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BEFORE THE STATE OF INDIANA

CIVIL RIGHTS COMMISSION

- - -

PUBLIC MEETING OF AUGUST 19, 2024

- - -

PROCEEDINGS

in the above-captioned matter, before the Indiana  
Civil Rights Commission, Steven A. Ramos,  
Vice-Chair, 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 North, 100 North Senate Avenue, Room N300,  
Indianapolis, Indiana, on Monday, August 19, 2024  
at 1:13 o'clock p.m.

- - -

ACCURATE REPORTING OF INDIANA, LLC  
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Carmel, Indiana 46032  
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1 APPEARANCES:

2 COMMISSION MEMBERS:

3 Steven A. Ramos, Vice-Chair  
4 Holli Harrington (remote)  
5 Sue Silberberg  
6 Terry Tolliver

7 INDIANA CIVIL RIGHTS COMMISSION  
8 By Gregory Wilson, Director  
9 & David Fleischhacker, Deputy Director  
10 Indiana Government Center North  
11 100 North Senate Avenue, Room N300  
12 Indianapolis, Indiana 46204  
13 On behalf of the Commission.

14 OTHER COMMISSION STAFF PRESENT:

15 Michael Lostutter  
16 Christiana Afuwape  
17 James Hodges

18 ALSO PRESENT:

19 Kris Kazmierczak

20 - - -

21

22

23

1 1:13 o'clock p.m.  
2 August 19, 2024

3 - - -

4 VICE-CHAIR RAMOS: It is 1:15, let's  
5 say, and I call to order the meeting of the  
6 Indiana Civil Rights Commission. We have an  
7 agenda that we will go through. We do have a  
8 quorum. We have three Commissioners on-site, and  
9 we have Comm. Harrington virtual, so we do have a  
10 quorum, and if you would go through the agenda,  
11 please.

12 MR. LOSTUTTER: We will make sure  
13 that we establish quorum; we will have an  
14 approval of previous minutes; we will have the  
15 ICRC Directors Report; we will then have six  
16 cases to hear; we will then have, I believe,  
17 seven cases, new ones, to assign; we have some  
18 Motions and Other Filings; we then have a Review  
19 of the ALJ Decisions and Orders; and then reading  
20 final orders into the record.

21 VICE-CHAIR RAMOS: Any questions,  
22 Commissioners?

23 (No response.)

VICE-CHAIR RAMOS: Hearing none,

1 that'll take us to the previous meeting approval.

2 I need a motion to approve the minutes.

3 COMM. TOLLIVER: So moved.

4 COMM. SILBERBERG: Second.

5 VICE-CHAIR RAMOS: Motion made by  
6 Tolliver, seconded by Comm. Silberberg. We'll  
7 need to do a roll call.

8 MR. LOSTUTTER: I believe so.

9 So, Comm. Harrington?

10 COMM. HARRINGTON: Aye. Can you hear  
11 me okay?

12 MR. LOSTUTTER: Yes, very much so.

13 COMM. TOLLIVER: Well, she can't see  
14 me doing a thumbs-up.

15 (Laughter.)

16 COMM. TOLLIVER: Yes.

17 MR. LOSTUTTER: Comm. Silberberg?

18 COMM. SILBERBERG: Aye.

19 MR. LOSTUTTER: Comm. Tolliver?

20 COMM. TOLLIVER: Aye.

21 MR. LOSTUTTER: Vice-Chair Ramos?

22 VICE-CHAIR RAMOS: Aye.

23 MR. LOSTUTTER: The ayes have it.

1                   VICE-CHAIR RAMOS: We have the  
2 Director's Report next.

3                   MR. FLEISCHHACKER: Yes. Thank you,  
4 Vice-Chair Ramos.

5                   We've got a number of events that are  
6 coming up here in the near future that the  
7 Commission is engaged in. On September 7th we'll  
8 be at the Indiana Latino Expo Health Expo out at  
9 the -- I think it's at the Fairgrounds now;  
10 right? I believe so. So, we've got that coming  
11 up.

12                   We've got our Annual Days of Service  
13 coming up on September 17th and 18th, where we're  
14 going to be out at Watkins Park and Northeast  
15 Landing Neighborhood area, and then we've got a  
16 secondary park that we're going to be doing some  
17 work in as well over those two days. So, right  
18 now we're having the planning stages of getting  
19 that all set up and coordinated.

20                   On September 28th is the Circle City  
21 Classic, so we'll be participating in a parade  
22 for that and the festivities for that day,  
23 raising awareness of the Commission.

1           And then on October 9th, it's a Wednesday,  
2 we're hosting the Civil Rights Awards Dinner, so  
3 it's a large-scale dinner, where we'll be  
4 recognizing some individuals who have made an  
5 impact in the Civil Rights area. So, we're --  
6 right now we're actively in the planning stages  
7 for that and getting attendees and sponsors and  
8 all of that kind of stuff.

9           So, if the Commission has any individuals  
10 or entities that they might think are good  
11 partners for that as far as either sponsors or  
12 maybe getting a table or something like that, we  
13 can connect you with our External Affairs crew or  
14 you can reach out through me to do that, and we'd  
15 love to have anyone be a sponsor or purchase  
16 tables for that endeavor. It's going to be an  
17 excellent evening.

18           VICE-CHAIR RAMOS: Can you forward us  
19 the sponsor package?

20           MR. FLEISCHHACKER: Sure, yep.

21           COMM. HARRINGTON: And can you  
22 save -- or hold the date, maybe send it to our  
23 calendars, with the sponsor packet attached, so

1 we've got the date held so we can accept or  
2 decline?

3 MR. FLEISCHHACKER: Yep, we can do  
4 that as well.

5 All right. At the end of July -- or at  
6 the end of June, we closed out our annual HUD  
7 contract period for housing cases, and then over  
8 the next month or so we've been working with them  
9 to finalize all of the numbers and everything.  
10 For the contract period, which runs July 1  
11 through June 30, we closed 180 cases, which was  
12 an increase from 165 the year before and 168 the  
13 year before that, so we're excited about that.

14 We're finalizing what that means  
15 financially, because depending on how the case  
16 was closed, that determines, under the contract,  
17 what kind of funding the agency receives for  
18 that, but it should be an amount that's  
19 comparable to what we've received in past years.

20 As far as the EEOC contract goes, we --  
21 that ends on September 30th; however, we've  
22 already pretty much met our contract requirements  
23 with the EEOC as far as processing contracts, so

1 now we're kind of just working with them through  
2 the end of the contract period to put cases in  
3 mind to have them close right when the new  
4 contract period ends, so then they'll be credited  
5 for this next contract period.

6 But I know that the EEOC is experiencing  
7 some tough times. I don't know if you saw, but  
8 their employees are being on a -- mandating a  
9 one-day furlough for August 30th unpaid, so  
10 they're experiencing some financial troubles this  
11 year for them.

12 So -- but I guess maybe we have been in  
13 talks before that, but the EEOC intends to  
14 transfer a number of cases over to us to work  
15 here in the next couple of weeks. We're looking  
16 at over a hundred cases, at least, that are going  
17 to be transferred over to ICRC, which will just  
18 subsequently increase our contract with them for  
19 next year, for the October 1 through September  
20 30th of this next contract period.

21 So, we anticipate doing a lot more work on  
22 employment cases, because right now we currently  
23 have an inventory of over 400, and we're



1 averaging about 75 employment complaints a month  
2 that are coming into the agency, and that's what  
3 we've seen over the -- so far, the beginning of  
4 the year. So, no lack of employment cases to  
5 keep us busy at this point.

6 And then as far as other metrics go,  
7 we've -- we're staying pretty steady through the  
8 end of July as far as number of calls, number of  
9 inquiries, and pretty much number of complaints  
10 and closures as well. All of those are within 10  
11 percent of where we were at this point last year.  
12 Our complaints are -- complaints and closures are  
13 a little bit up, inquiries are a little bit up,  
14 calls are pretty flat.

15 Settlement funds, we've obtained 413,000  
16 or so in settlement relief so far for  
17 complainants and aggrieved persons over the  
18 course of 2024 through the end of July, which is  
19 a little bit down from where we were at this  
20 point last year, but still it's a good recovery  
21 amount for those individuals.

22 We've currently got -- or at the end of  
23 the month, end of -- July 30, we are at 38 open

1 litigation cases. I think we're down to 34 at  
2 this point, and at the end of July we had  
3 closed 39 cases that were in litigation over the  
4 course of the year so far. So, we're humming  
5 along. We're doing a lot of work right now.

6 On the External Affairs/Education  
7 Awareness side, we've got a lot of activities  
8 going on. I did need to mention C.O.R.E., and we  
9 had a booth out at the State Fair for a day,  
10 raising awareness and education out there. So, a  
11 lot of things going on in all areas of the  
12 agency, so a lot of good work being done by all  
13 of our staff.

14 VICE-CHAIR RAMOS: Good. Great job.  
15 I noticed that there's an uptick in -- normally  
16 it's -- disability is the primary complaint that  
17 comes in, and this last month race was at the  
18 higher level. Is there any phenomenon around  
19 that?

20 MR. FLEISCHHACKER: I don't think so.  
21 Race and disability tend to be our two highest  
22 protected classes that we see on a regular basis,  
23 on an annual basis. They kind of typically are

1 in the same range, within a few percentage  
2 points, and then sex is typically the third  
3 place, kind of behind those a little bit, but I  
4 don't think there's anything in particular that  
5 kind of makes it sway one way or the other.

6 VICE-CHAIR RAMOS: Okay. Very good.

7 Any questions for the Deputy Director?

8 (No response.)

9 VICE-CHAIR RAMOS: Okay. The next  
10 item is the Old Business, and so, we'll move  
11 through these cases.

12 So, the first one on the docket is Sarah  
13 Griesinger versus Paul Marsh Insurance, Inc.  
14 That's Case No. EMse24010065, and this case is  
15 going to be continued to next month. I don't  
16 know if we have to make any motions or anything  
17 on that.

18 MR. LOSTUTTER: No.

19 VICE-CHAIR RAMOS: Okay.

20 And the next item on the agenda is the  
21 case of Cassandra Palmer versus Community Health  
22 Network, Inc. The Case Number is EMha23010070,  
23 and we're set to have oral arguments today. Do

1 we have arguments on that?

2 MR. LOSTUTTER: To my knowledge,  
3 neither the Complainant or the Respondent or any  
4 of their representatives are here, and they  
5 were --

6 VICE-CHAIR RAMOS: Notified?

7 MR. LOSTUTTER: -- made -- notified.

8 VICE-CHAIR RAMOS: Okay. Well in  
9 this case, it was my case, so I would recommend  
10 that we uphold the Director's findings of no  
11 probable cause on both issues. I need a motion  
12 to approve.

