

BEFORE THE STATE OF INDIANA
CIVIL RIGHTS COMMISSION

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INDIANA CIVIL RIGHTS COMM

PUBLIC MEETING OF SEPTEMBER 23, 2011

ORIGINAL

PROCEEDINGS

in the above-captioned matter, before the Indiana
Civil Rights Commission, Alpha Blackburn,
Chairperson, taken before me, Lindy L. Meyer,
Jr., a Notary Public in and for the State of
Indiana, County of Shelby, at the Indiana
Government Center South, Conference Center,
Room A, 402 West Washington Street, Indianapolis,
Indiana, on Friday, September 23, 2011 at
11:07 o'clock a.m.

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

1 APPEARANCES:

2 COMMISSION MEMBERS:

3 Alpha Blackburn, Chairperson
4 David C. Carter
5 John E. Garcia
6 Barry Baynard
7 Tehiji G. Crenshaw
8 Charles D. Gidney

9 INDIANA CIVIL RIGHTS COMMISSION
10 By Jamal Smith, Director/Secretary
11 Indiana Government Center North
12 100 North Senate Avenue, Room N103
13 Indianapolis, Indiana 46204
14 On behalf of the Commission.

15 OTHER COMMISSION STAFF PRESENT:

16 Robert D. Lange
17 Pamela Cook
18 Tawanda Sharp
19 Elyse Fenneman
20
21
22
23

1 11:07 o'clock a.m.
2 September 23, 2011

3 COMM. CARTER: Okay. While waiting
4 for Chair Blackburn, I will bring the Indiana
5 Civil Rights Commission public meeting for
6 September to order, and note that we do have a
7 quorum.

8 And in your packets, you have the minutes
9 of last meeting, which I guess it's the minutes
10 of the preceding meeting, yeah, July, since we
11 didn't have a quorum last month. If I might have
12 a motion to accept the minutes, please.

13 COMM. BAYNARD: I'll make the motion
14 to accept the minutes.

15 COMM. CARTER: And a second?

16 COMM. CRENSHAW: Second.

17 COMM. CARTER: All in favor?

18 COMM. GARCIA: Aye.

19 COMM. CRENSHAW: Aye.

20 COMM. BAYNARD: Aye.

21 COMM. CARTER: Aye.

22 Thank you.

23 Financial Report, Ms. Cook.

1 MS. COOK: Good morning.

2 COMM. CARTER: Good morning.

3 MS. COOK: You have the August
4 financial reports in your package. Currently we
5 have no outstanding issues and we are currently
6 on target. If you have questions, I'll take them
7 now.

8 COMM. CARTER: Any questions?

9 (No response.)

10 COMM. CARTER: Thank you. Hearing
11 none, we will proceed to Old and New Business,
12 which, is as customary, are present but absent;
13 in other words, they're on the agenda, but there
14 isn't ever any.

15 COMM. GARCIA: Excuse me, Chairman.

16 COMM. CARTER: Uh-huh.

17 COMM. GARCIA: There are minutes for
18 August. If there wasn't a quorum, do we have to
19 accept those, or approve them?

20 COMM. CARTER: Oh, did I -- okay.
21 There are for August, you're right. Thank you.
22 How come is August is fatter than -- there are
23 more minutes for August than for July.

1 All right. I will entertain a motion to
2 accept the minutes for August.

3 COMM. GARCIA: I wasn't here, so --

4 COMM. BAYNARD: I'll make a motion to
5 accept the minutes as written.

6 COMM. CARTER: Thank you.

7 And a second?

8 COMM. CRENSHAW: Second.

9 COMM. CARTER: All in favor?

10 COMM. GARCIA: Aye.

11 COMM. CRENSHAW: Aye.

12 COMM. BAYNARD: Aye.

13 COMM. CARTER: Aye.

14 Okay. So, there are no Consent
15 Agreements, and so we can zip right to Findings
16 of Fact, Conclusions of Law and Order. ICRC
17 versus Gene Carter, Robert C. Carter, Sylvia J.
18 Carter, and the Carter Building -- no relation to
19 any of them, as far as I know -- and Diane J.
20 Brothers versus Golden Egg Pancake House, Inc.
21 May I have a motion to accept those two sets of
22 findings, et cetera?

23 COMM. GARCIA: So moved.

1 COMM. CARTER: And a second?

2 COMM. BAYNARD: Second.

3 COMM. CARTER: All in favor?

4 COMM. GARCIA: Aye.

5 COMM. CRENSHAW: Aye.

6 COMM. BAYNARD: Aye.

7 COMM. CARTER: Aye.

8 Any opposed?

9 (No response.)

