

CRC 12-18-15

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BEFORE THE STATE OF INDIANA
CIVIL RIGHTS COMMISSION

- - -

PUBLIC MEETING OF DECEMBER 18, 2015

- - -

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,
Rooms 1 & 2, 402 West Washington Street,
Indianapolis, Indiana, on Friday, December 18,
2015 at 1:14 o'clock p.m.

- - -

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

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1 APPEARANCES:

2 COMMISSION MEMBERS:

3 Alpha Blackburn, Chairperson
4 Sheryl Edwards
5 Suzanne R. Gaidoo
6 Steven A. Ramos

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

14 OTHER COMMISSION STAFF PRESENT:

15 Noell Allen
16 Debbie Rincones-Chavez

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1 1:14 o'clock a.m.
2 December 18, 2015

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4 CHAIRPERSON BLACKBURN: Good

5 afternoon.

6 MR. SMITH: Good afternoon.

MS. HAYNES: Good afternoon.

7 CHAIRPERSON BLACKBURN: The
8 Indianapolis -- I mean the Indiana Civil Rights
9 Commission is now in public session, and we do
10 have a quorum. I would ask for an approval of --
11 thank you -- an approval of the minutes that we
12 see.

13 COMM. RAMOS: So moved.

14 CHAIRPERSON BLACKBURN: And a second?

15 COMM. EDWARDS: Second.

16 CHAIRPERSON BLACKBURN: All in favor?

17 COMM. EDWARDS: Aye.

18 COMM. RAMOS: Aye.

19 COMM. GAIDOO: Aye.

20 CHAIRPERSON BLACKBURN: Aye.

21 Anyone opposed?

22 (No response.)

23 CHAIRPERSON BLACKBURN: Thank you.

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1 The last meeting of the year, and we'll
2 hear now from our Executive Director.

3 MR. SMITH: Thank you. Good
4 afternoon, Commission.

5 A couple of things to note as we close out
6 the 2015 calendar year -- well, the agency runs
7 on a fiscal year, so we're obviously not closing
8 out the year, but the agency, for the calendar
9 year, has done an outstanding job from an
10 outreach and Education standpoint. I just want
11 to mention a few things.

12 As December will close out, of course,
13 there's very little that happens between
14 Christmas and New Year's, but in light of that,
15 we've had the Conference for People with
16 Disabilities that we've taken part in. There was
17 an event that we had with the -- can you guys
18 hear me okay?

19 CHAIRPERSON BLACKBURN: Uh-huh.

20 MR. SMITH: -- with UNCF, the United
21 Negro College Fund, which is a year-long
22 partnership. We had an event in collaboration
23 with them yesterday at one of the local high

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1 schools, where we spoke to parents about
2 education, importance of education, and education
3 as a civil right, and the importance of them as
4 parents to be engaged in that process. And so,
5 excited about that partnership and its
6 evolution, if you will.

7 As it continues to grow, I think it will
8 bode real well for the agency, partly because
9 it's not just in Indianapolis. Most of the
10 events that we've partnered with UNCF have been
11 in other parts of the state. So, we're excited
12 about that. Any partnership that allows us to
13 get outside of the 465 loop, I think, is a
14 valuable partnership.

15 So, we have -- we had our last CLE for the
16 year. It took place on the 11th, and some

17 harassment training also took place in Columbia
18 City. Yesterday the staff and some investigators
19 with the staff took part in an all-day ethics
20 training that was -- I use the word "mandatory"
21 slightly loosely, but strongly encouraged by the
22 Governor's Office, not just for our agency, but
23 all state agencies. So, excited about that piece

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1 as well.

2 Any questions on the Outreach and
3 Education?

4 CHAIRPERSON BLACKBURN: How do you
5 call -- is there a name for it?

6 MR. SMITH: Which?

7 CHAIRPERSON BLACKBURN: Our UNCF
8 partnership. Do you call it a college readiness,
9 or what do you call it?

10 MR. SMITH: No, the MOU just states
11 that we are in partnership, that some of our
12 visions and objectives align, specifically that
13 around education or equal access to a quality
14 education being the civil rights issue of our
15 generation. And so, adopting that as our
16 objective, both organizations work whenever we
17 can to engage in events that promote that as an
18 initiative.