13 COMM. SILBERBERG: So moved.

14 VICE-CHAIR RAMOS: I need a second.

15 COMM. TOLLIVER: Second.

16 COMM. HARRINGTON: Second.

17 VICE-CHAIR RAMOS: Thank you.

18 Comm. Silberberg makes the motion, and  
19 Comm. Harrington seconds that. We will take a  
20 roll call.

21 MR. LOSTUTTER: Comm. Harrington?

22 COMM. HARRINGTON: Aye.

23 MR. LOSTUTTER: Comm. Silberberg?

1                   COMM. SILBERBERG: Aye.

2                   MR. LOSTUTTER: Comm. Tolliver?

3                   COMM. TOLLIVER: Aye.

4                   MR. LOSTUTTER: Vice-Chair Ramos?

5                   VICE-CHAIR RAMOS: Aye.

6                   MR. LOSTUTTER: The ayes have it,  
7 four-nothing.

8                   VICE-CHAIR RAMOS: The next case is  
9 Betty Lewis versus Biggs Inc., Missy Shawler,  
10 Country View MFRD4 LLC & County View Senior  
11 Apartments, Case No. HOha23120944. That case was  
12 assigned to Comm. Silberberg.

13                   COMM. SILBERBERG: Yes. Is there --

14                   MR. LOSTUTTER: Like the previous  
15 case, neither the Complainant or the Respondent  
16 or their representatives are here.

17                   COMM. SILBERBERG: Okay. Then I  
18 uphold the findings of no probable cause.

19                   VICE-CHAIR RAMOS: I need a motion to  
20 approve.

21                   COMM. TOLLIVER: So moved.

22                   VICE-CHAIR RAMOS: I need a second.

23                   COMM. HARRINGTON: Second. Second.

1 VICE-CHAIR RAMOS: We'll take a roll.

2 Thank you, Comm. Harrington.

3 MR. FLEISCHHACKER: Just a point of  
4 order. Since it's a housing case, so if you'd  
5 vote probable -- no probable cause and no  
6 reasonable cause.

7 COMM. SILBERBERG: Yes, on both;  
8 sorry. Yeah, there were two issues; sorry about  
9 that.

10 MR. LOSTUTTER: We will call the  
11 roll.

12 Comm. Harrington?

13 COMM. HARRINGTON: Aye.

14 MR. LOSTUTTER: Comm. Silberberg?

15 COMM. SILBERBERG: Aye.

16 MR. LOSTUTTER: Comm. Tolliver?

17 COMM. HARRINGTON: Aye.

18 MR. LOSTUTTER: Vice-Chair Ramos?

19 VICE-CHAIR RAMOS: Aye.

20 MR. LOSTUTTER: The ayes have it,  
21 four to nothing.

22 VICE-CHAIR RAMOS: Thank you.

23 The next case is Armida and Max [sic]

1 Castaneda versus Heartland Crossing Foundation,  
2 James Dean King, and Samuel Tyrone King, Case  
3 No. HOra23100779. That case was assigned to  
4 Comm. Tolliver.

5 COMM. TOLLIVER: Thank you.

6 There are three issues. The first, I --  
7 for the first two, I recommend that we uphold the  
8 Deputy -- or the Commission's finding of no  
9 reasonable cause under Indiana Fair Housing Act  
10 or no probable cause under Indiana Civil Rights  
11 Law, and for the third one, uphold the  
12 Commission's finding of administrative dismissal.

13 VICE-CHAIR RAMOS: Okay.

14 I need a motion to approve.

15 COMM. SILBERBERG: So moved.

16 VICE-CHAIR RAMOS: I need a second.

17 COMM. HARRINGTON: Second.

18 VICE-CHAIR RAMOS: Thank you.

19 We will do a roll call.

20 MR. LOSTUTTER: Comm. Harrington?

21 COMM. HARRINGTON: Aye.

22 MR. LOSTUTTER: Comm. Silberberg?

23 COMM. SILBERBERG: Aye.

1 MR. LOSTUTTER: Comm. Tolliver?

2 COMM. TOLLIVER: Aye.

3 MR. LOSTUTTER: Vice-Chair Ramos?

4 VICE-CHAIR RAMOS: Aye.

5 MR. LOSTUTTER: The ayes have it,  
6 four-nothing.

7 VICE-CHAIR RAMOS: Thank you.

8 Next case is Yovanis Mejia Alvarez --  
9 that's probably Mejia Alvarez -- versus Old  
10 Dominion Freight Line, Inc. The Case Number  
11 is EMno23070604, and this case is going to be  
12 continued until next month.

13 MR. LOSTUTTER: Yes.

14 VICE-CHAIR RAMOS: And we don't need  
15 to make any motions on that, and that was Chair  
16 Slash's case, and again, it was oral arguments,  
17 so that's been moved.

18 The last case we have on the list is  
19 Sarah E. Johnson versus Terre Haute Housing  
20 Authority & Lockport Road Community,  
21 HOfs24020112, and do we have anything from  
22 Comm. Jackson?

23 MR. LOSTUTTER: No.



1                   VICE-CHAIR RAMOS: We have no  
2 recommendation from Comm. Jackson, so we will  
3 move this also to next month.

4                   That takes us to Motions and Other Filings  
5 and the assignment of new cases. So, the first  
6 case on the docket, and we have several, is Mary  
7 Kay & John Garcia versus Lost Run Farm Community  
8 Association & Armour Property Management, LLC.  
9 That is Case No. HOno240100006, and they are  
10 requesting oral argument, and I will assign that  
11 case to me.

12                   The next case is Comonic Shorter versus  
13 D & M Hospitality, Inc. doing business as Baymont  
14 by Wyndham, Case Number is EMra23060578. I'll  
15 assign that to Comm. Tolliver.

16                   The next case is William Babineaux versus  
17 Olynger Management Corporation, Case  
18 No. HOha23120943. I will assign that to  
19 Comm. Silberberg.

20                   COMM. SILBERBERG: So, are we going  
21 to be meeting on the 16th next time? Because I  
22 will be out of the country that day.

23                   MR. LOSTUTTER: That is when the next

1 date -- the next commission meeting is, on  
2 September 16th.

3           COMM. SILBERBERG: I won't be able to  
4 do that one.

5           VICE-CHAIR RAMOS: Okay. I'll assign  
6 that to Comm. Harrington.

7           COMM. HARRINGTON: Okay.

8           VICE-CHAIR RAMOS: Thank you.

9           The next case is Gabrielle R. Millar  
10 versus Shweta Khanna & Gaurav Madaan, Case  
11 No. HOha24040284. I'm going to assign that to  
12 Comm. -- Chair Slash.

13           The next case is Judith W. Williams versus  
14 Southern Indiana Housing Community Development  
15 Corporation, HOha24030155. I will assign that to  
16 Comm. Jackson.

17           And the next case is Therese Whitsett  
18 versus Ground Effects, LLC, and that  
19 is EMra23050462, and I will assign that to me  
20 again, and there are oral arguments for that  
21 case.

22           That moves us to Motions and other  
23 Findings [sic], and in the case of Brittany

1 Hernandez versus The Pony and Scott Wilberburn --  
2 Winterburn, Case No. PAse23070631, and I'll read  
3 this and we'll go through it.

4 So, Complainant, by counsel, respectfully  
5 moves to vacate and set aside the notice/finding  
6 of Default Order currently before the Commission.  
7 Respondents were originally thought to have not  
8 provided an answer to the Complainant within the  
9 time provided by law, but further information  
10 provided by them indicates that it was provided  
11 in a timely manner. And I recommend that we  
12 remand this back for further review by the  
13 Commission.

14 And we do need to make a motion on that;  
15 is that true?

16 MR. FLEISCHHACKER: (Nodded yes.)

17 MR. LOSTUTTER: Yes.

18 VICE-CHAIR RAMOS: So, the  
19 recommendation is to remand. I need a motion to  
20 do so.

21 COMM. TOLLIVER: So moved.

22 COMM. SILBERBERG: Second.

23 VICE-CHAIR RAMOS: Motion by Tolliver

1 and seconded by Comm. Silberberg, and we need a  
2 roll call.

3 MR. LOSTUTTER: Comm. Harrington?

4 COMM. HARRINGTON: Aye.

5 MR. LOSTUTTER: Comm. Silberberg?

6 COMM. SILBERBERG: Aye.

7 MR. LOSTUTTER: Comm. Tolliver?

8 COMM. TOLLIVER: Aye.

9 MR. LOSTUTTER: Vice-Chair Ramos?

10 VICE-CHAIR RAMOS: Aye.

11 MR. LOSTUTTER: The ayes have it,  
12 four-nothing.

13 VICE-CHAIR RAMOS: Case -- the next  
14 case, Derrick Young versus Camelot Care Center,  
15 Case No. EMra24040257, and Respondent is filing a  
16 motion for More Specific and Definite Statement  
17 from Complainant. And we are going to continue  
18 this to next month, for review with Chair Slash.  
19 I don't know that we need a motion to defer.

20 MR. FLEISCHHACKER: (Shook head no.)

21 VICE-CHAIR RAMOS: Yeah, I didn't  
22 think so.

23 All right. The next case is Andria Moss

1 versus Miller Transportation, and that's Case  
2 No. PAha21110432, and the Complainant is filing  
3 an Objection to the ALJ's Nonfinal Administrative  
4 Decision, and that was filed with the Commission  
5 on August 13th, 2024, and no vote is required for  
6 this?

7 MR. LOSTUTTER: Correct.

8 VICE-CHAIR RAMOS: Okay. And the  
9 next case is Gerald Rowe versus The Health &  
10 Hospital Corporation of Marion County doing  
11 business as Eskenazi Health, Case  
12 No. PAha22010026. Respondent files a Response in  
13 Opposition to Complainant's Objection to the ALJ  
14 Order, and that was filed with the Commission on  
15 July 19th, 2024, and again, no vote is required  
16 for this.

17 Item c. on this agenda is Review of the  
18 ALJ Decisions and Orders. The Administrative Law  
19 Judge's Order disposing of the proceedings  
20 becomes a final order when affirmed under the  
21 Indiana Code 4-21.5-3-29 and Indiana  
22 Code 4.21.5-3-27(a). Votes are required for  
23 these decisions.

1           Gerald Rowe versus The Health & Hospital  
2 Corporation of Marion County doing business as  
3 Eskenazi Health, submitted to the Commission  
4 on June 7th, 2024.

5           The Administrative Law Judge in this  
6 matter has determined that the Complainant's  
7 Motion of [sic] Partial Summary Judgment as to  
8 liability is denied, and the Complainant's Motion  
9 to Strike Evidence is denied, and that the  
10 Respondent's Motion for Summary Judgment is  
11 granted, with the complaint of the Complainants  
12 being hereby dismissed with prejudice.

13           Complainant's attorneys have filed an  
14 objection to the Summary Judgment. Respondents  
15 have filed an objection to the Complaint's  
16 objection -- Complainant's objection. The  
17 objection period in this matter has closed, but  
18 with both sides having filed Objections in this  
19 matter, oral arguments will be scheduled for the  
20 September meeting, and no vote is required.  
21 We're going to have a very busy September.

22           The next item is Gregory L. Wilson, Sr.,  
23 in his capacity as the Executive Director of the

1 Indiana Civil Rights Commission versus ML  
2 Indianapolis I, LLC, and Eighteen Capital Group.  
3 The Case Number is HOra23100795, submitted to the  
4 Commission on July 3rd, 2024.

5 The ALJ in this matter has determined that  
6 the Notice of Election that the Respondent's  
7 counsel filed in this matter was timely and thus  
8 successful in moving the case out of the  
9 administrative forum, and it's dismissed with  
10 prejudice, 910 IAC 2-7-9(a). The objection  
11 period in this matter is now closed.