10 COMM. CARTER: Thank you.

11 Move to Report by Commissioners on
12 Complaint Appeals. Do we have anything from
13 Comm. Blackburn? I assume she's expected, so --

14 MS. SHARP: No, we have no word from
15 Comm. Blackburn.

16 COMM. CARTER: -- we can come back to
17 that, if necessary. Otherwise, they would be
18 continued.

19 Comm. Baynard?

20 COMM. BAYNARD: Yes. In the cases
21 of -- I think last month we accepted those
22 recommendations for Green versus the City of
23 South Bend, the four cases there, but I will

1 recommend again that we uphold the Director's
2 findings -- or Deputy Director's findings of no
3 probable cause for the four cases of Green versus
4 South Bend, City of South Bend, and the case of
5 Council versus Rodem and Davis versus Woods Edge
6 Apartments and Johansen verses the State of
7 Indiana Department of Corrections -- or I'm
8 sorry -- Department of Natural Resources, and
9 McAfee [sic] versus Allen County Highway
10 Department.

11 COMM. CARTER: Okay. May I have a
12 motion to accept that recommendation, please?

13 COMM. GARCIA: I'll accept
14 Comm. Baynard's recommendation.

15 COMM. CARTER: Okay.

16 And a second?

17 COMM. CRENSHAW: Second.

18 COMM. CARTER: All in favor?

19 (No response.)

20 COMM. CARTER: Aye.

21 COMM. CRENSHAW: Aye.

22 COMM. CARTER: Okay. That's two out
23 of four. And my cases, I.

1 COMM. GARCIA: Excuse me.

2 COMM. CARTER: -- would recommend --

3 COMM. GARCIA: Excuse me. I hate to
4 go back again, but --

5 COMM. CARTER: Okay.

6 COMM. GARCIA: -- conclusions of law
7 and order -- findings of fact, conclusions of law
8 and order, did you mention the Diane Brothers
9 versus the Golden Egg Pancake House?

10 COMM. CARTER: Yes.

11 COMM. GARCIA: Oh, you did?

12 COMM. CARTER: Uh-huh.

13 COMM. GARCIA: Okay. I'm sorry. I
14 just heard the Carter ones.

15 COMM. CARTER: I put them together --
16 I mean I read them one after the other,
17 consecutively.

18 In my cases, Eric Macht versus Steel
19 Warehouse Company, Dubelza Garcia -- or Dubelza
20 Garcia -- and Winterfield West, Michael Hall
21 versus Cintas, Brian Davis versus Kingston Square
22 Homes, Inc., Cynthia Williams versus
23 Ingersoll-Rand, Jerry Shomali versus Lutheran

1 Child & Family Services of Indiana/Kentucky, I
2 recommend that we uphold all of the findings of
3 no probable cause in those cases.

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

6 COMM. BAYNARD: So moved.

7 COMM. CRENSHAW: Second.

8 COMM. CARTER: All in favor?

9 COMM. GARCIA: Aye.

10 COMM. CRENSHAW: Aye.

11 COMM. BAYNARD: Aye.

12 COMM. CARTER: Aye.

13 Thank you.

14 Comm. Crenshaw?

15 COMM. CRENSHAW: In the cases of
16 Susan Pramuk versus Wells Fargo Home Mortgage,
17 Lisa Ismail versus Taconic farms, Inc., Victoria
18 Spencer versus Tiller Sanitation, Ted Czanderna
19 versus Judge Chris Newton & Vigo County Superior
20 Court No. 4, and Anthony Parker versus Wallenius
21 Wilhelmsen Logistics, I'd like to make a motion
22 that uphold the Deputy Director's finding of no
23 probable cause.

1 COMM. CARTER: Okay.

2 May I have a -- suddenly my vocabulary's
3 disappeared.

4 COMM. GARCIA: I'll make a motion --

5 COMM. CARTER: May I have a motion to
6 accept that recommendation?

7 COMM. BAYNARD: I'll make a motion to
8 accept the recommendation.

9 COMM. GARCIA: Second.

10 COMM. CARTER: Thank you.

11 All in favor?

12 COMM. GARCIA: Aye.

13 COMM. CRENSHAW: Aye.

14 COMM. BAYNARD: Aye.

15 COMM. CARTER: Aye.

16 Any opposed?

17 (No response.)

18 COMM. CARTER: Do we have word from
19 Comm. Ramos?

20 MS. SHARP: No word from Comm. Ramos.

21 COMM. CARTER: Okay. We'll continue
22 his case.

23 And same question for Comm. Gidney.

1 MS. SHARP: No word from Comm. Gidney
2 either.

3 COMM. CARTER: We'll continue that.

4 Assignment of Appeals to Commissioners.
5 Comm. Baynard, if you will take Dawn Kilburn --
6 it's not or best offer.

7 COMM. GARCIA: We have --

8 COMM. CARTER: What is "o/b/o"?

9 MR. LANGE: On behalf of.

10 COMM. CARTER: On behalf of; all
11 right. Thank you -- Skyler Rankin versus North
12 Harrison Middle School, and Robin Ray versus -- I
13 assume that's Indiana Department of Corrections.
14 It could be Indian Department of Corrections.

15 I will -- I'm going to go back and revisit
16 the Commissioners who aren't here.

17 (Chairperson Blackburn arrived.)

