

1 BEFORE THE STATE OF INDIANA

2 CIVIL RIGHTS COMMISSION

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4
5 PUBLIC MEETING OF FEBRUARY 17, 2025

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9 PROCEEDINGS

10 in the above-captioned matter, before the Indiana
11 Civil Rights Commission, Adrienne L. Slash,
12 Chairperson, taken before me, Lindy L. Meyer,
13 Jr., a Notary Public in and for the State of
14 Indiana, County of Shelby, at the Indiana
15 Government Center North, 100 North Senate Avenue,
16 Room N300, Indianapolis, Indiana, on Monday,
17 February 17, 2025 at 1:08 o'clock p.m.

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21 ACCURATE REPORTING OF INDIANA, LLC
22 543 Ponds Pointe Drive
23 Carmel, Indiana 46032
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1 APPEARANCES:

2 COMMISSION MEMBERS:

3 Adrienne L. Slash, Chairperson
4 Steven A. Ramos
5 Holli Harrington
6 James W. Jackson (remote)
7 Sue Silberberg
8 Terry Tolliver

9 INDIANA CIVIL RIGHTS COMMISSION
10 By David Fleischhacker, 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 Christiana Afuwape (remote)
18 James Hodges (remote)
19 Haley Lawyer
20 Frederick S. Bremer
21 Yvette Kirchhoff
22 Diane Graves
23 Izzo

ALSO PRESENT:

Crystal Chavers (remote)
Betsy Beck (remote)
Brad Boswell
Logan Wuethrich (remote)
April Cook
J. F. Beatty
Abigail Oliphant
Ryan Sterling

- - -

1 1:08 o'clock p.m.
February 17, 2025

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3 CHAIRPERSON SLASH: All right. I do
4 believe we can begin.

5 MR. LOSTUTTER: We can.

6 CHAIRPERSON SLASH: All right. It
7 is 1:09 on Monday, February 17th. I call this
8 meeting of the Indiana Civil Rights Commission to
9 order.

10 MR. LOSTUTTER: All right. I will
11 read the little notice. Please be advised no
12 party will be allowed to speak directly to the
13 Commission during any Commission meeting except
14 during a previously scheduled oral argument.
15 Concerning appeals, the Commissioners will make
16 their initial determination based on the
17 complaint, the notice of finding, the appeal, and
18 the final investigative report.

19 You must not address the Commission
20 members except and unless you are addressed
21 directly by them. If you have any questions
22 about your case, please wait to speak to the
23 Docket Clerk until after the Commission meeting.

1 Thank you.

2 CHAIRPERSON SLASH: Thank you.

3 We'll begin by announcing the agenda, but
4 as we do that, I'd just like to make a note that
5 I'd like to move the ICRC Director's Report to
6 the end, as we do have some Commissioners that
7 are on tight time, and I want to make sure we
8 complete our business before they have to go.

9 MR. LOSTUTTER: That sounds good. I
10 don't think there are any objections to that.
11 So, that will be at the end of our meeting there.
12 We will immediately start off with the approving
13 of previous meeting minutes, and then we will
14 have the Old Business, appeals cases, of which
15 there are, I believe, four oral arguments, and
16 then assigning of new cases, and then we have one
17 Review of ALJ Decision and Order, which also
18 involves an oral argument, and then five cases to
19 be read into the record, and then the Director's
20 Report.

21 CHAIRPERSON SLASH: Thank you.

22 We'll begin with the approval of the
23 previous meeting minutes. Is there a motion?

1 COMM. TOLLIVER: So moved.

2 VICE-CHAIR RAMOS: So moved. Second.

3 CHAIRPERSON SLASH: All right. We'll
4 take the first, Comm. Tolliver, second,
5 Vice-Chair Ramos. We'll call the roll because we
6 have Comm. Jackson on the line.

7 MR. LOSTUTTER: All right.

8 Comm. Jackson?

9 COMM. JACKSON: Aye.

10 MR. LOSTUTTER: Comm. Harrington?

11 COMM. HARRINGTON: Aye.

12 MR. LOSTUTTER: Comm. Silberberg?

13 COMM. SILBERBERG: Aye.

14 MR. LOSTUTTER: Comm. Tolliver?

15 COMM. TOLLIVER: Aye.

16 MR. LOSTUTTER: Vice-Chair Ramos?

17 VICE-CHAIR RAMOS: Aye.

18 MR. LOSTUTTER: Chair Slash?

19 CHAIRPERSON SLASH: Aye.

20 MR. LOSTUTTER: The ayes have it.

21 CHAIRPERSON SLASH: Thank you.

22 We'll begin with Old Business. The first
23 case that we have is for oral argument. It's

1 Kellee Rembert versus Lennar Homes of Indiana,
2 LLC, & Lennar Mortgage, LLC, Case HOra24060455.

3 Do we have both sides present for oral
4 argument?

5 MR. LOSTUTTER: I believe Ms. Rembert
6 said she was going to be doing this virtually,
7 but I do not see her up there, so --

8 MR. BOSWELL: I'm representing both
9 Lennar Homes and Lennar Mortgage.

10 CHAIRPERSON SLASH: Thank you.

11 MR. LOSTUTTER: So, we have the
12 Respondent here. It does not look like we have
13 the Complainant here. The Complainant was very
14 much aware that this was being held today.

15 CHAIRPERSON SLASH: Okay. And we're
16 starting a little bit later than usual. How
17 about we do this: We'll go to the next case, and
18 if they haven't joined by the time we get here,
19 then we will move on.

20 So, the next case is Donald Bradley versus
21 Ladybug Cleaners, LLC, Case PArA24040227. This
22 case is also present for oral argument.

23 Do we have both parties present?

1 MR. LOSTUTTER: One party, I believe,
2 is, for the Respondent, but I do not see the
3 Complainant for this one, either, and again, they
4 knew that today was the day for it.

5 CHAIRPERSON SLASH: So, I'm setting a
6 precedent for myself here. All right.

7 In the case of Crystal Chavers versus
8 South College Indianapolis, Case EDse24040461, do
9 we have both parties present?

10 MR. LOSTUTTER: We have both parties.
11 Both are virtual. We have the Complainant,
12 Ms. Chavers, and we have a representative for the
13 Respondent.

14 CHAIRPERSON SLASH: Okay. We will --

15 MR. LOSTUTTER: It's Betsy Beck.

16 CHAIRPERSON SLASH: -- begin with
17 this case, then.

18 And both parties, be advised that you have
19 five minutes. You may reserve at the beginning
20 of your time if you'd like to reserve time for
21 rebuttal, if you'd like.

22 MR. FLEISCHHACKER: Yeah, five
23 minutes for argument. If they want to reserve

1 rebuttal time, they may.

2 CHAIRPERSON SLASH: Okay.

3 Is that clear? Does anyone have a
4 question about that?

5 MS. CHAVERS: No.

6 MS. BECK: No.

7 CHAIRPERSON SLASH: Okay.

8 MR. LOSTUTTER: Ms. Chavers, you may
9 start.

10 MS. CHAVERS: Thank you.

11 Good afternoon, everyone.

12 CHAIRPERSON SLASH: Good afternoon.

13 MS. CHAVERS: Well, I recently
14 attended South College, and I recently attended
15 South College to obtain a degree as a Licensed
16 Practical Nurse. In regards to the day that the
17 report was -- and I had been given -- bullied,
18 and I made claims to the -- I'm sorry, I'm
19 nervous; excuse me. I did report this
20 individual, and I was told to come to the school
21 to have a meeting, so we could sit down and
22 discuss issues in regards to this particular
23 student.