12 We do need a motion to affirm the  
13 dismissal that moves it to the state court. I  
14 need a motion to affirm.

15 COMM. TOLLIVER: So moved.

16 COMM. SILBERBERG: Second.

17 VICE-CHAIR RAMOS: I need a second.

18 COMM. HARRINGTON: Second.

19 VICE-CHAIR RAMOS: A second by  
20 Harrington to affirm, and a roll call.

21 MR. LOSTUTTER: Comm. Harrington?

22 COMM. HARRINGTON: Aye.

23 MR. LOSTUTTER: Comm. Silberberg?

1                   COMM. SILBERBERG:   Aye.

2                   MR. LOSTUTTER:   Comm. Tolliver?

3                   COMM. TOLLIVER:   Aye.

4                   MR. LOSTUTTER:   Vice-Chair Ramos?

5                   VICE-CHAIR RAMOS:  Aye.

6                   MR. LOSTUTTER:   The ayes have it,  
7 four-nothing.

8                   VICE-CHAIR RAMOS:  The next case is  
9 Gregory L. Wilson, Sr., in his official capacity  
10 as Executive Director of the Indiana Civil Rights  
11 Commission versus ML Indianapolis I, LLC, and  
12 Eighteen Capital Group, Case No. HOra23100796,  
13 submitted to the Commission on July 3rd, 2023 --  
14 24; sorry.

15                   The Administrative Law Judge in this  
16 matter has determined that the Notice of Election  
17 that the Respondent's counsel filed in this  
18 matter was timely and thus successful in moving  
19 the case out of the administrative forum and is  
20 dismissed with prejudice.  That's  
21 Code 910 IAC 2-7-9(a).  The objection period in  
22 this matter is now closed.

23                   And again, I need an affirmation to moving



1 this to the state court. I need a motion.

2 COMM. SILBERBERG: So moved.

3 VICE-CHAIR RAMOS: Silberberg

4 motions. I need a second.

5 COMM. TOLLIVER: Second.

6 VICE-CHAIR RAMOS: Comm. Tolliver

7 seconds, and I need a roll call.

8 MR. LOSTUTTER: Comm. Harrington?

9 COMM. HARRINGTON: Aye.

10 MR. LOSTUTTER: Comm. Silberberg?

11 COMM. SILBERBERG: Aye.

12 MR. LOSTUTTER: Comm. Tolliver?

13 COMM. TOLLIVER: Aye.

14 MR. LOSTUTTER: Vice-Chair Ramos?

15 VICE-CHAIR RAMOS: Aye.

16 MR. LOSTUTTER: The ayes have it,

17 four-nothing.

18 VICE-CHAIR RAMOS: The next case is

19 David Dominguez versus Shield Exteriors, Inc.,

20 Case No. EMra23100772. It was submitted to the

21 Commission on July 24th, 2024.

22 The Administrative Law Judge in this

23 matter has, after having scheduled a telephonic

1 status conference on July 16th, 2024, that  
2 neither the Complainant or counsel was present  
3 for, and issued a Notice of Proposed Default  
4 Order that failed to have a response filed within  
5 the seven-day deadline, resulting in a Default  
6 Order against the Complainant. The objection  
7 period in this matter is now closed.

8 We need an affirmation of the Default  
9 Order. I need a motion.

10 COMM. TOLLIVER: So moved.

11 COMM. SILBERBERG: Second.

12 VICE-CHAIR RAMOS: So moved -- I'm  
13 sorry. I get myself into it. Comm. Tolliver has  
14 made the motion, Comm. Silberberg has seconded  
15 the motion, and we need a roll call.

16 MR. LOSTUTTER: Comm. Harrington?

17 COMM. HARRINGTON: Aye.

18 MR. LOSTUTTER: Comm. Silberberg?

19 COMM. SILBERBERG: Aye.

20 MR. LOSTUTTER: Comm. Tolliver?

21 COMM. TOLLIVER: Aye.

22 MR. LOSTUTTER: Vice-Chair Ramos?

23 VICE-CHAIR RAMOS: Aye.

1 MR. LOSTUTTER: The ayes have it,  
2 four-nothing.

3 VICE-CHAIR RAMOS: The next case is  
4 Andria Moss versus Miller Transportation, Case  
5 No. PAha21110432, submitted to the Commission on  
6 July 29th, 2024, and we're basically reading this  
7 into the record.

8 So, the Administrative Law Judge in this  
9 matter has determined that the Complainant has  
10 failed to meet the burden of proof, rules in  
11 favor of the Respondent against the Complainant,  
12 dismissing the complaint with prejudice.  
13 Complainant's attorneys have filed an objection  
14 to this Nonfinal Administrative Decision and the  
15 Respondents will have time to file a response to  
16 the objection before it is set for oral  
17 arguments. The objection matter [sic] in this  
18 matter has not closed, and no decision is made on  
19 this matter due to its time.

20 The next case is Mary Beth Mott versus  
21 Franciscan Alliance, Inc. doing business as  
22 Franciscan Health Indianapolis. The case Number  
23 is EMre22110697. It was submitted to the

1 Commission on July 31st, 2024.

2 The ALJ in this matter, after having  
3 considered all the evidence and testimony  
4 presented by both parties, has granted the  
5 Respondent's Motion of [sic] Summary Judgment and  
6 dismisses Complainant's complaint with prejudice.  
7 The objection period in this matter is now  
8 closed.

9 I need a motion to affirm the ALJ  
10 decision.

11 COMM. TOLLIVER: So moved.

12 COMM. SILBERBERG: Second.

13 VICE-CHAIR RAMOS: I have a motion by  
14 Tolliver and a second by Silberberg. I need a  
15 roll call.

16 MR. LOSTUTTER: Comm. Harrington?

17 COMM. HARRINGTON: Aye.

18 MR. LOSTUTTER: Comm. Silberberg?

19 COMM. SILBERBERG: Aye.

20 MR. LOSTUTTER: Comm. Tolliver?

21 COMM. TOLLIVER: Aye.

22 MR. LOSTUTTER: Vice-Chair Ramos?

23 VICE-CHAIR RAMOS: Aye.

1                   MR. LOSTUTTER: The ayes have it,  
2 four-nothing.

3                   VICE-CHAIR RAMOS: The next case is  
4 Indiana Civil Rights/Christine Harris versus  
5 Dominic Pitzel, Case No. HOra21040110, submitted  
6 to the Commission on August 2nd, 2024.

7                   The Administrative Law Judge in this  
8 matter, after having considered all the evidence  
9 and testimony presented by both parties, grants  
10 Respondent's Motion for Summary Judgment and  
11 denies Complainant's Motion for Summary Judgment  
12 and dismisses Complainant's complaint with  
13 prejudice. Complainant's attorneys have filed a  
14 motion [sic] to this decision and the Respondents  
15 still have time to file a response to the  
16 objection before it is set for an oral argument.  
17 The objection period in this matter has not  
18 closed, and no decision on this matter is due at  
19 this time.

20                   Thank you. So, now we're into the ALJ  
21 Decisions Automatically Confirmed. I'm just  
22 really reading these into the record.  
23 Automatically confirmed under the Commission's

1 order of automatic adoption and approval of  
2 certain nonfinal decisions. No vote is required.

3 The first one on the docket is Indiana  
4 Civil Rights Commission/Aisha Rashid versus  
5 Kenneth & Sherry Thompson, Case No. HOha22080395,  
6 submitted to the Commission on July 16th, 2024.

7 The next case is ICRC/Robert Groves versus  
8 Southwind Apartments, LLC & AGM Management, LLC,  
9 Case No. HOha23430169, submitted to the  
10 Commission on August 1st, 2024.

11 And the next case is Matt Brennan versus  
12 FCA US, LLC doing business as Kokomo Engine  
13 Plant, Case No. EMre23090749, submitted to the  
14 Commission on August 15th, 2024. Those are all  
15 of the ALJ Decisions Automatically Confirmed.

16 And that takes us to meeting dates for --  
17 for really the rest of this year. The next  
18 scheduled meeting is on September 16th. Is that  
19 still okay with all of the Commissioners?

20 COMM. SILBERBERG: I won't be here.

21 VICE-CHAIR RAMOS: Comm. Silberberg  
22 will not be here.

23 Comm. Tolliver?

1                   COMM. TOLLIVER:  Yes.

2                   VICE-CHAIR RAMOS:  Comm. Harrington,  
3  can you confirm your schedule as well?

4                   COMM. HARRINGTON:  I'm checking now,  
5  checking the number.  And you said for --

6                   VICE-CHAIR RAMOS:  September 16th.

7                   COMM. HARRINGTON:  -- September?

8  Okay.  We are good.

9                   VICE-CHAIR RAMOS:  Okay.  We have at  
10  least three that we know will be here.  We'll  
11  just have to confirm with Blackburn, Jackson,  
12  and --

13                   MR. LOSTUTTER:  Chair Slash.

14                   MR. FLEISCHHACKER:  Chair Slash.

15                   VICE-CHAIR RAMOS:  Yeah.  We will do  
16  that.  Any other -- do we still have us showing  
17  up in October, November, December?  And at this  
18  point I know that --

19                   COMM. SILBERBERG:  I'm good for  
20  October.

21                   VICE-CHAIR RAMOS:  And how about you,  
22  Comm. Tolliver?

23                   COMM. TOLLIVER:  October's good;

1 November, good; December, good.

2 VICE-CHAIR RAMOS: Okay. My -- I  
3 might have a conflict in November, but that is  
4 not determined yet. No. -- Roman numeral eight  
5 on the list, we don't have any Elections,  
6 Training or Otherwise, so that's -- we'll pass  
7 that.

8 Are there any announcements?

9 (No response.)

10 VICE-CHAIR RAMOS: Hearing none,  
11 we'll move to -- any Public Comment?

12 MR. FLEISCHHACKER: No one signed up  
13 for public comment?

14 MR. LOSTUTTER: No.

15 VICE-CHAIR RAMOS: Hearing no public  
16 comment, then I motion that we adjourn.

17 Thank you all for being here.

18 - - -  
19 Thereupon, the proceedings of  
20 August 19, 2024 were concluded  
21 at 1:45 o'clock p.m.  
22 - - -  
23



## 1 CERTIFICATE

2 I, Lindy L. Meyer, Jr., the undersigned  
3 Court Reporter and Notary Public residing in the  
4 City of Shelbyville, Shelby County, Indiana, do  
5 hereby certify that the foregoing is a true and  
6 correct transcript of the proceedings taken by me  
7 on Monday, August 19, 2024 in this matter and  
8 transcribed by me.

9  
10 A handwritten signature in cursive script that reads "Lindy L. Meyer Jr." is written over a horizontal line.

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

14  
15 My Commission expires August 26, 2032.

