

1 BEFORE THE STATE OF INDIANA

2 CIVIL RIGHTS COMMISSION

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4
5 PUBLIC MEETING OF AUGUST 25, 2026

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9 PROCEEDINGS

10 in the above-captioned matter, before the Indiana
11 Civil Rights Commission, Steven A. Ramos,
12 Chairman, taken before me, Lindy L. Meyer, Jr., a
13 Notary Public in and for the State of Indiana,
14 County of Shelby, at the Indiana Government
15 Center North, 100 North Senate Avenue, Room N300,
16 Indianapolis, Indiana, on Tuesday, August 25,
17 2026 at 1:05 o'clock p.m.

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1 APPEARANCES:

2 COMMISSION MEMBERS:

3 Steven A. Ramos, Chairman
4 Holli Harrington
5 Chaka Coleman
6 Fouad Lane Hamami
7 Terry Tolliver (virtual)

8 INDIANA CIVIL RIGHTS COMMISSION
9 By J. Philip Clay, Director
10 & Scott Kreider, Deputy Director
11 Indiana Government Center North
12 100 North Senate Avenue, Room N300
13 Indianapolis, Indiana 46204
14 On behalf of the Commission.

15 OTHER COMMISSION STAFF PRESENT:

16 Michael Lostutter
17 Nicole Owens (virtual)
18 Vanessa Powell (virtual)

19 ALSO PRESENT:

20 Matt Doss
21 Julie C. Alexander
22 Dionna Biddings
23 Bashar Hamami
Molly Radecki (virtual)
Brandon McKee (virtual)
Audra Caldwell (virtual)
Ami Anderson (virtual)
Tonya Herron (virtual)
Thomas Horan (virtual)

- - -

1 1:05 o'clock p.m.
2 August 25, 2026

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4 CHAIRMAN RAMOS: Good afternoon.

5 It's 1:06 p.m. This is the Indiana Civil Rights
6 Commission meeting, and I call it to order.

7 Do you want to do roll call?

8 MR. LOSTUTTER: Please be advised no
9 party will be allowed to speak directly to the
10 Commission during any Commission meeting except
11 during a previously scheduled oral argument or
12 during our public comments time directly before
13 the end of the meeting.

14 Concerning appeals, the Commissioners will
15 make their initial determination based on the
16 complaint, the notice of finding, the appeal, the
17 Respondent's position statement, and the final
18 investigative report. You must not address the
19 Commission members except and unless you are
20 addressed directly by them.

21 If you have any questions about your case,
22 please wait to speak to the Docket Clerk until
23 after the Commission meeting ends. If you are

1 here to make remarks during the public comments
2 time, be aware that you will only be allowed two
3 minutes to speak.

4 Thank you.

5 CHAIRMAN RAMOS: Thank you.

6 We do have a quorum, so at the start of
7 this, I would like to get a confirmation for the
8 previous meeting minutes. I need a motion.

9 VICE-CHAIR COLEMAN: So moved.

10 CHAIRMAN RAMOS: I need a second.

11 COMM. HAMAMI: Second.

12 CHAIRMAN RAMOS: I have a motion by
13 Coleman, second by Hamani -- Hamami. And all
14 those in favor, signify by saying aye.

15 (Commissioners responded "Aye.")

16 CHAIRMAN RAMOS: We'll need to do
17 roll call.

18 MR. LOSTUTTER: Roll call, yes.

19 MR. CLAY: Yes.

20 MR. LOSTUTTER: Comm. Tolliver?

21 COMM. TOLLIVER: Aye.

22 MR. LOSTUTTER: Comm. Harrington?

23 COMM. HARRINGTON: Aye.

1 MR. LOSTUTTER: Comm. Hamami?

2 COMM. HAMAMI: Aye.

3 MR. LOSTUTTER: Vice-Chair Coleman?

4 VICE-CHAIR COLEMAN: Aye.

5 MR. LOSTUTTER: Chair Ramos?

6 CHAIRMAN RAMOS: Aye.

7 MR. LOSTUTTER: The ayes have it.

8 CHAIRMAN RAMOS: Thank you.

9 We'll start with the Director's Report.

10 MR. CLAY: Yes. Good afternoon, and
11 welcome.

12 Just a quick reminder of an upcoming event
13 that we have November 16th. We'll be doing our
14 ICRC Thanksgiving prior to our November meeting.
15 I look forward to seeing you all there for that.

16 As far as agency updates, a quick update
17 from Scott. We have our rulemaking set for
18 public comment at the meeting on rule changes for
19 September 11th. With that, we'd ask to possibly
20 move our September meeting to the week of
21 September 14th. Any day that week, I think,
22 would work, but just to make sure that we can do
23 that expeditiously after our public comment for

1 rulemaking.

2 Also in September we'll be holding our
3 first meeting of the Indiana Cultural Commission,
4 which was formed through now House Enrolled
5 Act 1003, so we'll be having that here at the
6 ICRC Conference Room at 1:00 o'clock.

7 Our Case Management System, if you
8 remember from the last meeting, is now completely
9 on-line and running. We continue to see
10 increased efficiencies in that. I know Scott and
11 I have had much pleasure in reducing the amount
12 of files that we have on our desks and now
13 sitting in our inbox. It was much appreciated.

14 A highlight for our REPACE team, our HUD
15 cases that are aged currently sit at four
16 percent, which is a big win for us. Our
17 contracted standard is 12 percent. And we're
18 happy to announce that our Public Accommodation,
19 Credit and Education, or PACE, cases are at zero
20 percent. We're on pace to hit our EEOC contract
21 of 750 cases.

22 And lastly our budget process is underway
23 and all of the documents that have been required

1 of us have been sent to the SBA for review, so
2 we're trending in the right direction with that.

3 And those are the only updates we have.

4 CHAIRMAN RAMOS: Great. Thank you.

5 Are there any questions for the Executive
6 Director?

7 COMM. HARRINGTON: Huh-uh.

8 CHAIRMAN RAMOS: We also have a new
9 Commissioner --

10 MR. CLAY: Correct.

11 CHAIRMAN RAMOS: -- that has joined
12 us, Fouad Hamami.

13 Welcome to the Commission.

14 COMM. HAMAMI: Thank you.

15 CHAIRMAN RAMOS: It's good to be at
16 full level. It makes our Commission meetings
17 more consistent, and we don't have to move things
18 if we have enough for quorum. So, thank you. We
19 appreciate it.

20 COMM. HAMAMI: Thank you.

21 CHAIRMAN RAMOS: We look forward to
22 working with you.

23 That takes us to our Old Business, and we

1 have a number of cases that we will be reviewing.
2 Some of them are with oral arguments, so bear
3 with us as we go through this. I do want to make
4 a sound check to make sure that everybody can
5 hear us on-line, because we -- some of these
6 items will be done from the Commission, and we
7 want to make sure they can hear.

8 MR. LOSTUTTER: Can everybody hear
9 us?

10 REMOTE ATTENDEE: I can hear you, but
11 you're coming in and out.

12 MR. LOSTUTTER: Okay. We will keep
13 that in mind.

14 Is anybody else having that problem, or --

15 REMOTE ATTENDEE: Yeah, there's some
16 feedback.

17 MR. LOSTUTTER: Some feedback; okay.

18 REMOTE ATTENDEE: Yeah.

19 REMOTE ATTENDEE: Yeah, I have an
20 issue.

21 CHAIRMAN RAMOS: Okay.

22 MR. LOSTUTTER: Okay. Well, we will
23 work with it as best we can there.

1 CHAIRMAN RAMOS: Okay. Thank you.

2 The first item on the docket is Yolonda
3 Graham versus Garfield Parkside Townhomes/
4 Garfield Park Townhomes. That's Case -- the Case
5 Number is HOha25040276, and the oral argument has
6 been continued for 60 days. That was assigned to
7 Comm. Harrington. There's no action required at
8 this time.

9 The next case is Dionna or Dionna Biddings
10 versus Red Lobster, LLC. The Case Number
11 is EMse25090859. It is scheduled for oral
12 argument, and the Docket Clerk will provide the
13 directions for our argument.

14 MR. LOSTUTTER: The Complainant will
15 go first and they will have five minutes to
16 speak. The Respondent's representative or
17 attorney will then have five minutes themselves.
18 The Complainant will then get a two-minute
19 rebuttal, and the Respondent will also get
20 likewise. And then if the Commissioners have any
21 questions for you, they will address you and ask
22 them.

23 CHAIRMAN RAMOS: And we'll also give

1 you a one-minute warning so that you know your
2 time is coming to an end. Are there any
3 questions on that? That's actually for anybody
4 that can hear us, so these are the directions
5 that will be consistent for each of the oral
6 arguments.

7 (No response.)