1 Well, in the meeting, as you can see, I
2 did record the meeting, where the academic --
3 well, she's not an academic advisor. She's like
4 the lead over everyone in the L.P.N. program, and
5 she basically was stating, "Oh, well, he's not
6 going anywhere. He's not going anywhere. We can
7 withdraw you from the program just until he
8 graduates, and then we can allow you to come back
9 after he graduates."

10 And to my defense, I really felt that was
11 like a slap in my face, because why would I have
12 to -- or why should I have to wait until a bully
13 who harassed me graduates, and then I get allowed
14 to come back to the school after he graduates? I
15 paid my money as well. I didn't think that was
16 fair at all.

17 And then there was statements that was
18 made as far as my spiritual beliefs, that was
19 one, and then there were other statements that
20 were made stating that need to heal from my
21 mother's death, and who -- they knew nothing
22 about death to my mama or anything like that.

23 And it was just -- everything was just a

1 slap in my face, and I paid my money as well to
2 go to this school. I just didn't feel like it
3 was right for me to have to be put out or get
4 withdrawn from the program because somebody
5 bullied me and harassed me. I just didn't feel
6 like that was okay.

7 And then my grades were changed. I have
8 pictures from where my grades were, up until the
9 time that all of this incident happened with this
10 gentleman, that my grades were changed. My
11 grades went from B's to F's in a matter of two
12 days, and I had -- I turned in all of my
13 homework, I did everything that I was supposed to
14 do.

15 And I just couldn't understand, "Like why
16 are you guys messing with me? Like I didn't do
17 anything." I made a claim that someone was
18 harassing and bullying me, and I paid the price.
19 I haven't even went to -- I haven't even went to
20 school and got my degree, because it's just so
21 traumatizing.

22 I don't trust schools anymore, and I don't
23 think that's right. When that happened to me, I

1 went through a state of depression, and I'm
2 literally taking medication because of that, and
3 I don't think that was fair to me of what
4 happened to me.

5 And that is it.

6 CHAIRPERSON SLASH: Thank you.

7 And we'll hear from the Respondent.

8 MS. BECK: Yes. Thank you. Can you
9 all hear me okay?

10 CHAIRPERSON SLASH: We can hear you
11 just fine --

12 MR. LOSTUTTER: Yes.

13 CHAIRPERSON SLASH: -- and we'll
14 begin your five minutes now.

15 MS. BECK: Thank you. I appreciate
16 the time.

17 And I've listened to Ms. Chavers. I, you
18 know, initially -- my name is Betsy Beck. I
19 represent South College. I submitted the
20 position statement to the Commission in response
21 to the initial complaint. It's very lengthy,
22 probably lengthier than the investigator would
23 thank me for, and it includes really an

1 explanation to all of the matters raised by
2 Ms. Chavers.

3 But let me just quickly say when
4 Ms. Chavers initially reported that a male
5 student had made a comment to her that she felt
6 was wrong, it was -- it was one comment, and what
7 she reported is that he said something along the
8 lines of "Don't play with me, play with your
9 mammy," or "mamy," something like that, and had
10 nothing to do with race, had nothing to do with
11 sex, but Ms. Chavers was upset about the comment,
12 because her personal circumstances were,
13 unfortunately, that she had lost her mother
14 recently, and so, was sensitive to that comment.

15 I guess I want to add historically, the
16 week before that, Ms. Chavers had already missed
17 one lecture and one clinical session, both of
18 which were mandatory and needed to be made up,
19 and the college was having some trouble getting
20 her to communicate about setting those makeups.

21 When Ms. Chavers made her complaint on May
22 the 6th, she -- the college's response was
23 immediate, to "Let's meet tomorrow," the next

1 day, and her response to that was she did not
2 want to meet, she was not going to come to the
3 building, was not going to come to class.

4 Eventually, she agreed to meet with the
5 college at 1:00 o'clock that day. She failed to
6 show for that meeting, acknowledged that she
7 failed to show for her scheduled meeting. And I
8 will not go point for point because I'll exceed
9 my five minutes, but it's in the position
10 statement, and what I would share with the
11 Commission is that South College and its
12 representatives did everything possible to assist
13 Ms. Chavers in being successful in the program.

14 The report that she made was not of
15 harassment, and I would base that on a few
16 points. It had nothing to do -- the comment had
17 nothing to do with her race, nothing to do with
18 her sex, nor was she subject to severe or
19 pervasive harassment, there was no hostile work
20 environment.

21 Nevertheless, the college did speak with
22 the student, just to, you know, go over the
23 policies and procedures. It took whatever action

1 it could take, but Ms. Chavers just simply
2 refused to come to class. She never attended a
3 class or a clinical again.

4 She was told in writing repeatedly,
5 "Please come. We will help you catch up. Please
6 come, but you're -- it's about to be too late.
7 Please come, and if you're not going to, you
8 will -- you should want to take a withdrawal,
9 because that way the grades do not get recorded
10 on the transcript."

11 A voluntary withdrawal is a -- is just
12 that, a voluntary withdrawal, and Ms. Chavers did
13 not do that either. She just simply took zeros
14 for every academic portion from May 6th through
15 the end of the quarter. And as a result, that
16 resulted in her dismissal from the program.

17 So, I would conclude at least what I'm
18 saying by --

19 CHAIRPERSON SLASH: One minute.

20 MS. BECK: -- reiterating that the
21 position statement clearly provides the
22 explanation for the college's response to
23 Ms. Chavers' complaint. Even the complaint

1 itself does not -- does not allege race or sexual
2 harassment. To the extent it did, it doesn't
3 rise to the level of severe or pervasive in order
4 to create a hostile work environment.

5 And South did everything in its power to
6 respond to Ms. Chavers, to allow her, and in fact
7 assist her in being successful in the program,
8 and she just either ignored those efforts or
9 failed to respond.

10 Thank you so much.

11 CHAIRPERSON SLASH: Thank you. That
12 concludes your time.

13 This case was assigned to
14 Comm. Harrington.

15 COMM. HARRINGTON: Uh-huh.

16 CHAIRPERSON SLASH: First, do any of
17 other Commissioners have any questions or
18 anything?

19 VICE-CHAIR RAMOS: I do not.

20 CHAIRPERSON SLASH: Okay.

21 COMM. HARRINGTON: Okay. Yes. In
22 this case -- again, we can make comment; right?

23 CHAIRPERSON SLASH: Yes, ma'am.

1 COMM. HARRINGTON: All right.

2 So, to Ms. Chavers, sorry about your
3 experience, but in this case, my recommendation
4 is to uphold the no probable cause finding,
5 because there were attempts to try to reconcile,
6 and I heard your comments from, "Oh, why you,"
7 but when they did not find evidence to support
8 our claim, they did try to make arrangements, and
9 those weren't taken advantage of. So, that's my
10 recommendation.

11 CHAIRPERSON SLASH: Okay. Is there a
12 motion?

13 VICE-CHAIR RAMOS: So moved.

14 MS. CHAVERS: I'm sorry; am I allowed
15 to speak, or no?

16 CHAIRPERSON SLASH: Unfortunately,
17 you are not. We were able to hear your
18 statement, we were able to hear the Respondent's
19 statement. At this point, we're making a
20 decision.