16 Commission No. NP0690003  
17  
18  
19  
20  
21  
22  
23

<b>1</b>	<b>400</b> [1] - 8:23 <b>413,000</b> [1] - 9:15 <b>46032</b> [1] - 1:22 <b>46204</b> [1] - 2:8	21:18, 23:5, 28:2, 28:9, 29:20, 30:15 <b>ALJ's</b> [1] - 21:3 <b>Alliance</b> [1] - 27:21 <b>ALSO</b> [1] - 2:14	10:7, 10:10 <b>Aye</b> [1] - 4:10 <b>aye</b> [35] - 4:18, 4:20, 4:22, 12:22, 13:1, 13:3, 13:5, 14:13, 14:15, 14:17, 14:19, 15:21, 15:23, 16:2, 16:4, 20:4, 20:6, 20:8, 20:10, 23:22, 24:1, 24:3, 24:5, 25:9, 25:11, 25:13, 25:15, 26:17, 26:19, 26:21, 26:23, 28:17, 28:19, 28:21, 28:23	11:21, 11:22, 12:9, 13:8, 13:11, 13:15, 14:4, 14:23, 15:2, 15:3, 16:8, 16:10, 16:11, 16:16, 16:18, 17:6, 17:9, 17:11, 17:12, 17:14, 17:16, 17:17, 18:9, 18:10, 18:13, 18:17, 18:21, 18:23, 19:2, 20:13, 20:14, 20:15, 20:23, 21:1, 21:9, 23:3, 23:8, 24:8, 24:12, 24:19, 25:18, 25:20, 27:3, 27:20, 27:22, 29:3, 30:7, 30:9, 30:11
<b>1</b> [2] - 7:10, 8:19 <b>10</b> [1] - 9:10 <b>100</b> [2] - 1:15, 2:8 <b>13th</b> [1] - 21:5 <b>15th</b> [1] - 30:14 <b>165</b> [1] - 7:12 <b>168</b> [1] - 7:12 <b>16th</b> [6] - 17:21, 18:2, 26:1, 30:6, 30:18, 31:6 <b>17th</b> [1] - 5:13 <b>180</b> [1] - 7:11 <b>18th</b> [1] - 5:13 <b>19</b> [5] - 1:5, 1:16, 3:1, 32:19, 33:7 <b>19th</b> [1] - 21:15 <b>1:13</b> [2] - 1:17, 3:1 <b>1:15</b> [1] - 3:3 <b>1:45</b> [1] - 32:19 <b>1st</b> [1] - 30:10	<b>5</b>	<b>amount</b> [2] - 7:18, 9:21 <b>Andria</b> [2] - 20:23, 27:4 <b>announcements</b> [1] - 32:8 <b>annual</b> [3] - 5:12, 7:6, 10:23 <b>answer</b> [1] - 19:8 <b>anticipate</b> [1] - 8:21 <b>Apartments</b> [1] - 30:8 <b>apartments</b> [1] - 13:11 <b>APPEARANCES</b> [1] - 2:1	16:9 <b>amount</b> [2] - 7:18, 9:21 <b>Andria</b> [2] - 20:23, 27:4 <b>announcements</b> [1] - 32:8 <b>annual</b> [3] - 5:12, 7:6, 10:23 <b>answer</b> [1] - 19:8 <b>anticipate</b> [1] - 8:21 <b>Apartments</b> [1] - 30:8 <b>apartments</b> [1] - 13:11 <b>APPEARANCES</b> [1] - 2:1 <b>approval</b> [3] - 3:13, 4:1, 30:1 <b>approve</b> [4] - 4:2, 12:12, 13:20, 15:14 <b>area</b> [2] - 5:15, 6:5 <b>areas</b> [1] - 10:11 <b>argument</b> [2] - 17:10, 29:16 <b>arguments</b> [6] - 11:23, 12:1, 16:16, 18:20, 22:19, 27:17 <b>Armida</b> [1] - 14:23 <b>armour</b> [1] - 17:8 <b>aside</b> [1] - 19:5 <b>assign</b> [8] - 3:16, 17:10, 17:15, 17:18, 18:5, 18:11, 18:15, 18:19 <b>assigned</b> [2] - 13:12, 15:3 <b>assignment</b> [1] - 17:5 <b>association</b> [1] - 17:8 <b>attached</b> [1] - 6:23 <b>attendees</b> [1] - 6:7 <b>attorneys</b> [3] - 22:13, 27:13, 29:13 <b>AUGUST</b> [1] - 1:5 <b>August</b> [10] - 1:16, 3:1, 8:9, 21:5, 29:6, 30:10, 30:14, 32:19, 33:7, 33:15 <b>Authority</b> [1] - 16:20 <b>automatic</b> [1] - 30:1 <b>automatically</b> [3] - 29:21, 29:23, 30:15 <b>Avenue</b> [2] - 1:15, 2:8 <b>averaging</b> [1] - 9:1 <b>Awards</b> [1] - 6:2 <b>awareness</b> [3] - 5:23, 10:7, 10:10 <b>Aye</b> [1] - 4:10 <b>aye</b> [35] - 4:18, 4:20, 4:22, 12:22, 13:1, 13:3, 13:5, 14:13, 14:15, 14:17, 14:19, 15:21, 15:23, 16:2, 16:4, 20:4, 20:6, 20:8, 20:10, 23:22, 24:1, 24:3, 24:5, 25:9, 25:11, 25:13, 25:15, 26:17, 26:19, 26:21, 26:23, 28:17, 28:19, 28:21, 28:23 <b>eyes</b> [9] - 4:23, 13:6, 14:20, 16:5, 20:11, 24:6, 25:16, 27:1, 29:1	17:6, 17:9, 17:11, 17:12, 17:14, 17:16, 17:17, 18:9, 18:10, 18:13, 18:17, 18:21, 18:23, 19:2, 20:13, 20:14, 20:15, 20:23, 21:1, 21:9, 23:3, 23:8, 24:8, 24:12, 24:19, 25:18, 25:20, 27:3, 27:20, 27:22, 29:3, 30:7, 30:9, 30:11 <b>cases</b> [13] - 3:15, 3:16, 7:7, 7:11, 8:2, 8:14, 8:16, 8:22, 9:4, 10:1, 10:3, 11:11, 17:5 <b>Cassandra</b> [1] - 11:21 <b>Castaneda</b> [1] - 15:1 <b>Center</b> [2] - 1:15, 2:7 <b>center</b> [1] - 20:14 <b>certain</b> [1] - 30:2 <b>CERTIFICATE</b> [1] - 33:1 <b>certify</b> [1] - 33:5 <b>CHAIR</b> [60] - 3:3, 3:20, 3:23, 4:5, 4:22, 5:1, 6:18, 10:14, 11:6, 11:9, 11:19, 12:6, 12:8, 12:14, 12:17, 13:5, 13:8, 13:19, 13:22, 14:1, 14:19, 14:22, 15:13, 15:16, 15:18, 16:4, 16:7, 16:14, 17:1, 18:5, 18:8, 19:18, 19:23, 20:10, 20:13, 20:21, 21:8, 23:17, 23:19, 24:5, 24:8, 25:3, 25:6, 25:15, 25:18, 26:12, 26:23, 27:3, 28:13, 28:23, 29:3, 30:21, 31:2, 31:6, 31:9, 31:15, 31:21, 32:2, 32:10, 32:15 <b>chair</b> [3] - 16:15, 28:22, 31:14 <b>Chair</b> [14] - 1:12, 2:3, 4:21, 5:4, 13:4, 14:18, 16:3, 18:12, 20:9, 20:18, 24:4, 25:14, 26:22, 31:13 <b>checking</b> [2] - 31:4, 31:5 <b>Christiana</b> [1] - 2:12 <b>circle</b> [1] - 5:20
<b>2</b>	<b>7</b>	<b>7th</b> [2] - 5:7, 22:4	<b>B</b>	
<b>2-7-9(a)</b> [2] - 23:10, 24:21 <b>2023</b> [1] - 24:13 <b>2024</b> [18] - 1:5, 1:16, 3:1, 9:18, 21:5, 21:15, 22:4, 23:4, 25:21, 26:1, 27:6, 28:1, 29:6, 30:6, 30:10, 30:14, 32:19, 33:7 <b>2032</b> [1] - 33:15 <b>24</b> [1] - 24:14 <b>24th</b> [1] - 25:21 <b>26</b> [1] - 33:15 <b>28th</b> [1] - 5:20 <b>29th</b> [1] - 27:6 <b>2nd</b> [1] - 29:6	<b>8</b>	<b>announcements</b> [1] - 32:8 <b>annual</b> [3] - 5:12, 7:6, 10:23 <b>answer</b> [1] - 19:8 <b>anticipate</b> [1] - 8:21 <b>Apartments</b> [1] - 30:8 <b>apartments</b> [1] - 13:11 <b>APPEARANCES</b> [1] - 2:1 <b>approval</b> [3] - 3:13, 4:1, 30:1 <b>approve</b> [4] - 4:2, 12:12, 13:20, 15:14 <b>area</b> [2] - 5:15, 6:5 <b>areas</b> [1] - 10:11 <b>argument</b> [2] - 17:10, 29:16 <b>arguments</b> [6] - 11:23, 12:1, 16:16, 18:20, 22:19, 27:17 <b>Armida</b> [1] - 14:23 <b>armour</b> [1] - 17:8 <b>aside</b> [1] - 19:5 <b>assign</b> [8] - 3:16, 17:10, 17:15, 17:18, 18:5, 18:11, 18:15, 18:19 <b>assigned</b> [2] - 13:12, 15:3 <b>assignment</b> [1] - 17:5 <b>association</b> [1] - 17:8 <b>attached</b> [1] - 6:23 <b>attendees</b> [1] - 6:7 <b>attorneys</b> [3] - 22:13, 27:13, 29:13 <b>AUGUST</b> [1] - 1:5 <b>August</b> [10] - 1:16, 3:1, 8:9, 21:5, 29:6, 30:10, 30:14, 32:19, 33:7, 33:15 <b>Authority</b> [1] - 16:20 <b>automatic</b> [1] - 30:1 <b>automatically</b> [3] - 29:21, 29:23, 30:15 <b>Avenue</b> [2] - 1:15, 2:8 <b>averaging</b> [1] - 9:1 <b>Awards</b> [1] - 6:2 <b>awareness</b> [3] - 5:23, 10:7, 10:10 <b>Aye</b> [1] - 4:10 <b>aye</b> [35] - 4:18, 4:20, 4:22, 12:22, 13:1, 13:3, 13:5, 14:13, 14:15, 14:17, 14:19, 15:21, 15:23, 16:2, 16:4, 20:4, 20:6, 20:8, 20:10, 23:22, 24:1, 24:3, 24:5, 25:9, 25:11, 25:13, 25:15, 26:17, 26:19, 26:21, 26:23, 28:17, 28:19, 28:21, 28:23 <b>eyes</b> [9] - 4:23, 13:6, 14:20, 16:5, 20:11, 24:6, 25:16, 27:1, 29:1	<b>Babineaux</b> [1] - 17:16 <b>basis</b> [2] - 10:22, 10:23 <b>Baymont</b> [1] - 17:13 <b>becomes</b> [1] - 21:20 <b>BEFORE</b> [1] - 1:1 <b>beginning</b> [1] - 9:3 <b>behalf</b> [1] - 2:9 <b>behind</b> [1] - 11:3 <b>Beth</b> [1] - 