

INDIANA CIVIL RIGHTS COMMISSION  
PUBLIC MEETING

Conducted on: March 26, 2010

At: Indiana Government Center South  
Conference Center Room A  
402 W. Washington Street  
Indianapolis, Indiana 46204

A STENOGRAPHIC RECORD

By: Amy Doman  
CSR #10-R-3022  
Notary Public  
Stenographic Reporter

APPEARANCES:

DAVID C. CARTER, VICE CHAIRMAN

JOHN GARCIA, COMMISSIONER

ALPHA BLACKBURN, COMMISSIONER

TEHIJI G. CRENSHAW, COMMISSIONER

BARRY BAYNARD, COMMISSIONER

JOSHUA BREWSTER, DEPUTY DIRECTOR

JOAN T. ESSEX, CHIEF FINANCIAL OFFICER

ROBERT LANGE, JUDGE

TAWANDA SHARP, INDIANA CIVIL RIGHTS COMMISSION

**ORIGINAL**

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

1 MS. BLACKBURN: Good morning. The Indiana  
2 Civil Rights Commission is now in public  
3 session.

4 Do we have minutes in your packet that we  
5 can approve?

6 MS. SHARP: No. We haven't received the  
7 minutes yet for last month's meeting.

8 MS. BLACKBURN: We have not received any,  
9 but we have received our financial report.

10 MS. SHARP: Yeah.

11 MS. BLACKBURN: And it is in your packet.  
12 Would you like to comment on it, Ms. Essex?

13 MS. ESSEX: January and February's financial  
14 reports are in your packet. There really are no  
15 new items to bring to your attention, except for  
16 the very first page of the report indicates that  
17 there was a dollar amount in dispute after the  
18 conversion to the new accounting system.

19 I'm glad to say that we were correct in our  
20 office, and there was \$181,000 that didn't show  
21 up during the conversion. And it is now back  
22 where it belongs. And that will show up on the  
23 March statement.

24 So that is really the only thing that I've  
25 got to report. We will be making a fund-to-fund

1 transfer from this particular HUD and EEOC  
2 account for the cooperative agreements to  
3 reimburse the agency for administrative costs.  
4 And that should happen before the end of the  
5 fiscal year.

6 MS. BLACKBURN: Great.

7 MS. ESSEX: But we do not anticipate having  
8 a large surplus of those dollars. And we expect  
9 to revert the amount that we have been asked to  
10 give back to the State, and we'd like to keep  
11 that right there. We don't like to give more  
12 back than we absolutely have to, keep it for  
13 next year.

14 MS. BLACKBURN: The amount on the budget  
15 balance sheet for hate crimes, is that a dollar  
16 amount that is allocated to the agency for  
17 investigation of hate crimes, or where does that  
18 dollar amount derive?

19 MS. ESSEX: The thousand dollars?

20 MS. BLACKBURN: Yes.

21 MS. ESSEX: That is from a -- it was a grant  
22 that was given to us for some hate crimes  
23 reporting. And that is a dollar amount that was  
24 not utilized with that grant.

25 MS. BLACKBURN: Okay. So it was a much

1 larger amount, and this is what remains from  
2 that?

3 MS. ESSEX: Absolutely, absolutely.

4 MS. BLACKBURN: All right.

5 MS. ESSEX: And to the extent that we have  
6 other hate crimes initiatives that we could put  
7 into place, then we can utilize those dollars.  
8 A lot of the federal grants that we get  
9 stipulate that you cannot use the money for  
10 anything else but what that grant gave it to you  
11 for.

12 MS. BLACKBURN: Okay. Thank you.

13 Are there any other questions regarding the  
14 budget?

15 Okay. There being none, is there any old  
16 business?

17 Under "New Business" then, you have a  
18 memorandum from the director regarding the date  
19 for the April meeting. I'll entertain the  
20 motion that we meet on the 29th.

