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INDIANA  
CIVIL RIGHTS COMMISSION

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BEFORE THE STATE OF INDIANA  
CIVIL RIGHTS COMMISSION

- - -

PUBLIC MEETING OF DECEMBER 14, 2012

**ORIGINAL**

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PROCEEDINGS

in the above-captioned matter, before the Indiana  
Civil Rights Commission, David C. Carter,  
Chairman, 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, December 14, 2012 at 11:18 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 David C. Carter, Chairman  
4 John E. Garcia  
5 Barry Baynard  
6 Steven A. Ramos  
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 Steve Tilden  
19 Debbie Rincones-Chavez  
20  
21  
22  
23

1 11:18 o'clock a.m.  
2 December 14, 2012

3 - - -

3 CHAIRMAN CARTER: The December  
4 meeting of the Indiana Civil Rights Commission  
5 will come to order. We have a quorum, and we are  
6 expecting our Chairperson at around 11:30, in 15  
7 minutes or so, and at that time, I will turn it  
8 over to her whether she likes it or not, because  
9 I had a cold last weekend and my bronchial system  
10 has not recovered from it, and I'm not going to  
11 be able to talk for too terribly long.

12 With that, you have a copy of the minutes  
13 before you. If I would have a motion to accept  
14 them or discussion thereof. Anybody?

15 COMM. RAMOS: So moved.

16 COMM. GIDNEY: Second.

17 CHAIRMAN CARTER: All in favor?

18 COMM. CRENSHAW: Aye.

19 COMM. GARCIA: Aye.

20 COMM. BAYNARD: Aye.

21 COMM. RAMOS: Aye.

22 COMM. GIDNEY: Aye.

23 CHAIRMAN CARTER: Aye.

1 Any opposed?

2 (No response.)

3 CHAIRMAN CARTER: Thank you. We have  
4 a Financial Report.

5 MS. COOK: Good morning.

6 COMM. RAMOS: Good morning.

7 CHAIRMAN CARTER: Good morning.

8 MS. COOK: You've had a chance to  
9 review the November Financial Report, located in  
10 your packets. There have been no new changes.  
11 The only point of reference I'd like to make is  
12 page three of the report. I've included the  
13 Indiana Code governing the special funds that are  
14 utilized for the Commissions. I know at the last  
15 meeting there had been quite some discussion and  
16 some questions regarding that, and I just wanted  
17 you to see what was in the statute.

18 CHAIRMAN CARTER: Thank you.

19 MS. COOK: Okay. If you have any  
20 questions, I would like to entertain those at  
21 this time.

22 CHAIRMAN CARTER: Does anyone have  
23 questions?

1 (No response.)

2 MS. COOK: Okay.

3 CHAIRMAN CARTER: Hearing none, thank  
4 you for the Financial Report.

5 And we go on to Old Business, and the  
6 Report of Commissioners on Complainant Appeals,  
7 and since I'm listed first, I will go first. The  
8 case of Gotoimonana -- I do not speak Hawaiian --  
9 Summers versus Elkhart Products Corporation, and  
10 in the case of Eloisa Aguilar Luna versus Golden  
11 Corral Corporation, I recommend that we uphold  
12 the finding of no probable cause in both of  
13 those.

14 I would say parenthetically that in the  
15 first of the two cases, the Summers versus  
16 Elkhart Products, I don't think that the person  
17 was treated fairly at all, but there's absolutely  
18 no evidence in the record that I could find of  
19 any national origin or racial animus, and  
20 therefore it's not our case. It shouldn't be a  
21 case -- it's not a case of discrimination, it's a  
22 case of unfairness in the workplace.

23 So, as I said, I would recommend we uphold

1 the no probable cause. May I have a motion to  
2 accept that recommendation?

3 COMM. GIDNEY: So moved.

4 COMM. BAYNARD: Second.

5 CHAIRMAN CARTER: All in favor?

6 COMM. CRENSHAW: Aye.

7 COMM. GARCIA: Aye.

8 COMM. BAYNARD: Aye.

9 COMM. RAMOS: Aye.

10 COMM. GIDNEY: Aye.

11 CHAIRMAN CARTER: Aye.

12 Any opposed?

13 (No response.)

14 CHAIRMAN CARTER: Comm. Ramos.

15 COMM. RAMOS: In the case of

16 Robert F. Bailey and Pfeifer, Morgan & Stesiak, I  
17 recommend that we uphold the Executive Director's  
18 finding of no probable cause.

19 CHAIRMAN CARTER: May I have a motion  
20 to accept that?

21 COMM. BAYNARD: So moved.

22 COMM. GIDNEY: Second.

23 CHAIRMAN CARTER: All in favor?

1                   COMM. CRENSHAW: Aye.

2                   COMM. GARCIA: Aye.

3                   COMM. BAYNARD: Aye.

4                   COMM. RAMOS: Aye.

5                   COMM. GIDNEY: Aye.

6                   CHAIRMAN CARTER: Aye.

7                   Any opposed?

8                                   (No response.)