27:20 <b>Betty</b> [1] - 13:9 <b>Biggs</b> [1] - 13:9 <b>bit</b> [4] - 9:13, 9:19, 11:3 <b>Blackburn</b> [1] - 31:11 <b>booth</b> [1] - 10:9 <b>Brennan</b> [1] - 30:11 <b>Brittany</b> [1] - 18:23 <b>burden</b> [1] - 27:10 <b>business</b> [6] - 11:10, 17:13, 21:11, 22:2, 27:21, 30:12 <b>busy</b> [2] - 9:5, 22:21	<b>cases</b> [13] - 3:15, 3:16, 7:7, 7:11, 8:2, 8:14, 8:16, 8:22, 9:4, 10:1, 10:3, 11:11, 17:5 <b>Cassandra</b> [1] - 11:21 <b>Castaneda</b> [1] - 15:1 <b>Center</b> [2] - 1:15, 2:7 <b>center</b> [1] - 20:14 <b>certain</b> [1] - 30:2 <b>CERTIFICATE</b> [1] - 33:1 <b>certify</b> [1] - 33:5 <b>CHAIR</b> [60] - 3:3, 3:20, 3:23, 4:5, 4:22, 5:1, 6:18, 10:14, 11:6, 11:9, 11:19, 12:6, 12:8, 12:14, 12:17, 13:5, 13:8, 13:19, 13:22, 14:1, 14:19, 14:22, 15:13, 15:16, 15:18, 16:4, 16:7, 16:14, 17:1, 18:5, 18:8, 19:18, 19:23, 20:10, 20:13, 20:21, 21:8, 23:17, 23:19, 24:5, 24:8, 25:3, 25:6, 25:15, 25:18, 26:12, 26:23, 27:3, 28:13, 28:23, 29:3, 30:21, 31:2, 31:6, 31:9, 31:15, 31:21, 32:2, 32:10, 32:15 <b>chair</b> [3] - 16:15, 28:22, 31:14 <b>Chair</b> [14] - 1:12, 2:3, 4:21, 5:4, 13:4, 14:18, 16:3, 18:12, 20:9, 20:18, 24:4, 25:14, 26:22, 31:13 <b>checking</b> [2] - 31:4, 31:5 <b>Christiana</b> [1] - 2:12 <b>circle</b> [1] - 5:20
<b>3</b>	<b>9</b>	<b>9th</b> [1] - 6:1	<b>C</b>	
<b>2-7-9(a)</b> [2] - 23:10, 24:21 <b>2023</b> [1] - 24:13 <b>2024</b> [18] - 1:5, 1:16, 3:1, 9:18, 21:5, 21:15, 22:4, 23:4, 25:21, 26:1, 27:6, 28:1, 29:6, 30:6, 30:10, 30:14, 32:19, 33:7 <b>2032</b> [1] - 33:15 <b>24</b> [1] - 24:14 <b>24th</b> [1] - 25:21 <b>26</b> [1] - 33:15 <b>28th</b> [1] - 5:20 <b>29th</b> [1] - 27:6 <b>2nd</b> [1] - 29:6	<b>A</b>	<b>approval</b> [3] - 3:13, 4:1, 30:1 <b>approve</b> [4] - 4:2, 12:12, 13:20, 15:14 <b>area</b> [2] - 5:15, 6:5 <b>areas</b> [1] - 10:11 <b>argument</b> [2] - 17:10, 29:16 <b>arguments</b> [6] - 11:23, 12:1, 16:16, 18:20, 22:19, 27:17 <b>Armida</b> [1] - 14:23 <b>armour</b> [1] - 17:8 <b>aside</b> [1] - 19:5 <b>assign</b> [8] - 3:16, 17:10, 17:15, 17:18, 18:5, 18:11, 18:15, 18:19 <b>assigned</b> [2] - 13:12, 15:3 <b>assignment</b> [1] - 17:5 <b>association</b> [1] - 17:8 <b>attached</b> [1] - 6:23 <b>attendees</b> [1] - 6:7 <b>attorneys</b> [3] - 22:13, 27:13, 29:13 <b>AUGUST</b> [1] - 1:5 <b>August</b> [10] - 1:16, 3:1, 8:9, 21:5, 29:6, 30:10, 30:14, 32:19, 33:7, 33:15 <b>Authority</b> [1] - 16:20 <b>automatic</b> [1] - 30:1 <b>automatically</b> [3] - 29:21, 29:23, 30:15 <b>Avenue</b> [2] - 1:15, 2:8 <b>averaging</b> [1] - 9:1 <b>Awards</b> [1] - 6:2 <b>awareness</b> [3] - 5:23, 10:7, 10:10 <b>Aye</b> [1] - 4:10 <b>aye</b> [35] - 4:18, 4:20, 4:22, 12:22, 13:1, 13:3, 13:5, 14:13, 14:15, 14:17, 14:19, 15:21, 15:23, 16:2, 16:4, 20:4, 20:6, 20:8, 20:10, 23:22, 24:1, 24:3, 24:5, 25:9, 25:11, 25:13, 25:15, 26:17, 26:19, 26:21, 26:23, 28:17, 28:19, 28:21, 28:23 <b>eyes</b> [9] - 4:23, 13:6, 14:20, 16:5, 20:11, 24:6, 25:16, 27:1, 29:1	<b>C.O.R.E</b> [1] - 10:8 <b>calendars</b> [1] - 6:23 <b>Camelot</b> [1] - 20:14 <b>capacity</b> [2] - 22:23, 24:9 <b>capital</b> [2] - 23:2, 24:12 <b>captioned</b> [1] - 1:10 <b>care</b> [1] - 20:14 <b>Carmel</b> [1] - 1:22 <b>Case</b> [5] - 21:11, 27:4, 29:5, 30:5, 30:13 <b>case</b> [54] - 7:15, 11:14, 11:21, 11:22, 12:9, 13:8, 13:11, 13:15, 14:4, 14:23, 15:2, 15:3, 16:8, 16:10, 16:11, 16:16, 16:18, 17:6, 17:9, 17:11, 17:12, 17:14, 17:16, 17:17, 18:9, 18:10, 18:13, 18:17, 18:21, 18:23, 19:2, 20:13, 20:14, 20:15, 20:23, 21:1, 21:9, 23:3, 23:8, 24:8, 24:12, 24:19, 25:18, 25:20, 27:3, 27:20, 27:22, 29:3, 30:7, 30:9, 30:11 <b>cases</b> [13] - 3:15, 3:16, 7:7, 7:11, 8:2, 8:14, 8:16, 8:22, 9:4, 10:1, 10:3, 11:11, 17:5 <b>Cassandra</b> [1] - 11:21 <b>Castaneda</b> [1] - 15:1 <b>Center</b> [2] - 1:15, 2:7 <b>center</b> [1] - 20:14 <b>certain</b> [1] - 30:2 <b>CERTIFICATE</b> [1] - 33:1 <b>certify</b> [1] - 33:5 <b>CHAIR</b> [60] - 3:3, 3:20, 3:23, 4:5, 4:22, 5:1, 6:18, 10:14, 11:6, 11:9, 11:19, 12:6, 12:8, 12:14, 12:17, 13:5, 13:8, 13:19, 13:22, 14:1, 14:19, 14:22, 15:13, 15:16, 15:18, 16:4, 16:7, 16:14, 17:1, 18:5, 18:8, 19:18, 19:23, 20:10, 20:13, 20:21, 21:8, 23:17, 23:19, 24:5, 24:8, 25:3, 25:6, 25:15, 25:18, 26:12, 26:23, 27:3, 28:13, 28:23, 29:3, 30:21, 31:2, 31:6, 31:9, 31:15, 31:21, 32:2, 32:10, 32:15 <b>chair</b> [3] - 16:15, 28:22, 31:14 <b>Chair</b> [14] - 1:12, 2:3, 4:21, 5:4, 13:4, 14:18, 16:3, 18:12, 20:9, 20:18, 24:4, 25:14, 26:22, 31:13 <b>checking</b> [2] - 31:4, 31:5 <b>Christiana</b> [1] - 2:12 <b>circle</b> [1] - 5:20	
<b>4</b>	<b>8</b>	<b>8th</b> [2] - 5:7, 22:4	<b>C</b>	
<b>4-21.5-3-29</b> [1] - 21:21 <b>4.21.5-3-27(a)</b> [1] - 21:22	<b>A</b>	<b>able</b> [1] - 18:3 <b>above-captioned</b> [1] - 1:10 <b>accept</b> [1] - 7:1 <b>ACCURATE</b> [1] - 1:21 <b>accuratereportingofi</b> <b>ndiana@gmail.com</b> [1] - 1:23 <b>Act</b> [1] - 15:9 <b>actively</b> [1] - 6:6 <b>activities</b> [1] - 10:7 <b>adjourn</b> [1] - 32:16 <b>Administrative</b> [2] - 27:8, 29:7 <b>administrative</b> [9] - 15:12, 21:3, 21:18, 22:5, 23:9, 24:15, 24:19, 25:22, 27:14 <b>adoption</b> [1] - 30:1 <b>affairs</b> [1] - 6:13 <b>affairs/education</b> [1] - 10:6 <b>affirm</b> [4] - 23:12, 23:14, 23:20, 28:9 <b>affirmation</b> [2] - 24:23, 26:8 <b>affirmed</b> [1] - 21:20 <b>Afuwape</b> [1] - 2:12 <b>agency</b> [3] - 7:17, 9:2, 10:12 <b>agenda</b> [4] - 3:6, 3:9, 11:20, 21:17 <b>aggrieved</b> [1] - 9:17 <b>AGM</b> [1] - 30:8 <b>ALJ</b> [8] - 3:18, 21:13, 21:18, 23:5, 28:2, 28:9, 29:20, 30:15 <b>ALJ's</b> [1] - 21:3 <b>Alliance</b> [1] - 27:21 <b>ALSO</b> [1] - 2:14 <b>Alvarez</b> [2] - 16:8, 16:9 <b>amount</b> [2] - 7:18, 9:21 <b>Andria</b> [2] - 20:23, 27:4 <b>announcements</b> [1] - 32:8 <b>annual</b> [3] - 5:12, 7:6, 10:23 <b>answer</b> [1] - 19:8 <b>anticipate</b> [1] - 8:21 <b>Apartments</b> [1] - 30:8 <b>apartments</b> [1] - 13:11 <b>APPEARANCES</b> [1] - 2:1 <b>approval</b> [3] - 3:13, 4:1, 30:1 <b>approve</b> [4] - 4:2, 12:12, 13:20, 15:14 <b>area</b> [2] - 5:15, 6:5 <b>areas</b> [1] - 10:11 <b>argument</b> [2] - 17:10, 29:16 <b>arguments</b> [6] - 11:23, 12:1, 16:16, 18:20, 22:19, 27:17 <b>Armida</b> [1] - 14:23 <b>armour</b> [1] - 17:8 <b>aside</b> [1] - 19:5 <b>assign</b> [8] - 3:16, 17:10, 17:15, 17:18, 18:5, 18:11, 18:15, 18:19 <b>assigned</b> [2] - 13:12, 15:3 <b>assignment</b> [1] - 17:5 <b>association</b> [1] - 17:8 <b>attached</b> [1] - 6:23 <b>attendees</b> [1] - 6:7 <b>attorneys</b> [3] - 22:13, 27:13, 29:13 <b>AUGUST</b> [1] - 1:5 <b>August</b>		