21 MS. CHAVERS: Okay. Thank you.

22 CHAIRPERSON SLASH: Thank you.

23 COMM. TOLLIVER: Second.

1 CHAIRPERSON SLASH: Okay. So,
2 motion, Vice-Chair Ramos, second, Comm. Tolliver.

3 Would you call roll?

4 MR. LOSTUTTER: Comm. Jackson?

5 COMM. JACKSON: What was the question
6 again?

7 CHAIRPERSON SLASH: The
8 recommendation was to uphold the Deputy
9 Director's finding of no probable cause.

10 COMM. JACKSON: Oh. Aye.

11 MR. LOSTUTTER: Comm. Silberberg?

12 COMM. SILBERBERG: Aye.

13 MR. LOSTUTTER: Comm. Tolliver?

14 COMM. TOLLIVER: Aye.

15 MR. LOSTUTTER: Comm. Harrington?

16 COMM. HARRINGTON: Aye.

17 MR. LOSTUTTER: Vice-Chair Ramos?

18 VICE-CHAIR RAMOS: Aye.

19 MR. LOSTUTTER: Chair Slash?

20 CHAIRPERSON SLASH: Aye.

21 MR. LOSTUTTER: The ayes have it.

22 CHAIRPERSON SLASH: Thank you.

23 Okay. I don't believe we've had anyone to

1 join, so we will go back to our first case as to
2 what I shared at the beginning, the case of
3 Kellee Rembert versus Lennar Homes and -- of
4 Indiana, LLC, & Lennar Mortgage, LLC,
5 Case HOra24060455. We do only have one
6 representative.

7 You still have the same five minutes, if
8 you would like to share.

9 MR. BOSWELL: The only thing I would
10 like to say is that staff's report was
11 exceptionally well done. I think it was very
12 well researched, it was very well articulated,
13 and I was honestly just probably planning to say
14 anyway that it was so well done that we'd like to
15 just rest on the facts and findings as
16 articulated in the report anyway.

17 So, that's all I have.

18 CHAIRPERSON SLASH: Thank you very
19 much.

20 This case was assigned to
21 Comm. Silberberg.

22 Do you have a recommendation?

23 COMM. SILBERBERG: Yeah. There were

1 two issues. On the first, to uphold the finding
2 of no reasonable cause, and on the second, to
3 uphold the finding of no probable cause.

4 CHAIRPERSON SLASH: Thank you.

5 Is there a motion?

6 VICE-CHAIR RAMOS: So moved.

7 COMM. TOLLIVER: Second.

8 CHAIRPERSON SLASH: All right.

9 Motion by Vice-Chair Ramos, seconded by
10 Comm. Tolliver.

11 You can call the roll.

12 MR. LOSTUTTER: Comm. Jackson?

13 COMM. JACKSON: Aye.

14 MR. LOSTUTTER: Comm. Harrington?

15 COMM. HARRINGTON: Aye.

16 MR. LOSTUTTER: Comm. Silberberg?

17 COMM. SILBERBERG: Aye.

18 MR. LOSTUTTER: Comm. Tolliver?

19 COMM. TOLLIVER: Aye.

20 MR. LOSTUTTER: Vice-Chair Ramos?

21 VICE-CHAIR RAMOS: Aye.

22 MR. LOSTUTTER: Chair Slash?

23 CHAIRPERSON SLASH: Aye.

1 MR. LOSTUTTER: The ayes have it.

2 CHAIRPERSON SLASH: Thank you.

3 The next case, I still haven't seen any
4 other movement, but we're still going to return
5 to it, Donald Bradley versus Ladybug Cleaners,
6 LLC, Case PArA24040227. That case, we only have
7 the Respondent present, I believe.

8 At this time, you may have the same five
9 minutes that's been allowed for others.

10 MR. WUETHRICH: Yeah. Thank you.

11 I don't have much to say other than I
12 appreciate -- I appreciate the depth that the
13 Commission goes into in looking into these
14 things. I think we've provided sufficient
15 evidence and I'm happy with the initial ruling,
16 and I would just ask that you uphold the initial
17 ruling.

18 Thank you.

19 CHAIRPERSON SLASH: Thank you.

20 This case was assigned to Comm. Jackson.

21 Comm. Jackson, do you have a
22 recommendation?

23 COMM. JACKSON: I recommend to uphold

1 the Director's finding of no probable cause.

2 CHAIRPERSON SLASH: Thank you.

3 Is there a motion?

4 VICE-CHAIR RAMOS: So moved.

5 CHAIRPERSON SLASH: Is there a
6 second?

7 COMM. HARRINGTON: Second.

8 CHAIRPERSON SLASH: Okay. Motion,
9 Vice-Chair Ramos, second, Comm. Harrington.

10 MR. LOSTUTTER: Okay. We'll call the
11 roll.

12 Comm. Jackson?

13 COMM. JACKSON: Aye.

14 MR. LOSTUTTER: Comm. Harrington?

15 COMM. HARRINGTON: Aye.

16 MR. LOSTUTTER: Comm. Silberberg?

17 COMM. SILBERBERG: Aye.

18 MR. LOSTUTTER: Comm. Tolliver?

19 COMM. TOLLIVER: Aye.

20 MR. LOSTUTTER: Vice-Chair Ramos?

21 VICE-CHAIR RAMOS: Aye.

22 MR. LOSTUTTER: Chair Slash?

23 CHAIRPERSON SLASH: Aye.

1 MR. LOSTUTTER: The ayes have it.

2 CHAIRPERSON SLASH: Thank you.

3 The next case that we have here today,
4 April Cook versus FSI Valleybrook Property LLC,
5 Yes! Communities LLC, & Valleybrook Mobile Home
6 Park, Case HOha24060496. This case is also here
7 for oral argument today.

8 Do we have a representative from both the
9 Complainant and the Respondent?

10 MR. LOSTUTTER: Yes. Complainant is
11 here, and we have representatives for the
12 Respondent as well.

13 CHAIRPERSON SLASH: All right.

14 Then the same as before, except for we
15 have both present. We will allot five minutes
16 for the Complainant first, five minutes for the
17 Respondent. If at any time -- if at the
18 beginning of your five minutes you'd like to
19 reserve time for rebuttal, you may do so just by
20 letting us know so we can keep accurate
21 timekeeping.

22 We'll begin with the Complainant, please.

23 MS. COOK: That would be me. I'd

1 like to reserve time for rebuttal, so I'm not
2 exactly sure of my --

3 CHAIRPERSON SLASH: Do you know how
4 many minutes you'd like to save?

5 MS. COOK: As much as possible,
6 because everything in -- basically in the --
7 there was lies told that -- supposedly police
8 reports, as far as January, when I had called the
9 police on my brother, Valleybrook had lied and
10 said that I turned around and said that that was
11 not my brother, that it was supposed to have been
12 my son, who was at the time in a group home, was
13 not in my home. There was also -- they also lied
14 and said that he was forbidden to be on the
15 property, which was a lie as well.

16 From that time period, like I had put in
17 the appeal, that he -- he was -- he was allowed
18 to stay there. He was given pool passes to go to
19 the pool practically every single day. He would
20 take breaks and smoke with office staff outside
21 of the pool area and with maintenance.

22 There was never any issues until I started
23 trying to get him help again, because after we

1 had a drive-by shooting behind our house, it
2 caused him to go backwards and start having
3 trouble again to where he needed mental help and
4 needed to go back into a facility.

5 After I started doing that and taking
6 those steps, then that's when there was issues.
7 So, if there was issues for a lengthy time of --
8 I believe they had said two years, why would they
9 have waited to give me a 30-day notice? Why
10 would they have twice allowed me to redo my stay
11 there for a whole year period of time if -- if he
12 was forbidden to be on the -- to live there and
13 be on the property, if that makes sense? Which
14 in a long period of that time he was not there,
15 like I said. He was in a group home.

16 The rest of the time I think I need to
17 save.

18 CHAIRPERSON SLASH: Okay. So, we
19 will reserve two minutes and 35 seconds for you.

20 We'll wait until you reset the clock.

21 Okay.

22 MR. BEATTY: Yes. Good afternoon,
23 Commissioners. I'm J. F. Beatty, with Landman

1 Beatty, Lawyers. We represent the Respondent,
2 FSI Valleybrook Property, LLC.

3 Needless to say, there's a lot of events
4 that underlie what occurred here. I think the
5 most telling is that Valleybrook Property did
6 allow, three years ago, Ms. Cook to stay in the
7 property despite the troubles that they were
8 having with her son, and the condition was that
9 he not come on the property anymore, and for a
10 while he didn't. My understanding is that during
11 that period of time he was receiving treatment.

