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BEFORE THE STATE OF INDIANA
CIVIL RIGHTS COMMISSION

- - -

PUBLIC MEETING OF APRIL 24, 2009

- - -

ORIGINAL

PROCEEDINGS

in the above-captioned matter, before the Indiana
Civil Rights Commission, Alpha Blackburn,
Chairperson, taken before me, Lindy L. Meyer,
Jr., a Notary Public in and for the State of
Indiana, County of Shelby, at the Indiana
Government Center South, Conference Center,
Room A, 402 West Washington Street, Indianapolis,
Indiana, on Friday, April 24, 2009 at 10:09
o'clock a.m.

- - -

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

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APPEARANCES:

COMMISSION MEMBERS:

- Alpha Blackburn, Chairperson
- David C. Carter
- John E. Garcia
- Barry Baynard

INDIANA CIVIL RIGHTS COMMISSION
By Tony A. Kirkland, 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
- Joshua Brewster
- Tawanda Sharp

- - -

1 10:09 o'clock a.m.
2 April 24, 2009
3 - - -

3 CHAIRPERSON BLACKBURN: Good morning,
4 everyone. The Indiana Civil Rights Commission is
5 now in public meeting, and we do indeed have a
6 quorum.

7 The first thing on our agenda are the --
8 is the approval and adoption of the meeting
9 minutes, and I don't know for which months.

10 COMM. CARTER: Last month.

11 CHAIRPERSON BLACKBURN: Only last
12 month?

13 MS. SHARP: Yes.

14 CHAIRPERSON BLACKBURN: Okay. May I
15 have a motion to approve?

16 COMM. CARTER: So moved.

17 COMM. BAYNARD: Second.

18 COMM. GARCIA: February's minutes are
19 in here, too.

20 COMM. CARTER: Yeah, February's are
21 in there, but we weren't able to approve them for
22 February.

23 MR. LANGE: Yeah, they weren't

1 approved.

2 MS. SHARP: Yes.

3 CHAIRPERSON BLACKBURN: Okay. Thank
4 you.

5 Anyone opposed.

6 (No response.)

7 CHAIRPERSON BLACKBURN: If not, we'll
8 move on to the next --

9 COMM. CARTER: We couldn't vote last
10 time --

11 CHAIRPERSON BLACKBURN: That's what I
12 thought.

13 COMM. CARTER: -- because we didn't
14 have a quorum.

15 CHAIRPERSON BLACKBURN: We need to
16 approve whatever has not been approved.

17 COMM. CARTER: Well, may I extend my
18 motion to include both?

19 CHAIRPERSON BLACKBURN: Please do.

20 COMM. CARTER: Then I do so.

21 CHAIRPERSON BLACKBURN: And a second?

22 COMM. GARCIA: Second.

23 CHAIRPERSON BLACKBURN: All right.

1 And now we're legal. Thank you very much.

2 Our next is financial report, Ms. Essex.

3 MS. ESSEX: You should have a copy of
4 the most recent finance report in your packets.

5 We are in our final quarter, and things are
6 moving along very well, and I'll take any
7 questions that you may have for me at this point.

8 CHAIRPERSON BLACKBURN: Looks good to
9 me.

10 Any questions?

11 (No response.)

12 CHAIRPERSON BLACKBURN: Old Business.
13 Have we any old business? Any Commissioners?

14 (No response.)

15 CHAIRPERSON BLACKBURN: No?

16 COMM. CARTER: I guess not.

17 CHAIRPERSON BLACKBURN: New Business,
18 election of officers? I shouldn't say that with
19 a question. Election of officers.

20 MR. LANGE: Every year.

21 CHAIRPERSON BLACKBURN: Every year
22 about this time. So, do we have a nomination?

23 COMM. CARTER: I nominate

1 Ms. Blackburn for Chair.

2 CHAIRPERSON BLACKBURN: Thank you
3 very much.

4 COMM. BAYNARD: And I'd like to
5 nominate Mr. Carter for Vice-Chair.

6 COMM. CARTER: We are so
7 conservative.

8 CHAIRPERSON BLACKBURN: And creative.

9 COMM. CARTER: We have a coup.

10 (Laughter.)