19 There hasn't been a branding name for it
20 yet. Maybe that's something to consider, because
21 there's not a flagship event. There's a myriad

22 of events that UNCF has on their agenda, and part
23 of the negotiation between us and them has been

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1 gaining a really good understanding of who is in
2 attendance at those events.

3 And, of course, our target would be the
4 parents in that regard, so that we have an
5 opportunity, one, to educate them about ICRC and
6 the things that we do and the Indiana Civil
7 Rights Law.

8 But two, to kind of reinforce our stance
9 on education being a civil rights issue and
10 making sure that they understand that as a
11 parent, there is a right as well as a
12 responsibility that they engage in the process.
13 And so, the partnership allows us to identify
14 what that looks like, and the most feasible and
15 efficient and effective ways to accomplish that.

16 So, lastly, as we turn to 2016, the very
17 next event that we'll have will be the MLK event,
18 which will be held here. It's one that we do
19 annually in celebration of the MLK holiday,
20 actually, per statute, for the MLK Commission,
21 which is one of the five cultural commissions
22 that exist underneath our umbrella.

23 And it's a two-day event. One is the

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6 MR. SMITH: Hearing none, I'd like to
7 shift the focus to the Financial Report for the
8 agency. You guys should have the report in your
9 packets. As we close out -- again, our fiscal
10 year runs, as you guys know, July 1 to June 30,
11 so it's not an end-of-the-year fiscal report, but
12 as we close out the calendar year, I just want
13 you to know that the agency is doing extremely
14 well financially.

15 There are -- our appropriation of 2016 has
16 been 1.8, and I just want to make mention that in
17 previous years, at least for the last at least
18 four, maybe five, all five since I've been the
19 Director, there's been a request for a reversion.
20 The percentage has varied, but the last couple of
21 years I think it's been at three percent, but
22 nonetheless there's been a request for a
23 reversion.

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1 In the beginning it was relatively easy.
2 We were doing a lot of reorging, size shrink of
3 the staff, but as of late, you know -- and we
4 were able to cut in the area of what's considered
5 line one, which is really just our salaries,
6 because we hadn't had to add staff yet.

7 I'm sorry, cut everywhere but line one.
8 Line one we did not touch. Other line items we
9 were able to touch, partly because we were able
10 to use some of the fed funds to make up for the

11 costs that we would revert back -- the money that
12 we would revert back to the General Fund.

13 I bring this up to say that it's five
14 years later, and the agency is at a point where
15 we're pretty much to the bone in terms of what we
16 can revert back. In fact, I'd argue, in light of
17 the agency's activity, the agency's deficiency,
18 the amount of activity, if you will, has
19 increased so much that the workload is demanding
20 that we are now in a growth phase.

21 So, not only can't we revert money back to
22 the General Fund, we are just at the point where
23 we need to request some of those moneys be

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1 released back to the agency to support the growth
2 that the agency is seeing. And I'll say that I
3 believe that the agency has been really good
4 stewards with the resources that we receive.

5 In fact, you could probably argue that the
6 request for additional funds could have been made
7 at least two years ago, when, for example, the
8 investigators -- just taking investigators, for
9 example, their workload had tripled since 2010.
10 So just kind of forecasting so that the Board and
11 the Commission, you guys, can be aware of that
12 request coming down the pike.

13 Unfortunately that's never an easy task or
14 an easy request to make, and usually a pretty
15 tough mountain to climb in terms of having money

16 pulled back from the Budget Agency back to the
17 Commission. So, be aware of that, as the
18 Commission, because depending on how difficult
19 the request fulfillment is, it could impact some
20 of the efficiencies of the agency.

21 We've been creative enough to get around
22 it thus far, but at some point the dam will burst
23 and we'll need some relief at some point. So,

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1 we've looked at having some temp personnel pulled
2 into the system, which has been working
3 relatively well, but that's not a permanent fix,
4 and we want to make sure that, as we forecast
5 down the line, those things are remedied.