12 The main sort of gist of all of this is
13 that her son battered another resident, he
14 threatened to kill his mother, who just spoke, he
15 threatened to kill himself, and this all
16 transpired over a period of three years, really.
17 And they did allow him to come back to the
18 property at some point, knowing he was there, but
19 he wasn't causing any trouble, so they allowed
20 it, and then did he start to cause trouble.

21 And it's all been laid out in the position
22 statement as to the facts, and, you know, I think
23 it's helpful that we know what law we're talking

1 about here, which is the Fair Housing Act, and it
2 is unlawful to discriminate against someone
3 because of a handicap, a person residing or
4 attempting to reside in that dwelling, or any
5 person associated, and that would include
6 Ms. Cook here, of course.

7 But the main part of the law that's
8 relevant here today is that nothing in the
9 subsection requires that the dwelling be made
10 available to an individual whose tenancy would
11 constitute a direct threat to the health or
12 safety of another individual, or whose tenancy
13 results in substantial physical damage to the
14 property of others.

15 They made a reasonable accommodation for
16 Ms. Cook back in 2021. She asked for the same
17 accommodation. It had to be denied at this
18 point. The threat was just too big, too large,
19 and certainly the situation is regrettable and,
20 quite frankly, it's sad, but her claim that she's
21 been discriminated against in any way is simply
22 not based in fact or law, and we ask that the
23 Commission uphold the decision of no probable

1 cause.

2 CHAIRPERSON SLASH: Thank you. There
3 two minutes remaining. Were you hoping to
4 reserve that?

5 MR. BEATTY: No, I think we're good.

6 CHAIRPERSON SLASH: Okay. Thank you.

7 And you have -- you have two minutes --

8 MR. FLEISCHHACKER: Two minutes --

9 CHAIRPERSON SLASH: -- and 35
10 seconds.

11 MR. FLEISCHHACKER: -- and 35
12 sections.

13 MS. COOK: Yes, there was issues, and
14 that's why I started going -- as soon as there
15 was evidence to where I could go back and start
16 doing the same process as what I did before, to
17 get him placed out of my home. Yes, he did
18 threaten to kill me, which is part of I had used
19 to be able to try to even get a restraining order
20 against my son, and I had to wait to go to court
21 to even do that.

22 In the meantime, they put me out of my
23 home. I was going to get mental -- I was doing

1 everything I legally could do to get him the
2 help, to force him out of my home and back into
3 treatment and get him back into the care, 24-hour
4 care of what he needed.

5 But the trailer park stopped me from doing
6 that by doing what they did. I showed them that
7 they were not regular police runs. I showed them
8 that I had orders from police. They told -- or I
9 mean not police, from judges, pushing him into
10 treatment, but unfortunately they had to create a
11 paper trail again, to be able to force him, like
12 I did before, back into permanent care and out of
13 my home, which was what I was in the process of
14 doing.

15 I was also in the process of trying, since
16 it wasn't going quick enough, to go into trying
17 to get guardianship of him to where I could force
18 him legally in, by that way, but they had to stop
19 that because -- because I was being forced out of
20 my home.

21 And they said that they couldn't give me
22 guardianship, with me get -- in the process of
23 being jeopardized with my housing, because then I

1 would be in legal trouble and not being able to
2 care for him or being able to make sure that he
3 was getting his treatment, because it would be
4 the same as like CPS, there's Adult Protective
5 Services.

6 So, because of -- the trailer park
7 manager, she was the problem we had. The issues
8 there was with maintenance and contractors, and I
9 have pictures of proof, which I had already --
10 also had submitted, they were start -- they were
11 the ones originally creating the problem. The
12 manager is the one that first came to my house,
13 before there was any problems, and causing an
14 issue, that I also gave them a witness to be able
15 to speak to.

16 CHAIRPERSON SLASH: Unfortunately,
17 that's the end of your time. Thank you both for
18 being here and thank you for sharing.

19 This case was assigned to Comm. Tolliver.

20 COMM. TOLLIVER: Yes. There were two
21 issues here. The first issue is whether
22 Respondents terminated Complainant's tenancy on
23 the basis of Complainant's association with a

1 person with a disability, and the second issue
2 was whether Respondents discriminated against
3 Complainant on the basis of Complainant's son's
4 disability by unreasonably denying her request
5 for a reasonable accommodation.

6 And the Deputy Director found that there
7 was no reasonable cause under the Indiana Fair
8 Housing Act, nor was there any probable cause
9 under the Indiana Civil Rights Law, so I would
10 recommend that we uphold the Deputy Director's
11 findings on both issues.

12 CHAIRPERSON SLASH: Is there a
13 motion?

14 COMM. HARRINGTON: So moved.

15 CHAIRPERSON SLASH: Okay. A motion
16 by Comm. Harrington. Is there a second?

17 COMM. SILBERBERG: (Nodded head yes.)

18 CHAIRPERSON SLASH: Okay. And
19 there's a second by Comm. Silberberg.

20 At this time, can you call the roll?

21 MR. LOSTUTTER: All right.

22 Comm. Jackson?

23 (Muffled response.)

1 CHAIRPERSON SLASH: Can you repeat
2 your -- we only heard the back end.

3 COMM. JACKSON: Aye.

4 CHAIRPERSON SLASH: Thank you.

5 MR. LOSTUTTER: There.

6 Comm. Harrington?

7 COMM. HARRINGTON: Aye.

8 MR. LOSTUTTER: Comm. Silberberg?

9 COMM. SILBERBERG: Aye.

10 MR. LOSTUTTER: Comm. Tolliver?

11 COMM. TOLLIVER: Aye.

12 MR. LOSTUTTER: Vice-Chair Ramos?

13 VICE-CHAIR RAMOS: Nay.

14 MR. LOSTUTTER: Chair Slash?

15 CHAIRPERSON SLASH: Aye.

16 MR. LOSTUTTER: The ayes have it,
17 five to one.

18 CHAIRPERSON SLASH: Thank you.

19 The next case, Alphonsus Lai versus Bella
20 Nails, Case EMno23100775. This was assigned to
21 Vice-Chair Ramos.

22 Do you have a recommendation?

23 VICE-CHAIR RAMOS: I do. Madam

1 Chair, I recommend that we uphold the Director's
2 finding of no probable cause under the Civil
3 Rights Law, the Indiana Civil Rights Law. And
4 there were two issues.

5 CHAIRPERSON SLASH: There were two
6 issues, and you --

7 VICE-CHAIR RAMOS: Yeah.

8 (Discussion off the record.)

9 CHAIRPERSON SLASH: Is there a
10 motion?

11 COMM. TOLLIVER: So moved.

12 CHAIRPERSON SLASH: Is there a
13 second?

14 COMM. SILBERBERG: (Nodded head yes.)

15 (Discussion off the record.)

16 CHAIRPERSON SLASH: Okay. The motion
17 was Comm. Tolliver?

18 COMM. TOLLIVER: Yes.

19 CHAIRPERSON SLASH: The motion was
20 Comm. Tolliver and the second was
21 Comm. Silberberg.

22 MR. LOSTUTTER: We'll call the roll.

23 Comm. Jackson?

1 COMM. JACKSON: Aye.

2 MR. LOSTUTTER: Comm. Silberberg?

3 COMM. SILBERBERG: Aye.

4 MR. LOSTUTTER: Comm. Harrington?

5 COMM. HARRINGTON: Aye.

6 MR. LOSTUTTER: Comm. Tolliver?

7 COMM. TOLLIVER: Aye.

8 MR. LOSTUTTER: Vice-Chair Ramos?

9 VICE-CHAIR RAMOS: Aye.

10 MR. LOSTUTTER: Chair Slash?

11 CHAIRPERSON SLASH: Aye.

12 MR. LOSTUTTER: The ayes have it.

13 CHAIRPERSON SLASH: The next case,
14 Monya Hall versus Green Rabbit Warehouse,
15 Case EMra23070610. The case was assigned to me
16 and had two issues, and it's my recommendation
17 that we uphold the Deputy Director's finding of
18 no probable cause under the Indiana Civil Rights
19 Law on both issues.