18 MR. LANGE: There's one.

19 COMM. CARTER: There's one now.

20 CHAIRPERSON BLACKBURN: I'm so sorry.

21 COMM. CARTER: That's okay.

22 CHAIRPERSON BLACKBURN: Good morning.

23 COMM. CRENSHAW: Good morning.

1 COMM. CARTER: I'm going to turn it
2 over to you in a minute.

3 CHAIRPERSON BLACKBURN: Oh, no, you
4 go right ahead.

5 COMM. CARTER: I'll give you time to
6 collect yourself.

7 I will review Deanna L. Carter verses
8 Kingsley Property Management, Inc., Deanna L.
9 Carter versus Kingsley Property Management Inc.
10 again, and Carlos White versus Cameo [sic]
11 Manufacturing.

12 Comm. Crenshaw, if you would review Carla
13 Hawkins versus the Image House, Edward Carnes,
14 Sr. on behalf of Edward Carnes, Jr. versus
15 LaPorte Community School Corporation.

16 Comm. Garcia, if you would review Henry
17 Davis versus Indiana Gaming Commission and Nadine
18 Smith on behalf of LaDawn Wheeler versus IU
19 Health Methodist Hospital.

20 And that leaves us with four cases, and
21 there just happen to be four of us, so
22 Comm. Baynard, if you would review Angela
23 Washington versus Prompt Ambulance Service, and I

1 will --

2 COMM. GARCIA: She's here.

3 COMM. CARTER: Oh, yeah. Okay.

4 Well -- oh, well, Comm. Blackburn can review her
5 own cases, Angela Washington versus Prompt
6 Ambulance Service. It was so even. There were
7 four of us and there are four cases, but now I'm
8 all confused. And Jeff Moore versus Creekside
9 Mobile Home Park, and that's done.

10 So, I will take Comm. Gidney's Patricia M.
11 Sims versus Peoples Bank, and does anyone want to
12 volunteer for Crystal Beneker versus Mainsource
13 Bank?

14 COMM. CRENSHAW: I can take that one
15 if you want.

16 COMM. CARTER: Okay. Comm. Crenshaw
17 will get that, and I can turn it over to Chair
18 Blackburn so that she can make a recommendation
19 about her two cases.

20 CHAIRPERSON BLACKBURN: Yes, about my
21 two cases. Hold on a second. What I -- I wish
22 to recuse myself on one of the cases. Once I got
23 into it, I realized that I know two of the owners

1 of the property, good friends with me, so I'd
2 rather somebody else look at that case. It is
3 Tamika Boone. And the other case, Judith
4 Brantley, I want to uphold the Deputy Director's
5 finding of no probable cause and ask for -- oh,
6 you can ask for it.

7 COMM. CARTER: No, go ahead. I've
8 turned it over to you now.

9 CHAIRPERSON BLACKBURN: Okay. And
10 ask for a recommendation to approve my
11 recommendation -- a motion to approve my
12 recommendation.

13 COMM. CARTER: So moved.

14 COMM. CRENSHAW: Second.

15 CHAIRPERSON BLACKBURN: All in favor?

16 COMM. GARCIA: Aye.

17 COMM. CRENSHAW: Aye.

18 COMM. CARTER: Aye.

19 COMM. BAYNARD: Aye.

20 CHAIRPERSON BLACKBURN: Aye.

21 Okay. Anyone opposed?

22 (No response.)

23 CHAIRPERSON BLACKBURN: Okay. Thank

1 you.

2 And now it's time for the Administrative
3 Update.

4 MR. SMITH: Okay. Let's see. Real
5 brief. I'll touch on the schedule of events
6 first. Today the agency is in Bloomington doing
7 an outreach program there. It starting this
8 morning with a CLE that, I believe, goes until
9 noon; correct, noonish?

10 MR. LANGE: I think, something like
11 that.

12 MR. SMITH: Followed by an EEOC
13 update workshop and housing piece as well. It
14 should be a fairly intimate piece. I think we're
15 looking for about 30, 35, outside of the CLE, I
16 think the CLE always has a large number of
17 participants, but the employment piece and the
18 housing piece, we're looking for about 30, 35
19 people, at least that's how many RSVP'd to
20 attend. So, we're collaborating with the
21 Bloomington Human Rights Commission there as well
22 as the housing authority and the city to put that
23 on, so that's going well.

1 Tomorrow we're in Hammond at a Latino
2 resource fair, the Washington Irving Elementary
3 School, so that should go well as well.

4 Then moving into October, we have the 13th
5 again we'll be back in Hammond for a Latin Media
6 and South Bend Post -- hosted by Latin Media and
7 South Bend Post. It's a safety summit, and
8 apparently that event gets pretty good
9 attendance, so looking to enjoy that piece.

10 I'll be up for that one, as well as at
11 least four people from the staff will be
12 attending as well. We'll have a booth set up to
13 disseminate some information and provide some
14 information and answer any questions that the
15 public might have.

16 South Bend on the 18th. That right now is
17 currently surrounding specifically a housing -- a
18 fair housing training, but we're looking to do an
19 education component there as well. We met with
20 some folks from Notre Dame, and they have a -- as
21 well as the Parents as Teachers, Parents as
22 Teacher Organization.