9                   CHAIRMAN CARTER: It's good it's not  
10 George Bailey, or we'd have to do something else  
11 about it.

12                   COMM. RAMOS: That's true.

13                   CHAIRMAN CARTER: That's from "It's a  
14 Wonderful Life," in case you didn't know.

15                   Comm. Blackburn is not here. Presumably  
16 we will come back to Comm. Blackburn.

17                   Comm. Baynard.

18                   COMM. BAYNARD: Yes. In the case of  
19 Breanne Dodson versus J.C. Penny's Corporation, I  
20 recommend that we uphold the Deputy Director's  
21 finding of no probable cause.

22                   CHAIRMAN CARTER: And may I have a  
23 motion to accept that recommendation?

1                   COMM. CRENSHAW: So moved.

2                   COMM. GARCIA: Second.

3                   CHAIRMAN CARTER: All in favor?

4                   COMM. CRENSHAW: Aye.

5                   COMM. GARCIA: Aye.

6                   COMM. BAYNARD: Aye.

7                   COMM. RAMOS: Aye.

8                   COMM. GIDNEY: Aye.

9                   CHAIRMAN CARTER: Aye.

10                  Any opposed?

11                                 (No response.)

12                  CHAIRMAN CARTER: Comm. Gidney.

13                  COMM. GIDNEY: Okay. In the case of  
14 Morgan versus Essling Cleaners, my recommendation  
15 is that we uphold the finding of no probable  
16 cause.

17                  CHAIRMAN CARTER: May I have a motion  
18 to accept that?

19                  COMM. RAMOS: So moved.

20                  COMM. CRENSHAW: Second.

21                  CHAIRMAN CARTER: All in favor?

22                  COMM. CRENSHAW: Aye.

23                  COMM. GARCIA: Aye.



1                   COMM. BAYNARD:  Aye.

2                   COMM. RAMOS:  Aye.

3                   COMM. GIDNEY:  Aye.

4                   CHAIRMAN CARTER:  Aye.

5                   Any opposed?

6                                   (No response.)

7                   CHAIRMAN CARTER:  Thank you.  And as  
8 I said, we'll come back to Comm. Blackburn when  
9 she gets here.

10                   New Business, Assignment of New Appeals.  
11 Comm. Crenshaw, if you would take Viola Wilcox on  
12 behalf of Briley Wilcox versus Seymour Community  
13 School Corporation; Comm. Gidney, Anthony Brooks  
14 versus Sheraton Hotel; Comm. Baynard, John Garis  
15 versus Honeywell Aerospace; Comm. Ramos, Michelle  
16 Weatherspoon versus St. John's Lutheran Church; I  
17 will take Heather Bass versus Bloomington Housing  
18 Authority; and Comm. Garcia, if you would review  
19 Lavia Parks versus Dollar Tree.

20                   And that brings us to Findings of Fact,  
21 Conclusions of Law and Order.  Elizabeth A.  
22 Anderson versus KMK LLC doing business as  
23 Southwest Auto Sales.  May I have a motion to

1 accept those findings?

2 COMM. GIDNEY: So moved.

3 COMM. CRENSHAW: Second.

4 CHAIRMAN CARTER: All in favor?

5 COMM. CRENSHAW: Aye.

6 COMM. GARCIA: Aye.

7 COMM. BAYNARD: Aye.

8 COMM. RAMOS: Aye.

9 COMM. GIDNEY: Aye.

10 CHAIRMAN CARTER: Aye.

11 Anyone opposed?

12 (No response.)

13 CHAIRMAN CARTER: And Consent

14 Agreements, we have eliminated one, and we have

15 kept Betty Davenport versus Kroger, and may I

16 have a motion to accept that Consent Agreement?

17 COMM. GIDNEY: So moved.

18 COMM. RAMOS: Second.

19 CHAIRMAN CARTER: All in favor?

20 COMM. CRENSHAW: Aye.

21 COMM. GARCIA: Aye.

22 COMM. BAYNARD: Aye.

23 COMM. RAMOS: Aye.

1                   COMM. GIDNEY: Aye.

2                   CHAIRMAN CARTER: Aye.

3                   Any opposed?

4                                 (No response.)

5                   CHAIRMAN CARTER: Thank you.

6                   Well, then, since we have beaten both our  
7 Chairperson and our Executive Director to the  
8 punch, we will take a brief recess while we await  
9 their arrivals.

10                  I recognize the arrival of Steve Tilden,  
11 former Deputy Director.

12                                 (Recess taken.)

13                                 (Mr. Smith arrived.)

14                  CHAIRMAN CARTER: Okay. We're back  
15 on the record, and we have been joined by -- at  
16 the very last moment, because we were just about  
17 to adjourn, we have our Executive Director, who  
18 is ready to report.