21 MR. CARTER: So moved.

22 MR. GARCIA: Second.

23 MS. BLACKBURN: All in favor?

24 ALL: Aye.

25 MS. BLACKBURN: Great. Thank you.

1 MR. LANGE: Make sure -- that's the 2011  
2 meeting. Don't show up on the 29th next month.

3 MS. BLACKBURN: That was regarding a date in  
4 2011?

5 MR. BAYNARD: Yes.

6 MR. LANGE: In order to get this size of a  
7 room, we have to ask for it a year in advance.

8 MS. BLACKBURN: Oh, good grief. Like it  
9 matters. Okay. Thank you.

10 MR. LANGE: Well --

11 MS. ESSEX: Just being thorough.

12 MS. BLACKBURN: All rightie now. Thank you.  
13 All right. Let's get back to business.

14 Consent agreement. May I have a motion to  
15 accept the consent agreement in our packet?

16 MS. CRENSHAW: So moved.

17 MR. CARTER: Second.

18 MS. BLACKBURN: All in favor?

19 ALL: Aye.

20 MS. BLACKBURN: Anyone opposed?

21 And we have a couple of findings, Graves  
22 versus DB Sales, Inc., and Burd Automotive, Inc.  
23 May I have a motion to accept those findings and  
24 conclusions of law and order?

25 MR. CARTER: So moved.

1 MS. CRENSHAW: Second.

2 MS. BLACKBURN: All in favor?

3 ALL: Aye.

4 MS. BLACKBURN: Anyone opposed?

5 And now to the report by commissioners on

6 the complaint appeals.

7 I can report that of the three cases that I  
8 reviewed -- Dean versus American Seniors  
9 Communities-Arbor Grove, Grubb versus Saylor's  
10 6th Street Pizzeria, Inc., and Meijia versus  
11 Carmel Health Living -- that in all three cases  
12 I recommend that we uphold the finding of no  
13 probable cause. The recommendation is that we  
14 approve that, if I can have somebody to move  
15 approval of those recommendations.

16 MS. CRENSHAW: So moved.

17 MR. CARTER: Second.

18 MS. BLACKBURN: All in favor?

19 ALL: Aye.

20 MS. BLACKBURN: None opposed?

21 Thank you. And then, Commissioner Carter?

22 MR. CARTER: Madam Commissioner, in the  
23 cases of Pettus versus Smokey Bones, Easter  
24 versus Sugar Creek Nursing Home and Rehab  
25 Center, Stewart versus Community Action of

1 Greater Indianapolis, and Kennedy versus Party  
2 Direct, I recommend we sustain the finding by  
3 the director -- or deputy director of no  
4 probable cause.

5 MS. BLACKBURN: May I have a motion then to  
6 accept that recommendation?

7 MR. BAYNARD: So moved.

8 MS. CRENSHAW: Second.

9 MS. BLACKBURN: All in favor?

10 ALL: Aye.

11 MS. BLACKBURN: Anyone opposed?

12 Thank you, Commissioner Carter.

13 Commissioner Baynard?

14 MR. BAYNARD: Yes, Madam Chairman. The  
15 three cases I had, Martinez versus Atlas  
16 Logistics Retail Services, and Hamlet versus  
17 Tower Staffing, and Harris versus Ingersoll Rand  
18 Financial Services, I recommend to the  
19 commission that we uphold the director -- or  
20 deputy director's finding of no probable cause.

21 MS. BLACKBURN: And a motion, please, to  
22 accept that recommendation?

23 MR. CARTER: So moved.

24 MS. CRENSHAW: Second.

25 MS. BLACKBURN: All in favor?

1 ALL: Aye.

2 MS. BLACKBURN: Anyone opposed?

3 Thank you, Commissioner Garcia.

4 MR. GARCIA: Madam Chair, in the cases of

5 Owens versus Global Insulation, Monroe versus

6 Peoplelink Staffing Solutions, and McQuithy

7 versus Heartland Career Center, I concur with

8 the deputy director's finding of no probable

9 cause and recommend as such.

10 MS. BLACKBURN: Okay. May I have a motion

11 to accept the recommendation?