23 I'm not sure if you guys are familiar with

1 that, but they -- I'm not sure if they're
2 national, but I know that they're statewide, and
3 their focus is to engage parents more in the
4 educational process of their children, and they
5 have a group of folks and staff who go door to
6 door, for lack of a better phrase, to help
7 parents in that engagement, maybe even tutor some
8 of the parents about the work that the kids are
9 doing, some of the social issues, counseling, so
10 on and so forth.

11 And so, Notre Dame and its education
12 department is teaming up with them, and we're
13 going to collaborate with them and potentially
14 put on some sort of education round table, since
15 there are -- along with the fair housing training
16 that we're going to do in South Bend.

17 So, that's on the 18th, and that's
18 tentative. We're trying to work out the details
19 on that, but right now we certainly have the fair
20 housing piece. The Housing Authority there in
21 South Bend actually reached out to us, and so
22 we're going to go back up there to do that.

23 28th in Evansville. We're looking forward

1 to that. That will be kind of an all-inclusive
2 piece. We'll do a CLE in the morning, followed
3 by a fair housing training as well as a housing
4 seminar as well, and then we'll cap it off with a
5 piece on education as well.

6 We've got a commitment from the president
7 of the Chamber down south to participate in the
8 education component, and we've also partnered
9 with the Indiana Minority Business Magazine slash
10 the Recorder. They have a similar objective in
11 their outreach efforts right now in getting it
12 out throughout the State of Indiana.

13 And so, what we'd like to do is, because
14 what I'm trying to prevent from doing is having
15 our moneys used for things like food, so that we
16 don't have to deal with any of those things from
17 an audit standpoint, so -- and use those moneys
18 and those resources to focus specifically on the
19 trainings and the seminars and the education and
20 the outreach piece; right?

21 So, in turn, with that collaboration with
22 Minority Business Magazine, they've agreed to
23 kind of go with us on this outreach tour

1 throughout the state -- targeting Evansville is
2 one of those -- and an opportunity for them to
3 promote their magazine, some of the things that
4 they're trying to do for the businesses
5 throughout the state.

6 And we're looking at them to pick up some
7 of the reception type of -- the tabs for the
8 receptions, the food and things of that nature so
9 that it takes that burden off of the agency and
10 we move with them. And so, that's Evansville.
11 We're looking forward to that. That's growing
12 rapidly.

13 Comm. Crenshaw, we'll be leaning heavily
14 on you.

15 COMM. CRENSHAW: (Nodded head yes.)

16 MR. SMITH: We'll -- we can put
17 together the agenda and bring everything to the
18 table, but, you know, one of the things, and our
19 biggest hurdle when we go places, is bodies. We
20 want to make sure -- and it's free to the public,
21 with the except the CLE, obviously, because the
22 attorneys have to pay, and it's a nominal feel
23 fee.

1 If I'm not mistaken, Judge, I think what
2 we charge for our CLE's is -- it pales --

3 MR. LANGE: Fifty dollars.

4 MR. SMITH: -- in comparison to what
5 they pay.

6 MR. LANGE: Fifty dollars, in honor
7 of the 50th anniversary.

8 MR. SMITH: There you go. I like
9 that. I like that. But that's a lot --

10 MR. LANGE: Next year it'll be 51.

11 MR. SMITH: I like that. A lot
12 cheaper, thought, than the normal CLE; correct?

13 MR. LANGE: Substantially cheaper
14 than normal.

15 MR. SMITH: So, we're excited about
16 that. And everything else is free to the public,
17 so we want to make sure that we get folks out to
18 attend and take advantage of the things that
19 we're offering.

20 In addition to the Evansville piece, we're
21 going to do -- in talks with Alfonso Vidal in
22 Evansville about doing a specific outreach piece
23 to the Hispanic community there, and it will

1 probably be separate from this actual event,
2 wherein we'll go to like a church to fellowship
3 with a lot of the folks and provide some of the
4 information there to the Hispanic community, and
5 Mr. Vidal is going to help us facilitate that.
6 That's tentative right now. We're trying to work
7 through the details on that, but we want to make
8 sure that we work to accomplish that as well.

9 And that's it. I think we're going to put
10 the kick standup for November, when the holidays
11 hit, you know, but we've been really, really busy
12 since the beginning of the year and we've been
13 all over the state.

14 Even the December 8th piece, which is
15 our -- we're celebrating the 50th, but one of the
16 things that's been tossed out is to push that
17 back a month, to around where we do the MLK
18 celebration, and instead of doing two events like
19 that surrounding the holidays, do one after the
20 holidays, around the MLK piece, because I think
21 it jibes between the Civil Rights Commission and
22 then the mission of the MLK and what he stood
23 for.

1 The program, we're still tossing around
2 some speakers, and obviously there's an MLK
3 Commission that weighs heavily into who that is,
4 but as for this, what we thought about doing is
5 having a day of service here in the city and
6 bringing in all of the community partners,
7 hopefully some business owners, and picking some
8 sites ideally along MLK Boulevard, right, and
9 having a neighborhood cleanup day, right, and
10 something of that nature.

11 So, that's completely open right now. It
12 was tossed out, and so we'll do -- right now the
13 MLK celebration is scheduled for -- I believe
14 it's Thursday the 12th, and so ideally we'd like
15 to do the day of service, the community cleanup
16 piece, that Wednesday, maybe, prior to.