11 COMM. GARCIA: I move that we don't
12 take any more nominations.

13 MR. KIRKLAND: Close nominations.

14 COMM. GARCIA: Go along with those
15 nominations.

16 CHAIRPERSON BLACKBURN: Okay.

17 COMM. BAYNARD: I'll second that.

18 CHAIRPERSON BLACKBURN: Thank you
19 very much. Well, I guess it's unanimous, or
20 consent, by consent or something.

21 MR. KIRKLAND: Yeah, by consent.

22 CHAIRPERSON BLACKBURN: All right.

23 Then thank you very much. We appreciate your

1 confidence in us. Thank you very much. We learn
2 a little something every year, don't we?

3 COMM. CARTER: I guess. We could
4 have been nasty and elected those absent.

5 (Laughter.)

6 CHAIRPERSON BLACKBURN: Yes, we could
7 have, then maybe they'd show up.

8 MR. LANGE: At least next year at
9 this time.

10 CHAIRPERSON BLACKBURN: Right.

11 (Laughter.)

12 CHAIRPERSON BLACKBURN: All right.
13 Consent Agreement, Anita Driver versus Burger
14 King Corp. May I have a motion to accept that?

15 COMM. CARTER: So --

16 COMM. GARCIA: I move we accept it.

17 COMM. CARTER: Second.

18 CHAIRPERSON BLACKBURN: All in favor?

19 COMM. BAYNARD: Aye.

20 COMM. CARTER: Aye.

21 COMM. GARCIA: Aye.

22 CHAIRPERSON BLACKBURN: Aye.

23 Anyone opposed?

1 (No response.)

2 CHAIRPERSON BLACKBURN: Thank you.
3 Findings of Fact, Conclusions of Law and
4 Order.

5 COMM. CARTER: There don't appear to
6 be any.

7 CHAIRPERSON BLACKBURN: There aren't
8 any. We'll go on to the Report by Commissioners
9 on the Complaint Appeals. In the case of
10 Killebrew versus Tippecanoe School Corp., I want
11 to recommend that we uphold the Director's
12 finding of no probable cause. May I have a
13 notion to accept that?

14 COMM. CARTER: So moved.

15 COMM. BAYNARD: Second.

16 CHAIRPERSON BLACKBURN: All in favor?

17 COMM. BAYNARD: Aye.

18 COMM. CARTER: Aye.

19 COMM. GARCIA: Aye.

20 CHAIRPERSON BLACKBURN: Aye.

21 Anyone opposed?

22 (No response.)

23 CHAIRPERSON BLACKBURN: Thank you.

1 And we will have to suspend -- not
2 suspend.

3 MR. LANGE: Continue.

4 CHAIRPERSON BLACKBURN: Thank you.

5 Continue, if that's the correct word, continue
6 the other two. I'm sorry; I haven't had a chance
7 to finish those.

8 Comm. Carter?

9 COMM. CARTER: Madam Chair, in the --
10 I was just checking, because the loose agenda we
11 have has my two cases, the one in -- it has the
12 one from last month. The cases of Hughes versus
13 Gayda Associates and Mays versus Saran
14 Industries, I recommend that in the case of the
15 first one we find no -- what is it? What is the
16 technical word, no probable --

17 MR. LANGE: Reasonable.

18 COMM. CARTER: -- no reasonable
19 cause.

20 CHAIRPERSON BLACKBURN: No reasonable
21 cause.

22 COMM. CARTER: And in Mays versus
23 Saran Industries, no probable cause, which was

1 found by the Deputy Director, I believe.

2 COMM. BAYNARD: I'll make a motion to
3 accept his recommendation.

4 COMM. GARCIA: Second.

5 CHAIRPERSON BLACKBURN: All in favor?

6 COMM. BAYNARD: Aye.

7 COMM. CARTER: Aye.

8 COMM. GARCIA: Aye.

9 CHAIRPERSON BLACKBURN: Aye.

10 Anyone opposed?

11 (No response.)

12 CHAIRPERSON BLACKBURN: Thank you so
13 much.

14 Comm. Baynard?

15 COMM. BAYNARD: Yes, Madam Chair. In
16 the case of Akers versus Gene B. Glick Management
17 Company, I would recommend to the Commission that
18 we uphold the Deputy Director's finding of no --
19 no reasonable cause.

