3 COMM. GIDNEY: Second.

4 CHAIRPERSON BLACKBURN: Anyone

5 opposed?

6 (No response.)

7 CHAIRPERSON BLACKBURN: All in favor?

8 COMM. CARTER: Aye.

9 COMM. BAYNARD: Aye.

10 COMM. CRENSHAW: Aye.

11 COMM. GIDNEY: Aye.

12 CHAIRPERSON BLACKBURN: Aye. Thank
13 you. A little backwards there.

14 We'll move now to the Report by
15 Commissioners on Complaint Appeals. The case
16 that I have, Bachelder versus Purdue University,
17 I move that we uphold the finding of no probable
18 cause and ask that I have a motion to accept
19 that.

20 COMM. CARTER: So moved.

21 COMM. GIDNEY: Second.

22 CHAIRPERSON BLACKBURN: All in favor?

23 COMM. CARTER: Aye.

1 COMM. BAYNARD: Aye.

2 COMM. CRENSHAW: Aye.

3 COMM. GIDNEY: Aye.

4 CHAIRPERSON BLACKBURN: Aye.

5 Anyone opposed?

6 (No response.)

7 CHAIRPERSON BLACKBURN: Thank you.

8 Ross versus Mt. Vernon Community School Corp.

9 I'm sorry; I have not had a chance to review it.

10 We'll continue that.

11 Matthew v. Young Meyer, South Bend

12 Corporation [sic] & Economic Development

13 Department, Matthew versus Young Meyer. That,

14 too, we need it.

15 MS. SHARP: I'm sorry?

16 CHAIRPERSON BLACKBURN: I don't have

17 it.

18 MS. SHARP: Okay.

19 CHAIRPERSON BLACKBURN: Nor the next

20 one that's listed.

21 Comm. Carter?

22 COMM. CARTER: Madam Chair, may I ask

23 that if we were going to get to the case we just

1 heard earlier this morning, I think that would be
2 under F., although it isn't on the agenda. Is
3 that something -- I see it's nowhere else on the
4 agenda, so are we going to wait until next month
5 to --

6 CHAIRPERSON BLACKBURN: No, we can --

7 COMM. CARTER: -- process that?

8 CHAIRPERSON BLACKBURN: No, we can do
9 that.

10 COMM. CARTER: Well, in that case, I
11 would like to back up to Item F. on the agenda,
12 Findings of Fact, Conclusions --

13 CHAIRPERSON BLACKBURN: All right.

14 COMM. CARTER: -- of Law and Order,
15 and move that in the case of Bridgewater versus
16 FACES, Docket EDha08100620, I move that the
17 Commission enter an order that denies
18 Respondent's appeal and remands the matter to the
19 Administrative Law Judge for further proceedings,
20 and I have another motion, but perhaps we should
21 act on the first one first.

22 CHAIRPERSON BLACKBURN: May I have

23 a --

1 COMM. BAYNARD: I'll second.

2 CHAIRPERSON BLACKBURN: -- second?

3 And all in favor?

4 COMM. CARTER: Aye.

5 COMM. BAYNARD: Aye.

6 COMM. CRENSHAW: Aye.

7 COMM. GIDNEY: Aye.

8 CHAIRPERSON BLACKBURN: Aye. Thank

9 you very much. And opposed?

10 (No response.)

11 COMM. CARTER: All right. And --

12 CHAIRPERSON BLACKBURN: All right.

13 Thank you.

14 COMM. CARTER: -- I also move, in the

15 case of Bridgewater versus FACES, Docket

16 No. EDrt08110681 -- that's the retaliation one --

17 I move that the Commission enter an order that

18 sustains Complainant's objections, requires

19 Respondent to comply with the subpoena within 30

20 days, and remands the matter for further

21 investigation.

22 COMM. BAYNARD: Second.

23 CHAIRPERSON BLACKBURN: All in favor?

1 COMM. CARTER: Aye.

2 COMM. BAYNARD: Aye.

3 COMM. CRENSHAW: Aye.

4 COMM. GIDNEY: Aye.

5 CHAIRPERSON BLACKBURN: Aye.

6 Anyone opposed?

7 (No response.)