17 So, other things to note for that MLK
18 piece, we talked about doing a deal with the
19 schools and having a community service contest,
20 if you will, for all of the kids across the state
21 and having them express themselves in the way of
22 explaining what they've recently done to help
23 better their communities.

1 And send those in to us in art form,
2 whether it be media, handwritten, you know,
3 written out, or in artistic form and send that
4 in, and we'll have the Commission, MLK
5 Commission, judge that and we'll have a winner,
6 and when we handout the few awards that we hand
7 out, the winning school -- or winning student
8 will be recognized during that ceremony.

9 So -- and that's as far out as we've
10 gotten in the outreach piece, so that's around
11 January 12th-ish, if you will. Around the
12 beginning of the year we'll also revise this
13 piece and have a layout for the outreach efforts
14 we have in 2012. And that's about it from -- on
15 that front.

16 Let's see. Some other things to note.
17 We've had a few press releases that have gone out
18 pertaining to the agency, and those should be
19 listed in you guys' report as well. The monthly
20 newsletter, I hope you guys are receiving that,
21 to stay up to date with what the agency has going
22 on.

23 We are continuing to have training for the

1 staff. There's some national fair housing
2 training that much of the staff is taking
3 advantage of. The National Association of Human
4 Rights Workers, we had a few of the staff
5 attending that as well, which was earlier this
6 month, ending today, actually; we've got some
7 staff away.

8 There's been a change in our personnel
9 director from state personnel. I don't know if I
10 mentioned this last time. Our previous
11 representative from SPD was Lindsay Van Ness.
12 She has been replaced by Andy Hess, who is now
13 our representative from SPD.

14 We've had a change. We've lost one of our
15 EEOC investigators, speaking of SPD, but we're
16 looking to -- the position is open and we're
17 looking to fill that position currently as well
18 as we move forward.

19 Let's see. We've also lost one of our
20 intake specialists, but that position is being
21 reposted and will be filled as soon as possible
22 as well.

23 And that concludes the Executive

1 Director's Report.

2 CHAIRPERSON BLACKBURN: Thank you.
3 You've been really busy here at the agency, it
4 sounds like.

5 MR. SMITH: So, I'll take any --

6 CHAIRPERSON BLACKBURN: Everybody's
7 pretty happy?

8 MR. SMITH: Yeah, I think it's -- the
9 end of the year, I think everybody's on the
10 downturn, so like I said, this is -- this next 30
11 or 45 days will ultimately conclude the gist of
12 our outreach pieces for the year.

13 But -- and I'll have a comprehensive
14 report for you guys as to how effective those
15 outreach things have been from the beginning of
16 the year until now. We think we've done some
17 really, really good things. We've got tons of
18 good feedback, and the numbers are increasing and
19 have been. It's on a steady incline since
20 January, and I believe that report should be in
21 you guys' folders as well, so --

22 CHAIRPERSON BLACKBURN: According to
23 the reports, there were no cases taken in last

1 month?

2 MR. SMITH: No, that's not --

3 CHAIRPERSON BLACKBURN: Did I read
4 that correctly?

5 MR. SMITH: No, that should not be
6 accurate.

7 CHAIRPERSON BLACKBURN: No new cases?

8 MR. SMITH: That should not be
9 accurate at all. Let me see. August report --
10 or last month, we had -- the number of inquiries
11 jumped up. We had 425 inquiries. Complaints
12 drafted were 83, so we had 83 complaints drafted
13 last --

14 CHAIRPERSON BLACKBURN: Oh, okay.

15 MR. SMITH: The number of complaints
16 that came back, which -- the number of complaints
17 formalized, which means signed and came back to
18 the office, was 118. So, we did have quite a few
19 come back.

20 I think one of the things to note on this
21 report, and one of the things I'll talk about
22 once we finish all of the outreach pieces, is
23 that since January -- if you look at the incline

1 here, since January, which we start at 178
2 inquiries, we've had a steady increase in the
3 number of inquiries that have come in.

4 One of the things that we've also started
5 to document, and it's in the next couple of
6 pages, is -- we started it last month -- is where
7 the inquiries are coming from, so what parts of
8 the state they're coming from.

9 One of the reasons we wanted to do that is
10 so that we could keep track of and have a metric,
11 to be able to measure the effectiveness of our
12 outreach pieces. So, as we make a decision to
13 where we're going to go, we'd like to know what
14 we receive back from that effort that we did.

15 So, obviously we know that the majority of
16 the complaints will probably always come from
17 Indianapolis. Not only are we here locally, but
18 it's the largest city in the state, et cetera,
19 et cetera, et cetera. But we'd also like to get
20 a handle on from where in other parts of the
21 state we're getting a lot of the feedback and a
22 lot of activity, so we've done that.

23 CHAIRPERSON BLACKBURN: So, that also

1 informs where you want to go also?

2 MR. SMITH: Where we want to go also,
3 right. So, if we see that there's absolutely
4 nothing going on, then we might want to take a
5 peek into that city, or if we've just got some
6 peek, then maybe we need to spend some time doing
7 some education, doing some outreach in that
8 regard as well. So, it helps us out.

