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BEFORE THE STATE OF INDIANA

CIVIL RIGHTS COMMISSION

- - -

PUBLIC MEETING OF JULY 23, 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, July 23, 2010 at 11:28
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 Steven A. Ramos
6 Barry Baynard
7 Tehiji G. Crenshaw

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 Tawanda Sharp

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1 11:28 o'clock a.m.
2 July 23, 2010
3 - - -

4 CHAIRPERSON BLACKBURN: The
5 Indianapolis -- I'm sorry, this is the Indiana
6 Civil Rights Commission -- is now in public
7 meeting. We have a quorum. You have an agenda.
8 The minutes. Do we have any minutes in our
9 packets?

10 COMM. RAMOS: I think we do.

11 CHAIRPERSON BLACKBURN: Yes, we do.
12 May I have a motion to approve?

13 COMM. BAYNARD: Madam Chair, there is
14 a correction that I --

15 CHAIRPERSON BLACKBURN: Okay.

16 COMM. BAYNARD: I can't find it now.
17 I think it's on -- well, it's where I had made a
18 motion -- well, actually I made a motion from the
19 month before, and it has it that someone else
20 made that motion, so I just -- here it is. It's
21 on page 12 --

22 CHAIRPERSON BLACKBURN: Okay.

23 COMM. BAYNARD: -- line four. This
is great. We have them lined.

1 CHAIRPERSON BLACKBURN: All right.

2 COMM. CARTER: And while we're doing
3 that, on page 7 --

4 CHAIRPERSON BLACKBURN: Okay.

5 COMM. CARTER: -- near the top, or --
6 well, about a third of the way down, it says,
7 "Mr. Garcia: So moved. Mr. Carter: Second.
8 Chairman Blackburn: All in favor? Anyone
9 opposed? Thank you." Mr. Garcia indicates that
10 Riley versus, and it shouldn't be Mr. Garcia, I
11 don't believe, because it was -- it was Chairman
12 Blackburn who was making the recommendations at
13 that point -- Chairperson Blackburn. It says
14 "Chairman Blackburn," but --

15 CHAIRPERSON BLACKBURN: The
16 correction is?

17 COMM. CARTER: Is change
18 "Comm. Garcia" to "Comm. Blackburn."

19 CHAIRPERSON BLACKBURN: Okay. Thank
20 you very much.

21 With that correction, may I have a motion
22 to approve the minutes?

23 COMM. CARTER: So moved.

1 COMM. RAMOS: Second.

2 CHAIRPERSON BLACKBURN: Thank you
3 very much.

4 We will now have the financial report
5 presented by Ms. Joan Essex.

6 MS. ESSEX: Good morning.

7 COMM. CARTER: Good morning.

8 MS. ESSEX: We have finished out
9 fiscal year '09-'10, meeting our reversion, and
10 we are looking forward to fiscal year '10 and '11
11 with an increased reversion. Last year's ten
12 percent meant that we gave back to the state
13 \$254,830. This coming fiscal year, which we
14 started July 1, our reversion at the end of the
15 year will be \$328,040, a five-percent increase,
16 or \$73,210 of an increase this next fiscal year.

17 So, we will continue to cut costs wherever
18 possible, and we also are looking at new ways and
19 every way possible to utilize our cooperative
20 agreement dollars to reimburse general fund
21 expenditures where we can.

22 So, if anyone has any questions, I'll be
23 happy to answer them.

1 CHAIRPERSON BLACKBURN: With the
2 increased reversion --

3 MS. ESSEX: Uh-huh.

4 CHAIRPERSON BLACKBURN: -- fiscal
5 reversions I have an aversion to, but anyway,
6 what will we do about staff? Will we be okay as
7 far as our staff?

8 MS. ESSEX: We will be able to
9 continue the current staffing that we have.

10 CHAIRPERSON BLACKBURN: Okay.

11 MS. ESSEX: One of the things is we
12 are looking at the natural attrition that goes on
13 in agencies, ours as well as other agencies
14 across the state, and what we will do is, to the
15 extent that we need to hold those positions open
16 for a period of time longer to make up any
17 deficit that we would have, which right now I
18 think is around \$9,000, so \$9,000 is not
19 insurmountable.