20 Is there a motion?

21 VICE-CHAIR RAMOS: So moved.

22 COMM. TOLLIVER: Second.

23 CHAIRPERSON SLASH: Okay. Motion,

1 Vice-Chair Ramos, second, Comm. Tolliver.

2 MR. LOSTUTTER: We'll call the roll.

3 Comm. Jackson?

4 COMM. JACKSON: Aye.

5 MR. LOSTUTTER: Comm. Silberberg?

6 COMM. SILBERBERG: Aye.

7 MR. LOSTUTTER: Comm. Harrington?

8 COMM. HARRINGTON: Aye.

9 MR. LOSTUTTER: Comm. Tolliver?

10 COMM. TOLLIVER: Aye.

11 MR. LOSTUTTER: Vice-Chair Ramos?

12 VICE-CHAIR RAMOS: Aye.

13 MR. LOSTUTTER: Chair Slash?

14 CHAIRPERSON SLASH: Aye.

15 MR. LOSTUTTER: The ayes have it.

16 CHAIRPERSON SLASH: Thank you.

17 We will now appoint our cases. The first

18 case, Gregory T. Ward, Sr. versus Bosma

19 Enterprises, Inc. a/k/a Bosma Industries for the

20 Blind, Case EMra24020121, I'll assign to

21 Comm. Jackson.

22 The case of Elliot Myrick versus Hayes

23 Gibson Property Services/Redwood Terrace

1 Apartments, Case HOha24060514, Comm. Silberberg.

2 The case of Lynne Million versus Senior
3 Living Management, LLC/Whispering Pines
4 Apartments, Case HOha24080726, Comm. -- or
5 Vice-Chair Ramos.

6 The case of Tasha Williams versus Lake
7 County Community Corrections, Case EMse23050494,
8 myself.

9 The case of Ruth Castro versus Hamash --
10 Hamasbir LTD d/b/a High -- Highgates Property
11 Management/Lancaster Lofts, Case HOno24060452,
12 Comm. Tolliver.

13 The case of Renee Glunt-Schlaback obo
14 Minor Child L.G. versus Fairfield Inn & Suites,
15 Case PAha24040267, they are requesting an oral
16 argument. I want to assign this one, but I also
17 want to deny the oral argument.

18 MR. LOSTUTTER: Okay.

19 CHAIRPERSON SLASH: I'm going to
20 assign this one to Comm. Harrington, and that
21 concludes the New Business.

22 Up next, we have, in our section for
23 Review of ALJ Decisions and Orders, and this case

1 is here for oral argument, the case of Shannon
2 Black versus Park Hospitality, LLC d/b/a Best
3 Western Plus Northwest, Case EMha23050495.

4 In this case, the ALJ in this matter
5 determined the Respondent is in default, must
6 pay damages in the amount of four hundred
7 ninety-one dollars and eighty-four cents to
8 Complainant, along with ceasing and desisting
9 from discriminating against people on the basis
10 of disability in the protected area of employment
11 and taking steps to make sure that it doesn't
12 happen again.

13 ICRC counsel Frederick Bremer, on behalf
14 of the Complainant, Gregory L. Wilson, Sr., in
15 his capacity as Director of the Indiana Civil
16 Rights Commission, under the Complainant's
17 objections to the Recommended Findings of Facts,
18 Conclusion of Law and Order. Oral arguments are
19 scheduled for today.

20 So, we have Mr. Bremer here with us today.

21 MR. BREMER: Point of order.

22 CHAIRPERSON SLASH: Yes.

23 MR. BREMER: Do you expect me to

1 stand, or remain seated?

2 CHAIRPERSON SLASH: Because we have
3 not had much presence for standing today, do as
4 you are comfortable.

5 MR. BREMER: Thank you.

6 CHAIRPERSON SLASH: Uh-huh.

7 MR. BREMER: Thank you for the
8 opportunity to present the --

9 CHAIRPERSON SLASH: I believe you
10 have ten minutes.

11 MR. BREMER: Ten minutes? Good.

12 CHAIRPERSON SLASH: Am I correct on
13 that, David?

14 MR. FLEISCHHACKER: That is true.

15 MR. BREMER: Thank you for the
16 opportunity to present on behalf of the
17 Complainant the objections that we have filed.

18 As you have learned, there was a default
19 that was granted in this case on the
20 recommendation of Administrative Law Judge
21 Triggs, and we had the hearing on damages. The
22 aggrieved person in this employment case
23 testified to -- ultimately to what she had

1 sustained as out-of-pocket losses as a result of
2 the discriminatory treatment established as a
3 matter of default, which had to do with
4 disability and failure to accommodate.

5 So, the Administrative Law Judge made a
6 determination based on what the losses were from
7 the date that the termination occurred up to when
8 she got replacement employment. She did get new
9 employment, and that went on for a couple of
10 years. She was paid in that position, which was
11 very similar to the one that she had with the
12 Respondent, Park Hospitality. These were
13 part-time positions in both cases, it was like 16
14 hours a week.

15 She was working for Park Hospitality, and
16 she was certainly well in command of what she
17 was -- rate of earning she was enjoying there at
18 Park Hospitality, what she would have earned over
19 that entire period of time up to the time of the
20 hearing, and she also knew that she was -- what
21 she had earned at the new employer for the same
22 period of time, which that employment, by the
23 way, continued up to the date of hearing.

1 And so, she testified from that basis, and
2 also she addressed the -- another source of
3 compensation that she lost as a result of the
4 termination. The -- this was described as
5 points. This had to do with her success in
6 getting new business for Park Hospitality, and
7 there was a bonus system that was in place, and
8 she testified that she would have continued to
9 perform as well as she had in the past in that
10 department as well. She based her testimony on
11 what she was able to do up to the time the
12 Respondent terminated her employment on the basis
13 of disability, and testified from that
14 perspective.

15 The Complainant and the aggrieved person
16 object to cutting the com -- the award off at the
17 date that she first walked in the door of the new
18 employment and got a job there. She was
19 testifying from her knowledge as to what she
20 would have earned, and she came up with a very
21 specific figure. She testified that she did take
22 into account deductions for what she earned at
23 the new employer in a similar position, and she

1 gave her testimony from that perspective. She
2 was certainly knowledgeable about the topics that
3 she addressed.

4 In this case, we ask that the
5 Commissioners reject the recommendation that is
6 limited so severely to the amount that she
7 testified to in the hearing and got to the amount
8 that she identified as what she sustained as her
9 out-of-pocket losses on her own knowledge of the
10 circumstances.

11 Thank you.

12 CHAIRPERSON SLASH: Commissioners,
13 are there any questions?

14 COMM. TOLLIVER: I have.

15 CHAIRPERSON SLASH: Okay.

16 COMM. TOLLIVER: What do you think
17 the number should be?

18 MR. BREMER: The amount is ten
19 thousand --

20 COMM. TOLLIVER: Okay. So, the same
21 as what was originally requested?

22 MR. BREMER: -- two fifty-four
23 sixty-seven, yes.

1 CHAIRPERSON SLASH: Any other
2 questions?

3 (No response.)