9 And like I said, last year that's
10 something that the agency hadn't been keeping
11 track of, so when I sat down with the outreach
12 team trying to determine where we wanted to go
13 next, you know, what was thrown out was kind of
14 everyone's wish list instead of the needs of the
15 agency and the public that we serve. And so, we
16 started to collect this data to defend our
17 reasonings for going where we go.

18 CHAIRPERSON BLACKBURN: And you found
19 receptiveness on the part of the communities
20 where you visited, and if not robust, at least --

21 MR. SMITH: Yeah.

22 CHAIRPERSON BLACKBURN: -- some
23 response from the public?

1 MR. SMITH: Yeah. No, everywhere we
2 go everyone is excited to have us there. In
3 fact, we hear oftentimes, and not just for this
4 agency, that most state agencies either rarely or
5 never come to the communities that we go to in
6 the light that we come to them.

7 They say -- well, there's tons of stuff,
8 and you read about it, but rarely ever does the
9 agency actually come to the community centers or
10 to the churches or to the community events that
11 we go to and actually, you know, face to face,
12 provide the information that we provide. So,
13 they're ecstatic about that.

14 Our only hurdle is when we put on events
15 is making sure -- you know, everybody's excited,
16 but we have to -- it's a -- we have to be
17 conscious of the fact that many of the people
18 that we're trying to reach aren't available from
19 9:00 to 5:00, right, so, you know, if we come in
20 and put on some sort of an event, you know, at
21 1:00 o'clock in the afternoon, they may want to
22 come but they're not available to come.

23 So, we've had to be creative with that

1 piece, collaborate with some people creatively
2 locally to help work our way around that hurdle.
3 But, you know, everybody that we've talked to
4 wherever we go, with the exception of the local
5 human rights commissions, have been extremely
6 excited that we're coming.

7 And that piece is more of a territorial
8 component. The agency has historically not done
9 so much in cities across the state, and so
10 there's a bit of a territorial thing that we have
11 to contend with, with them, but in every other
12 aspect, I mean it's been nothing but rave
13 reviews --

14 CHAIRPERSON BLACKBURN: Okay.

15 MR. SMITH: -- and people encouraging
16 us to come back. So, when we make these trips
17 and we get out, our objective in doing so is to
18 create not only a partnership, but, you know,
19 some sort of a lasting impression so that the
20 people there locally can carry on, you know, what
21 we're trying to do even after we leave, so -- and
22 in many cases, if not most cases, we've been able
23 to achieve that.

1 COMM. GARCIA: I have a question.

2 MR. SMITH: Yes, sir.

3 (Comm. Gidney arrived.)

4 COMM. GARCIA: You have -- the total
5 number of inquiries for August of 425, but yet,
6 if I read you, it only totals about 170 for
7 August. Maybe the Northwest Indiana one is
8 missing. Oh, no, it's there.

9 MR. SMITH: No, it's there. I have
10 to look at that as well. That's a good eye.
11 It's the first time I've looked at this one.

12 COMM. GARCIA: Okay.

13 MR. SMITH: That's good eyes,
14 Commissioner. Let me -- I'll check that one out
15 and figure out why that number is not matching
16 up --

17 COMM. GARCIA: Okay.

18 MR. SMITH: -- on that one. That's a
19 good one.

20 CHAIRPERSON BLACKBURN: Okay. Are
21 there any additional announcements -- any
22 announcements period?

23 MR. LANGE: This might be a bit

1 ahead, but the January meeting is going to be
2 moved from this room to someplace else --

3 MR. SMITH: Very good point. The --

4 MR. LANGE: -- because of the Super
5 Bowl.

6 MR. SMITH: -- Super Bowl is taking
7 precedent over everything not owned by the NFL.

8 CHAIRPERSON BLACKBURN: You all might
9 want to get that off of there --

10 MR. LANGE: That may be --

11 CHAIRPERSON BLACKBURN: -- because
12 you don't need to be downtown trying to pull a
13 meeting together.

14 MR. LANGE: But that's in January,
15 it's not --

16 CHAIRPERSON BLACKBURN: Right.

17 MR. LANGE: The Super Bowl's when, in
18 February?

19 MR. SMITH: The first weekend of
20 February, and that is something to note and
21 something that we'll have to just stay in
22 constant communication with one another about
23 that the closer we get to it, because downtown

1 will get -- I don't know if any of you guys have
2 ever been to a Super Bowl, but the vicinity that
3 the Super Bowl is held in gets extremely chaotic
4 during that time, and the closer you get to it,
5 the more chaotic it gets.

6 They've already confiscated the majority
7 of this building. Now, there may be some other
8 room -- well, there will be some other rooms
9 available for us to hold the meeting, but I don't
10 think that's the issue. The issue is get getting
11 down here. There's already an issue with parking
12 when you guys come. Those types of things will
13 have to be considered, and so we'll make sure
14 that we communicate with you guys. And whatever
15 you decide, obviously, is what we'll do, but you
16 might want to talk amongst yourselves about
17 whether we do have it at another site.