8 CHAIRMAN RAMOS: Hearing none,
9 Ms. Biddings, you're first on the list.

10 MS. BIDDINGS: I do.

11 MR. LOSTUTTER: If you want to stand
12 up and maybe move close to the end of the table
13 there and speak as loudly as you can.

14 MS. BIDDINGS: Okay. All right. My
15 name's Dionna Biddings. I'm coming to you
16 because I got a nonprobable cause, so I wanted an
17 oral before -- I wanted to explain to you all
18 what happened to me, but I want to ask direction
19 from you, because in telling the story, there's
20 two vulgar words. Do you want me to not use
21 them, or --

22 MR. LOSTUTTER: I will leave that up
23 to the Commissioners. Would you --

1 CHAIRMAN RAMOS: So, we have each
2 read the case information, so we are familiar
3 with the comments that were made, so I don't
4 think it's necessary to repeat them at this time.

5 MS. BIDDINGS: Okay. So, in April
6 of '25 I reported, I felt, uncomfortable
7 behavior, but when I did that sit-down, I sent
8 the e-mail and I sat down with the general
9 manager. I told him about the other encounters
10 that was going on before it got to me. Some
11 things he said made me feel like -- but after
12 that, he said he would talk to him and it would
13 happen, but it didn't happen.

14 So, what they did, basically, was he was
15 still -- was able to work as my manager and still
16 bother me. But the comment that was made about
17 me doing things to him impertinent and in
18 exchange for him to get my teeth fixed, and after
19 I reported it to my general manager, I went
20 outside, because he was outside smoking a
21 cigarette, and I told him, I said, "I'm
22 offended," because this is what he said to me.
23 And the general manager, he laughed, didn't think

1 it was -- he thought it was like a joke.

2 So, I did -- the next day I came in. When
3 I came in, the manager that made the comment
4 about me, for the sexual favors for my teeth, he
5 was at the door, and he told the people that were
6 standing around that I was his girl, because I
7 don't have top teeth, and he was going to see
8 what that feels like.

9 I went to the general manager again to see
10 if they was doing it. I waited like maybe a few
11 weeks, and then I sent the e-mail to my director
12 of operations and I went -- detailed of what
13 happened to me, and they didn't do nothing like
14 immediately, like our handbook said, that when
15 somebody is doing something to you, they'll do
16 it. They'll immediately take action.

17 They didn't, so I had to reach out to the
18 Indiana Department of Civil Rights, and I told
19 them what happened to me and what was going on,
20 and when I did that, they then -- after I did
21 that, then the district manager, he came in, did
22 an investigation. We had to sign these papers.
23 They had everybody write statements.

1 In the process of those statements coming
2 out, there were like more girls that came from my
3 store and another store, because that manager
4 that was doing the harassment, he was getting in
5 the process of getting promoting to a salaried
6 manager from an hourly manager. So, then after
7 this, the position statement had made it seem
8 like they moved him because of this situation,
9 but that's not what happened.

10 He still worked in both stores because of
11 their lack of management, and he was able to
12 go -- leave from my store and go over there
13 promoted to the other store and do the same thing
14 he was doing to us at the store, that he would
15 like do stuff. Like after I reported, the
16 managers would report -- discuss my complaint
17 with the staff, and they told them everything I
18 was saying, so it wasn't confidential.

19 And then they would -- I was a server, so
20 when I'd get -- I'd get a table, like I'd get one
21 table to their five, or if they want to leave
22 early, I've got to stay, but if they want to
23 stay, I get sent home.

1 The bartender was one of the ladies that
2 was having relations with the -- they -- the
3 manager. If she wanted to go home, he made me
4 take her shift, but it was supposed to be a
5 switch in pay, that I get paid more to bartend,
6 and they'd just make me close the bar.

7 So, they basically made it hard for me
8 after I made my complaints. After that, they
9 would make rules and tell the staff the reason
10 why these rules is because of me making
11 complaints about the situation that happened.

12 Later, they would -- they had enforced --
13 because they enforced the rules that only -- that
14 I asked the manager, because it seemed like the
15 rules --

16 MR. LOSTUTTER: One minute left.

17 MS. BIDDINGS: Okay. The rule was
18 only for me. They said the rule was for the --
19 applies to everybody, and then when I questioned
20 it, "Why is this rule only applying to me? Why
21 am I the only person that has to follow this
22 rule?" And so, he went back and he went to the
23 servers and to -- like to punish them, and then

1 told them that I was -- so, I had a lot of -- I
2 didn't -- just didn't want a lot of people
3 attacking me because of the situations.

4 CHAIRMAN RAMOS: Thank you.

5 Are there any questions?

6 (No response.)

7 CHAIRMAN RAMOS: Red Lobster. Who's
8 representing Red Lobster.

9 MR. LOSTUTTER: I believe --

10 MS. HERRON: I --

11 MR. LOSTUTTER: Yes, Ms. Herron
12 there.

13 MS. HERRON: Yes, Tonya Herron, on
14 behalf of Red Lobster.

15 Thank you to the Commission for allowing
16 me to spend just a couple of minutes to kind of
17 share our side of the story, although I don't
18 really have a whole lot to add. I think the
19 Deputy Director and General Counsel for the
20 Commission did an excellent job laying out the
21 factual pieces and the law, of course, in the
22 notice of finding.

23 The notice of finding, along with our

1 position statement, and there was some subsequent
2 information that we submitted to the Commission,
3 speaks for itself.

4 Ms. Biddings, she did raise a couple of
5 issues. The issues specifically pertaining to
6 sexual harassment, once the company became aware
7 of her concern, we promptly investigated and we
8 took prompt action to ensure that the behavior
9 that she complained about ended. And so, the law
10 worked as intended.

11 And so, with that, I don't have anything
12 further to add at this time, and we respectfully
13 request that the Deputy Director and General
14 Counsel's no probable cause finding be upheld.

15 CHAIRMAN RAMOS: Thank you.

16 You have one minute -- two minutes to
17 respond.

18 MS. BIDDINGS: The part -- the one --
19 they didn't apply -- they did not do anything
20 promptly. It had -- it had to wait till I
21 reached out to Indiana -- the Civil Rights
22 Commission before an investigation happened. I
23 asked for it. I told every detail, everything

1 that was happening, and basically they laughed at
2 it as if it was a joke, but it was my life and
3 what was happening to me. And I was being talked
4 about as if I would do something like that for
5 \$2.13 an hour.

6 And when they did -- when he came in, I --
7 I gave -- I -- about maybe a week after his
8 investigation, he had all of his staff write out
9 these statements, and when -- the managers was
10 talking about me, calling me a stool pigeon for
11 telling and telling the staff what I was saying
12 about what was happening to me.

13 And I e-mailed my investigator on
14 November 5th to let him know that this is what's
15 happening to me, and I tried to document
16 everything that was happening to me, but I tried
17 to give them grace, because I thought it would --
18 it went up to January 2013.

19 I really had a good relationship with Red
20 Lobster until these new people came, and they --
21 they made it hard for me. And then they made --
22 they came in and investigated like they cared,
23 but they didn't. They wanted to find out

1 everything that I had documented, and they knew
2 so that they could use it against me.

3 They didn't care about what that man was
4 doing to me, because they promoted him and let
5 him go to another place and do the same thing he
6 did to me to other women. And then I want to ask
7 them, "Did she supply you all with everybody's
8 statements from the Merrillville store and
9 Munster store?"

10 And in their position statement, it said I
11 worked in Terre Haute, Indiana. I never worked
12 in Terre Haute, Indiana. I never stayed there.
13 I worked allegedly -- and she said I was rehired,
14 but I was -- started in Oakmont, Illinois. I got
15 pregnant, and I had my baby, and my baby was
16 sick. And when she came, I had to stay out for
17 my baby.

18 I go to church over there by Munster. The
19 general manager knew me. That's how I started
20 working over there. I was still an employee who
21 was on a long-term leave because of my baby being
22 sick. I've always had a good relationship with
23 Red Lobster. They had -- they were my bread and

1 butter.

2 I was working for them, had a good
3 relationship with them for a long time until
4 these new people came, and they wanted something
5 different, to mistreat people, and I had to be
6 a -- I was telling. They thought because I was
7 telling what was happening, that I was a problem.

8 MR. LOSTUTTER: Time.

9 CHAIRMAN RAMOS: Thank you.

10 Ms. Herron?

11 MS. HERRON: I don't have any
12 additional information to add at this time.
13 Thank you.

14 CHAIRMAN RAMOS: Commissioners,
15 comments or questions?

16 VICE-CHAIR COLEMAN: I have a quick
17 question.

18 Ms. Herron, can you clarify the timeline
19 on when this was filed and when these complaints
20 were received?

21 MS. HERRON: Yes, so --

22 VICE-CHAIR COLEMAN: Like give me the
23 date.

1 MS. HERRON: Yes, absolutely. In
2 April 2025 --

3 VICE-CHAIR COLEMAN: Uh-huh.

4 MS. HERRON: -- we do have a record
5 of Ms. Biddings complaining about her -- let's
6 see. Hold on one second. Bear with me. I want
7 to get this right. So, she complained about --
8 there were a couple of things. She complained
9 about the general -- not the general manager,
10 excuse me, the manager telling her that she
11 needed to get permission to eat.