4 CHAIRPERSON SLASH: Can you restate
5 that number so we can hear it --

6 MR. BREMER: Yes.

7 CHAIRPERSON SLASH: -- correctly?

8 MR. BREMER: The exact number is
9 \$10,000 -- \$10,254.67.

10 CHAIRPERSON SLASH: Thank you.

11 Commissioners, does anyone have a
12 recommendation at this time?

13 MR. LOSTUTTER: The Respondent
14 does --

15 CHAIRPERSON SLASH: Oh, my apologies.

16 MR. LOSTUTTER: -- have a
17 representative here.

18 MR. STERLING: Totally understand.
19 Yeah, Ryan Sterling. I'm here for Park
20 Hospitality. I was present at the hearing, the
21 damages hearing held in front of Judge Triggs.
22 As the party that was in default, I did not
23 provide any evidence or make any argument at that

1 hearing, but having been there, I can -- and in
2 reading Judge Triggs' order, I can say it is
3 clear and -- that Complainant stopped working for
4 Respondent on August 24th, 2022.

5 At the time that her employment ended on
6 September -- oh, at the time her employment
7 ended, she was making 14.50 an hour and worked 16
8 hours a week. After her employment ended, she
9 began working for a new employer as a front desk
10 agent on September 11th, 2022, and she had been
11 working continuously for this employer and was
12 currently working for that employer at the time
13 of the hearing on November 7th, 2022.

14 Judge Triggs' proposed order also
15 correctly finds that it is unknown from the
16 record how much Complainant is earning from her
17 current employer. There was no testimony given
18 as to how much she earned per hour at her new
19 employer. There was no testimony provided as to
20 how many hours per week she worked at the new
21 employer.

22 The record -- the Judge -- Judge Triggs
23 also correctly stated that the record is unclear

1 how the reward points equate to a particular
2 dollar amount regarding Complainant's request for
3 damages. That is also correct.

4 There was no discussion of points per
5 dollar, how those equate to one another, what she
6 could have earned with those dollars, and how
7 much -- what she could have earned, and costs in
8 actual dollars. So, there was no way for Judge
9 Triggs to know how much each point would have
10 gotten her in terms of a cent, dollar, any sort
11 of range of wages she would have earned from
12 that, nor was there any testimony provided as to
13 how many points she had at the time of her
14 termination, how many points she earned during
15 her employment per year, per month, per week.
16 There was no evidence of that provided either.

17 Judge Triggs also cites to good case law
18 in support of her damages calculation. She cites
19 to a case, it's Filter Specialists, Inc. versus
20 Brooks, and that case citation is 906 Northeast
21 2nd 835, and it states backpay awards in
22 discrimination cases serve two functions. They
23 make victimized employees whole for their

1 injuries suffered as a result of the past
2 discrimination, and to deter future
3 discriminations.

4 It also goes on to say that the correct
5 measure for damages of backpay is the difference
6 between plaintiff's actual earnings for the
7 period and those which she may have earned absent
8 the discrimination of defendants. Backpay is
9 reduced by interim earnings or amounts earnable
10 with reasonable diligence by the person or
11 persons discriminated against.

12 Judge Triggs' order serves these
13 functions. It made Ms. Black whole based on the
14 evidence that she was provided. She was not
15 provided any evidence of an hourly wage or how
16 many hours per week, per month, per year
17 Ms. Black worked. So, based on that, she made
18 the assumption that Ms. Black had fully mitigated
19 her damages as of September 11th, 2022, and she
20 had no other evidence on which to base any other
21 conclusion.

22 It's only reasonable for her to have
23 concluded this, and the proposed order reflects

1 this and calculates back wages according to the
2 law and the evidence that she was provided.
3 Finding otherwise, based on the evidence, would
4 provide Ms. Black a windfall and would do
5 something more than make her whole.

6 I don't see a timer. I'm assuming I'm not
7 at ten minutes, but --

8 CHAIRPERSON SLASH: You're not at ten
9 minutes.

10 MR. STERLING: Okay.

11 I think I've gone over all of this. From
12 the evidence provided at the hearing, Respondent
13 can only assume that Ms. Black made a conscious
14 decision not to present evidence to the ALJ,
15 Ms. Triggs, Judge Triggs, of the wages she earned
16 from September 11th to November 7th, 2022 -- or
17 September 11th, 2022 to November 7th, 2024.

18 The other conclusion is that she just
19 didn't know the amount of wages in a period of
20 two years. Hard to know without actual W-2's,
21 tax information, other damages information.
22 Finding -- or either way, given the evidence
23 presented to her, Judge Triggs acted in the only

1 manner legally feasible. She assumed that full
2 mitigation had occurred as of the time of
3 employment on September 11th, 2022, and made her
4 calculation based upon that understanding.

5 And lastly, if the Commission is inclined
6 to remand this matter back to Judge Triggs, a
7 conclusion that Respondent believes goes against
8 the weight of the law and evidence, it should do
9 so not to just enter a ten thousand dollar -- two
10 hundred and fifty-four dollar and sixty-seven
11 cent backpay award, but with the specific goal of
12 the presentation of the mitigation evidence that
13 was missing when Judge Triggs issued her order.

14 She should be able to ask Complainant what
15 she earns currently, what she earned on
16 November 7th, 2024, and what her actual
17 mitigation is that wasn't presented to her, so
18 she can make an accurate calculation, if the
19 Commission feels as though what she did was not
20 accurate.

21 There are still questions that remain
22 outstanding. Again, we've talked about it, how
23 much Complainant earned in wages from

1 September 11th, 2022 through November 7th, 2024
2 in terms of actual wages earned, not just a
3 calculation of some end dollar amount, with no
4 evidence in the record documentary to support
5 said calculation, the dollar equivalency, if any,
6 of the reward points Complainant claims she would
7 have received from Respondent.

8 There are many subissues as well. I
9 talked about, you know, how -- the
10 dollar-per-point information, anything that we
11 can use to calculate that, whether or not
12 Ms. Black was ever out of work for a period of
13 time while at her new employment. That would
14 also factor in.

15 As such, if the Commission remands, the
16 purpose should be for additional fact-finding,
17 not the entry of award that was not supported
18 through the evidence in the record.

19 I would also state that Indiana law is
20 clear, if the Commission alters an ALJ's proposed
21 order, it must identify differences between the
22 final order and the nonfinal order issued by the
23 ALJ. That's Indiana Code Section 4-21.5-3-28(g).

1 I haven't heard anything, and absence of
2 additional evidence or case saw in support for
3 her objection, the Commission is left with the
4 same record as was presented to Ms. Triggs, to
5 Judge Triggs, and must come to the same legal
6 conclusion, as it's the Respondent's position
7 that it will be unable to identify differences
8 between Judge Triggs' order and its final order.

9 That's all that I have on that from
10 Respondent. Thank you.

11 CHAIRPERSON SLASH: Thank you.

12 MR. FLEISCHHACKER: You have rebuttal
13 time.

14 CHAIRPERSON SLASH: Do you wish to
15 use your rebuttal time?

16 MR. BREMER: Again, it comes back to
17 this individual, who's certainly well informed
18 about her own earnings, how to do a calculation.
19 She was given the formula in the questioning that
20 I made of her in the hearing. The ultimate
21 question was: What did she have less than what
22 she ended up with as a result of the
23 discriminatory practice?

1 And she answered that to the best of her
2 ability. She was very specific in her figure,
3 and the information that every -- the Respondent
4 wants basically is there. I mean she is almost
5 like -- I mean like an expert witness. I mean
6 she knew her whole circumstances and could
7 certainly speak to that and give the ultimate
8 information, which she did.