18 COMM. CRENSHAW: We can probably
19 always have it at the Super Bowl.

20 MR. SMITH: Have it where?

21 COMM. CRENSHAW: At the Super Bowl.

22 COMM. BAYNARD: That works for me.

23 MR. SMITH: So, that's -- good call,

1 judge. And that's just kind of a heads-up on
2 that, something to think about, and it's probably
3 good to think about it now instead of being
4 slapped with it a month from now are two or three
5 months from now.

6 MR. LANGE: Three months from now.

7 MR. SMITH: Three months from now,
8 yeah.

9 CHAIRPERSON BLACKBURN: I'm not going
10 to be able to make the October 21st meeting.
11 I've been selected to be a juror for the next two
12 projects being considered for a national mall in
13 Washington.

14 MR. SMITH: Well, how beautiful is
15 that.

16 COMM. CRENSHAW: Congratulations.

17 MR. SMITH: Congratulations.

18 COMM. GARCIA: Wow.

19 CHAIRPERSON BLACKBURN: Thank you.

20 COMM. GARCIA: That's good. We want
21 to go to that thing.

22 COMM. CRENSHAW: I'll be your
23 secretary.

1 CHAIRPERSON BLACKBURN: I'll be at
2 the first meeting.

3 MR. SMITH: Okay. Any other
4 questions for me or staff?

5 MR. LANGE: Well, one little cleanup
6 item.

7 MR. SMITH: Yes.

8 MR. LANGE: Comm. Blackburn mentioned
9 that she wanted to recuse herself, but I don't
10 think anybody got assigned to that case.

11 MR. SMITH: Oh, that's a good one.

12 CHAIRPERSON BLACKBURN: Well, we need
13 to assign someone to review it.

14 COMM. GIDNEY: I'll take it.

15 MR. SMITH: Am I off --

16 MR. LANGE: Yeah, you're off.

17 MR. SMITH: Am I off the hot seat?
18 Okay. Executive Director's done.

19 CHAIRPERSON BLACKBURN: Yeah,
20 Executive Director's Report, thank you very much.

21 MR. SMITH: Yes, ma'am.

22 CHAIRPERSON BLACKBURN: Rich in
23 detail and very exciting. Thank you.

1 COMM. CARTER: Madam Chair?

2 MR. SMITH: I don't know about the
3 exciting part, but --

4 COMM. CARTER: Madam Chair, since
5 Comm. Gidney has joined us, there's unfinished
6 business in that we get to take his two cases
7 away from Comm. Crenshaw and myself and give them
8 back --

9 MR. SMITH: Back to him.

10 COMM. CARTER: -- to him to review,
11 and also hear what he has to say about the cases
12 that he did review.

13 COMM. GIDNEY: Okay. Yeah. In the
14 matter of Daron versus -- I believe it's P a a h.
15 I don't want to spell it wrong -- I'm sorry --
16 Right on Time Transportation. That's the docket
17 number. I move that we uphold the finding of no
18 probable cause.

19 COMM. CARTER: I move that we accept
20 that recommendation.

21 CHAIRPERSON BLACKBURN: Second.

22 All in favor?

23 COMM. GARCIA: Aye.

1 COMM. CRENSHAW: Aye.

2 COMM. CARTER: Aye.

3 COMM. BAYNARD: Aye.

4 COMM. GIDNEY: Aye.

5 CHAIRPERSON BLACKBURN: Aye.

6 Anyone opposed?

7 (No response.)

8 CHAIRPERSON BLACKBURN: Thank you.

9 COMM. CRENSHAW: I have a question.

10 For quite some time the Commission was planning
11 on having -- I can't think of the actual term of
12 it -- because some of the fair housing issues
13 that have been going on across the state.
14 Somebody say the word. Basically sting
15 operations, kind of, sort of, or --

16 MR. LANGE: Testers.

17 COMM. CRENSHAW: Testers.

18 MR. SMITH: Testers.

19 COMM. CRENSHAW: Is that going on,
20 just out of curiosity, still, or --

21 MR. SMITH: What do you mean?

22 COMM. CRENSHAW: Well --

23 MR. SMITH: Is the agency doing it?

1 COMM. CRENSHAW: Right.

2 MR. SMITH: It hasn't been, but we
3 are looking into it.

4 COMM. CRENSHAW: Okay.

5 MR. SMITH: Part of it was funding
6 for it, and so we've negotiated an agreement -- I
7 think I mentioned this before -- with IHCD --

8 COMM. CRENSHAW: Okay.

9 MR. SMITH: -- because there's a
10 common interest there, and they will fund it, for
11 the most part, and what we have to do really is
12 put together a tester program. One of the things
13 that I didn't want to do is just arbitrarily have
14 people going out and saying that they're testing
15 or something, so I wanted to put a legitimate
16 program together.

17 Now, in the midst of reorganizing the
18 agency and some of the drop-off and the additions
19 that we've made, actually Pam's new -- one of her
20 new duties is to help develop that program along
21 with Deputy Director Joshua Brewster. Now, I
22 will say that -- a couple of things. One is: A
23 part of this is to research other organizations

1 and their tester programs and best practices and
2 so on and so forth.