8 COMM. CARTER: All right. Thank you.

9 Now, in the cases of Muumba versus Mailing
10 Solutions, Inc. doing business as Midwest
11 Presort, and in the case of Sethaphong versus
12 Midwest Security Forces, and in the case of
13 Chandler versus Foxconn-Hon Hai Logistics, I
14 recommend that we find -- we support the Deputy
15 Director's no probable cause finding in all three
16 of those.

17 CHAIRPERSON BLACKBURN: May I have a
18 motion to accept the recommendation?

19 COMM. GIDNEY: So moved.

20 COMM. TEHIJI: Second.

21 CHAIRPERSON BLACKBURN: All in favor?

22 COMM. CARTER: Aye.

23 COMM. BAYNARD: Aye.

1 COMM. CRENSHAW: Aye.

2 COMM. GIDNEY: Aye.

3 CHAIRPERSON BLACKBURN: Aye.

4 Anyone opposed?

5 (No response.)

6 CHAIRPERSON BLACKBURN: Thank you.

7 Comm. Baynard?

8 COMM. BAYNARD: Yes, Madam Chair. In
9 the case of Clervoix versus Retirement Living,
10 Incorporated doing business as Marquette Manor, I
11 would recommend to the Commission that we uphold
12 the Deputy Director's finding of no probable
13 cause.

14 CHAIRPERSON BLACKBURN: May I have a
15 motion to accept that recommendation?

16 COMM. TEHIJI: So moved.

17 COMM. CARTER: Second.

18 CHAIRPERSON BLACKBURN: All in favor?

19 COMM. CARTER: Aye.

20 COMM. BAYNARD: Aye.

21 COMM. CRENSHAW: Aye.

22 COMM. GIDNEY: Aye.

23 CHAIRPERSON BLACKBURN: Aye.

1 Anyone opposed?

2 (No response.)

3 CHAIRPERSON BLACKBURN: Thank you.

4 Comm. Crenshaw?

5 COMM. TEHIJI: In the case of Artis
6 versus Wal-Mart and the second case of Thompson
7 versus Joseph Hartsough and Preferred Real Estate
8 Inspections, I move that we uphold the Deputy
9 Director's finding of no probable cause.

10 CHAIRPERSON BLACKBURN: May I have a
11 motion to accept those recommendations?

12 COMM. CARTER: So moved.

13 COMM. GIDNEY: Second.

14 CHAIRPERSON BLACKBURN: All in favor?

15 COMM. CARTER: Aye.

16 COMM. BAYNARD: Aye.

17 COMM. CRENSHAW: Aye.

18 COMM. GIDNEY: Aye.

19 CHAIRPERSON BLACKBURN: Aye.

20 Anyone opposed?

21 (No response.)

22 CHAIRPERSON BLACKBURN: Thank you.

23 Do we have a report from Comm. Garcia?

1 MS. SHARP: No, we don't have a
2 report.

3 CHAIRPERSON BLACKBURN: All right.
4 Comm. Gidney?

5 COMM. GIDNEY: Okay. In the matter
6 of Wright versus Indiana Department of
7 Correction, my recommendation is that we uphold
8 the Deputy Director's finding of no probable
9 cause.

10 CHAIRPERSON BLACKBURN: May I have a
11 motion to accept that recommendation?

12 COMM. TEHIJI: So moved.

13 COMM. BAYNARD: Second.

14 CHAIRPERSON BLACKBURN: All in favor?

15 COMM. CARTER: Aye.

16 COMM. BAYNARD: Aye.

17 COMM. CRENSHAW: Aye.

18 COMM. GIDNEY: Aye.

19 CHAIRPERSON BLACKBURN: Aye.

20 Anyone opposed?

21 (No response.)

22 CHAIRPERSON BLACKBURN: Thank you.

23 COMM. GIDNEY: And in the matter of

1 Powers versus Cathedral High School, my
2 recommendation is to remand for further review.

3 CHAIRPERSON BLACKBURN: May I have a
4 motion to accept that recommendation?

5 COMM. TEHIJI: So moved.

6 COMM. CARTER: Second.

7 CHAIRPERSON BLACKBURN: All in favor?

8 COMM. CARTER: Aye.

9 COMM. BAYNARD: Aye.

10 COMM. CRENSHAW: Aye.

11 COMM. GIDNEY: Aye.

12 CHAIRPERSON BLACKBURN: Aye.

13 Anyone opposed?

14 (No response.)