20 And would definitely -- if we have folks
21 to retire or if we have other folks that leave to
22 go to better opportunities, we will be able to
23 make that up by just holding off on hiring new

1 persons in those positions for a period of time.

2 So, it does not appear at this point that
3 we would have to have any layoffs, but again,
4 there may be decisions that are made at a higher
5 level that we are not aware of now or would have
6 no choice to do in the future, so --

7 CHAIRPERSON BLACKBURN: Okay. Thank
8 you very much.

9 MS. ESSEX: Thank you.

10 CHAIRPERSON BLACKBURN: Old business.
11 The case we heard last year, Dick's -- I mean
12 last meeting, Dick's versus A Better Water, Inc.,
13 there was some consideration of that case at the
14 last meeting, but I would hear any comments that
15 you would want to make before I entertain a
16 recommendation regarding that case. Any
17 comments?

18 (No response.)

19 CHAIRPERSON BLACKBURN: In that case,
20 I would entertain a motion as to how we will
21 dispense with the case.

22 COMM. CARTER: Madam Chair, in the
23 case of Dick's versus A Better Water, I move that

1 the Commission enter an order that overrules
2 Respondent's objections and adopts the findings
3 of fact, conclusions of law and order proposed by
4 the Administrative Law Judge in the proposed
5 findings of fact, conclusions of law and order.

6 CHAIRPERSON BLACKBURN: Is there any
7 questions before I ask for a motion to approve
8 the recommendation?

9 COMM. BAYNARD: Is that a
10 recommendation or is it a motion?

11 COMM. CARTER: That was a motion.

12 CHAIRPERSON BLACKBURN: It's a
13 motion, I'm sorry.

14 COMM. BAYNARD: I'll make a second.

15 CHAIRPERSON BLACKBURN: All right.
16 Now, are there any questions?

17 (No response.)

18 CHAIRPERSON BLACKBURN: Hearing none,
19 all those in favor?

20 COMM. CARTER: Aye.

21 COMM. RAMOS: Aye.

22 COMM. BAYNARD: Aye.

23 COMM. CRENSHAW: Aye.

1 CHAIRPERSON BLACKBURN: Anyone
2 opposed?

3 (No response.)

4 CHAIRPERSON BLACKBURN: Thank you.

5 New business. Consent agreement. May I
6 have a motion to accept the consent agreement?

7 COMM. RAMOS: So moved.

8 COMM. CRENSHAW: Second.

9 CHAIRPERSON BLACKBURN: All in favor?

10 COMM. CARTER: Aye.

11 COMM. RAMOS: Aye.

12 COMM. BAYNARD: Aye.

13 COMM. CRENSHAW: Aye.

14 CHAIRPERSON BLACKBURN: Anyone

15 opposed?

16 (No response.)

17 CHAIRPERSON BLACKBURN: Thank you.

18 Findings of fact, conclusions of law and
19 order. There are two. Jamal Smith, in his
20 official capacity as Director of the Indiana
21 Civil Rights Commission versus Jefferson Housing
22 Authority. I'm sorry, just that one case. May I
23 have a motion to accept the findings?

1 COMM. CARTER: So moved.

2 COMM. CRENSHAW: Second.

3 CHAIRPERSON BLACKBURN: All in favor?

4 COMM. CARTER: Aye.

5 COMM. RAMOS: Aye.

6 COMM. BAYNARD: Aye.

7 COMM. CRENSHAW: Aye.

8 CHAIRPERSON BLACKBURN: Anyone

9 opposed?

10 (No response.)

11 CHAIRPERSON BLACKBURN: Thank you.

12 Report of Commissioners on Complaint
13 Appeals. In the case of Lupton versus Teaberry
14 Restaurant, I move that we sustain the finding of
15 no probable cause. May I have a motion to accept
16 that recommendation?