20 CHAIRPERSON BLACKBURN: All right.

21 COMM. GARCIA: I'll move we accept
22 Comm. Baynard's recommendation.

23 COMM. CARTER: Second.

1 CHAIRPERSON BLACKBURN: All in favor?

2 COMM. BAYNARD: Aye.

3 COMM. CARTER: Aye.

4 COMM. GARCIA: Aye.

5 CHAIRPERSON BLACKBURN: Aye.

6 Anyone opposed?

7 (No response.)

8 CHAIRPERSON BLACKBURN: Thank you.

9 Do we have a report back from

10 Comm. Gidney?

11 MS. SHARP: He is supposed to be on

12 his way.

13 CHAIRPERSON BLACKBURN: If he gets

14 here before we leave, we will put --

15 MR. LANGE: We'll make him Chairman.

16 (Laughter.)

17 CHAIRPERSON BLACKBURN: Right. Put

18 his into the record, his recommendation into the

19 record.

20 We'll move on, then, to Assignment of

21 Appeals to Commissioners. They're listed in your

22 agenda, but I would like to assign to

23 Comm. Carter, if he would review Comm. Gidney's

1 case, and now we're ready for an Administrative
2 Update.

3 COMM. CARTER: May I request first
4 that if Comm. Gidney should show up, that he
5 could get his case?

6 CHAIRPERSON BLACKBURN: You may
7 request it, but the request is denied.

8 COMM. CARTER: Oh, okay.

9 (Laughter.)

10 COMM. CARTER: Thank you.

11 CHAIRPERSON BLACKBURN: It goes with
12 the Vice --

13 COMM. CARTER: Right.

14 CHAIRPERSON BLACKBURN: -- Chair's
15 responsibility.

16 COMM. CARTER: Goes with the badge
17 and the uniform.

18 MR. KIRKLAND: Badge and uniform.

19 Okay. The office has been moving quite
20 busy here these last couple of days. We have
21 completed a housing -- a HUD contract with HUD,
22 so that is complete. Things that we're currently
23 working on, we're working currently on an EEOC

1 contract, and we seem to be pretty much on target
2 to meet that deadline as well.

3 We've had some personnel -- temporary
4 personnel changes. Currently Barbara Malone is
5 on medical leave right now, so the Interim Deputy
6 Director will be Josh Brewster, who is here with
7 us. So, we are moving with that.

8 We are also going to be, in May, bringing
9 in our interns. We're going to have five interns
10 working with us, and hopefully they'll get the
11 aspect of all of the operations at Civil Rights.

12 As you know, the Martin Luther King
13 Commission this week did put on the Holocaust
14 program on Tuesday. It was a great program, very
15 attended, the Governor was very pleased. He sent
16 me a note that he really enjoyed it, so we're
17 moving right along with that.

18 As we go into summer, we have coming up
19 the statewide IAOhRA Conference, and one of the
20 things that we're going to try to do is have our
21 June meeting there in Evansville, and that will
22 be on the Friday of -- let's see --

23 COMM. CARTER: The 6th?

1 MR. KIRKLAND: No, that's going to be
2 held on the second week --

3 COMM. CARTER: Ah.

4 MR. KIRKLAND: -- of June, and I'll
5 make sure to get those dates out to you.

6 CHAIRPERSON BLACKBURN: Is that
7 June 9th?

8 MR. KIRKLAND: June 19th.

9 CHAIRPERSON BLACKBURN: June 19th?

10 MR. KIRKLAND: Right, it's like
11 June 19th, that Friday morning. Is that bad?

12 CHAIRPERSON BLACKBURN: That's very
13 bad --

14 MR. KIRKLAND: Okay.

15 CHAIRPERSON BLACKBURN: -- for me.
16 Could I possibly -- that's the date of the
17 Conference, though, isn't it, the IAOHRA
18 Conference?

19 MR. LANGE: Two or three days?

20 MR. KIRKLAND: Yes, but --

21 MR. LANGE: Does that help?

22 CHAIRPERSON BLACKBURN: I'm sorry?

23 MR. LANGE: The consortium's two or

1 three days.