12 And then the other piece was that she said
13 that the -- a manager told her that she needed to
14 be a submissive woman. So, those were the two
15 complaints that we have on file in April of 2025.
16 So, we looked into both of those complaints.

17 The general manager -- with respect to the
18 permission to eat, the general manager, he
19 apparently had instructed all of the managers to
20 ensure that employees are ringing in their food,
21 you know, before -- before they actually eat the
22 food; right? So, that's where the permission to
23 eat piece came from.

1 And then with respect to her complaint
2 about the manager saying that "you need to be
3 submissive," he denied that, and there were no --
4 there were no witnesses corroborating that. And
5 so, that was in April of 2025.

6 And then fast forward to late September --
7 or September of 2025, we do have a record of her
8 complaining about a manager making an
9 inappropriate comment about her teeth. Well, I'm
10 sorry; that was an allegation. She claimed that
11 she had brought that allegation to the general
12 manager. The general manager denied that he --
13 that he received a complaint regarding that
14 specific allegation. So, that was an allegation.
15 She did not bring that forward. She said she
16 brought that forward. The general manager denied
17 that.

18 And then when the complaint -- the
19 complaint with the Commission was filed, once --
20 once that was filed and we saw the information
21 there, we conducted an investigation, and that's
22 when we took appropriate action against the
23 gentleman that she alleged made the sexual

1 comment against her.

2 VICE-CHAIR COLEMAN: And action was
3 taken for the April complaint as well; correct?

4 MS. HERRON: Pardon me?

5 VICE-CHAIR COLEMAN: And action was
6 taken for the April --

7 MS. HERRON: Yeah. So -- yeah, the
8 April 24th, 2025 complaint was on or around that
9 time. We did address that when she brought that
10 forward, the complaint. Again, nothing sexual in
11 nature. It was -- I mean it was a submissive
12 comment. Again, the manager denied that.

13 And then the permission to eat, we looked
14 into that as well, but again, that was just
15 around the general manager kind of setting the
16 standards around, you know, making sure that they
17 ring in their food before they eat it, so --

18 VICE-CHAIR COLEMAN: No further
19 questions. Thank you.

20 CHAIRMAN RAMOS: So, your initial
21 discussions with Ms. Biddings were standard
22 procedure, but when the Commission -- when it was
23 filed with the Commission, you went into a

1 further investigation?

2 MS. HERRON: Yeah. I'm sorry; was
3 that question for --

4 CHAIRMAN RAMOS: That was to you.

5 MS. HERRON: -- Ms. Biddings, or
6 Respondent?

7 CHAIRMAN RAMOS: Yes.

8 MS. HERRON: Okay.

9 CHAIRMAN RAMOS: So, there --
10 initially there were two complaints that you
11 referenced, and then -- and then it sounds like,
12 from what I can tell, no action was really taken,
13 other than -- I mean I didn't really see any
14 action --

15 MS. HERRON: That --

16 CHAIRMAN RAMOS: -- until the --
17 until she filed with the Indiana Civil Rights
18 Commission, and then a full investigation seems
19 to take place. Is that your standard procedure?

20 MS. HERRON: Yeah -- yeah, that's
21 correct. So, with respect to the April
22 complaint, I mean we -- we looked into that.
23 That was the action that was taken in April, and

1 then -- and then the subsequent complaint around
2 the sexual harassment, again, she complains it
3 was in early September that she raised that issue
4 with the general manager.

5 The general manager denies that he -- that
6 she complained about a sexual harassment or
7 sexual -- you know, a conduct-related complaint
8 in Ap -- or excuse me -- in early September. And
9 then fast forward to the time the complaint --
10 the charge was filed, that's when that we became
11 aware of the sexual harassment complaint, and
12 that's when we investigated it, and that's when
13 we took the action.

14 And subsequent to the position statement,
15 I think the investigator who was responsible for
16 investigating this, she did reach out for some
17 additional information around the time that we
18 provided that, and then I think that was the only
19 other additional piece of information that she
20 requested from us.

21 CHAIRMAN RAMOS: Is your standard
22 procedure in these kind of situations to do
23 cursory reviews, or do you formalize the process

1 and investigation?

2 MS. HERRON: Yeah, I mean we -- we
3 will investigate. Again, I think with respect to
4 the submissive complaint, she said that the --
5 the manager made the comment. We did talk to the
6 manager about whether or not he made the comment.
7 He denied that.

8 And then, you know, with respect to the
9 food complaint, ringing that in, I mean the
10 general manager did admit that he had, you know,
11 reset the standards around -- around that piece.
12 And so -- so that was the essence of that
13 investigation.

14 The second investigation, that's where
15 we -- we did collect statements from some
16 individuals around what Ms. Biddings alleged, the
17 sexual harassment piece. And so, based on the
18 information we collected, we were able to
19 corroborate that, you know, an inappropriate
20 comment was made, and based on that corroboration
21 we took appropriate action.

22 CHAIRMAN RAMOS: What is the status
23 of the individual currently? Do you --

1 MS. HERRON: Pardon me?

2 CHAIRMAN RAMOS: What's the status of
3 the current manager?

4 MS. HERRON: He was -- he was
5 terminated. The individual that made the comment
6 was terminated. His employment was terminated.

7 CHAIRMAN RAMOS: Thank you.

8 COMM. HARRINGTON: When was he
9 terminated?

10 MS. HERRON: He was terminated on, I
11 think it was, November 17th, 2025.

12 CHAIRMAN RAMOS: Any other questions?

13 (No response.)

14 CHAIRMAN RAMOS: Thank you.

15 This case was assigned to me, and it's one
16 of these cases that's unfortunate, because the
17 comments that were made are -- were certainly
18 unwarranted and unsatisfactory. The actions
19 taken by the -- by Red Lobster were appropriate
20 in this case, so my recommendation is to uphold
21 the Executive Director's finding of no probable
22 cause under Indiana Civil Rights Law. I need a
23 motion to approve or deny or amend.

1 VICE-CHAIR COLEMAN: I make a motion
2 to approve.

3 CHAIRMAN RAMOS: I need a second.

4 COMM. HARRINGTON: Second.

5 CHAIRMAN RAMOS: We have a motion to
6 approve by Coleman, seconded by Harrington, and
7 we needed a roll call.

8 MR. LOSTUTTER: All right.

9 Comm. Tolliver?

10 COMM. TOLLIVER: Aye.

11 MR. LOSTUTTER: Comm. Harrington?

12 COMM. HARRINGTON: Aye.

13 MR. LOSTUTTER: Comm. Hamami?

14 COMM. HAMAMI: Aye.

15 MR. LOSTUTTER: Vice-Chair Coleman?

16 VICE-CHAIR COLEMAN: Aye.

17 MR. LOSTUTTER: Chair Ramos?

18 CHAIRMAN RAMOS: Aye.

19 MR. LOSTUTTER: The ayes have it.

20 CHAIRMAN RAMOS: Thank you.

21 Just a clarification: That ends this
22 conversation. You're certainly welcome to make a
23 public comment during the public comment section,

1 if you so wish. Thank you.

2 The next case that we have on the docket
3 is Shawndra Johnson on behalf of S.J. versus
4 Ossian Health & Rehabilitation Center. The Case
5 Number is HOra25080735. This case was assigned
6 to Comm. Harrington.

7 Do you have a recommendation for the
8 Commission?

9 COMM. HARRINGTON: Yes, I have a
10 recommendation. There were two issues. On the
11 first issue, my recommendation is to uphold the
12 no reasonable cause under Indiana Fair Housing
13 Act and no probable cause claim under Indiana
14 Civil Rights Act.

15 On the second issue, I also support
16 upholding the finding that the -- there was a no
17 reasonable cause under Indiana Fair Housing Act
18 as well as a no probable cause claim under
19 Indiana Civil Rights.

20 CHAIRMAN RAMOS: Thank you,
21 Commissioner.

22 Is there a motion to approve?

23 VICE-CHAIR COLEMAN: So moved.

1 CHAIRMAN RAMOS: Is there a second?

2 COMM. HAMAMI: Second.

3 CHAIRMAN RAMOS: Motion, Coleman;
4 second, Hamami. All those in favor, signify by
5 saying aye through roll call.

6 MR. LOSTUTTER: All right.

7 Comm. Tolliver?

8 COMM. TOLLIVER: Aye.

9 MR. LOSTUTTER: Comm. Harrington?

10 COMM. HARRINGTON: Aye.

11 MR. LOSTUTTER: Comm. Hamami?

12 COMM. HAMAMI: Aye.

13 MR. LOSTUTTER: Vice-Chair Coleman?

14 VICE-CHAIR COLEMAN: Aye.

15 MR. LOSTUTTER: Chair Ramos?

16 CHAIRMAN RAMOS: Aye.

17 MR. LOSTUTTER: The ayes have it.

18 CHAIRMAN RAMOS: Thank you.

19 Case no. iv on our docket is Michael Eni
20 versus Brickyard Healthcare. The Case Number
21 is EMse26020097, and this case was assigned to
22 Vice-Chair Coleman, and it is set for oral
23 argument as well.