6 Yes, sir.

7 COMM. RAMOS: What I question on
8 that, and certainly in regards to finances, but
9 also in regards to programming --

10 MR. SMITH: Uh-huh.

11 COMM. RAMOS: -- President Obama
12 recently signed legislation which kind of sunset
13 the No Child Left Behind and created a new
14 program which was focused predominantly in those
15 areas that are less served, and instead of
16 closing them, trying to find resources that --
17 and granted, that's Department of Education, but
18 a lot of that gets into equality of education,
19 and that's where -- one of our sweet spots.

20 MR. SMITH: Uh-huh.

21 COMM. RAMOS: Do you have any -- do
22 you see that impacting the budget, as far as
23 state's concerned, for a while? What's your

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1 perspective?

2 MR. SMITH: That's a tough one to
3 say. You know, I don't know. You know, one of
4 the -- and here's the catch: We have plenty of
5 money. The problem is most of it is fed money
6 that -- since 2010, we've done a really good job
7 of budgeting, so that that pot continues to grow.
8 And we can use that money for just about anything
9 except salaries, right, full-time salaries.

10 So, that's created a bit of a conflict, so
11 in light of what you mentioned, that depends on
12 what the money is earmarked for, whether it would
13 even get to our agency because it is a DOE kind
14 of push, and we touch DOE, but we're not DOE.
15 The only ways we touch it has been, one, in our
16 kind of injecting ourselves into the
17 consideration about equality of education being a
18 civil rights issue. And then two, from an
19 enforcement standpoint, assuming that there has
20 or is some claim of discrimination that we need
21 to -- you know, we need to enforce the civil
22 rights law.

23 So, that -- you know, that's a good

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1 question, and it will be interesting to see how
2 that unfolds as things come down the pike. But
3 we don't need money for outreach. We don't need
4 money for budget or anything else, but staff is a
5 little tight, and we need to figure out a way to
6 relieve that. And, you know, so far so good.
7 You know, I just want to prep for the day that
8 we're strained and we get to a point where we're
9 at the crossroads.

10 COMM. RAMOS: One other question or
11 comment, which, again, has an impact on the
12 budget. I know in the next legislative session,
13 there's a fair amount of information in the
14 docket in there on GLBT.

15 MR. SMITH: Yeah.

16 COMM. RAMOS: And that, too, can have
17 an impact as it falls within this jurisdiction,
18 depending on how that's laid out.

19 MR. SMITH: Yeah. Well, we've --
20 unfortunately, we've had more than our fair share
21 of those conversations regarding the LGBT, the
22 RFRA, the -- or all of the suggested legislation
23 about that. We'll see. I can't tell you how

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1 many versions there are that exist in relation to
2 that, so how it will impact the agency, you know,
3 we'll see once the final version comes about and

4 what that looks like.

5 COMM. RAMOS: And that would likely
6 hit, in the minimum, best case, next session, the
7 next year; right? If we had that in the short
8 term, it's not --

9 MR. SMITH: Well, if it gets -- of
10 course, anything that passes this legislative
11 session goes into play July 1; right? And, you
12 know, let's be honest, right now our -- you know,
13 the workload for investigators alone is at a
14 point -- you know, aside from any changes to our
15 current law, it's already at a point where we
16 need to strongly consider growth. So, any
17 changes, whether it be a new RFRA or anything
18 else, will directly impact that as well.

19 COMM. RAMOS: Okay. Thank you.

20 MR. SMITH: Any other questions on
21 the budget?

22 (No response.)

23 MR. SMITH: The last thing I want to

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1 bring you guys' attention to is the general --
2 the agency monthly report. Comm. Ramos
3 mentioned -- or he had questions about the -- one
4 of the pieces of data that we collect is the
5 amount of activity that we have per region.

6 we had an issue there where we had some
7 staff that was out that day, so the reporting
8 wasn't clear on the number of -- if you go to

9 page two of the Agency Report, it lists inquiries
10 in our region, and there's a legend at the bottom
11 to let you know which region -- or which counties
12 are within what region.

13 Then there's an unknown out-of-state
14 category there. Before I think it read 68, or
15 60-something, which is a huge jump from the two,
16 five, three, one that you normally see, and that
17 was because staff wasn't in at the time, the
18 numbers weren't accurately input when the report
19 came out, so they've since been amended, and now
20 to look at it, the 13's even a little bit of a
21 jump.