15 CHAIRPERSON BLACKBURN: Thank you so
16 much.

17 I want to revisit my report on my cases.
18 I'm returning today Ross versus Mt. Vernon
19 Community School Corp., and recommend that we
20 uphold the finding of no probable cause.

21 COMM. TEHIJI: So moved.

22 COMM. GIDNEY: Second.

23 CHAIRPERSON BLACKBURN: Anyone

1 opposed?

2 (No response.)

3 CHAIRPERSON BLACKBURN: Thank you
4 very much.

5 Now we will move to Assignment of Appeals
6 to Commissioners. Comm. Carter, Danielson versus
7 Clarian Health Partners; Comm. Baynard, Davis
8 versus Vogue Cleaners; Comm. Crenshaw, Tucker
9 verses Hatcher; Comm. Gidney, Adams versus
10 Nutriscape; and I'll take the top case, Gaines
11 versus Communication Workers of America, just as
12 they're listed here, and move to an
13 Administrative Update.

14 MR. BREWSTER: Well, Tony didn't ask
15 me to share anything in particular. I guess I'll
16 just share the -- as far as cases processing,
17 we're in pretty good shape. Our caseload's down
18 to a manageable amount, around 350, overall,
19 through the -- all types of cases.

20 Our employment -- our employment
21 contract's actually pretty much been met, what --

22 MS. ESSEX: A hundred and forty-four.

23 MR. BREWSTER: -- six, seven months

1 in advance, so we're good there. The caseloads
2 for employment investigators are down to a
3 manageable amount, which is good, and from the
4 cases I'm reviewing now, we're actually getting
5 employment cases done in a pretty reasonable
6 amount of time, within -- the ones I'm reviewing
7 now were filed in October of 2009, so we're
8 within a four-month, five-month period, which is
9 really good, the best I've seen since I've been
10 here.

11 When I started as Deputy Director, I think
12 they were about a year or more that we had a
13 bunch of cases sitting waiting for review, so
14 we've pretty much got caught up on that.

15 We had a good MLK celebration, thanks to
16 Joan and others, so we're real pleased with that.

17 So, that's all I have.

18 CHAIRPERSON BLACKBURN: The Deputy
19 Director's Report having concluded, we'll have
20 the Deputy's Report -- I mean the Director's
21 Report, and I will speak for him. I know he's in
22 the northern part of the state and had a speech
23 to deliver before an organization today, and so

1 he couldn't be here, and his conclusion was that
2 we would have a very short meeting today, so we
3 can report to him that --

4 COMM. CARTER: He was wrong.

5 CHAIRPERSON BLACKBURN: -- he was off
6 the mark by a little bit.

7 (Laughter.)

8 CHAIRPERSON BLACKBURN: Are there any
9 announcements?

10 (No response.)

11 CHAIRPERSON BLACKBURN: Hearing none,
12 thank you very much. The meeting is adjourned.

13 - - -
14 Thereupon, the proceedings of
15 January 29, 2010 were concluded
16 at 12:10 o'clock p.m.
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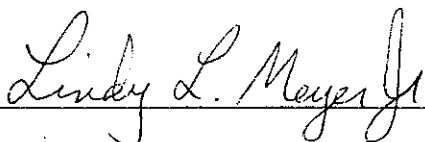
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CERTIFICATE

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, January 29, 2010 in this matter and transcribed by me.

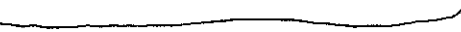


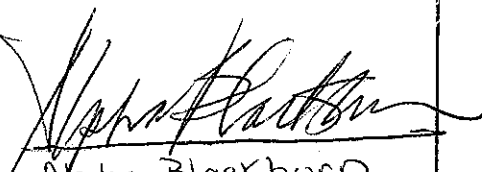
Lindy L. Meyer, Jr.,

Notary Public in and

for the State of Indiana.

My Commission expires October 27, 2016.


Tony A. Kirkland
Director


Alpha Blackburn
Chairperson

