



**INDIANA
CIVIL
RIGHTS
COMMISSION**

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**INDIANA
CIVIL RIGHTS COMMISSION**

**Minutes of the
December 14, 2007 Meeting**

Vice-Chair David C. Carter called the regular monthly meeting of the Indiana Civil Rights Commission ("Commission" or "ICRC") to order. As set forth in public notices, the meeting was held in Room A of the State Conference Center, Indiana Government Center South, Indianapolis, Indiana.

ATTENDEES:

The Commissioners present in person were: Barry Baynard, David C. Carter, John Garcia and Steven Ramos. Four Commissioners being present and constituting a majority of the commissioners, a quorum is present and represents a number of commissioners sufficient to conduct business and take final actions.

Commission Director Gregory Kellam Scott and several staff members, including Deputy Director Christine Cde Baca, were present in person.

A. AGENDA REQUESTS:

There were no Agenda requests received for this meeting.

B. APPROVAL OF THE MINUTES OF THE COMMISSION'S OCTOBER AND NOVEMBER MEETINGS:

It was moved by Commissioner Ramos and seconded by Commissioner Garcia to approve and adopt the minutes from the Commission's October 26, 2007 and November 9, 2007 meetings. The motion carried by unanimous vote of all Commissioners present.

"Morality cannot be legislated, but behavior can be regulated." – Dr. Martin Luther King, Jr

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C. NEW BUSINESS:

Ft. Wayne & Allen County School Corporation

Director Gregory Kellam Scott (“Judge Scott”) reported concerns about racial discrimination in the Ft. Wayne area, within the Allen County School Corporation. Judge Scott reported that articles were published in local newspapers regarding the circumstances, including a discussion about a letter passed around to African American students. The letter contained derogatory remarks and what may be assumed to be threats of violence, stating: “Hunting bears or hunting niggers, we’re drinking beers and pulling triggers.”

Judge Scott advised the Commissioners that he called the local NAACP and arranged a visit for December 3, 2007. Along with Fred Bremer, staff counsel, Judge Scott attended a meeting arranged by the Ft. Wayne NAACP. Judge Scott and Mr. Bremer met with the president of the local NAACP chapter, Rev. Michael Latham, interested community residents—including students and their parents. Those gathered expressed great concern regarding the situation. Judge Scott informed the Commissioners that at least one potential Complainant, a student and his parents, expressed an interest in filing a complaint, to initiate a Commission investigation. Once received, the complaint will be processed in the normal manner, with care taken regarding possible threats of violence. The Commission will be advised once the complaint, if any, is filed.

Dr. Martin Luther King, Jr. Indiana Holiday Statewide Celebration

Judge Scott reported that under our current budget approved by the General Assembly, at the Governor’s request the state now appropriates funds under the Commission’s budget providing a line item to support the programs of the Dr. Martin Luther King, Jr. Indiana Holiday Commission (Dr. King Commission). This is the first time the legislature has provided funding to support the Dr. King Commission’s State-wide program or celebration—before the state only funded the costs and expenses of Dr. King Commission meetings. In light of that new funding and in light of the approximately \$20,000 cost no longer applied to our budget, we offered to fund our Youth Summit, held during the Statewide Dr. King Program (and during the Holocaust Observance)—last year we had over 1500 students participate in both programs.

The theme of this year’s Dr. Martin Luther King, Jr. Indiana Holiday Celebration will be to acknowledge those who worked to bring about the state Holiday, in particular those in the Indiana General Assembly who played important roles in the Indiana Holiday. In addition, our Commission will acknowledge the life and work of Congresswoman Julia Carson and others through our “Spirit of Justice Award.” The Dr. Martin Luther King, Jr. Indiana

Holiday Celebration will be held at the Indiana State Museum on Thursday January 17, 2008 at 12:00 noon. As in the past the Commission will co-host the event with the Dr. King Commission. We have received preliminary RSVPs from Governor Mitch Daniels and Lt. Governor Becky Skillman, who are expected to speak briefly. The tribute program will be carried by our local television stations.

The King Commission has asked me to specifically invite all members of the Indiana Civil Rights Commission to attend and asked that you be encouraged to attend what promises to be an important and historic occasion.

The Voting Rights Act of 1965: Renewal of Certain Provisions

Judge Scott stated the Voting Rights Act of 1965 was on the agenda to clear up any confusion as to its status. As many know, the Voting Rights Act itself does not expire. However, there are "Pre-clearance Provisions," requiring certain states to obtain approval from the Justice Department or three judge panels in Washington DC before any amendments are made to state voting laws. The Pre-clearance provisions were temporary and will expire unless extended. While extended by President Ronald Reagan, the provisions are again set to expire. However, this past summer President George W. Bush signed legislation extending the Pre-clearance provisions for another twenty-five years.

Indiana State NAACP Consortium to Increase Minority Teachers

Judge Scott announced Carol Craig, from the Indiana State NAACP, has requested time to speak regarding an important education venture of the NAACP. Commissioner Carter recognized Ms. Craig, inviting her to speak.

Ms. Carol Craig made a brief presentation to the Commission. She advised the Commission the NAACP is proposing the organization of a consortium to be comprised of students and faculty at several state universities and key organizations to increase the licensing of minority teachers. Ms. Craig noted Indiana has a severe teacher shortage, especially as to male teachers of color. Available information indicates that minority students perform better and achieve greater success attending schools with teachers of color on their faculty. It is intended that the task force will implement strategies and receive appropriate human and financial resources. The consortium will deal with issues such as the Minority Teacher shortage and examine the teacher certification requirements for cultural diversity. Ms. Craig is seeking the Commission's support and will keep the Commission apprised of the NAACP's efforts on-going.