12 MS. CRENSHAW: So moved.

13 MR. CARTER: Second.

14 MS. BLACKBURN: And all in favor, please?

15 ALL: Aye.

16 MS. BLACKBURN: Thank you. Anyone opposed?

17 Now, to assign appeals to commissioners to

18 review.

19 Commissioner Carter, Wells versus C.H.

20 Moore, doing business as McDonald's.

21 Commissioner Baynard, Tapp versus A2Z

22 Restaurant, Inc.

23 Commissioner Crenshaw, Lockett versus CEC

24 Entertainment.

25 And I'll do Talley versus Partow.



1           And, now, an administrative update from our  
2 deputy director.

3           MR. BREWSTER: Well, let's see. Not much to  
4 report. I guess I will maybe get on the record  
5 what you discussed with Judge Lange as far as  
6 the challenge to the commissions jurisdiction in  
7 the matter of Bridgewater versus Faces.

8           As you recall, back in January, the  
9 commission did, I guess, rule in favor of  
10 Bridgewater, the complainant, and let that  
11 matter proceed to a hearing before Judge Lange,  
12 which is scheduled currently for May 27th.  
13 However, the respondent in that matter, Faces,  
14 filed a petition for basically judicial review  
15 in Hamilton County Superior Court arguing  
16 basically two things; that what they offered  
17 should not be considered an educational  
18 opportunity; and, two, that there was First  
19 Amendment religious -- freedom of religion  
20 issues that precluded the jurisdiction of the  
21 commission.

22           The attorney general's office has filed a  
23 motion to dismiss that petition from Hamilton  
24 County and return the case to Judge Lange.

25           So we were going to let them, the AG's

1 office, proceed in our defense and keep you  
2 posted.

3 MS. BLACKBURN: Okay.

4 MR. BREWSTER: The only other, let's see,  
5 legal matter is, there was a case of a housing  
6 discrimination based upon a disability. And  
7 that was brought in -- after a finding of  
8 probable cause, it was brought in Hancock  
9 County, state court in Hancock County. There  
10 was a motion on the -- the respondent filed a  
11 motion to dismiss that for various reasons.  
12 That motion was denied.

13 So that proceeding will continue.  
14 Basically, claiming that the homeowners'  
15 association refused to accommodate a homeowner's  
16 disability and allow her to build an addition  
17 onto her home in order to accommodate her  
18 disability.

19 MS. BLACKBURN: Okay.

20 MR. BREWSTER: I think that's it, really.

21 MS. BLACKBURN: Okay. Any questions  
22 regarding any of -- either of those cases that  
23 are being challenged?

24 Hearing none, are there any announcements?

25 MS. ESSEX: The only announcement that we

1 have, coming up we have the Holocaust  
2 Remembrance -- Day of Remembrance that will be  
3 held in the State House rotunda on -- I believe  
4 it's Tuesday, April 13th, at noon. And you are  
5 all welcome and invited to come join us that  
6 day.

7 The keynote speaker will be Norbert Krapf,  
8 who is Indiana's poet laureate. And he will be  
9 reciting one of his poems and, also, giving  
10 background as to the information that led him to  
11 this particular poem. So it should be very  
12 interesting.

13 MS. BLACKBURN: Okay. The next meeting  
14 dates, you will note the meeting in April is  
15 April 23rd. I think I will be out of town, but  
16 that -- let's not create any confusion. This  
17 one is this year. You all will carry on in my  
18 absence.

19 Any other announcements?

20 Hearing none, the commission is adjourned.

21 (Proceedings adjourned at 11:24 p.m.)  
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1 STATE OF INDIANA )  
 2 COUNTY OF HAMILTON ) SS:

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I, Amy Doman, CSR, a Notary Public and Stenographic Reporter, in and for the County of Hamilton, State of Indiana, do hereby certify that on the 26th day of March, 2010, I took down in stenograph notes the foregoing proceedings; and that the transcript is a full, true and correct transcript made from my stenograph notes.



AMY DOMAN, CSR  
 Notary Public  
 Stenographic Reporter

My Commission Expires:  
 October 1, 2017  
 County of Residence:  
 Hamilton