<p><b>City</b> [1] - 33:4  <b>city</b> [1] - 5:20  <b>CIVIL</b> [2] - 1:2, 2:6  <b>civil</b> [2] - 6:2, 6:5  <b>Civil</b> [7] - 1:11, 3:5, 15:10, 23:1, 24:10, 29:4, 30:4  <b>classes</b> [1] - 10:22  <b>classic</b> [1] - 5:21  <b>close</b> [1] - 8:3  <b>closed</b> [11] - 7:6, 7:11, 7:16, 10:3, 22:17, 23:11, 24:22, 26:7, 27:18, 28:8, 29:18  <b>closures</b> [2] - 9:10, 9:12  <b>Code</b> [1] - 21:21  <b>code</b> [2] - 21:22, 24:21  <b>coming</b> [4] - 5:6, 5:10, 5:13, 9:2  <b>Comm</b> [41] - 3:8, 4:6, 4:9, 4:17, 4:19, 12:18, 12:19, 12:23, 13:2, 13:12, 14:2, 14:12, 14:16, 15:4, 15:20, 15:22, 16:1, 16:22, 17:2, 17:15, 17:19, 18:6, 18:12, 18:16, 20:1, 20:3, 20:5, 20:7, 23:21, 23:23, 24:2, 25:10, 25:12, 26:14, 26:18, 26:20, 28:18, 28:20, 30:23, 31:2, 31:22  <b>comm</b> [8] - 12:21, 14:14, 25:6, 25:8, 26:13, 26:16, 28:16, 30:21  <b>COMM</b> [63] - 4:3, 4:4, 4:10, 4:13, 4:16, 4:18, 4:20, 6:21, 12:13, 12:15, 12:16, 12:22, 13:1, 13:3, 13:13, 13:17, 13:21, 13:23, 14:7, 14:13, 14:15, 14:17, 15:5, 15:15, 15:17, 15:21, 15:23, 16:2, 17:20, 18:3, 18:7, 19:21, 19:22, 20:4, 20:6, 20:8, 23:15, 23:16, 23:18, 23:22, 24:1, 24:3, 25:2, 25:5, 25:9, 25:11, 25:13, 26:10, 26:11, 26:17, 26:19, 26:21, 28:11, 28:12, 28:17, 28:19, 28:21, 30:20, 31:1, 31:4, 31:7, 31:19, 31:23</p>	<p><b>comment</b> [3] - 32:11, 32:13, 32:16  <b>commission</b> [15] - 5:7, 6:9, 18:1, 19:6, 19:13, 21:14, 22:3, 23:4, 24:13, 25:21, 27:5, 28:1, 30:6, 30:10, 30:14  <b>COMMISSION</b> [4] - 1:2, 2:2, 2:6, 2:10  <b>Commission</b> [10] - 1:11, 2:9, 3:5, 5:23, 21:4, 23:1, 24:11, 29:6, 33:15, 33:16  <b>Commission's</b> [1] - 29:23  <b>commission's</b> [2] - 15:8, 15:12  <b>Commission/Aisha</b> [1] - 30:4  <b>Commissioners</b> [1] - 3:7  <b>commissioners</b> [2] - 3:21, 30:19  <b>community</b> [3] - 11:21, 16:20, 18:14  <b>Community</b> [1] - 17:7  <b>Comonic</b> [1] - 17:12  <b>comparable</b> [1] - 7:19  <b>complainant</b> [4] - 13:15, 26:6, 27:9, 27:11  <b>Complainant</b> [6] - 12:3, 19:4, 19:8, 20:17, 21:2, 26:2  <b>complainant's</b> [6] - 21:13, 22:13, 22:16, 28:6, 29:11, 29:12  <b>Complainant's</b> [4] - 22:6, 22:8, 27:13, 29:13  <b>complainants</b> [1] - 9:17  <b>Complainants</b> [1] - 22:11  <b>complaint</b> [5] - 10:16, 22:11, 27:12, 28:6, 29:12  <b>complaint's</b> [1] - 22:15  <b>complaints</b> [4] - 9:1, 9:9, 9:12  <b>concluded</b> [1] - 32:19  <b>conference</b> [1] - 26:1  <b>confirm</b> [2] - 31:3, 31:11  <b>confirmed</b> [3] - 29:21, 29:23, 30:15  <b>conflict</b> [1] - 32:3  <b>connect</b> [1] - 6:13</p>	<p><b>considered</b> [2] - 28:3, 29:8  <b>continue</b> [1] - 20:17  <b>continued</b> [2] - 11:15, 16:12  <b>contract</b> [10] - 7:7, 7:10, 7:16, 7:20, 7:22, 8:2, 8:4, 8:5, 8:18, 8:20  <b>contracts</b> [1] - 7:23  <b>coordinated</b> [1] - 5:19  <b>corporation</b> [3] - 17:17, 18:15, 22:2  <b>Corporation</b> [1] - 21:10  <b>correct</b> [2] - 21:7, 33:6  <b>counsel</b> [4] - 19:4, 23:7, 24:17, 26:2  <b>country</b> [2] - 13:10, 17:22  <b>County</b> [4] - 1:14, 21:10, 22:2, 33:4  <b>county</b> [1] - 13:10  <b>couple</b> [1] - 8:15  <b>course</b> [2] - 9:18, 10:4  <b>Court</b> [1] - 33:3  <b>court</b> [2] - 23:13, 25:1  <b>credited</b> [1] - 8:4  <b>crew</b> [1] - 6:13  <b>crossing</b> [1] - 15:1</p>	<p><b>determined</b> [5] - 22:6, 23:5, 24:16, 27:9, 32:4  <b>determines</b> [1] - 7:16  <b>development</b> [1] - 18:14  <b>Dinner</b> [1] - 6:2  <b>dinner</b> [1] - 6:3  <b>Director</b> [3] - 2:6, 2:7, 22:23  <b>director</b> [2] - 11:7, 24:10  <b>director's</b> [2] - 5:2, 12:10  <b>directors</b> [1] - 3:14  <b>disability</b> [2] - 10:16, 10:21  <b>dismissal</b> [2] - 15:12, 23:13  <b>dismissed</b> [3] - 22:12, 23:9, 24:20  <b>dismisses</b> [2] - 28:6, 29:12  <b>dismissing</b> [1] - 27:12  <b>disposing</b> [1] - 21:19  <b>docket</b> [3] - 11:12, 17:6, 30:3  <b>Dominguez</b> [1] - 25:19  <b>Dominic</b> [1] - 29:5  <b>dominion</b> [1] - 16:10  <b>done</b> [1] - 10:12  <b>down</b> [2] - 9:19, 10:1  <b>Drive</b> [1] - 1:21  <b>due</b> [2] - 27:19, 29:18</p>	<p><b>EMra23100772</b> [1] - 25:20  <b>EMra24040257</b> [1] - 20:15  <b>EMre22110697</b> [1] - 27:23  <b>EMre23090749</b> [1] - 30:13  <b>EMse24010065</b> [1] - 11:14  <b>end</b> [8] - 7:5, 7:6, 8:2, 9:8, 9:18, 9:22, 9:23, 10:2  <b>endeavor</b> [1] - 6:16  <b>ends</b> [2] - 7:21, 8:4  <b>engaged</b> [1] - 5:7  <b>engine</b> [1] - 30:12  <b>entities</b> [1] - 6:10  <b>Eskenazi</b> [2] - 21:11, 22:3  <b>establish</b> [1] - 3:12  <b>evening</b> [1] - 6:17  <b>events</b> [1] - 5:5  <b>evidence</b> [3] - 22:9, 28:3, 29:8  <b>excellent</b> [1] - 6:17  <b>excited</b> [1] - 7:13  <b>Executive</b> [2] - 22:23, 24:10  <b>experiencing</b> [2] - 8:6, 8:10  <b>expires</b> [1] - 33:15  <b>Expo</b> [1] - 5:8  <b>expo</b> [1] - 5:8  <b>Exteriors</b> [1] - 25:19  <b>external</b> [2] - 6:13, 10:6</p>
<b>D</b>				
<p><b>date</b> [3] - 6:22, 7:1, 18:1  <b>dates</b> [1] - 30:16  <b>David</b> [2] - 2:7, 25:19  <b>Days</b> [1] - 5:12  <b>days</b> [1] - 5:17  <b>deadline</b> [1] - 26:5  <b>dean</b> [1] - 15:2  <b>December</b> [2] - 31:17, 32:1  <b>decision</b> [6] - 21:4, 27:14, 27:18, 28:10, 29:14, 29:18  <b>decisions</b> [6] - 3:18, 21:18, 21:23, 29:21, 30:2, 30:15  <b>decline</b> [1] - 7:2  <b>default</b> [3] - 19:6, 26:3, 26:5  <b>Default</b> [1] - 26:8  <b>defer</b> [1] - 20:19  <b>Definite</b> [1] - 20:16  <b>denied</b> [2] - 22:8, 22:9  <b>denies</b> [1] - 29:11  <b>deputy</b> [1] - 11:7  <b>Deputy</b> [2] - 2:7, 15:8  <b>Derrick</b> [1] - 20:14</p>	<p><b>date</b> [3] - 6:22, 7:1, 18:1  <b>dates</b> [1] - 30:16  <b>David</b> [2] - 2:7, 25:19  <b>Days</b> [1] - 5:12  <b>days</b> [1] - 5:17  <b>deadline</b> [1] - 26:5  <b>dean</b> [1] - 15:2  <b>December</b> [2] - 31:17, 32:1  <b>decision</b> [6] - 21:4, 27:14, 27:18, 28:10, 29:14, 29:18  <b>decisions</b> [6] - 3:18, 21:18, 21:23, 29:21, 30:2, 30:15  <b>decline</b> [1] - 7:2  <b>default</b> [3] - 19:6, 26:3, 26:5  <b>Default</b> [1] - 26:8  <b>defer</b> [1] - 20:19  <b>Definite</b> [1] - 20:16  <b>denied</b> [2] - 22:8, 22:9  <b>denies</b> [1] - 29:11  <b>deputy</b> [1] - 11:7  <b>Deputy</b> [2] - 2:7, 15:8  <b>Derrick</b> [1] - 20:14</p>	<p><b>date</b> [3] - 6:22, 7:1, 18:1  <b>dates</b> [1] - 30:16  <b>David</b> [2] - 2:7, 25:19  <b>Days</b> [1] - 5:12  <b>days</b> [1] - 5:17  <b>deadline</b> [1] - 26:5  <b>dean</b> [1] - 15:2  <b>December</b> [2] - 31:17, 32:1  <b>decision</b> [6] - 21:4, 27:14, 27:18, 28:10, 29:14, 29:18  <b>decisions</b> [6] - 3:18, 21:18, 21:23, 29:21, 30:2, 30:15  <b>decline</b> [1] - 7:2  <b>default</b> [3] - 19:6, 26:3, 26:5  <b>Default</b> [1] - 26:8  <b>defer</b> [1] - 20:19  <b>Definite</b> [1] - 20:16  <b>denied</b> [2] - 22:8, 22:9  <b>denies</b> [1] - 29:11  <b>deputy</b> [1] - 11:7  <b>Deputy</b> [2] - 2:7, 15:8  <b>Derrick</b> [1] - 20:14</p>	<p><b>education</b> [1] - 10:10  <b>EEOC</b> [4] - 7:20, 7:23, 8:6, 8:13  <b>Effects</b> [1] - 18:18  <b>eight</b> [1] - 32:4  <b>Eighteen</b> [2] - 23:2, 24:12  <b>either</b> [1] - 6:11  <b>Election</b> [2] - 23:6, 24:16  <b>elections</b> [1] - 32:5  <b>EMAIL</b> [1] - 1:23  <b>EMha23010070</b> [1] - 11:22  <b>EMno23070604</b> [1] - 16:11  <b>employees</b> [1] - 8:8  <b>employment</b> [3] - 8:22, 9:1, 9:4  <b>EMra23050462</b> [1] - 18:19  <b>EMra23060578</b> [1] - 17:14</p>	<p><b>E</b></p>