2 MR. KIRKLAND: Right.

3 MR. LANGE: Does that help?

4 CHAIRPERSON BLACKBURN: It would,
5 yes. I -- the first ever Symphony Ball is the
6 19th of June, and I'm co-chair of that event.

7 MR. KIRKLAND: Okay.

8 CHAIRPERSON BLACKBURN: And so, I
9 would need to be here, but I want to be there,
10 too, so if we could do it a couple of days
11 before. Could we meet during IAOhRA, but not on
12 that Friday?

13 MR. KIRKLAND: Yeah, we could do
14 that. I'm sure I could get with Diane and try to
15 make the arrangements for that.

16 CHAIRPERSON BLACKBURN: Okay. I
17 would appreciate it --

18 MR. KIRKLAND: Okay.

19 CHAIRPERSON BLACKBURN: -- if it
20 would work for the others.

21 MR. KIRKLAND: Okay. I will call her
22 this afternoon.

23 MR. BREWSTER: Tony, wasn't there

1 also going as to be a commissioner training?

2 MR. KIRKLAND: Yeah, they were
3 planning on having a commissioner training as
4 well at that conference, so if any of you that's
5 interested -- and, of course, Ms. Crenshaw,
6 Comm. Crenshaw, will be at home, so -- but we're
7 able to make sure that everybody's accommodated,
8 make sure we get accommodations. This function
9 is being held at the Casino Aztar Conference
10 Center, so that's a new facility, so it's real
11 nice.

12 COMM. GARCIA: So, that would still
13 be a 10:00 o'clock meeting?

14 MR. KIRKLAND: Yes, or would you want
15 to try to make an option on a change,
16 Comm. Garcia?

17 COMM. GARCIA: No.

18 CHAIRPERSON BLACKBURN: You'd have to
19 leave at 4:00 in the morning.

20 COMM. GARCIA: I'd have to leave at
21 least at 4:00 in the morning.

22 MR. KIRKLAND: Oh, that's --

23 COMM. GARCIA: You can't get to --

1 MR. LANGE: You can't get to
2 Evansville from Highland.

3 MR. KIRKLAND: 63 to 41.

4 COMM. CARTER: You'd have to go to
5 Illinois.

6 COMM. GARCIA: Coming back last time
7 they sent me to Illinois on Onstar.

8 MR. LANGE: That might be better.

9 COMM. GARCIA: No, it wasn't. But I
10 may have to spend Thursday night.

11 MR. KIRKLAND: Right. Okay. So,
12 we're anticipating that. Yeah, we're willing to
13 make the adjustments.

14 COMM. GARCIA: Okay.

15 MR. KIRKLAND: We're trying to make
16 sure that everybody is there, and we can make
17 sure that the public notice is there, so everyone
18 wants to try to ask a lot of questions.

19 Other than that, that is it. Upcoming
20 events that we -- actually, we're kind of being
21 in our lull period so far as upcoming events such
22 as -- you know, the Holocaust is happening.
23 Martin Luther King Commission, putting that on as

1 well as the Martin Luther King Program.

2 Other things that we'll be doing, we'll
3 still be continuing to do outreach, because HUD
4 is still requiring us to do outreach, and we'll
5 be doing that in several forums. One is -- the
6 Expo is one of them; I know that. I can't
7 remember -- what was that that hit the desk?

8 Several housing summits that we'll be
9 involved in participating in across the summer,
10 and September I know that the state always has
11 their big housing piece that we're involved in as
12 well. And if there's something that comes across
13 your desk or your area you think that you might
14 want the Commission staff to be there to
15 participate and be represented, please let us
16 know.

17 CHAIRPERSON BLACKBURN: All right.

18 MR. KIRKLAND: And other than that,
19 that's it from my standpoint, my report.

20 MR. BREWSTER: If I may add, we did
21 get a contract with EEOC to do mediations for
22 them. It's a minimum of one mediation in a year
23 up to 31 in a period of four years. It's -- they

1 pay us \$800, that does go to the State General
2 Fund, unfortunately, but we take what we can get.