9 CHAIRPERSON SLASH: Thank you.

10 MR. STERLING: I have nothing further
11 to add. Thank you.

12 MR. FLEISCHHACKER: Do you want to
13 hear options?

14 CHAIRPERSON SLASH: Yes, please.

15 MR. FLEISCHHACKER: All right. So,
16 there's a nonfinal order before the Commission.
17 The commission shall either issue a final order
18 affirming the ALJ's order, a final order
19 modifying the ALJ's order, or an order remanding
20 the matter with or without instructions to the
21 Administrative Law Judge for further proceedings.

22 CHAIRPERSON SLASH: Thank you.

23 Commissioners, do you have any questions,

1 or is there a recommendation?

2 VICE-CHAIR RAMOS: Madam Chair, I
3 would recommend that we remand this back for
4 further review and investigation -- not an
5 investigation, but further understanding of the
6 award amount.

7 CHAIRPERSON SLASH: Is there a
8 second?

9 COMM. HARRINGTON: Second.

10 CHAIRPERSON SLASH: Okay.

11 You can call the roll.

12 MR. LOSTUTTER: Comm. Jackson?

13 (No response.)

14 CHAIRPERSON SLASH: And
15 Comm. Jackson, the recommendation was that we
16 remand it back to the ALJ so that she can have
17 clearer understanding of the award amount. Is
18 there -- do you --

19 COMM. JACKSON: Aye.

20 CHAIRPERSON SLASH: -- have a --

21 COMM. JACKSON: Aye.

22 CHAIRPERSON SLASH: Thank you.

23 MR. LOSTUTTER: Comm. Harrington?

1 COMM. HARRINGTON: Aye.

2 MR. LOSTUTTER: Comm. Silberberg?

3 COMM. SILBERBERG: Aye.

4 MR. LOSTUTTER: Comm. Tolliver?

5 COMM. TOLLIVER: Nay.

6 MR. LOSTUTTER: Vice-Chair Ramos?

7 VICE-CHAIR RAMOS: Aye.

8 MR. LOSTUTTER: Chair Slash?

9 CHAIRPERSON SLASH: Aye.

10 MR. LOSTUTTER: The ayes have it,
11 five to one.

12 CHAIRPERSON SLASH: Thank you.

13 And thank both lawyers for being here
14 today.

15 MR. STERLING: Thank you.

16 CHAIRPERSON SLASH: Next, I'll read
17 into the roll some decisions that were already
18 automatically confirmed, so ALJ decisions. The
19 case -- the first case, ICRC/Melinda Luttrell
20 versus The Villas at Winding Ridge Owners
21 Association and Association Management, Inc.,
22 Case HOha21090347.

23 The next case, ICRC/Virginia Phenix versus

1 Brian Atkinson, Case HOha23050440.

2 The next case, Joseph and Tynesha Smith on
3 behalf of JKS versus Evansville Christian School,
4 Case EDra22120728.

5 Kyle Alumbaugh versus Madison Buy, Sell
6 Trade, Case PAha2405395 [sic].

7 And then the final case, Gregory L.
8 Wilson, Sr., in his official capacity as
9 Executive Director of the Indiana Civil Rights
10 Commission versus Heritage Place at Parkview LP
11 and Sterling Group, Inc., Case HOno24090805.

12 And that concludes our business, but we
13 are next to look at meeting dates for 2025. The
14 next two that are coming up are March 17th and
15 April 21st. When it comes to March 17th, I will
16 just be landing back in the country, so I will
17 not be present. Thank you. I'm going to check
18 this before we get to -- before Comm. Harrington
19 has to go. Does anyone have any issue with
20 March 17th?

21 (No response.)

22 CHAIRPERSON SLASH: If there are no
23 other issues with March 17th, we'll keep it and

1 I'll submit my -- I'll submit my recommendation.

2 Is there an issue with April 21st?

3 COMM. TOLLIVER: I will be out.

4 CHAIRPERSON SLASH: Okay.

5 MR. FLEISCHHACKER: I would like to
6 remind the Commission, too, that April one is
7 where we do the elections for officers and where
8 we hold the Executive Session in advance, where
9 we conduct training.

10 CHAIRPERSON SLASH: Okay.

11 MR. FLEISCHHACKER: So, that'll be an
12 earlier start.

13 CHAIRPERSON SLASH: So, that'll be
14 like a --

15 MR. FLEISCHHACKER: Noon.

16 CHAIRPERSON SLASH: -- noon start?

17 MR. FLEISCHHACKER: Yes.

18 CHAIRPERSON SLASH: Does anyone else
19 have an issue with the April date?

20 COMM. HARRINGTON: Depending on the
21 start time.

22 CHAIRPERSON SLASH: We'll get a --

23 COMM. HARRINGTON: I can be there,

1 but I've got -- I might be a few minutes behind.

2 CHAIRPERSON SLASH: Okay.

3 Any other issues? Comm. Jackson, are you
4 okay with April 21st, starting at noon for
5 Executive Session?

6 COMM. JACKSON: Yes.

7 CHAIRPERSON SLASH: Okay. Thank you.

8 All right. So, we'll keep the March and
9 April. I will submit my recommendation via
10 e-mail.

11 And now we'll have our Director's Report.

12 MR. FLEISCHHACKER: Fantastic. Thank
13 you, Chair Slash.

14 A few event recaps. We had the MLK Jr.
15 Holiday Celebration and wreath-laying ceremony in
16 mid-January, and those were both very successful
17 and well attended. The following week we had our
18 Holocaust Remembrance Program. Both of those
19 were in conjunction with the Dr. Martin Luther
20 King, Jr. Indiana Holiday Commission. Again,
21 both of those were well attended and well
22 celebrated, and both went very well, both in
23 person and had virtual attendees as well.

1 We're looking forward to things coming up,
2 with Disability Awareness Month in March and then
3 Fair Housing Month in April, so we'll be doing
4 some events in conjunction with those, so we'll
5 make the Commission aware of those as those get
6 announced and scheduled.

7 As far as some ongoing projects, we -- as
8 I've mentioned to you before, we engaged in some
9 fair housing testing through a partnership with
10 the Indiana Housing and Community Development
11 Authority, where we tested 113 of their
12 properties across the state that operated through
13 them. Of those 113 tests, we had 15 cases where
14 there was a significant difference found in how
15 the control subject versus the protected subject
16 were treated.

17 So, we're reviewing those situations to
18 see if it was based on something that might fall
19 under the Indiana Fair Housing Act, to see if
20 those are discriminatory practice versus maybe
21 some other reason that there was significant
22 difference in how they were treated. So, those
23 may end up resulting in some Director-initiated

1 complaints. We're finalizing those currently and
2 conducting that review.

3 We're about to -- I mentioned before that
4 we're -- we need to do administrative rulemaking
5 this year, so we've got an OMB, Office of
6 Management Budget, and State Budget Agency
7 approval for the civil penalties administrative
8 rules, so we'll be announcing the public comment
9 period and the public hearing date for that over
10 this next week or so.

11 We anticipate the public hearing for
12 comments to be done in late March. We have to
13 have the public comment period open for 30 days,
14 and then you -- typically the public hearing for
15 admin rulemaking kind of at the end of that
16 public comment period. And then depending on the
17 comments that are received, if any, that'll
18 dictate whether or not a second public hearing is
19 required or not.

20 But after that, if -- depending on what
21 those comments are, we can proceed to the next
22 stage for the administrative rulemaking process,
23 and our goal is to have those rules in place by

1 midsummer. And these would add factors for the
2 Commission and for the OALP ALJ's to consider in
3 whether they issue a civil penalty for those fair
4 housing cases where a civil penalty might be
5 appropriate.

6 As you are aware, the legislative session
7 is going on right now, so there is a number of
8 bills that are -- that have been proposed.
9 There's over 1200 or so bills combined between
10 the House and the Senate that have been filed.
11 Some of them directly impact the Commission, most
12 of them do not, so we're tracking all of those.