<b>E</b>				
<p><b>education</b> [1] - 10:10  <b>EEOC</b> [4] - 7:20, 7:23, 8:6, 8:13  <b>Effects</b> [1] - 18:18  <b>eight</b> [1] - 32:4  <b>Eighteen</b> [2] - 23:2, 24:12  <b>either</b> [1] - 6:11  <b>Election</b> [2] - 23:6, 24:16  <b>elections</b> [1] - 32:5  <b>EMAIL</b> [1] - 1:23  <b>EMha23010070</b> [1] - 11:22  <b>EMno23070604</b> [1] - 16:11  <b>employees</b> [1] - 8:8  <b>employment</b> [3] - 8:22, 9:1, 9:4  <b>EMra23050462</b> [1] - 18:19  <b>EMra23060578</b> [1] - 17:14</p>	<p><b>education</b> [1] - 10:10  <b>EEOC</b> [4] - 7:20, 7:23, 8:6, 8:13  <b>Effects</b> [1] - 18:18  <b>eight</b> [1] - 32:4  <b>Eighteen</b> [2] - 23:2, 24:12  <b>either</b> [1] - 6:11  <b>Election</b> [2] - 23:6, 24:16  <b>elections</b> [1] - 32:5  <b>EMAIL</b> [1] - 1:23  <b>EMha23010070</b> [1] - 11:22  <b>EMno23070604</b> [1] - 16:11  <b>employees</b> [1] - 8:8  <b>employment</b> [3] - 8:22, 9:1, 9:4  <b>EMra23050462</b> [1] - 18:19  <b>EMra23060578</b> [1] - 17:14</p>	<p><b>education</b> [1] - 10:10  <b>EEOC</b> [4] - 7:20, 7:23, 8:6, 8:13  <b>Effects</b> [1] - 18:18  <b>eight</b> [1] - 32:4  <b>Eighteen</b> [2] - 23:2, 24:12  <b>either</b> [1] - 6:11  <b>Election</b> [2] - 23:6, 24:16  <b>elections</b> [1] - 32:5  <b>EMAIL</b> [1] - 1:23  <b>EMha23010070</b> [1] - 11:22  <b>EMno23070604</b> [1] - 16:11  <b>employees</b> [1] - 8:8  <b>employment</b> [3] - 8:22, 9:1, 9:4  <b>EMra23050462</b> [1] - 18:19  <b>EMra23060578</b> [1] - 17:14</p>	<p><b>E</b></p>	<p><b>F</b></p>
<p><b>failed</b> [2] - 26:4, 27:10  <b>fair</b> [1] - 15:9  <b>Fair</b> [1] - 10:9  <b>fairgrounds</b> [1] - 5:9  <b>far</b> [8] - 6:11, 7:20, 7:23, 9:3, 9:6, 9:8, 9:16, 10:4  <b>farm</b> [1] - 17:7  <b>favor</b> [1] - 27:11  <b>FCA</b> [1] - 30:12  <b>festivities</b> [1] - 5:22  <b>few</b> [1] - 11:1  <b>file</b> [2] - 27:15, 29:15  <b>filed</b> [10] - 21:4, 21:14, 22:13, 22:15, 22:18, 23:7, 24:17, 26:4, 27:13, 29:13  <b>files</b> [1] - 21:12  <b>filing</b> [2] - 20:15, 21:2  <b>filings</b> [2] - 3:17, 17:4</p>	<p><b>failed</b> [2] - 26:4, 27:10  <b>fair</b> [1] - 15:9  <b>Fair</b> [1] - 10:9  <b>fairgrounds</b> [1] - 5:9  <b>far</b> [8] - 6:11, 7:20, 7:23, 9:3, 9:6, 9:8, 9:16, 10:4  <b>farm</b> [1] - 17:7  <b>favor</b> [1] - 27:11  <b>FCA</b> [1] - 30:12  <b>festivities</b> [1] - 5:22  <b>few</b> [1] - 11:1  <b>file</b> [2] - 27:15, 29:15  <b>filed</b> [10] - 21:4, 21:14, 22:13, 22:15, 22:18, 23:7, 24:17, 26:4, 27:13, 29:13  <b>files</b> [1] - 21:12  <b>filing</b> [2] - 20:15, 21:2  <b>filings</b> [2] - 3:17, 17:4</p>	<p><b>failed</b> [2] - 26:4, 27:10  <b>fair</b> [1] - 15:9  <b>Fair</b> [1] - 10:9  <b>fairgrounds</b> [1] - 5:9  <b>far</b> [8] - 6:11, 7:20, 7:23, 9:3, 9:6, 9:8, 9:16, 10:4  <b>farm</b> [1] - 17:7  <b>favor</b> [1] - 27:11  <b>FCA</b> [1] - 30:12  <b>festivities</b> [1] - 5:22  <b>few</b> [1] - 11:1  <b>file</b> [2] - 27:15, 29:15  <b>filed</b> [10] - 21:4, 21:14, 22:13, 22:15, 22:18, 23:7, 24:17, 26:4, 27:13, 29:13  <b>files</b> [1] - 21:12  <b>filing</b> [2] - 20:15, 21:2  <b>filings</b> [2] - 3:17, 17:4</p>	<p><b>F</b></p>	<p><b>failed</b> [2] - 26:4, 27:10  <b>fair</b> [1] - 15:9  <b>Fair</b> [1] - 10:9  <b>fairgrounds</b> [1] - 5:9  <b>far</b> [8] - 6:11, 7:20, 7:23, 9:3, 9:6, 9:8, 9:16, 10:4  <b>farm</b> [1] - 17:7  <b>favor</b> [1] - 27:11  <b>FCA</b> [1] - 30:12  <b>festivities</b> [1] - 5:22  <b>few</b> [1] - 11:1  <b>file</b> [2] - 27:15, 29:15  <b>filed</b> [10] - 21:4, 21:14, 22:13, 22:15, 22:18, 23:7, 24:17, 26:4, 27:13, 29:13  <b>files</b> [1] - 21:12  <b>filing</b> [2] - 20:15, 21:2  <b>filings</b> [2] - 3:17, 17:4</p>
<b>F</b>				
<p><b>failed</b> [2] - 26:4, 27:10  <b>fair</b> [1] - 15:9  <b>Fair</b> [1] - 10:9  <b>fairgrounds</b> [1] - 5:9  <b>far</b> [8] - 6:11, 7:20, 7:23, 9:3, 9:6, 9:8, 9:16, 10:4  <b>farm</b> [1] - 17:7  <b>favor</b> [1] - 27:11  <b>FCA</b> [1] - 30:12  <b>festivities</b> [1] - 5:22  <b>few</b> [1] - 11:1  <b>file</b> [2] - 27:15, 29:15  <b>filed</b> [10] - 21:4, 21:14, 22:13, 22:15, 22:18, 23:7, 24:17, 26:4, 27:13, 29:13  <b>files</b> [1] - 21:12  <b>filing</b> [2] - 20:15, 21:2  <b>filings</b> [2] - 3:17, 17:4</p>	<p><b>failed</b> [2] - 26:4, 27:10  <b>fair</b> [1] - 15:9  <b>Fair</b> [1] - 10:9  <b>fairgrounds</b> [1] - 5:9  <b>far</b> [8] - 6:11, 7:20, 7:23, 9:3, 9:6, 9:8, 9:16, 10:4  <b>farm</b> [1] - 17:7  <b>favor</b> [1] - 27:11  <b>FCA</b> [1] - 30:12  <b>festivities</b> [1] - 5:22  <b>few</b> [1] - 11:1  <b>file</b> [2] - 27:15, 29:15  <b>filed</b> [10] - 21:4, 21:14, 22:13, 22:15, 22:18, 23:7, 24:17, 26:4, 27:13, 29:13  <b>files</b> [1] - 21:12  <b>filing</b> [2] - 20:15, 21:2  <b>filings</b> [2] - 3:17, 17:4</p>	<p><b>failed</b> [2] - 26:4, 27:10  <b>fair</b> [1] - 15:9  <b>Fair</b> [1] - 10:9  <b>fairgrounds</b> [1] - 5:9  <b>far</b> [8] - 6:11, 7:20, 7:23, 9:3, 9:6, 9:8, 9:16, 10:4  <b>farm</b> [1] - 17:7  <b>favor</b> [1] - 27:11  <b>FCA</b> [1] - 30:12  <b>festivities</b> [1] - 5:22  <b>few</b> [1] - 11:1  <b>file</b> [2] - 27:15, 29:15  <b>filed</b> [10] - 21:4, 21:14, 22:13, 22:15, 22:18, 23:7, 24:17, 26:4, 27:13, 29:13  <b>files</b> [1] - 21:12  <b>filing</b> [2] - 20:15, 21:2  <b>filings</b> [2] - 3:17, 17:4</p>	<p><b>F</b></p>	<p><b>failed</b> [2] - 26:4, 27:10  <b>fair</b> [1] - 15:9  <b>Fair</b> [1] - 10:9  <b>fairgrounds</b> [1] - 5:9  <b>far</b> [8] - 6:11, 7:20, 7:23, 9:3, 9:6, 9:8, 9:16, 10:4  <b>farm</b> [1] - 17:7  <b>favor</b> [1] - 27:11  <b>FCA</b> [1] - 30:12  <b>festivities</b> [1] - 5:22  <b>few</b> [1] - 11:1  <b>file</b> [2] - 27:15, 29:15  <b>filed</b> [10] - 21:4, 21:14, 22:13, 22:15, 22:18, 23:7, 24:17, 26:4, 27:13, 29:13  <b>files</b> [1] - 21:12  <b>filing</b> [2] - 20:15, 21:2  <b>filings</b> [2] - 3:17, 17:4</p>