D. OLD BUSINESS

Staff Retreat

Judge Scott reported that the staff Retreat was held on December 6th and the 7th. The Retreat's theme was to focus on "Teamwork" & "Staff members Working Together." We will continue to focus on Teamwork and will use the next several months to identify agency goals and to identify particular duties and responsibilities necessary to achieve specific goals. Reviews of staff work will be based on conduct necessary to lead to goals, including conduct identified as necessary to achieve set goals, resulting in productive performance management. In addition to the two day Retreat, there will be additional meetings that will occur over time to address questions and issues regarding agency goals. This will allow agency staff to benefit from the new state performance management practices and be awarded additional compensation based on individual performance.

E. COMMITTEE REPORTS:

Financial Report

The Commission's monthly financial report was presented by Robin Degner, the Commission's Office Operations Manager. The Report was accepted without any questions.

F. CONSENT AGREEMENTS:

There were no consent agreements this month.

G. FINDINGS OF FACT. CONCLUSIONS OF LAW. AND ORDERS:

It was moved by Commissioner Carter and seconded by Commissioner Baynard, that the Commission accept the proposed findings of fact, conclusions of law and order submitted in the case *B. Steve Hatcher vs. Quail Run Associates Limited Partnership*, ICRC Docket No: HOha04070326 & HUD No. 05-04-0917-8. The motion was approved unanimously and the Commission's order of judgment is to be prepared consistent with ALJ Robert Lange's recommended findings of fact, law and order.

H. **REPORT FROM COMMISSIONERS ON COMPLAINANT APPEALS:**

The commissioners present then offered their reports and recommendations regarding Complainant appeals.

It was moved by Commissioner Carter and seconded by Commissioner Garcia to accept the recommendation of Commissioner Baynard to uphold the Deputy Director's finding of No Probable Cause in the case of **Moody v. Johnson County Public Library**. The motion was approved unanimously.

It was moved by Commissioner Garcia and seconded by Commissioner Baynard to accept the recommendation of Commissioner Carter to uphold the Director's finding of No Probable Cause in the case of **Bollinger v. Martin Home Center**. The motion was approved unanimously.

It was moved by Commissioner Garcia and seconded by Commissioner Baynard to accept the recommendation of Commissioner Carter to uphold the Director's finding of No Probable Cause in the case of **Howard v. Rock Leasing, Inc.** The motion was approved unanimously.

It was moved by Commissioner Baynard and seconded by Commissioner Garcia to accept the recommendation of Commissioner Garcia to uphold the Director's finding of No Probable Cause in the case of **Padron v. International School of Indiana**. The motion was approved unanimously.

It was moved by Commissioner Baynard and seconded by Commissioner Garcia to accept the recommendation of Commissioner Ramos to uphold the Deputy Director's finding of No Probable Cause in the case of **Brownfield v. Patriot Engineering & Environmental, Inc.** The motion was approved unanimously.

It was moved by Commissioner Baynard and seconded by Commissioner Garcia to accept the recommendation of Commissioner Ramos to uphold the Director's or the Deputy Director's finding of No Probable Cause in the case of **Covington v. TR Property Management, LLC**. The motion was approved unanimously.

I. **ASSIGNMENT OF APPEALS TO COMMISSIONERS:**

Complainant Appeals were assigned to Commissioners as follows:

Commissioner Carter:

Retica v. Heritage Meadows Homeowner's Association, HOno07040196;
McGhee v. Stephanie Royer, Sheehan Property Management & James Curtis,
HOha07040187.

Commissioner Baynard:

Drake v. Ecolab /GCS, EMra07060266.

Commissioner Garcia:

Proctor v. Wal-mart Stores East L.P., EMra06090396;
Bell v. U.S. Security Associates, Inc, EMra07050219;
Denson v. Fresenius Medical Care North America, EMra07010025,

Commissioner Ramos:

Johnson v. Wal-Mart, EMha07020136.

J. ADMINISTRATIVE UPDATE:

Director's Report

Judge Scott stated there have been good communications with EEOC. In addition to the recent upward modification of our contract, the Director expects the EEOC will support the travel expenses for at least two commissioners to be able to travel to various conferences. In particular, we have an EEOC Conference in Atlanta in April this year and Commissioners are asked to consider joining the Director for travel to the Conference. The Director reported a meeting will be arranged with HUD to address upcoming travel.

Finally, it is time to consider cities other than Indianapolis for Commission meetings in 2008. We had a good travel experience overall and especially in Terra Haute. However, in light of the absence of three Commissioners, it was decided to hold off choosing travel for the upcoming 2008 meetings, at least until more commissioners were present to provide greater feedback.

Deputy Director's Report

The Commission's Deputy Director, Christine Cde Baca, reported that the Commission's pending case inventory this month reflects 496 cases. During the month of November, 51 cases were added to the caseload. Dispositions or case closings during the same time were only 20, which we attribute to the holiday season.

The Deputy Director reported the Education Steering Committee will meet on December 12 and the meeting will include a presentation from Dr. Robert Muar regarding special education.

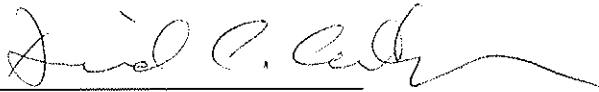
L. ADJOURNMENT:

There being no further business to come before the Commission, the meeting was adjourned.



Gregory Kellam Scott
Director

Dated: _____



David C. Carter
Vice-Chair

Dated: 1/25/08