1 MR. LOSTUTTER: Let's see. The -- I
2 do not believe we have anyone here for either the
3 Complainant or the -- well, we do for the
4 Respondent.

5 MS. ALEXANDER: Okay.

6 MR. LOSTUTTER: Are you representing
7 the -- okay. Then by all means, go ahead and
8 come on up.

9 MS. ALEXANDER: Okay.

10 MR. LOSTUTTER: Come to the front and
11 speak as loudly as you can.

12 MS. ALEXANDER: Okay.

13 CHAIRMAN RAMOS: The same rules
14 apply. You'll get five minutes, and then no
15 rebuttal, but if you have any comments, you're
16 certainly welcome to have them. If -- presuming
17 Brickyard Healthcare is not represented, then
18 it's -- we'll just listen to what you have to
19 say.

20 MS. ALEXANDER: Okay.

21 CHAIRMAN RAMOS: And please identify
22 yourself.

23 MS. ALEXANDER: Okay.

1 Good afternoon, Chair, Commissioners.
2 Julie Alexander for Complainant, Michael Eni.

3 We ask the Commission to issue a notice of
4 intent to remand under 910 Indiana Administrative
5 Code 1-3-2, subsection (h), subdivision (4) for
6 three specified efforts: Identify the comparator
7 cases Brickyard says exist; follow the named
8 witness leads; and reconcile the conflicting
9 suspension and termination chronology.

10 We are not asking the Commission to decide
11 liability today. Probable cause is preliminary
12 under 910 IAC 1-1.5-14. It asks whether apparent
13 facts would lead a person of normal intelligence
14 and prudence to believe an unlawful discriminatory
15 [sic] practice occurred. Subsection (h)(4)
16 supplies the remedy when specific material
17 questions remain: Referral for further
18 investigation with a desired effort stated in
19 writing.

20 The most important gap comes from
21 Brickyard's own evidence. Its termination
22 memorandum says the decision was consistent with
23 how similar conduct has been addressed with other

1 employees. That represents that comparison cases
2 exist. Yet the packet identifies no employee
3 race or sex, supervisor, policy, introductory
4 status, conduct, or discipline.

5 The final report, at page 166 in the
6 packet, instead says no female or
7 non-African-American Nurse L.P.N. comparator was
8 uncovered without addressing Brickyard's
9 statement or requesting the records behind it.
10 The packet supplies concrete follow-up leads. At
11 pages 130 and 131 of the packet, Mr. Eni
12 identified Cathy Flowers, also transcribed as
13 Prowers, as able to explain co-workers who
14 disappeared, and that occurred in his rebuttal
15 interview.

16 A contemporaneous report at pages 149
17 and 150 says Amanda reported that CNA's often
18 disappeared without notice. Pages 154 and 155
19 separately refer to Cathy working beside him and
20 leaving Mr. Wilson a voicemail. The packet shows
21 no interview or contact note, and does not
22 establish whether Kathy, with a K, and Cathy,
23 with a C, are the same person. The no-comparator

1 question should not be closed before those leads
2 are checked.

3 Job titles should not end the inquiry in
4 advance. Brickyard's policy applies to nonexempt
5 hourly employees, and Mr. Eni performed CNA
6 assignments as an L.P.N. The investigation
7 should determine whether the same rules
8 supervisors, decision makers, and comparable
9 seriousness applied.

10 The central explanation is also
11 chronologically unresolved. The termination
12 memorandum records -- records suspension
13 beginning December 16th. Mr. Eni reported
14 working December 17th. The position statement
15 says suspension began December 23rd. Wilson's
16 December 23rd --

17 MR. LOSTUTTER: One minute.

18 MS. ALEXANDER: Wilson's
19 December 23rd note says the December 17th, 19th
20 and 22nd calls were to discuss termination of
21 employment, while the position statement and
22 final report characterized them as attendance or
23 employment status contacts. The same calls thus

1 appear as termination notice in the source note
2 and as conduct contributing to termination in the
3 later narrative.

4 The form leaves the violation category and
5 outcome unchecked and places job abandonment
6 beside category 2 language, and while the policy
7 lists job abandonment as category 1. If that was
8 the rule applied, Brickyard's policy called for
9 witness interviews, pertinent documents, and the
10 employee's account. The packet contains no
11 underwriting, time records, witness summaries, or
12 internal investigation report.

13 MR. LOSTUTTER: Time.

14 CHAIRMAN RAMOS: I will give you --
15 you have no one to counter your comments, but I
16 will give you about one minute to summarize your
17 recommendations.

18 MS. ALEXANDER: Thank you.

19 First, Mr. Eni's extended meal period and
20 failure to return telephone calls may support
21 discipline, but they do not supply the missing
22 investigation. Brickyard itself states that
23 similar conduct had been addressed with other

1 employees. If that statement refers to actual
2 employees, the relevant records should be
3 identified.

4 If it is unsupported standard language, it
5 cannot establish consistent enforcement. The
6 final report reached a no-comparator conclusion
7 without answering that question or checking the
8 identified witnesses.

9 Second, we do not contend that an e-mail
10 to headquarters was the same as returning
11 Mr. Wilson's call. We contend that it is
12 relevant to assert a job abandonment before
13 termination. Mr. Eni told the company in writing
14 that he had not quit and was awaiting
15 instructions, while his reports describe
16 management directions to leave. That makes
17 abandonment a disputed explanation, not an
18 established fact.

19 Third, no single clerical error controls.
20 The combined chronology is material and readily
21 testable: Suspension beginning September 16th,
22 work on December 17th, suspension beginning
23 December 23rd in the position statement, and a

1 later note stating -- saying the earlier calls
2 were to discuss termination.

3 Subsection (h)(4) authorizes the
4 Commission to specify the missing investigative
5 steps and obtain the answer. We respectfully
6 request a notice of intent to remand.

7 CHAIRMAN RAMOS: Thank you.

8 Are there any questions?

9 (No response.)

10 CHAIRMAN RAMOS: This case was
11 assigned to Vice-Chair Coleman.

12 Do you have a recommendation?

13 VICE-CHAIR COLEMAN: Yes. There are
14 two issues in this case, and I make a
15 recommendation to uphold the findings of no
16 probable cause on both of the discrimination
17 claims.

18 CHAIRMAN RAMOS: Motion is made -- or
19 recommendation is made. I need a motion to
20 approve.

21 COMM. HAMAMI: So moved.

22 CHAIRMAN RAMOS: I need a second.

23 COMM. HARRINGTON: Second.

1 CHAIRMAN RAMOS: I have a motion from
2 Hamami and a second from Harrington. Let's do a
3 roll call, please.

4 MR. LOSTUTTER: All right.

5 Comm. Tolliver?

6 COMM. TOLLIVER: Aye.

7 MR. LOSTUTTER: Comm. Harrington?

8 COMM. HARRINGTON: Aye.

9 MR. LOSTUTTER: Comm. Hamami?

10 COMM. HAMAMI: Aye.

11 MR. LOSTUTTER: Vice-Chair Coleman?

12 VICE-CHAIR COLEMAN: Aye.

13 MR. LOSTUTTER: Chair Ramos?

14 CHAIRMAN RAMOS: Aye.

15 MR. LOSTUTTER: The ayes have it.

16 CHAIRMAN RAMOS: Thank you.

17 Again, if you have any comments, you can
18 do that during public comment. Otherwise, the
19 recommendation is to uphold the Director's
20 finding.

21 MS. ALEXANDER: Thank you.

22 CHAIRMAN RAMOS: The next case is
23 Debra J. Brown versus Valle Vista Multifamily

1 Partners, LLC Broadside [sic] Properties doing
2 business as The Fairways at Valle Vista. The
3 Case Number is HOra25121077. This case was
4 assigned to Vice-Chair Coleman.

5 Do you have a recommendation?

6 VICE-CHAIR COLEMAN: Yes. I've got
7 about a hundred tablets with all of these cases.
8 There was one issue on this one, and I make a
9 recommendation that we uphold the finding of no
10 prob -- no reasonable cause under the Indiana
11 Fair Housing Act and no probable cause on the
12 discrimination.