22 But we're still looking at -- although
23 that's not extraordinary like 68 was, 13's still

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1 a bit of a jump from the two, three, five and
2 one, so we'll take a look and see what the impact
3 there is, but I just wanted to note that that was
4 a data -- a data-entry error, and no anomaly was
5 there; we just had to correct the error on the
6 data entry.

7 Other pieces to note, in the inquiries, it
8 is interesting if we talk about the amount of
9 activities. To put it in perspective, if you
10 look at the first page of the report, which lists
11 kind of the number of inquiries that come into
12 the agency on a monthly basis, the number of
13 those that are drafted into a complaint, and the

14 percentage as such, in 2010, that number, if you
15 go back and reflect on old reports, that was less
16 than a hundred a month of the inquiries.

17 And the number of complaints drafted was
18 even less, percentage-wise, because the
19 percentage of the number of complaints, of that
20 roughly 100 that came in, was less -- was
21 probably around 14 to 15 percent that were
22 legitimately drafted complaints. So, you can
23 see, over the past five years, how that has more

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1 than tripled.

2 And the number of complaints drafted,
3 which is what eventually, you know, ends up into
4 an investigator's hands, has more than
5 quadrupled. So, the amount of activity and
6 caseload for the investigators, and the staff as
7 a whole, has been steady growing by leaps and
8 bounds.

9 Whereas we adjust it in 2010, so that the
10 staff was reflective of what was in, which was a
11 relatively low number, but my original point is
12 the times where we'd adjust down so that the
13 staff is now reflected in what's needed to
14 sustain to what we've got to receive.

15 COMM. RAMOS: Is part of that because
16 of the greater work that you've done really
17 around the state in helping communicate the
18 rights that are out there -- and you've done an

19 excellent job on that -- or is it generally a
20 common theme we're seeing across the country.

21 MR. SMITH: No, no, I think your
22 former is absolutely correct. I think the amount
23 of activity that the agency is engaged in is a

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1 direct reflection of what you see. The fact that
2 one of -- when we did the strategic plan of 2010,
3 one of the goals was to get out of Indianapolis,
4 out of the 465 loop, eventually, that we were
5 going to move all across the state.

6 And, so, you know, when we created what is
7 now our external ops team, that it was charged
8 with going out, that was a part of it. And then
9 as we got out, eventually we were getting out
10 into diverse communities and neighborhoods. At
11 the time, getting out into the community was kind
12 of relatively new to the state. We needed to
13 engage them, and other communities, you know,
14 across the state. I think it's also reflective
15 of the number of collaborations and partnerships
16 that we're established again across the state.

17 And then just being active. You know, if
18 you look at the calendar of events, you know,
19 we're just as busy -- and I've said this, and I
20 think it bears repeating here, we're just as
21 efficiently busy, if not more, than any other
22 state -- or any other agency in the United
23 States. Now, some of those agencies are two,

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1 three, four, five times our size with eight times
2 our budget, and we do just as much, if not more,
3 than they do.

4 So, I think all of the activity has
5 directly impacted the bottom line in terms of the
6 number of people who are now aware that we're
7 here, who are a little bit more educated about
8 what our presence means and then what their
9 rights are as it relates to the Indiana Civil
10 Rights Law.

11 And so, they call in more and they inquire
12 more, and they are now -- more people are more
13 equipped to recognize if they are in fact being
14 discriminated against, or so they feel that they
15 are discriminated against, and understand that we
16 were that outlet if some of them feel that way.

17 COMM. RAMOS: Uh-huh.

18 CHAIRPERSON BLACKBURN: I wonder if
19 you have an opinion -- similar to the question
20 previously asked, but if you have an opinion with
21 regards to whether or not there is -- from the
22 read on and the tenor of complaints coming in,
23 that they might reflect what appears to me to be,

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1 locally and statewide, no different from
2 nationwide, a greater sensitivity and awareness

3 around civil rights issues.