17 COMM. BAYNARD: So moved.

18 COMM. RAMOS: Second.

19 CHAIRPERSON BLACKBURN: All in favor?

20 COMM. CARTER: Aye.

21 COMM. RAMOS: Aye.

22 COMM. BAYNARD: Aye.

23 COMM. CRENSHAW: Aye.

1 CHAIRPERSON BLACKBURN: Anyone
2 opposed?

3 (No response.)

4 CHAIRPERSON BLACKBURN: In the case
5 of Tardi versus Tambria Rinkle and Maple Tree
6 Apartments, I move that we sustain the
7 recommendation of no probable cause.

8 COMM. CARTER: So moved.

9 COMM. CRENSHAW: Second.

10 CHAIRPERSON BLACKBURN: All in favor?

11 COMM. CARTER: Aye.

12 COMM. RAMOS: Aye.

13 COMM. BAYNARD: Aye.

14 COMM. CRENSHAW: Aye.

15 CHAIRPERSON BLACKBURN: Anyone
16 opposed?

17 (No response.)

18 CHAIRPERSON BLACKBURN: Thank you.

19 Comm. Carter?

20 COMM. CARTER: I'm looking down to
21 find the name of -- because I had three cases.
22 There are two on the agenda. While I look for
23 the other, in the cases of Perez versus Tyson

1 Foods and Irwin versus Southern Bells, B e l l s,
2 not l e s, Inc., I recommend that we sustain the
3 no probable cause finding.

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

6 COMM. BAYNARD: So moved.

7 CHAIRPERSON BLACKBURN: Thank you.

8 COMM. RAMOS: Second.

9 CHAIRPERSON BLACKBURN: All in favor?

10 COMM. CARTER: Aye.

11 COMM. RAMOS: Aye.

12 COMM. BAYNARD: Aye.

13 COMM. CRENSHAW: Aye.

14 CHAIRPERSON BLACKBURN: Anyone

15 opposed?

16 (No response.)

17 CHAIRPERSON BLACKBURN: Thank you.

18 COMM. CARTER: And in the third case,

19 Sandra Mitchell-Holder -- that's hyphenated,

20 Mitchell-Holder -- versus Ivy Tech Community

21 College, I recommend that we sustain the no

22 probable cause finding as well.

23 CHAIRPERSON BLACKBURN: May I have a

1 motion to accept that recommendation?

2 COMM. CRENSHAW: So moved.

3 COMM. BAYNARD: Second.

4 CHAIRPERSON BLACKBURN: All in favor?

5 COMM. CARTER: Aye.

6 COMM. RAMOS: Aye.

7 COMM. BAYNARD: Aye.

8 COMM. CRENSHAW: Aye.

9 CHAIRPERSON BLACKBURN: Anyone
10 opposed?

11 (No response.)

12 CHAIRPERSON BLACKBURN: Thank you.

13 Comm. Baynard?

14 COMM. BAYNARD: Yes, Madam Chair. In
15 the case of Harris versus Concord Eagle Creek
16 Homes and in the case of Jukonis versus Summer
17 Tree Property Owners Association, I would
18 recommend that we uphold the Deputy Director's
19 finding of no probable cause.

20 CHAIRPERSON BLACKBURN: May I have a
21 motion to accept the recommendation?

22 COMM. RAMOS: So moved.

23 COMM. CRENSHAW: Second.

1 CHAIRPERSON BLACKBURN: All in favor?

2 COMM. CARTER: Aye.

3 COMM. RAMOS: Aye.

4 COMM. BAYNARD: Aye.

5 COMM. CRENSHAW: Aye.

6 CHAIRPERSON BLACKBURN: Anyone

7 opposed?

8 (No response.)