13 CHAIRMAN RAMOS: Thank you.

14 I need a motion to approve.

15 COMM. HARRINGTON: I move to approve.

16 CHAIRMAN RAMOS: I need a second.

17 COMM. HAMAMI: Second.

18 CHAIRMAN RAMOS: Motion from
19 Harrington, second from Hamami. Those in favor,
20 signify by roll call.

21 MR. LOSTUTTER: Comm. Tolliver?

22 COMM. TOLLIVER: Aye.

23 MR. LOSTUTTER: Comm. Harrington?

1 COMM. HARRINGTON: Aye.

2 MR. LOSTUTTER: Comm. Hamami?

3 COMM. HAMAMI: Aye.

4 MR. LOSTUTTER: Vice-Chair Coleman?

5 VICE-CHAIR COLEMAN: Aye.

6 MR. LOSTUTTER: Chair Ramos?

7 CHAIRMAN RAMOS: Aye.

8 MR. LOSTUTTER: The ayes have it.

9 CHAIRMAN RAMOS: Thank you.

10 Case no. vi is Brandon McKee versus Angola
11 Housing Authority and Indiana Housing & Community
12 Development Center -- or Authority -- let me
13 repeat that -- Indiana Housing and Community
14 Development Authority. The Case Number
15 is HOha25070585, and this is set for oral
16 argument.

17 Are all parties here?

18 MR. LOSTUTTER: Yes, they are. We
19 have Mr. McKee.

20 And Mr. McKee, if you're ready to go, we
21 can go ahead and start.

22 MR. MCKEE: Okay. Yeah.

23 Originally, I had filed the complaint well

1 over a year ago, just in regards to what I felt
2 was discrimination along with other matters that
3 I wanted HUD to address because, from my
4 understanding, HUD -- Angola Housing Authority
5 was one of HUD's properties. I didn't know it
6 was like a community-type housing authority.

7 I was just hoping for a further
8 investigation. I was kind of hoping that
9 something would come from it. I really don't
10 know who to state it to, just in regards to the
11 matter. I do know that when I applied, I was
12 somewhat approved.

13 I wanted to further speak with management
14 just in regards to the unit, and also to the
15 price of the unit along with other matters I
16 asked about, and I was denied that opportunity to
17 speak with management. I was just kind of hoping
18 that something further could come from it.

19 At this moment in time, I'm not sure what
20 else to do, just because I feel that when I did
21 try to apply, I was not necessarily denied, but I
22 just wanted to sit down and talk to someone just
23 in regards to why I felt that I was being

1 overcharged for a unit based on my disability.

2 I didn't agree with -- not necessarily
3 just the price, but also, there were other
4 matters, too, that were not properly, I guess,
5 addressed, just in regards to like paperwork that
6 I wanted to possibly go over, and I wasn't
7 able -- I wasn't given that opportunity.

8 Not just that, but I tried to talk with
9 them in regards to this. I was pretty much
10 stonewalled. I didn't know what else to do. I
11 tried communicating with both Lake Thomas or --
12 yeah, Lake Thomas and Shannon Conlan in regards
13 to that, both the director and the apartment
14 manager, and I pretty much was told that whatever
15 they did was on the computer, and there's not
16 that much they could go over with me when I asked
17 to do it in person.

18 The last time I did speak with them in
19 regards to this, I still asked to talk with them
20 about it, and they still kind of denied me that
21 opportunity, but like I said, my -- my original
22 complaint was with HUD, just because I felt that
23 I wanted to understand more in regards to why --

1 what the whole process was, and I was just not
2 given fair opportunity to talk to them in regards
3 to that.

4 CHAIRMAN RAMOS: Thank you.

5 Do we have anybody from Angola Housing?

6 MR. LOSTUTTER: We do.

7 MS. ANDERSON: Hi.

8 MR. LOSTUTTER: I believe
9 Ms. Anderson.

10 MS. ANDERSON: Yes. Thank you, and I
11 appreciate you giving us the time to address
12 these issues.

13 I think this is a pretty simple case, and
14 I think that, as Mr. McKee said, when he first
15 filed his complaint, one of the things that he
16 was looking for was an additional investigation,
17 and that's what happened here, and that
18 investigation that was conducted should -- was on
19 file with the apartments back on August 1, 2024.
20 It start -- opened in January of 2025, and on
21 January 7th, 2025 he received a letter to let him
22 know that there was an opening.

23 And the language within this letter is

1 very important, because first it advised
2 Mr. McKee that they have what they call a two
3 offer plan, and this is basically we offer you a
4 spot one time. If you reject it, that's fine, we
5 keep you on a wait list, and when another unit
6 comes up, we'll give you another shot, send you
7 another letter, let you know.

8 However, if you don't -- if you decline a
9 second time, then you're off the waiting list.
10 You have to wait another year until you apply
11 again. But it also says that if they don't
12 respond to letters in three days, that you're
13 going to be removed from the hou -- from the
14 waiting list. So, what happened here is that
15 letter went out on January 7th.

16 On that same day, Mr. McKee does respond,
17 and he asked a couple of questions about rent.
18 About 15 minutes later Respondent responds and
19 tells him basically what the rent was. He
20 responds that his income was going to be changing
21 and that would change the number, and what they
22 told him is that once you move, if your income
23 changes, your rent will change accordingly. In

1 the meantime, you will be plan c for the rent.

2 And that was on January 7th, and then
3 there's no additional response or communication
4 from Mr. McKee all of the way until March 20th.
5 But pursuant to that letter that tells him he's
6 got three days, he is removed, taken off the
7 list, because he did not object -- I'm sorry --
8 did not accept or reject the offer within those
9 three days.

10 So, at that point, that was in March 2025.
11 We started serious communications talking about
12 rent, and that's the first time any thought of an
13 in-person meeting is raised by Mr. McKee.
14 Ultimately that doesn't happen, because at this
15 point he was not denied housing. He was taken
16 off the wait list because he had not complied
17 with the three-day notice.

18 And the -- he mentioned that the point of
19 his complaint was an investigation, and that
20 occurred with you guys, and he was able to
21 present quite a few witnesses, present -- present
22 all of his evidence. We did the same, and at the
23 end, a no-cause finding was made, and we believe

1 that that should be upheld, as that's what's
2 supported by the evidence.

3 Thank you.

4 CHAIRMAN RAMOS: Thank you.

5 Mr. McKee, you have two minutes to
6 respond.

7 MR. MCKEE: Yeah. Like I said, I
8 understand where Mrs. Ami Anderson is -- what
9 she's talking about, but what I don't understand
10 is that I did reach out to Shannon and Lake both,
11 not just by e-mail. I went into their office and
12 tried communicating with them as well. I tried
13 setting up a meeting, but they flat-out refused.
14 That's when Mrs. Conlan mentioned to me that
15 everything was done through the computer; there's
16 not that much that they can do.

17 And when I asked for a sit-down meeting
18 for them to explain things to me, I was denied
19 that opportunity. Not just that, I did respond.
20 I did respond within the three days, just the
21 e-mail, and then I also responded personally when
22 I tried going into the office and speaking with
23 Mr. Lake Thomas and Shannon Conlan. I did try to

1 speak with them, but unfortunately, they just
2 didn't want to talk to me about it. I just tried
3 getting someone to explain things.

4 And when I initially filed my complaint,
5 my complaint was initially --

6 MR. LOSTUTTER: One minute.

7 MR. MCKEE: -- filed with HUD. HUD
8 did refer the complaint to the Department of
9 Civil Rights, but I wanted HUD to actually go in
10 and do an audit. That's -- my whole intent was
11 for HUD to do an audit and have them investigate
12 it more properly, because I understand that with
13 HUD, there's so many different programs involved
14 in housing that it's very confusing for most. I
15 think what was done was done -- was done
16 wrongfully. I just wanted HUD to do more of a
17 thorough audit and investigation.

18 (Discussion off the record.)

19 CHAIRMAN RAMOS: Thank you,
20 Mr. McKee.

21 Ms. Anderson.

22 MS. ANDERSON: Sure. Mr. McKee was
23 required to establish that he was denied a

1 meeting or treated differently as a result of
2 disability. There's no evidence to support that.
3 So, whether it was -- if he thinks it was rude
4 that he wasn't given a meeting or because he --
5 he just had questions, that's one thing, but
6 that's not what we're here to decide. We're here
7 to decide if there's been evidence to overturn a
8 decision that he was discriminated against or
9 treated differently somehow based on his
10 disability, and that's just not here.

11 CHAIRMAN RAMOS: Thank you.

12 Are there any questions for counsel or
13 Mr. McKee?

14 (No response.)

15 CHAIRMAN RAMOS: Hearing none --

16 MR. MCKEE: What did you say? I'm
17 sorry?

18 CHAIRMAN RAMOS: I was asking the
19 Commissioners if they had any questions for you
20 or for Ms. Anderson, and there were no questions.