4 MR. SMITH: Yes, I'm sure. So, I
5 think, accompanied with what I just mentioned
6 before, I mean there's been -- you know, just
7 over the last 12 to 18 months alone, there's been
8 a myriad of civil-rights-related incidents
9 worldwide, right, that have been kind of at the
10 forefront, and let's be honest, most of which
11 don't necessarily fall within our jurisdiction,
12 but nonetheless people feel that it involves
13 civil rights, and it brings the idea or the
14 concept of civil rights to the forefront of the
15 discussion; right?

16 And considering we are the State Civil
17 Rights Commission, then we become that outlet,
18 because some of them -- for example, maybe a year
19 and a half ago, or two legislative sessions ago,
20 the second chance law. You know, we don't
21 necessarily enforce that; that's outside of our
22 jurisdiction. But most people considered that in
23 some regard to be a civil rights issue, and so

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1 they leaned on us for that.

2 You know, a lot of incidents that happen
3 in the media, issues between law enforcement and
4 community, you know, Trayvon Martin, Staten
5 Island, Baltimore, all of those things had a
6 civil rights undertone to them, you know, the
7 Religious Freedom Act and all of those things

8 going on. So, yeah, I think it all impacts the
9 bottom line.

10 You know, one of the things that -- you
11 know, and prob -- what I'm excited about is it
12 would have been a shame for us to not have been
13 equipped to handle that influx, right, and so,
14 praise God that we were able to put some things
15 in place and establish a foundation over the last
16 few years, five years, that's allowed the agency
17 the comfort of having the personnel and the
18 processes in place to assume the influx, whether
19 it was in our jurisdiction or not.

20 But to your question, yeah, I think that's
21 all in there.

22 CHAIRPERSON BLACKBURN: Thank you.

23 MR. SMITH: Yes, ma'am.

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1 Any other questions at all on the Agency
2 Report at all?

3 (No response.)

4 MR. SMITH: Well, the last thing
5 before I close, just one thing about the
6 financial report that I neglected to mention,
7 also from Comm. Ramos, was a question about the
8 Native American license plate money, as we call
9 it; right? So, by law, there is a license plate.
10 The proceeds from that license plate go to a
11 special fund for the Native American Commission,
12 which also exists underneath our umbrella. That

13 is nonreverted money and continues to grow. I
14 think it's three-hundred-plus thousand -- I think
15 there's three-hundred-plus thousand in that
16 account.

17 That's an accumulation over a number of
18 years, a couple of years, keeping in mind that
19 the Commission was not sat for a number of years,
20 just earlier this year, recently, it was kind of
21 sat -- has been sat. And so, now the activity
22 begins in terms of the ability as a commission to
23 decide what they would like to do with the funds

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1 there.

2 But I just wanted to make sure that I
3 addressed that question that was asked. And it
4 is nonreverting, it continues to grow. Every
5 year they dump more into it, depending on how
6 many license plates were either sold -- I don't
7 know if renewed plates also qualify. I can look
8 into it and provide that information. That's
9 where that money comes from.

10 COMM. RAMOS: Are there any other
11 trust funds for the Native American Commission?

12 MR. SMITH: Not like that, no. Some
13 of the agencies have -- or some of the cultural
14 commissions have, you know, what's called special
15 funds. If they hold a conference and charge fees
16 for it, for example, the fees would go into that
17 special fund that they have discretion over. The

18 fees couldn't go back to the General Fund,
19 obviously, so the special funds were created for
20 things like that. But even if those exist and
21 there's money in them, it's a minimal amount,
22 nowhere near the license plate money for the
23 Native American Commission.

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1 COMM. RAMOS: That's why I noted it
2 was sizable amount.

3 MR. SMITH: Yeah, right. Yeah.

4 Any other -- any other questions about the
5 Financial Report or the Agency Report, Outreach
6 and Education, or anything Executive related at
7 all?

8 (No response.)

9 MR. SMITH: Hearing none, that
10 concludes my report for today, and I just want to
11 close by, on the record, stating that this will
12 officially be my last meeting as the Executive
13 Director of the Indiana Civil Rights Commission,
14 and I want to publicly thank each of every one of
15 you for giving of your time and talent to our
16 staff, the Commission, and the state as a whole,
17 and for allowing me to serve as the Director, in
18 that capacity, also. So, thank you for that, and
19 with that, I will conclude my report.