9 CHAIRPERSON BLACKBURN: Thank you.

10 Comm. Crenshaw?

11 COMM. CRENSHAW: Yes, Madam Chair.

12 In the case of Coney versus Steak 'N' Shake, I

13 make a recommendation to uphold the Deputy

14 Director's finding of no probable cause.

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

17 COMM. CARTER: So moved.

18 COMM. RAMOS: Second.

19 COMM. BAYNARD: Second.

20 CHAIRPERSON BLACKBURN: All in favor?

21 COMM. CARTER: Aye.

22 COMM. RAMOS: Aye.

23 COMM. BAYNARD: Aye.

1 COMM. CRENSHAW: Aye.

2 CHAIRPERSON BLACKBURN: Anyone
3 opposed?

4 (No response.)

5 CHAIRPERSON BLACKBURN: I really
6 don't think they should be at odds with each
7 other.

8 (Laughter.)

9 CHAIRPERSON BLACKBURN: Comm. Garcia?

10 MS. SHARP: We don't have a report
11 from Comm. Garcia this week.

12 CHAIRPERSON BLACKBURN: Okay. And
13 Comm. Gidney, any report from Comm. Gidney?

14 MS. SHARP: No, Comm. Gidney --

15 COMM. CARTER: That was the case I've
16 just given you.

17 CHAIRPERSON BLACKBURN: Oh, all
18 right. Good. Thank you.

19 And now we'll assign appeals to
20 Commissioners. Comm. Carter, if you have would,
21 Benderv Education Management Corporation doing
22 business as Brown Mackie College.

23 And an Administrative Update.

1 MR. BREWSTER: Well, Jamal is in
2 New Orleans, has been in New Orleans all week,
3 with the annual HUD Training Conference with
4 Henrietta Poindexter. They should be heading
5 back this evening.

6 Let's see. Other than that, we did
7 complete our contract with HUD at the end of
8 June; no problems there. On the last day,
9 June 30th, we had five probable cause findings in
10 housing, which is rather unusual, but -- that
11 we'd have five. Well, it's unusual we would have
12 five in a year, let alone one day.

13 So, that's good. Four of those involved
14 accessibility for people with disabilities, and
15 the fifth one was a -- involved national origin
16 and mortgage lending, so they were all pretty
17 interesting cases, so we'll see how they turn
18 out.

19 CHAIRPERSON BLACKBURN: Okay.

20 MR. BREWSTER: But that's about it.
21 We're on track as far as our cases. Caseloads
22 look good. We're trying to increase our intake,
23 because our caseloads are kind of steadily going

1 down, so we're trying to work on that.

2 CHAIRPERSON BLACKBURN: Okay.

3 COMM. CARTER: How did your panel
4 appearance yesterday morning go?

5 MR. BREWSTER: Oh, it was fine.
6 Yeah, I appeared for the Indiana ADA Summit
7 yesterday, just on the employment panel with --
8 let's see. There was several other people. We
9 each got about five minutes to say a little bit
10 about what we felt, what kind of progress has
11 been made since the ADA and what obstacles still
12 remain. And it was interesting. There weren't a
13 lot of people there, but it was -- I think the
14 people who were there benefited, so --

15 COMM. CARTER: Apparently they were
16 more interested in it as an in-house thing.

17 MR. BREWSTER: Yeah, it was kind
18 of --

19 COMM. CARTER: I was on the panel on
20 cities and towns, for some reason.

21 MR. BREWSTER: Okay. Yeah, it
22 involved also the Governor's Council on People
23 with --

1 COMM. CARTER: Yeah.

2 MR. BREWSTER: -- Disabilities, so,
3 you know, it was kind of more of an in -- there
4 were some guests, but mostly it was people in the
5 business, kind of --

6 CHAIRPERSON BLACKBURN: Uh-huh.

7 MR. BREWSTER: -- talking to each
8 other.

9 CHAIRPERSON BLACKBURN: When you --

10 COMM. RAMOS: Josh, I -- I'm sorry.

11 CHAIRPERSON BLACKBURN: When you said
12 there weren't many people, what kind of estimate
13 would you put on the attendance?

14 MR. BREWSTER: Well, as far as
15 guests, people that weren't involved on the
16 panel, I'd say there may have been a dozen, at
17 least when I was there, from 9:00 to 10:00. It
18 went all day. They had several one-hour panels
19 on various aspects, like employment, public
20 accommodations, parks, entertainment, I think
21 housing, cities and towns.