21 MR. MCKEE: Okay.

22 CHAIRMAN RAMOS: This case was
23 assigned to me. There are two issues. The first

1 issue, I recommend that we uphold the Director's
2 finding of no reasonable cause under the Indiana
3 Fair Housing Act and no probable cause under the
4 Indiana Civil Rights Law, and I'd like to take a
5 motion on that first, and then I'll address the
6 second issue separately.

7 MR. LOSTUTTER: All right.

8 Comm. Tolliver?

9 VICE-CHAIR COLEMAN: We need to make
10 a motion.

11 CHAIRMAN RAMOS: Yeah, we need to
12 make a motion.

13 MR. LOSTUTTER: Oh, I'm sorry.
14 Sorry, sorry, sorry.

15 VICE-CHAIR COLEMAN: I make a motion
16 to uphold.

17 CHAIRMAN RAMOS: I need a second.

18 COMM. HAMAMI: Second.

19 CHAIRMAN RAMOS: Okay.

20 MR. LOSTUTTER: Now we'll deal with
21 the first one.

22 Comm. Tolliver?

23 COMM. TOLLIVER: Aye.

1 MR. LOSTUTTER: Comm. Harrington?

2 COMM. HARRINGTON: Aye.

3 MR. LOSTUTTER: Comm. Hamami?

4 COMM. HAMAMI: Aye.

5 MR. LOSTUTTER: Vice-Chair Ramos --

6 or excuse me -- Vice-Chair Coleman?

7 VICE-CHAIR COLEMAN: Aye.

8 MR. LOSTUTTER: Chair Ramos?

9 CHAIRMAN RAMOS: Aye. Thank you.

10 That was the first issue, so we uphold the
11 Director's findings. The second issue really is
12 administratively dismissed because it is outside
13 the jurisdiction of the Indiana Fair Housing or
14 Indiana Civil Rights Commission, so no motion is
15 needed to be taken on that action.

16 Thank you both.

17 The next case is Rose McClain versus The
18 Behavioral Center of Indianapolis, Case
19 No. EMha26030176, and that is an oral argument,
20 and that appeal has been withdrawn, and then no
21 action is needed on our part.

22 Case no. viii is with Travis Robertson
23 versus Allied Universal Security Services, LLC,

1 Case No. EMha25060550. This is also set for oral
2 argument.

3 Do we have both parties?

4 MR. LOSTUTTER: I don't believe that
5 we do. We have the attorney for the Respondent.
6 We do not have the Complainant, and the
7 Complainant was certainly made aware that -- that
8 today was the day for -- for the hearing, for the
9 oral argument.

10 CHAIRMAN RAMOS: Okay. Well, who is
11 representing Allied?

12 MR. LOSTUTTER: I believe it is
13 Ms. Caldwell.

14 CHAIRMAN RAMOS: Ms. Caldwell, are
15 you there?

16 MS. CALDWELL: Hi. I'm here.

17 CHAIRMAN RAMOS: Okay.

18 MS. CALDWELL: Yes, I'm here, on
19 behalf of the Respondent, Allied Universal.

20 CHAIRMAN RAMOS: All right. Go
21 ahead. You have the floor.

22 MR. LOSTUTTER: Five minutes.

23 MS. CALDWELL: I'm not too familiar

1 with this process, but given the fact that the
2 Complainant has failed to appear and this was, I
3 believe, granted on his request to contest the
4 findings, we would respectfully request that the
5 Commission uphold its no probable cause findings
6 that it issued.

7 CHAIRMAN RAMOS: Thank you.

8 Are there any questions for Ms. Caldwell?

9 (No response.)

10 CHAIRMAN RAMOS: This case was
11 assigned to me, and I recommend that we uphold
12 the Director's findings on all four issues of no
13 probable cause under Indiana Civil Rights Law.
14 Are there any questions or comments on that?

15 (No response.)

16 CHAIRMAN RAMOS: I do need a motion
17 to approve.

18 VICE-CHAIR COLEMAN: So moved.

19 CHAIRMAN RAMOS: I need a second.

20 COMM. HARRINGTON: Second.

21 CHAIRMAN RAMOS: Motion by Coleman;
22 second, Harrington. Roll call, please.

23 MR. LOSTUTTER: Comm. Tolliver?

1 COMM. TOLLIVER: Aye.

2 MR. LOSTUTTER: Comm. Harrington?

3 COMM. HARRINGTON: Aye.

4 MR. LOSTUTTER: Comm. Hamami?

5 COMM. HAMAMI: Aye.

6 MR. LOSTUTTER: Vice-Chair Coleman?

7 VICE-CHAIR COLEMAN: Aye.

8 MR. LOSTUTTER: Chair Ramos?

9 CHAIRMAN RAMOS: Aye.

10 MR. LOSTUTTER: The ayes have it.

11 CHAIRMAN RAMOS: Thank you.

12 Case no. ix is Derrick Carter versus
13 Costco, Case No. PAra25070581. This case was
14 assigned to me, and I recommend that we uphold
15 the Director's finding of no probable cause under
16 Indiana Civil Rights Law. I need a motion to
17 approve.

18 COMM. HAMAMI: So moved.

19 CHAIRMAN RAMOS: I need a second.

20 VICE-CHAIR COLEMAN: Second.

21 CHAIRMAN RAMOS: Motion, Hamami;
22 second, Coleman. Roll call.

23 MR. LOSTUTTER: Comm. Tolliver?

1 COMM. TOLLIVER: Aye.

2 MR. LOSTUTTER: Comm. Harrington?

3 COMM. HARRINGTON: Aye.

4 MR. LOSTUTTER: Comm. Hamami?

5 COMM. HAMAMI: Aye.

6 MR. LOSTUTTER: Vice-Chair Coleman?

7 VICE-CHAIR COLEMAN: Aye.

8 MR. LOSTUTTER: Chair Ramos?

9 CHAIRMAN RAMOS: Aye.

10 MR. LOSTUTTER: The ayes have it.

11 CHAIRMAN RAMOS: Thank you.

12 Case x, Sherida Pedro Randolph versus
13 Canterbury House II-Newburgh LP/Riverbend Flats.
14 The Case Number is HOr25100895. This case was
15 assigned to Vice-Chair Coleman.

16 Do you have a recommendation?

17 VICE-CHAIR COLEMAN: I recommend that
18 we uphold the findings of no reasonable cause and
19 no probable cause on all of the issues.

20 CHAIRMAN RAMOS: Thank you.

21 Do I have a motion to approve?

22 COMM. HARRINGTON: Move to approve.

23 CHAIRMAN RAMOS: Motion, Harrington.

1 I need a second.

2 COMM. HAMAMI: Second.

3 CHAIRMAN RAMOS: Second, Hamami.

4 Roll call, please.

5 MR. LOSTUTTER: Comm. Tolliver?

6 COMM. TOLLIVER: Aye.

7 MR. LOSTUTTER: Comm. Harrington?

8 COMM. HARRINGTON: Aye.

9 MR. LOSTUTTER: Comm. Hamami?

10 COMM. HAMAMI: Aye.

11 MR. LOSTUTTER: Vice-Chair Coleman?

12 VICE-CHAIR COLEMAN: Aye.

13 MR. LOSTUTTER: Chair Ramos?

14 CHAIRMAN RAMOS: Aye.

15 MR. LOSTUTTER: The ayes have it.

16 CHAIRMAN RAMOS: Thank you. That's a
17 lot.

18 All right. The next section is Motions
19 and Other Filings. There are none.

20 COMM. HARRINGTON: You skipped one.

21 CHAIRMAN RAMOS: I'm sorry.

22 MR. CLAY: Terry Taylor v. Midwest
23 Service Center.

1 VICE-CHAIR COLEMAN: No. xi.

2 CHAIRMAN RAMOS: Oh, I'm sorry. It
3 is. Yes; I'm sorry. I'm ahead of the pack.
4 Yeah, case no. xi is Terry Taylor versus Midwest
5 Service Center, LLC, Case No. EMra25070621. This
6 case was assigned to Comm. Tolliver.

7 Commissioner, do you have a
8 recommendation?

9 COMM. TOLLIVER: I do. I recommend
10 we uphold the Commission's finding of no probable
11 cause under Indiana Civil Rights Law.