13 Today was the deadline for House bills to
14 get passed out of committee, so if they don't get
15 passed out of committee by today, then they, in
16 their House bill proposed form, die. They could
17 obviously get added to other bills later on
18 throughout the process.

19 The Senate deadline for committee reports
20 is later this week. I know that House Bill 1001,
21 the Budget bill, passed earlier today out of
22 committee. Most of the bills that had a direct
23 impact on us, it was mostly House bills, did not

1 get a committee hearing. Obviously there are
2 some that may have some direct impact on us that
3 we're still reviewing to see what that -- the
4 extent of that impact is.

5 There is Senate Bill 235 that relates to
6 the prohibition on state expenditures and
7 resources towards DEI-type programs. That bill
8 was withdrawn, and all of that was transferred
9 over into Senate Bill 289, so we're tracking that
10 as well. We were already tracking that one
11 anyways, but we're assessing to see what the
12 extent, if any, that will impact us.

13 I know that there is a carveout in there
14 for like equal-access-and-opportunity type
15 reviews, so as far as the Indiana Civil Rights
16 Commission goes, I don't think that that's going
17 to have a significant impact on our day-to-day
18 operations.

19 We do obviously support and provide
20 administrative staffing to several Cultural
21 Commissions, so we're assessing what that bill --
22 you know, what kind of impact that may have on
23 their day-to-day operations as well. Obviously

1 there's still a lot of time left in session for
2 bills to get amended and reviewed, so we'll see
3 what the final form of these bills is and what
4 kind of impact that has on our operations.

5 And speaking on the budget, as you've
6 probably seen, many state agencies, including the
7 Indiana Civil Rights Commission, have had
8 proposed cuts compared to the last biennium
9 budget. The Indiana Civil Rights Commission is
10 no exception to that.

11 So, as it currently sits, the Indiana
12 Civil Rights Commission, under the proposal,
13 would be given a general fund appropriation of
14 two million dollars for each year of the
15 biennium. That's a reduction from 2.375 million
16 that we had in the prior budget bill for '23
17 and '24. It was about a 16-percent decrease in
18 budget.

19 And then also under our kind of business
20 unit section, you'll -- it's noted that there are
21 two Cultural Commissions that are not given
22 line-item budgets, the Indiana Commission for
23 Women and the Indiana Native American Indian

1 Affairs Commission.

2 So, we're working with our partners in the
3 Governor's Office to see what that means for the
4 Cultural Commissions, and obviously, again,
5 there's a lot of time left in the budget session
6 to see what that will be at the end of the budget
7 session as far as the impact on all of the
8 Cultural Commissions in general, not just
9 specifically those two.

10 Any questions on the legislative stuff at
11 all?

12 COMM. HARRINGTON: Yes.

13 MR. FLEISCHHACKER: Yes.

14 COMM. HARRINGTON: On the two
15 Commissions, when would they be impacted,
16 potentially, based on the -- what the timeline
17 is, based on that?

18 MR. FLEISCHHACKER: Sure. The budget
19 bill that's going through right now starts -- the
20 biennium for that starts on July 1st of 2025 --

21 COMM. HARRINGTON: Thank you.

22 MR. FLEISCHHACKER: -- and goes for
23 the next two years.

1 And then as far as some agency metrics, we
2 finished up 2024 with some robust numbers. The
3 number of inquiries that we had rose from 2,722
4 up to 3,045 in 2024, so almost a ten-percent
5 increase.

6 Our number of complaints increased
7 from 978 up to 1,191. Those are formalized
8 complaints, so -- and that kind of followed a
9 trend that we've seen over the last couple of
10 years, you know, where we've -- I think
11 since 2022 we've more than doubled the number of
12 formal complaints that we've had in our office.

13 And we've also, during that time, over
14 2023 to 2024, increased -- we look at kind of the
15 percentage of inquiries that result in formalized
16 complaints, and that increased from 36 percent up
17 to 39 percent, so more -- more inquiries that are
18 coming in are resulting in formalized complaints.

19 Our closures stayed pretty steady between
20 the two years. We had 730 in 2023 and had 722
21 in 2024. About 4.3 percent of our cases are
22 resulting in a cause finding, and that was
23 consistent across the two years as well.

1 In 2024, we --

2 VICE-CHAIR RAMOS: Excuse me. In
3 reference to your calendar year, not --

4 MR. FLEISCHHACKER: Not our fiscal
5 year, the calendar year, yep.

6 In 2024, we had around \$758,000 that was
7 obtained through mediation efforts for
8 complainants and aggrieved persons in monetary
9 relief. That was a little bit below the 832,000
10 that we had in 2023, but still, you know,
11 three-quarters of a million dollars that was
12 recovered for complainants and aggrieved persons.

13 Our mediation efforts, the number of
14 resolutions increased -- or positive resolutions
15 in 2023, about 81 percent of those cases that
16 were -- went through mediation resulted in an
17 actual settlement. In 2024, that increased to 83
18 percent of the cases, and there were 115
19 different mediations that occurred across -- or
20 throughout the year.

21 And I mentioned the number of complaints,
22 so not only did those increase, but also the
23 number of transfers that we got from our federal

1 partners, the EEOC and HUD. In 2023, we received
2 76 transfers, and in 2024 we received 208
3 transfers from those agencies, so almost 1400 new
4 cases that arrived at the agency in 2024 that our
5 staff have ably handled and managed and moved
6 through the process, and continue to move through
7 the process, so we're working on those.

8 Our litigation cases, in 2024, we closed
9 out 58 cases compared to 47 the year prior, and
10 we ended the year with 31 open cases compared to
11 almost 60 that were open at the end of 2023. So,
12 a lot of good work from our staff moving cases
13 through the process.

14 This -- you know, the parties that are
15 involved want their cases to come to a
16 resolution, obviously. You know, some want --
17 you know, each wants results in their own favor,
18 but, you know, our job here is to be neutral
19 fact-finders, and then that -- we take that role
20 very seriously, and we have to base our decisions
21 on the evidence that's submitted by the parties,
22 but our staff are doing a great job moving cases
23 through towards resolution, and doing so in a

1 timely manner.

2 CHAIRPERSON SLASH: Thank you.

3 MR. FLEISCHHACKER: Yes.

4 CHAIRPERSON SLASH: Does anyone have
5 any questions?

6 VICE-CHAIR RAMOS: I've got a
7 question.

8 MR. FLEISCHHACKER: Sure.

9 VICE-CHAIR RAMOS: So, the transfer
10 of cases that you referenced went from 76 to 208.
11 Funding follows that as well; right?

12 MR. FLEISCHHACKER: Yeah, yeah.
13 For -- we get paid for the -- from the EEOC and
14 from HUD for each of the cases that we process,
15 so yes, those cases will get some type of
16 monetary payment for -- assuming that the funds
17 on the federal level remain available to us.

18 VICE-CHAIR RAMOS: Right. You don't
19 have to absorb them, contain that within your
20 current budget?

21 MR. FLEISCHHACKER: No, no. And if,
22 for some reason -- yeah, we'll just leave it at
23 that.

1 CHAIRPERSON SLASH: Okay. Does
2 anyone have any other questions?

3 (No response.)

4 CHAIRPERSON SLASH: Okay. With that
5 being said, our agenda is pretty much concluded.
6 We don't have any training, we don't have any
7 announcements, and I do not believe we have
8 anyone here for public comment.

9 At this time, thanks, everyone, for your
10 attention to detail, for participation, and
11 making it out in the cold. I will not see you
12 until April, but as for today's meeting, we're
13 adjourned at 2:14.

14 - - -
15 Thereupon, the proceedings of
16 February 17, 2025 were concluded
17 at 2:13 o'clock p.m.
18 - - -
19
20
21
22
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 Monday, February 17, 2025 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 August 26, 2032.

16 Commission No. NP0690003
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