22 CHAIRPERSON BLACKBURN: Uh-huh.

23 COMM. CARTER: It seemed to me there

1 was mostly the Governors Council on Disability
2 and ADA Indiana gathering information from people
3 who might be stakeholders of what -- no, actually
4 not so much stakeholders as people involved in
5 execution of stuff that -- you know, how are we
6 doing? What needs to be done? And how do we do
7 it?

8 MR. BREWSTER: Right.

9 COMM. CARTER: So, probably something
10 they could report back to their funders, the
11 Feds.

12 MR. BREWSTER: Yeah, it was almost
13 like a survey of sorts, kind of getting an idea
14 of what the problems are that are still facing
15 people with disabilities.

16 COMM. CARTER: Noncompliance in the
17 biggest.

18 MR. BREWSTER: Oh, yeah.

19 COMM. RAMOS: I've got a question for
20 you on -- from your caseload standpoint, since
21 there continues to be a growing number of Latinos
22 in the area, are you seeing any more cases that
23 are relating to that -- I saw the one, Perez --

1 or is it pretty even across the board?

2 MR. BREWSTER: I haven't seen a
3 noticeable increase, really, and I know one of
4 the housing cases we had dealt with the -- an
5 Hispanic individual who applied for a mortgage
6 loan and was denied, but no, I haven't seen too
7 much of an increase.

8 COMM. RAMOS: Okay. Just nothing out
9 of the ordinary?

10 MR. BREWSTER: Not that I can speak
11 of.

12 COMM. RAMOS: That's a good thing.

13 MR. BREWSTER: Well, hopefully. I
14 mean we're -- we do try to get, you know, our
15 publications out in that community. We try to
16 attend events, you know, that might appeal to
17 that population. Obviously we print our
18 brochures and everything in Spanish, so --

19 COMM. RAMOS: Okay.

20 MR. BREWSTER: -- we're doing what we
21 can, but I think -- and I think Jamal will -- I'm
22 hoping will -- he comes from kind of a marketing
23 background, so I think he's looking into how we

1 can get our name out more around the state, and
2 so we'll do that.

3 COMM. RAMOS: Do you have any
4 comparison, generally, from a caseload standpoint
5 to the other civil rights groups around the
6 state?

7 MR. BREWSTER: The local agencies?

8 COMM. RAMOS: Yeah.

9 MR. BREWSTER: Really, I don't know.
10 I know Fort Wayne has a lot of cases. They
11 probably have more cases than we do. I'm not
12 sure how that is, but that's something we're --
13 Jamal and I are actually going to go up and make
14 a visit up to Fort Wayne and just kind of talk
15 with their director, and he's also the President
16 of the Indiana Consortium of Human Rights
17 Agencies, so I know they run a pretty good
18 office, but I would like to have more information
19 on how they get their name out and --

20 COMM. RAMOS: Uh-huh.

21 MR. BREWSTER: -- how they get so
22 many cases.

23 COMM. RAMOS: Okay.

1 MR. BREWSTER: We're starting by just
2 kind of trying to accept -- you know, basically
3 our intake people, we go back and forth from take
4 the case to not take the case. At this point
5 we're trying to get them to be a little bit more
6 liberal about the cases they take, accepting
7 cases that might be questionable and having
8 investigators look into it, rather than -- their
9 previous frame of mind was kind of "Let's try to
10 screen them out at the beginning," but we, you
11 know, over the years kind of go back and forth.

12 COMM. RAMOS: Sure.

13 MR. BREWSTER: So, that's --

14 COMM. RAMOS: Thank you.

15 MR. BREWSTER: You're welcome.

16 CHAIRPERSON BLACKBURN: I'm happy to
17 report to you that Jamal served as MC for the
18 Indiana Black Expo Reception for State Elected
19 and Appointed Officials, and did a fine job. So,
20 you might pass the compliment along.