12 CHAIRMAN RAMOS: I need a motion to
13 approve.

14 VICE-CHAIR COLEMAN: So moved.

15 CHAIRMAN RAMOS: I need a second.

16 COMM. HARRINGTON: Second.

17 CHAIRMAN RAMOS: Motion, Coleman;
18 second, Harrington. Roll call, please.

19 MR. LOSTUTTER: Comm. Tolliver?

20 COMM. TOLLIVER: Aye.

21 MR. LOSTUTTER: Comm. Harrington?

22 COMM. HARRINGTON: Aye.

23 MR. LOSTUTTER: Comm. Hamami?

1 COMM. HAMAMI: Aye.

2 MR. LOSTUTTER: Vice-Chair Coleman?

3 VICE-CHAIR COLEMAN: Aye.

4 MR. LOSTUTTER: Chair Ramos?

5 CHAIRMAN RAMOS: Aye.

6 MR. LOSTUTTER: The ayes have it.

7 CHAIRMAN RAMOS: Okay. All right.

8 So, as I mentioned previously, there are no Other
9 Motions or Filings. We have Status of Remanded
10 Cases, and in the case of Holly June Lewis versus
11 Marble Products International, LLC, Case Number
12 is EMse24060594, and this was remanded back for
13 further investigation of packets allegedly sent
14 by both parties and prepare new findings, and
15 that was from March 16, 2026, and that currently
16 is under investigation. And that was recommended
17 by me, so that's still under investigation.

18 Any comments or questions?

19 COMM. HARRINGTON: Previously there
20 were more. What has happened to the other cases
21 that were --

22 MR. LOSTUTTER: They have been
23 decided, and if you wish, I can -- I can send you

1 a copy of the notice of finding on them.

2 COMM. HARRINGTON: If -- can you send
3 the Commissioner that was on it? Because the
4 purpose of this was so that we knew the status.
5 So, if there's been a decision, it would be --

6 MR. LOSTUTTER: I can send that to
7 you.

8 COMM. HARRINGTON: -- in our interest
9 to be informed.

10 MR. LOSTUTTER: I can do that.

11 COMM. HARRINGTON: Uh-huh.

12 CHAIRMAN RAMOS: Thank you.

13 That gets us to New Business. We have the
14 appointment of Commissioners to Complainants'
15 Appeals of Notices of Findings. The first one on
16 the list -- and we'll go from my left to right,
17 and the first one is Susan Waddell versus One
18 Solution Logistics of Indiana, Inc., Case
19 No. EMse26030228. I'll assign that to Vice-Chair
20 Coleman.

21 The next case is James Stecher, Guardian,
22 on behalf of D.S. versus JVM Realty,
23 Incorporated, AKA JVM Mark Apartments, LLC, and

1 the Case Number is HOha25121080, and that is
2 requesting oral arguments. I will assign that to
3 Comm. Harrington; okay?

4 COMM. HARRINGTON: And this is for
5 September?

6 CHAIRMAN RAMOS: Yes.

7 MR. LOSTUTTER: Yes.

8 (Discussion off the record.)

9 COMM. HARRINGTON: The date they
10 proposed is not an option for me.

11 CHAIRMAN RAMOS: Okay.

12 COMM. HARRINGTON: They said -- they
13 suggested moving it from the 25th to the 14th, I
14 believe.

15 MR. CLAY: The week of the 14th.

16 MR. LOSTUTTER: The week of the 14th.

17 COMM. HARRINGTON: Okay. So --

18 CHAIRMAN RAMOS: Okay. We'll have to
19 address that, see if that works out.

20 COMM. HARRINGTON: Uh-huh.

21 CHAIRMAN RAMOS: If not, we can
22 reassign that.

23 The next case is Jacqueline Trent versus

1 LT Limited Partnership/W.H. Long Rentals &
2 Burberry Place. The Case Number is HOha26020140.
3 That's also scheduled for oral arguments. I'll
4 assign that one to me.

5 Question for Comm. Hamami: Are you
6 comfortable with taking on cases, or do you want
7 to observe for a couple of sessions? It's your
8 call.

9 COMM. HAMAMI: As long as you're
10 beside me, I think I can manage.

11 CHAIRMAN RAMOS: Sure. Let's --
12 let's not assign you an oral argument yet. I
13 think that's a fair request. So, the case of
14 Chantawn King versus INNH EMP, LLC, Case
15 No. EMra24100982, I'm going to assign that to
16 Comm. Tolliver.

17 The next case is Brian Edwards versus FCA
18 US, LLC, Case No. EMrt24090809. I will assign
19 that to Vice-Chair Coleman.

20 Is that okay?

21 VICE-CHAIR COLEMAN: Uh-huh.

22 CHAIRMAN RAMOS: Okay.

23 The next case is Hollie Anderson versus

1 Mary Ann Fink & Adam, Incorporated. This
2 is HOha26020118, and I will assign that to
3 Comm. Hamami, and I'm happy to assist in any
4 manner.

5 COMM. HAMAMI: Okay.

6 CHAIRMAN RAMOS: The next case is
7 Tyana DeBro versus Indiana Emergency Dental, Case
8 No. EMra25030200, and since I know you have an
9 oral argument already scheduled for next month, I
10 will assign that case to me; okay?

11 We will review the ALJ Decisions and
12 Orders. This is the Administrative Law Judge's
13 order disposing of a proceeding becomes a final
14 order when affirmed under Indiana
15 Code 4-21.5-3-29 and Indiana Code 4-21.5-3-27.

16 We do have to have votes required for
17 this. I will read it in. ICRC/Lanita Goins
18 versus Spicewood Garden Apartments II, LP, Heron
19 Property Management and Hand, Incorporated. The
20 Case Number is HOra230808663 -- I'm sorry; I'll
21 read that one more time -- HOra23080663. That
22 was submitted to the Commission in June --
23 January the 6th of '26.

1 The ALJ in this matter has determined that
2 the Complainant in this matter has failed to meet
3 her burden of proof in either issue or -- and
4 hereby rules in favor of the Respondent and
5 against the Complainant and Aggrieved Person,
6 with the Indiana Civil Rights Commission's
7 Director's charges dismissed with prejudice.

8 The Complainant has filed an objection to
9 this proposal, the final order that was issued in
10 this matter by the ALJ. The Respondent filed a
11 response and objection to the Complainant's
12 objection. The Commission issued an order
13 setting a briefing schedule prior to oral
14 arguments taking place. Complainant has filed
15 their brief with the Commission and the
16 Respondent has 30 days to respond. No decision
17 on this matter is due at this time.

18 VICE-CHAIR COLEMAN: We heard this
19 case; correct?

20 MR. CLAY: Yes.

21 CHAIRMAN RAMOS: Going on to
22 section d., ALJ Decisions Automatically
23 Confirmed, and there are none listed. The next

1 topic is meetings -- dates for September, and the
2 proposal has been to move it to the week of
3 the 14th of September.

4 VICE-CHAIR COLEMAN: Uh-huh.

5 CHAIRMAN RAMOS: And if you'd check
6 your calendars, please.

7 (Pause in proceedings.)

8 CHAIRMAN RAMOS: So, the 14th, is
9 that a Monday as well? I don't have my calendar.

10 VICE-CHAIR COLEMAN: Yes.

11 COMM. HAMAMI: Yes.

12 COMM. HARRINGTON: That's a Monday.

13 CHAIRMAN RAMOS: Okay.

14 COMM. HARRINGTON: I mean if you can
15 still have a quorum, I just cannot.

16 MR. CLAY: Any day through that week
17 would suffice. We just want to make sure that
18 we're able to get this rulemaking submitted as
19 quickly as possible.

20 VICE-CHAIR COLEMAN: The 14th works
21 for me to be in person.

22 CHAIRMAN RAMOS: Okay. Any other day
23 that week?

1 VICE-CHAIR COLEMAN: (Shook head no.)

2 CHAIRMAN RAMOS: Commissioner, are
3 you okay for those dates?

4 COMM. HAMAMI: Yeah, I'm okay for
5 the 14th.

6 CHAIRMAN RAMOS: Comm. Tolliver, are
7 you available on the 14th to be on-site?

8 COMM. TOLLIVER: I am.

9 CHAIRMAN RAMOS: Okay. Then we have
10 a quorum.

11 COMM. HARRINGTON: Do you want me to
12 keep the case for oral argument, or do you want
13 to reassign it?

14 CHAIRMAN RAMOS: Let's reassign that.

15 VICE-CHAIR COLEMAN: I can do it.

16 CHAIRMAN RAMOS: Are you able to do
17 it virtually, or are you not able to be there at
18 all?

19 COMM. HARRINGTON: We can switch, I
20 believe. You didn't have one with an oral
21 argument.

22 VICE-CHAIR COLEMAN: Okay.

23 COMM. HARRINGTON: We can switch.

1 CHAIRMAN RAMOS: Okay.

2 COMM. HARRINGTON: Does that work?

3 (Discussion off the record.)

4 CHAIRMAN RAMOS: All right. So, this
5 one; right? All right.

6 COMM. HARRINGTON: James, yeah.

7 CHAIRMAN RAMOS: All right. So, for
8 the record, James Stecher, Guardian, on behalf
9 of DS versus JVM Realty, Incorporated, AKA JVM
10 Mark Apartments, I'm going to assign that case to
11 Vice-Chair Coleman. And we're going to switch?