20 Thank you.

21 CHAIRPERSON BLACKBURN: I think that
22 I might speak for -- not necessarily that I want

♀ 23 you not to speak, my fellow Commissioners, but I

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1 would like to say that it's a dismal thought to
2 think of proceeding without you going forward. I
3 can say with all honesty that no previous
4 Executive has surpassed your dedication, your
5 understanding of your charge in running this
6 agency, and the able and, I think, adept way at
7 which you took the reins and moved the agency
8 forward during your tenure here.

9 In addition to that, I want to say that it
10 has been a distinct pleasure that you engaged the
11 Commissioners in a personal way that made them
12 feel welcome in their positions, the new ones,
13 and the old ones like me, alike. So, our thanks
14 to you, and we wish you and your fine family a
15 wonderful holiday, and good luck in your future
16 pursuits.

17 MR. SMITH: Well, thank you so much.

18 COMM. EDWARDS: Thank you for your
19 service.

20 MR. SMITH: Yes, ma'am.

21 COMM. RAMOS: Yes.

22 COMM. GAIDOO: Thank you very much.

23 ♀ CHAIRPERSON BLACKBURN: Any other

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1 comments?

2 (No response.)

3 CHAIRPERSON BLACKBURN: Then we'll
4 move to the Report on the Complaint Appeals.
5 Comm. Edwards.

6 COMM. EDWARDS: Okay. On the
7 complaint of the case of Timothy Smith versus
8 Pizza Supply of Indiana, I recommend upholding
9 the finding of no probable cause.

10 CHAIRPERSON BLACKBURN: May I have a
11 motion to accept that recommendation?

12 COMM. GAIDOO: So moved.

13 COMM. RAMOS: Second.

14 CHAIRPERSON BLACKBURN: All in favor?

15 COMM. EDWARDS: Aye.

16 COMM. RAMOS: Aye.

17 COMM. GAIDOO: Aye.

18 CHAIRPERSON BLACKBURN: Aye.

19 Anyone opposed?

20 (No response.)

21 COMM. EDWARDS: Next one.

22 CHAIRPERSON BLACKBURN: Is that both?

23 COMM. EDWARDS: No, I was going to do

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1 the next one. Okay. In the case of Jonathan
2 Garza versus Focus Hospitality Services, I
3 recommend upholding the finding of no probable
4 cause.

5 CHAIRPERSON BLACKBURN: And may I

6 have a motion to accept that recommendation?

7 COMM. GAIDOO: So moved.

8 COMM. RAMOS: Second.

9 CHAIRPERSON BLACKBURN: And all in
10 favor?

11 COMM. EDWARDS: Aye.

12 COMM. RAMOS: Aye.

13 COMM. GAIDOO: Aye.

14 CHAIRPERSON BLACKBURN: Aye.

15 Anyone opposed?

16 (No response.)

17 CHAIRPERSON BLACKBURN: Thank you.

18 Comm. Young is not here today. Has he
19 sent report?

20 MS. RINCONES-CHAVEZ: No, ma'am.

21 CHAIRPERSON BLACKBURN: His cases

22 will then be continued to the next meeting.

23 The cases which I reviewed, Shawn Carraher

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1 versus Indiana Wesleyan University, Ann Swartz
2 versus Lori Pickering, and Pui Yeu Phoon versus
3 Sensient Flavors, also Angela Cosner versus
4 Portage Township, and in each one of those cases,
5 I want to give special thanks to our
6 investigators, and I want to recommend that we
7 uphold the finding of no probable cause. May I
8 have a motion to accept?