21 MS. ESSEX: Okay.

22 CHAIRPERSON BLACKBURN: Are there any
23 announcements?

1 COMM. CARTER: Just that the City of
2 Bloomington is going to have an ADA
3 celebration --

4 CHAIRPERSON BLACKBURN: Wow.

5 COMM. CARTER: -- after the fact.
6 The ADA is the 26th, the anniversary, and on one
7 of their Thursdays we are going to have a boogie
8 woogie piano player from New Orleans and her
9 husband, who goes by Dr. Blues, which sounds
10 presumptuous to me.

11 CHAIRPERSON BLACKBURN: Not Dr. John?

12 COMM. CARTER: No, not Dr. John.

13 CHAIRPERSON BLACKBURN: I might have
14 to try to --

15 MR. LANGE: Or Dr. Hook.

16 COMM. CARTER: Yeah. Well, the
17 boogie woogie piano player woman was born with
18 three fingers on each hand, and can still play
19 boogie woogie. In fact, one of her own
20 compositions is called "Six Fingered Boogie," so
21 it's okay to talk about her disability. And then
22 we're going to have an art display from -- the
23 art is all produced by people with disabilities.

1 And no speeches; like a five-minute introduction,
2 and that's about it. But no lectures on the ADA.
3 So, it will be a celebration, not a lecture.

4 CHAIRPERSON BLACKBURN: Sounds good.

5 And the date of that is?

6 COMM. CARTER: That is Thursday,
7 whatever the -- is that the 28th?

8 COMM. CRENSHAW: It's the 29th.

9 COMM. CARTER: 29th? Okay. And it's
10 from 6:00 to 9:00, and you're welcome -- it's
11 free. It's Fountain Square Ballroom, which is on
12 the top floor on the south side of the Square.

13 CHAIRPERSON BLACKBURN: Here in town,
14 you mean?

15 COMM. CARTER: In Bloomington.

16 CHAIRPERSON BLACKBURN: Oh, in
17 Bloomington.

18 COMM. CARTER: Well, yes. It's the
19 City of Bloomington doing it.

20 CHAIRPERSON BLACKBURN: Oh, there's a
21 Fountain Square in Bloomington, too? I didn't
22 realize that.

23 COMM. CARTER: Oh, yeah, sure. And I

1 think it's older.

2 MR. LANGE: Aged, yes. It was there
3 when I was there.

4 CHAIRPERSON BLACKBURN: Any other
5 announcements?

6 (No response.)

7 CHAIRPERSON BLACKBURN: There are
8 meeting dates on your calendar -- I mean on your
9 agenda. And hearing no further announcements,
10 the meeting is adjourned.

11 - - -
12 Thereupon, the proceedings of
13 July 23, 2010 were concluded
14 at 11:48 o'clock a.m.
15 - - -

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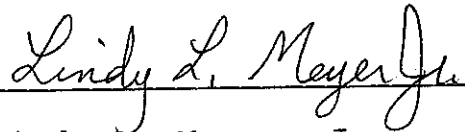
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1 CERTIFICATE

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, July 23, 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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<p>\$</p>	<p>8</p>	<p>attend [1] - 20:16 attendance [1] - 18:13 attrition [1] - 6:12 Authority [1] - 9:22 Avenue [2] - 1:22, 2:7 aversion [1] - 6:5 aware [1] - 7:5 Aye [36] - 8:20, 8:21, 8:22, 8:23, 9:10, 9:11, 9:12, 9:13, 10:4, 10:5, 10:6, 10:7, 10:20, 10:21, 10:22, 10:23, 11:11, 11:12, 11:13,</p>	<p>Bloomington [5] - 23:2, 24:15, 24:17, 24:19, 24:21 Blues [1] - 23:9 board [1] - 20:1 boogie [3] - 23:7, 23:17, 23:19 Boogie [1] - 23:20 born [1] - 23:17 BREWSTER [21] - 16:1, 16:20, 17:5, 17:17, 17:21, 18:2, 18:7, 18:14, 19:8, 19:12, 19:18, 20:2, 20:10,</p>
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