3 The other piece just slipped my mind. I
4 must be getting old. Geez. Oh, the -- one of
5 the reasons we're -- gee. One of the reasons we
6 were able to do that is because we centralized --
7 and I think I mentioned this before, too, and
8 excuse me if I didn't -- we centralized the
9 financial piece of the agency with OMB.

10 So, they handle -- or they're supposed to
11 be handling -- I know Pam has had some issues
12 with that, but they're handling -- very similar
13 to what we do at SPD, where our HR needs have
14 been shifted over to state personnel, our
15 financial reporting and documentation issues --
16 or not -- I don't want to say issues, but
17 responsibilities, if you will, have been shifted
18 over to OMB.

19 Now, a part of Pam's responsibility is to
20 monitor that and make sure that they do what
21 they're supposed to do, and that financially we
22 are in -- because we deal with a lot of federal
23 grants with HUD and EEOC and so on and so forth,

1 make sure that we are in compliance with whatever
2 we need to be in compliance with. But then the
3 other piece of that is the tester program as well
4 as --

5 What else are we looking at, Pam? Jump in
6 here. The tester program, the financials -- oh,
7 and there's a research piece that we're looking
8 at in conjunction IHCDA in their efforts to look
9 at Section 8 housing, the disparities there, some
10 of the vouchers that they let out, some of the
11 community-development-type pieces and how they
12 may or may not disproportionately affect
13 minorities and people of color throughout the
14 state.

15 And so, we're looking at some of that
16 research. They have a research firm now, BBC,
17 that does their -- does the -- what is it, the
18 state housing -- the state housing -- I forget
19 what it's called. They put together a report
20 that basically looks at the layout of the state
21 and how communities look geographically as well
22 as demographically, so on and so forth, and
23 there's a word for that and it's just escaping

1 me.

2 But -- so, a part of that is to look at
3 BBC carrying on the brunt of that research, but
4 IHEDA has someone on their staff, and Pam on our
5 staff will kind of oversee our involvement in
6 addressing the disparities and the
7 disproportionality of that component.

8 So, that's a long-winded way of saying
9 yes -- or no, that we don't currently do it, but
10 yes, we are looking to put together a formal
11 tester program. That was a very long-winded way
12 of saying that, so I apologize.

13 (Laughter.)

14 CHAIRPERSON BLACKBURN: Any other
15 questions?

16 MR. LANGE: We still haven't gotten
17 that case reassigned.

18 CHAIRPERSON BLACKBURN: I'm sorry?

19 MR. LANGE: We still haven't gotten
20 that case reassigned.

21 MR. SMITH: The one you recused
22 yourself on.

23 CHAIRPERSON BLACKBURN: Oh, the

1 one -- we have to reassign it.

2 Do I have a volunteer?

3 COMM. GIDNEY: Yeah, I'll take it.

4 MR. SMITH: As you look at
5 Comm. Baynard.

6 (Laughter.)

7 CHAIRPERSON BLACKBURN: I'm not
8 looking at him, I'm asking --

9 COMM. BAYNARD: I think Comm. Gidney
10 volunteered, actually.

11 CHAIRPERSON BLACKBURN: All right.

12 COMM. GIDNEY: Well, I would never
13 deny him the opportunity.

14 (Laughter.)

15 CHAIRPERSON BLACKBURN: Okay.

16 COMM. GIDNEY: I'll take it.

17 CHAIRPERSON BLACKBURN: Any other
18 business to come before the Commission?

19 COMM. GIDNEY: I don't have business,
20 but just an announcement. I had indicated on
21 last month that I would be in D.C. for the --
22 what was supposed to have been the unveiling of
23 the King Monument, and if the King Holiday

1 Commission is interested in some of the
2 photographs that I obtained during the time that
3 I was in D.C., I'd be happy to pass those along.

4 MR. SMITH: I'm not sure what that --
5 well, I'll definitely relay that message.

6 COMM. GIDNEY: I just wanted to put
7 that out there. Okay.

8 CHAIRPERSON BLACKBURN: Any other
9 announcements?

10 (No response.)

11 CHAIRPERSON BLACKBURN: Hearing none,
12 this meeting is adjourned.

13 - - -
14 Thereupon, the proceedings of
15 September 23, 2011 were concluded
16 at 11:46 o'clock a.m.
17 - - -

18

19

20

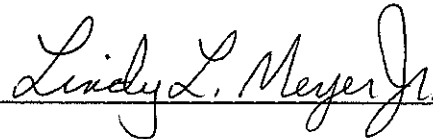
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1 CERTIFICATE

2 I, Lindy L. Meyer, Jr., the undersigned
3 Court Reporter and Notary Public residing in the
4 City of Shelbyville, Shelby County, Indiana, do
5 hereby certify that the foregoing is a true and
6 correct transcript of the proceedings taken by me
7 on Friday, September 23, 2011 in this matter and
8 transcribed by me.

9
10 

11 Lindy L. Meyer, Jr.,

12 Notary Public in and

13 for the State of Indiana.

14
15 My Commission expires October 27, 2016.
16
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22
23

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