9 COMM. GAIDOO: So moved.

10 COMM. RAMOS: So moved.

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12 COMM. GAIDOO: Second.
13 CHAIRPERSON BLACKBURN: And all in
14 favor?
15 COMM. EDWARDS: Aye.
16 COMM. RAMOS: Aye.
17 COMM. GAIDOO: Aye.
18 CHAIRPERSON BLACKBURN: Aye.
19 Anyone opposed?
20 (No response.)
21 CHAIRPERSON BLACKBURN: Thank you.
22 Comm. Ramos.
23 COMM. RAMOS: Madam Chair, in the
cases of Timothy Easter versus Conway Freight,

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1 Inc., and the cases of Eddie Salinas versus
2 Holiday Rent-A-Car, I recommend that we uphold
3 the finding of no probable cause.
4 CHAIRPERSON BLACKBURN: May I have a
5 motion to accept?
6 COMM. EDWARDS: So moved.
7 COMM. GAIDOO: Second.
8 CHAIRPERSON BLACKBURN: Thank you.
9 All in favor?
10 COMM. EDWARDS: Aye.
11 COMM. RAMOS: Aye.
12 COMM. GAIDOO: Aye.
13 CHAIRPERSON BLACKBURN: Aye.
14 And anyone opposed?
15 (No response.)

16 CHAIRPERSON BLACKBURN: Thank you.

17 Do we have a report from Comm. Mckeown?

18 MS. RINCONES-CHAVEZ: No, ma'am.

19 CHAIRPERSON BLACKBURN: Then those
20 two cases will also be continued.

21 I want to assign now the New Appeals case
22 to my Vice-Chair, Comm. Ramos, if you would have
23 time to do that.

‡

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1 COMM. RAMOS: Sure. Absolutely.

2 CHAIRPERSON BLACKBURN: Thank you.

3 There being no Motions before the
4 Commission, we have, however, two reports of
5 Findings of Fact, Conclusions of Law.

6 JUDGE ALLEN: Well, good afternoon,
7 Commissioners.

8 CHAIRPERSON BLACKBURN: Good
9 afternoon.

10 JUDGE ALLEN: Before you, you have
11 two cases, both are in the area of housing. The
12 Respondent in each of those cases moved or served
13 their notice of election so that the case may be
14 moved to state court. As such, by statute, I
15 must submit a proposed order dismissing the case
16 so that they may pursue those cases in state
17 court as they wish.

18 CHAIRPERSON BLACKBURN: May I have a
19 motion then to dismiss those cases?

20 COMM. EDWARDS: So moved.

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COMM. RAMOS: Second.
22 CHAIRPERSON BLACKBURN: All in favor?
23 COMM. EDWARDS: Aye.

♀

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1 COMM. RAMOS: Aye.
2 COMM. GAIDOO: Aye.
3 CHAIRPERSON BLACKBURN: Aye.
4 Anyone opposed?
5 (No response.)
6 CHAIRPERSON BLACKBURN: Thank you so
7 much.
8 JUDGE ALLEN: Thank you.
9 CHAIRPERSON BLACKBURN: There being
10 no Consent Agreements and no Public Comments, are
11 there Announcements?
12 (No response.)
13 CHAIRPERSON BLACKBURN: You have
14 printed on your agenda the proposed meeting dates
15 that will be held in these same two rooms, and
16 with that, I want to wish happy holidays to
17 everyone --
18 COMM. RAMOS: Thank you.
19 CHAIRPERSON BLACKBURN: -- staff,
20 participants, commissioners, and our
21 stenographer, too.
22 COMM. RAMOS: Absolutely. Can we get
23 calendar invites for those dates that are posted?

♀

1 MS. RINCONES-CHAVEZ: Yes.

2 COMM. RAMOS: Thank you.

3 And I would echo the Vice -- I'm sorry --
4 Madam Chair's recommendations for happy holidays,
5 and well wishes to Executive Director Smith.
6 It's been a great pleasure.

7 CHAIRPERSON BLACKBURN: It's kind of
8 hard to cry and have a smile on your face at the
9 same time, but we're conflicted because we will
10 miss you, but we send you Godspeed.

11 MR. SMITH: Thank you so much.

12 CHAIRPERSON BLACKBURN: The meeting
13 is adjourned.

14 (Applause.)

15 - - -
16 Thereupon, the proceedings of
17 December 18, 2015 were concluded
18 at 1:47 o'clock p.m.
19 - - -

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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

CRC 12-18-15

5 hereby certify that the foregoing is a true and
6 correct transcript of the proceedings taken by me
7 on Friday, December 18, 2015 in this matter and
8 transcribed by me.

9

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15 My Commission expires October 27, 2016.

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