3 CHAIRPERSON BLACKBURN: One to 31 --

4 MR. BREWSTER: Yeah.

5 CHAIRPERSON BLACKBURN: -- mediations
6 per what?

7 MR. BREWSTER: Well, it's a one-year
8 contract, with the option for three additional
9 years.

10 CHAIRPERSON BLACKBURN: Oh.

11 MR. BREWSTER: So, it's 31 in a
12 period of four years or one -- I think it's one
13 each year, a minimum of one each year.

14 CHAIRPERSON BLACKBURN: One each --

15 MR. LANGE: Are you counting
16 successful ones?

17 MR. BREWSTER: No, any -- we can have
18 any --

19 MR. LANGE: Okay.

20 MR. BREWSTER: -- whether they
21 succeed or not. Now, we hope we get more than
22 one, obviously --

23 MR. LANGE: Right.

1 MR. BREWSTER: -- but that's all they
2 can guarantee. It's an open contract for anybody
3 that wants to apply, so --

4 CHAIRPERSON BLACKBURN: Oh, I see.

5 COMM. CARTER: And is the 31 the top
6 limit for four years, or --

7 MR. BREWSTER: I think that's four
8 years, yes.

9 COMM. CARTER: Odd numbers to pick,
10 as well as odd numbers.

11 MS. ESSEX: They're talking --

12 CHAIRPERSON BLACKBURN: Yes.

13 MS. ESSEX: They're talking with
14 Karen Bellinger at EEOC, who is the contract
15 administrator, who is going to forward those
16 mediations to us. Indianapolis is fortunate that
17 we have -- or in Indiana we're fortunate that we
18 have a lot of qualified mediators to handle
19 cases, and she is over the region.

20 And I think she told me that there was
21 only, I think, less than five mediators in the
22 State of Michigan total, and so that's where
23 there was a higher number per year there because

1 of that, but since we're well saturated here in
2 Indiana, that's why the numbers are so high.

3 MR. BREWSTER: Well, yeah. They also
4 have -- EEOC has their own mediators in
5 Indianapolis, so they cover basically the whole
6 Central Indiana. They do their own, so basically
7 we would be covering regions north and south,
8 because they do mediations where the parties are.

9 CHAIRPERSON BLACKBURN: I see.

10 MS. ESSEX: Uh-huh.

11 MR. BREWSTER: So --

12 CHAIRPERSON BLACKBURN: And they just
13 assign them one by one depending on where the
14 location is?

15 MR. BREWSTER: Yeah. I don't know
16 how they decide who gets what, but --

17 CHAIRPERSON BLACKBURN: Okay. Thank
18 you very much.

19 MR. KIRKLAND: And one more thing,
20 Ms. Chair. We -- HUD will be doing an audit on
21 us the first week of May.

22 MS. ESSEX: That's changed.

23 MR. KIRKLAND: That's changed?

1 MS. ESSEX: To June.

2 MR. KIRKLAND: Oh, changed to June?

3 Okay.

4 MS. ESSEX: Yeah.

5 CHAIRPERSON BLACKBURN: Okay.

6 MS. ESSEX: It was originally set for
7 the first week of May, and it's now tentatively
8 the first or second week of June.

9 CHAIRPERSON BLACKBURN: Okay.

10 MR. LANGE: It's not going to be in
11 Evansville.

12 COMM. CARTER: Would be a problem.

13 MR. KIRKLAND: Can I ask a question?

14 CHAIRPERSON BLACKBURN: On the dates
15 listed on our agenda, will June 26th be a solid
16 date now or not? If we get to meet down in --

17 MR. KIRKLAND: In Evansville. It
18 will probably change, so --

19 CHAIRPERSON BLACKBURN: Okay.

20 Are there any other announcements?

21 (No response.)

22 CHAIRPERSON BLACKBURN: Okay. It's a
23 quiet group this morning. Must be the hour.

1 COMM. CARTER: Yeah.

2 MR. LANGE: You're rarely in trouble
3 with what you don't say.

4 (Laughter.)

5 CHAIRPERSON BLACKBURN: The Indiana
6 Civil Rights Commission meeting is adjourned.

7 - - -
8 Thereupon, the proceedings of
9 April 24, 2009 were concluded
 at 10:26 o'clock a.m.

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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, April 24, 2009 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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