12 COMM. HARRINGTON: Yeah, I'll do the
13 one with no oral argument, and then I'll call in
14 my finding.

15 CHAIRMAN RAMOS: Okay. So, we'll
16 switch Susan Waddell versus One Solution
17 Logistics of Indiana to Comm. Harrington.

18 Michael, do you have that?

19 MR. LOSTUTTER: Yes.

20 CHAIRMAN RAMOS: Okay.

21 MR. LOSTUTTER: And we are officially
22 going with September 14th as the date? Okay.

23 CHAIRMAN RAMOS: Yes.

1 Okay. We have no Elections, Trainings or
2 Otherwise. Do we have any Announcements?

3 (No response.)

4 CHAIRMAN RAMOS: I will say
5 officially that this was -- I attended the Shelby
6 Players' stage on -- that our stenographer,
7 Lindy, has -- was Director of, and I highly
8 recommend attending future events. They do a
9 great job.

10 MR. LOSTUTTER: We do have one person
11 for the Public Comment section --

12 CHAIRMAN RAMOS: Okay.

13 MR. LOSTUTTER: -- Ms. Molly Radecki,
14 and she will have two minutes, starting when she
15 is ready.

16 MS. RADECKI: Hello. I'm Ready.
17 Thank you for hearing my public comment.

18 I understand that the -- the timeliness
19 issue and you may not be able to answer
20 everything, but I would like the Commissioners
21 just to be aware that these are the questions I
22 have about my appeal.

23 First, there is an issue of the timeliness

1 of my complaint, and as I understand it, I would
2 like it to be confirmed that it is two years
3 after the last adversary event. I understand the
4 Director has notice about this, and I did file
5 information requests to understand his thoughts
6 on this process, and I don't think I will get
7 that in the six days in which my appeal is due.

8 Second, I would like to explain that
9 Indiana University is still withholding
10 documents. I have filed a number of Article --
11 Freedom of Information requests, specifically
12 about transcripts of a conversation I had with
13 Dean of Affairs Officer Cedric Harris and
14 Dr. DaSilva. I have not received those at all.

15 And second, I do have medical and health
16 records to submit, but I would like to do that in
17 a way to make sure there's confidentiality
18 protection, if that is possible.

19 And then I also have a one more classmate
20 that can corroborate events, but I would like to
21 know that they would be somehow protected against
22 retaliation. Can they submit documents and have
23 them made redacted from filing so that that

1 doesn't cause any issues with them at the
2 university?

3 And I realize that there's 23 issues that
4 I need to defend in my appeal. Right now it's 14
5 pages. I don't -- I'm not aware, and I did not
6 go to law school, and I just want to make sure
7 there's not a maximum --

8 MR. LOSTUTTER: It's time, but --

9 MS. RADECKI: -- that I'm unaware of.
10 That's all I have.

11 Thank you.

12 MR. LOSTUTTER: Okay.

13 CHAIRMAN RAMOS: So, do we have an
14 update on her case?

15 MR. KREIDER: Yes. This was
16 remanded, if you recall.

17 CHAIRMAN RAMOS: Yes.

18 MR. KREIDER: A new decision was
19 issued. I don't know the date. So, the
20 investigations -- a new investigation was
21 basically done again. A new finding was issued,
22 and Ms. Radecki is within the appeal time, so,
23 for that, I believe.

1 MR. LOSTUTTER: Yes.

2 MR. KREIDER: The Clerk sent her the
3 information again today. Here's the form to fill
4 out to do an appeal of the new finding if she'd
5 like.

6 CHAIRMAN RAMOS: Okay.

7 Ms. Radecki, do you -- did you understand
8 the comments from the Deputy Director?

9 MS. RADECKI: Yes, that he sent me a
10 form about the appeal in my e-mail today --

11 CHAIRMAN RAMOS: Is your request --

12 MS. RADECKI: -- but --

13 CHAIRMAN RAMOS: -- for additional
14 time?

15 MS. RADECKI: No, my request is
16 how -- like is it possible for the ICRC to be
17 able to subpoena some documents from Indiana
18 University? And then is it possible to have
19 witness testimony that is protected, so their
20 names could be redacted so they -- if the
21 university requests information about my file,
22 the people who are my fellow classmates or former
23 classmates who might have information won't --

1 won't have to worry about retaliation?

2 MR. KREIDER: Yes. So, I can address
3 these probably out of order, but as far as a
4 retaliation concern, we do have a new law that
5 went into effect July 1st that does now provide
6 for a claim for those individuals. If they
7 report or cooperate in an investigation, if they
8 feel they're retaliated against, they can file
9 their own claim, so there is protection there.

10 As far as new evidence, it's too late to
11 submit that on appeal at this point.

12 Subpoenas, that is not something we
13 generally do on our own. There's no request, as
14 far as I'm aware, of a subpoena being requested
15 in this particular case. We did get materials
16 from IU. I don't know that we got everything the
17 client thought we should look at, but she's not
18 asked to see anything in particular.

19 I am aware that there was a disciplinary
20 file that did come up with the investigator, but
21 that was not deemed relevant to this particular
22 case as far as what happened and what was
23 complained of, so that was not pursued. Again,

1 we tried to stick with our investigation to what
2 is relevant and not uncover every single piece of
3 material that might exist.

4 So, that's kind of a broad brush unless
5 there's further follow-up questions from
6 Ms. Radecki on that.

7 CHAIRMAN RAMOS: Did you understand
8 that, Ms. Radecki?

9 MS. RADECKI: I just want to make
10 sure that I heard correctly that no additional
11 evidence would be able to be submitted. That's
12 not what I read in the notice of findings upon
13 remand. I thought I would be able to submit
14 additional evidence. Is that not true?

15 MR. KREIDER: Yeah, that -- so, we're
16 talking about a question of timing here. On
17 remand, yes. So, there was additional hearings
18 done, there was opportunity to present additional
19 materials.

20 Now that the finding has been made the
21 second time, we're now in the appeal stage, so
22 the time for submitting even more materials is --
23 has passed. So, on the appeal, no, there's not

1 additional materials that will be submitted or
2 considered.

3 MS. RADECKI: So, basically just
4 submit my appeal, and then I can hope that upon
5 the finding of -- it either would be to go back
6 to investigation, where I could ask for them to
7 send additional documents being withheld, and I
8 do have witnesses that would come forward if the
9 investigation allows it. But right now I just
10 need to get the appeal, and then not worry about
11 evidence that I do have?

12 CHAIRMAN RAMOS: That's correct.

13 Commissioner, you have a question?

14 COMM. HARRINGTON: Yes.

15 MS. RADECKI: Thank you for your
16 time.

17 COMM. HARRINGTON: Thank you. I
18 believe you said there was a second
19 investigation. What was the finding? Because if
20 it was remanded, if that was the --

21 MR. KREIDER: Yeah, we can submit
22 this --

23 COMM. HARRINGTON: -- comment, then

1 we don't know what was -- what was done.

2 MR. KREIDER: -- and send those to
3 the --

4 MR. LOSTUTTER: It was issued like a
5 week and a half ago, something like that, so it's
6 fairly new and having to do with some issue
7 there.

8 COMM. HARRINGTON: Okay.

9 MR. LOSTUTTER: And we -- a copy came
10 up there --

11 COMM. HARRINGTON: From a process
12 standpoint --

13 MR. LOSTUTTER: Right.

14 MR. KREIDER: Yes.

15 COMM. HARRINGTON: -- those should
16 come back, just so that we know what has been the
17 result. Okay.

18 CHAIRMAN RAMOS: Okay.

19 So, Ms. Radecki, you're certainly welcome
20 to join us again for public comment on the
21 next -- again, maybe not seeing the outstanding,
22 so if there are any questions, the Commission
23 will address that as well. Did you understand

1 that, Ms. Radecki?

2 MS. RADECKI: Okay. Thank you.

3 CHAIRMAN RAMOS: Thank you.

4 MS. RADECKI: Yes. I appreciate your
5 time. Thank you.

6 CHAIRMAN RAMOS: Were there any other
7 public comments?

8 (No response.)

9 CHAIRMAN RAMOS: Hearing none, I call
10 this meeting adjourned. Thank you.

11 - - -
12 Thereupon, the proceedings of
13 August 25, 2026 were concluded
14 at 2:19 o'clock p.m.
15 - - -

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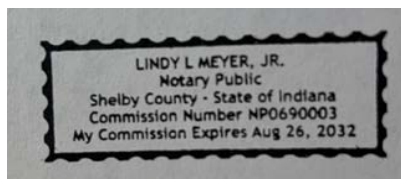
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23

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 Tuesday, August 25, 2026 in this matter and
8 transcribed by me.

9
10 Lindy L. Meyer, Jr.



Lindy L. Meyer, Jr.,
Notary Public in and
for the State of Indiana.

14
15 My Commission expires August 26, 2032.

16 Commission No. NP0690003
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