19                  MR. SMITH: Good morning, everyone.

20                  CHAIRMAN CARTER: Good morning.

21                  COMM. CRENSHAW: Good morning.

22                  MR. SMITH: I apologize for that,  
23 being late to the Commission meeting.

1           Nothing of too much significance. I did  
2 want to highlight the annual report that we'll  
3 release at the beginning of the year. So, I'll  
4 be sending that out to, first, Madam Chair here  
5 within the week, and then to the rest of the  
6 Commission by extension, to make sure that we  
7 give an opportunity to have you guys review it  
8 before we send it out.

9           A few things to note in the report, and  
10 you'll see that when it comes out, we've been  
11 able to touch -- tangibly touch nearly 8,000  
12 Hoosiers throughout the year. In our first year,  
13 when we started to increase our education and  
14 outreach, that number was a little over 5,000,  
15 which at that time was really good as well, but  
16 we've since then increased that to nearly 8,000.  
17 Our Web site touches have increased dramatically,  
18 to about 35,000 hits or views I believe it's  
19 monthly.

20           So, we're excited about a lot of the  
21 progress that we've made. All positive --  
22 majority of positive feedback coming back from  
23 our surveys that we sent out from the statewide

1 diversity series as well as the CLE program that  
2 we put on. On a scale of 1 to 5, we averaged 4.4  
3 and 4.38 respectively, so excited about that as  
4 well.

5 The only big events or agendas to -- or  
6 events to make mention of coming up in January,  
7 obviously, is our MLK event that we'll be having  
8 on the MLK holiday in conjunction with the MLK  
9 Commission. We'll have -- Mr. Gary Brackett will  
10 be the keynote speaker, former linebacker of the  
11 Indianapolis Colts. He will tell his story.

12 It'll be a two-part piece. We'll do the  
13 young people as well. They'll be at the State  
14 Museum, then they'll come over to the Statehouse,  
15 where we'll have the main ceremony there at the  
16 Statehouse. Of course, we partnered with IBE,  
17 where we'll give out a scholarship to a young  
18 person as one of the awards when we do the essay  
19 and the multimedia contest, and they'll talk  
20 about -- they'll depict, whether through essay or  
21 through art or through multimedia, about how they  
22 give back to their communities, and that winner  
23 will receive a \$500 scholarship, so we're excited

1 about that as well.

2 And then it's with a piece of sad news,  
3 obviously, that we announce the -- one,  
4 obviously, we talked about our Deputy Director,  
5 Mr. Brewster, who was leaving just shortly  
6 following the previous Commission meeting, and  
7 then it's with a bit of bittersweet news that we  
8 announce the retirement of our very own Judge  
9 Lange, who will be retiring and no longer with us  
10 as of December 26th. So, we want to, on record,  
11 after how many years of service?

12 MR. LANGE: Thirty-eight.

13 MR. SMITH: After 38 years of  
14 service, we want to definitely thank Judge for  
15 all of his hard work and service that he's given  
16 not only to the staff and the Commissioners, but  
17 the people of Indiana as well. So, if you get an  
18 opportunity after the Commission meeting today,  
19 we're going to formally say our goodbyes, but if  
20 you get an opportunity, please do so yourself.

21 Outside of that, I have nothing else to  
22 report. If you guys have any questions, I'll  
23 take those at this time.

1 CHAIRMAN CARTER: No.

2 MR. SMITH: Hearing none, happy  
3 holidays and Merry Christmas and all of that good  
4 stuff to everyone, if I don't get an opportunity  
5 to talk to you before then.

6 Thank you.

7 CHAIRMAN CARTER: Thank you.

8 And I guess -- does anyone have any  
9 announcements?

10 (No response.)

11 CHAIRMAN CARTER: There are meeting  
12 dates for next year on your agenda. If you would  
13 stay for signatures, and I'd reiterate our  
14 Executive Director's thanks to Judge Lange, and  
15 wish him well in the future, and relaxing times.

16 So, we're adjourned.

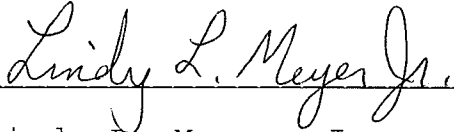
17 - - -  
18 Thereupon, the proceedings of  
19 December 14, 2012 were concluded  
20 at 12:00 o'clock p.m.  
21 - - -

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 Friday, December 14, 2012 in this matter and  
8 transcribed by me.

9  
10 

11 Lindy L. Meyer, Jr.,

12 Notary Public in and

13 for the State of Indiana.

14  
15 My Commission expires October 27, 2016.  
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<b>\$</b>	<b>accept</b> [7] - 3:13, 6:2, 6:20, 7:23, 8:18, 10:1, 10:16	9:8	<b>CM</b> [1] - 1:21
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