<p><b>final</b> [2] - 3:19, 21:20  <b>finalize</b> [1] - 7:9  <b>finalizing</b> [1] - 7:14  <b>financial</b> [1] - 8:10  <b>financially</b> [1] - 7:15  <b>findings</b> [3] - 12:10, 13:18, 18:23  <b>first</b> [5] - 11:12, 15:6, 15:7, 17:5, 30:3  <b>flat</b> [1] - 9:14  <b>FLEISCHHACKER</b> [9] - 5:3, 6:20, 7:3, 10:20, 14:3, 19:16, 20:20, 31:14, 32:12  <b>Fleischhacker</b> [1] - 2:7  <b>foregoing</b> [1] - 33:5  <b>forum</b> [2] - 23:9, 24:19  <b>forward</b> [1] - 6:18  <b>foundation</b> [1] - 15:1  <b>four</b> [8] - 13:7, 14:21, 16:6, 20:12, 24:7, 25:17, 27:2, 29:2  <b>four-nothing</b> [7] - 13:7, 16:6, 20:12, 24:7, 25:17, 27:2, 29:2  <b>Franciscan</b> [2] - 27:21, 27:22  <b>Freight</b> [1] - 16:10  <b>funding</b> [1] - 7:17  <b>funds</b> [1] - 9:15  <b>furloough</b> [1] - 8:9  <b>future</b> [1] - 5:6</p>	<p>15:20, 18:6, 20:3, 23:20, 23:21, 25:8, 26:16, 28:16, 31:2  <b>HARRINGTON</b> [18] - 4:10, 6:21, 12:16, 12:22, 13:23, 14:13, 14:17, 15:17, 15:21, 18:7, 20:4, 23:18, 23:22, 25:9, 26:17, 28:17, 31:4, 31:7  <b>Harris</b> [1] - 29:4  <b>Haute</b> [1] - 16:19  <b>head</b> [1] - 20:20  <b>health</b> [6] - 5:8, 11:21, 21:11, 22:1, 22:3, 27:22  <b>Health</b> [1] - 21:9  <b>hear</b> [2] - 3:15, 4:10  <b>hearing</b> [3] - 3:23, 32:10, 32:15  <b>Heartland</b> [1] - 15:1  <b>held</b> [1] - 7:1  <b>hereby</b> [2] - 22:12, 33:5  <b>Hernandez</b> [1] - 19:1  <b>higher</b> [1] - 10:18  <b>highest</b> [1] - 10:21  <b>Hodges</b> [1] - 2:12  <b>HOfs24020112</b> [1] - 16:21  <b>HOha22080395</b> [1] - 30:5  <b>HOha23120943</b> [1] - 17:18  <b>HOha23120944</b> [1] - 13:11  <b>HOha23430169</b> [1] - 30:9  <b>HOha24030155</b> [1] - 18:15  <b>HOha24040284</b> [1] - 18:11  <b>hold</b> [1] - 6:22  <b>Holli</b> [1] - 2:3  <b>HOno240100006</b> [1] - 17:9  <b>HOra21040110</b> [1] - 29:5  <b>HOra23100779</b> [1] - 15:3  <b>HOra23100795</b> [1] - 23:3  <b>HOra23100796</b> [1] - 24:12  <b>hospital</b> [2] - 21:10, 22:1  <b>Hospitality</b> [1] - 17:13  <b>hosting</b> [1] - 6:2  <b>housing</b> [5] - 7:7, 14:4, 15:9, 16:19,</p>	<p>18:14  <b>HUD</b> [1] - 7:6  <b>humming</b> [1] - 10:4  <b>hundred</b> [1] - 8:16</p>	<p style="text-align: center;"><b>I</b></p>	<p><b>IAC</b> [2] - 23:10, 24:21  <b>ICRC</b> [2] - 3:14, 8:17  <b>ICRC/Robert</b> [1] - 30:7  <b>impact</b> [1] - 6:5  <b>Inc</b> [7] - 11:13, 11:22, 13:9, 16:10, 17:13, 25:19, 27:21  <b>increase</b> [2] - 7:12, 8:18  <b>INDIANA</b> [3] - 1:1, 1:21, 2:6  <b>Indiana</b> [20] - 1:10, 1:13, 1:14, 1:16, 1:22, 2:7, 2:8, 3:5, 5:8, 15:9, 15:10, 18:14, 21:21, 23:1, 24:10, 29:4, 30:3, 33:4, 33:13  <b>Indianapolis</b> [5] - 1:16, 2:8, 23:2, 24:11, 27:22  <b>indicates</b> [1] - 19:10  <b>individuals</b> [3] - 6:4, 6:9, 9:21  <b>information</b> [1] - 19:9  <b>inquiries</b> [2] - 9:9, 9:13  <b>Insurance</b> [1] - 11:13  <b>intends</b> [1] - 8:13  <b>inventory</b> [1] - 8:23  <b>issued</b> [1] - 26:3  <b>issues</b> [3] - 12:11, 14:8, 15:6  <b>Item</b> [1] - 21:17  <b>item</b> [3] - 11:10, 11:20, 22:22</p>	<p style="text-align: center;"><b>L</b></p>	<p><b>lack</b> [1] - 9:4  <b>landing</b> [1] - 5:15  <b>large</b> [1] - 6:3  <b>large-scale</b> [1] - 6:3  <b>last</b> [4] - 9:11, 9:20, 10:17, 16:18  <b>Latino</b> [1] - 5:8  <b>Laughter</b> [1] - 4:15  <b>law</b> [7] - 15:11, 19:9, 21:18, 22:5, 24:15, 25:22, 29:7  <b>Law</b> [1] - 27:8  <b>least</b> [2] - 8:16, 31:10  <b>level</b> [1] - 10:18  <b>Lewis</b> [1] - 13:9  <b>liability</b> [1] - 22:8  <b>Lindy</b> [3] - 1:12, 33:2, 33:11  <b>line</b> [1] - 16:10  <b>list</b> [2] - 16:18, 32:5  <b>litigation</b> [2] - 10:1, 10:3  <b>LLC</b> [9] - 1:21, 13:10, 17:8, 18:18, 23:2, 24:11, 30:8, 30:12  <b>Lockport</b> [1] - 16:20  <b>looking</b> [1] - 8:15  <b>lost</b> [1] - 17:7  <b>Lostutter</b> [1] - 2:11  <b>LOSTUTTER</b> [58] - 3:11, 4:8, 4:12, 4:17,</p>	<p style="text-align: center;"><b>J</b></p>	<p><b>Jackson</b> [4] - 16:22, 17:2, 18:16, 31:11  <b>James</b> [2] - 2:12, 15:2  <b>job</b> [1] - 10:14  <b>John</b> [1] - 17:7  <b>Johnson</b> [1] - 16:19  <b>Jr</b> [3] - 1:12, 33:2, 33:11  <b>Judge</b> [1] - 27:8  <b>judge</b> [4] - 22:5, 24:15, 25:22, 29:7  <b>judge's</b> [1] - 21:19  <b>judgment</b> [6] - 22:7, 22:10, 22:14, 28:5,</p>	<p>29:10, 29:11  <b>Judith</b> [1] - 18:13  <b>July</b> [14] - 7:5, 7:10, 9:8, 9:18, 9:23, 10:2, 21:15, 23:4, 24:13, 25:21, 26:1, 27:6, 28:1, 30:6  <b>June</b> [3] - 7:6, 7:11, 22:4</p>	<p style="text-align: center;"><b>K</b></p>	<p><b>Kay</b> [1] - 17:7  <b>Kazmierczak</b> [1] - 2:15  <b>keep</b> [1] - 9:5  <b>Kenneth</b> [1] - 30:5  <b>Khanna</b> [1] - 18:10  <b>kind</b> [6] - 6:8, 7:17, 8:1, 10:23, 11:3, 11:5  <b>King</b> [1] - 15:2  <b>King</b> [1] - 15:2  <b>knowledge</b> [1] - 12:2  <b>Kokomo</b> [1] - 30:12  <b>Kris</b> [1] - 2:15</p>	<p style="text-align: center;"><b>L</b></p>	<p><b>lack</b> [1] - 9:4  <b>landing</b> [1] - 5:15  <b>large</b> [1] - 6:3  <b>large-scale</b> [1] - 6:3  <b>last</b> [4] - 9:11, 9:20, 10:17, 16:18  <b>Latino</b> [1] - 5:8  <b>Laughter</b> [1] - 4:15  <b>law</b> [7] - 15:11, 19:9, 21:18, 22:5, 24:15, 25:22, 29:7  <b>Law</b> [1] - 27:8  <b>least</b> [2] - 8:16, 31:10  <b>level</b> [1] - 10:18  <b>Lewis</b> [1] - 13:9  <b>liability</b> [1] - 22:8  <b>Lindy</b> [3] - 1:12, 33:2, 33:11  <b>line</b> [1] - 16:10  <b>list</b> [2] - 16:18, 32:5  <b>litigation</b> [2] - 10:1, 10:3  <b>LLC</b> [9] - 1:21, 13:10, 17:8, 18:18, 23:2, 24:11, 30:8, 30:12  <b>Lockport</b> [1] - 16:20  <b>looking</b> [1] - 8:15  <b>lost</b> [1] - 17:7  <b>Lostutter</b> [1] - 2:11  <b>LOSTUTTER</b> [58] - 3:11, 4:8, 4:12, 4:17,</p>	<p>4:19, 4:21, 4:23, 11:18, 12:2, 12:7, 12:21, 12:23, 13:2, 13:4, 13:6, 13:14, 14:10, 14:14, 14:16, 14:18, 14:20, 15:20, 15:22, 16:1, 16:3, 16:5, 16:13, 16:23, 17:23, 19:17, 20:3, 20:5, 20:7, 20:9, 20:11, 21:7, 23:21, 23:23, 24:2, 24:4, 24:6, 25:8, 25:10, 25:12, 25:14, 25:16, 26:16, 26:18, 26:20, 26:22, 27:1, 28:16, 28:18, 28:20, 28:22, 29:1, 31:13, 32:14  <b>love</b> [1] - 6:15</p>	<p style="text-align: center;"><b>M</b></p>	<p><b>Madaan</b> [1] - 18:10  <b>management</b> [3] - 17:8, 17:17, 30:8  <b>mandating</b> [1] - 8:8  <b>manner</b> [1] - 19:11  <b>Marion</b> [2] - 21:10, 22:2  <b>Marsh</b> [1] - 11:13  <b>Mary</b> [2] - 17:6, 27:20  <b>Matt</b> [1] - 30:11  <b>matter</b> [22] - 1:10, 22:6, 22:17, 22:19, 23:5, 23:7, 23:11, 24:16, 24:18, 24:22, 25:23, 26:7, 27:9, 27:17, 27:18, 27:19, 28:2, 28:7, 29:8, 29:17, 29:18, 33:7  <b>max</b> [1] - 14:23  <b>means</b> [1] - 7:14  <b>meet</b> [1] - 27:10  <b>meeting</b> [7] - 3:4, 4:1, 17:21, 18:1, 22:20, 30:16, 30:18  <b>MEETING</b> [1] - 1:5  <b>Mejia</b> [2] - 16:8, 16:9  <b>MEMBERS</b> [1] - 2:2  <b>mention</b> [1] - 10:8  <b>met</b> [1] - 7:22  <b>metrics</b> [1] - 9:6  <b>Meyer</b> [3] - 1:12, 33:2, 33:11  <b>MFRD4</b> [1] - 13:10  <b>Michael</b> [1] - 2:11  <b>might</b> [2] - 6:10, 32:3  <b>Millar</b> [1] - 18:9  <b>Miller</b> [2] - 21:1, 27:4  <b>mind</b> [1] - 8:3</p>
<p style="text-align: center;"><b>G</b></p>	<p><b>Gabrielle</b> [1] - 18:9  <b>Garcia</b> [1] - 17:7  <b>Gaurav</b> [1] - 18:10  <b>Gerald</b> [2] - 21:9, 22:1  <b>Government</b> [2] - 1:14, 2:7  <b>granted</b> [2] - 22:11, 28:4  <b>grants</b> [1] - 29:9  <b>great</b> [1] - 10:14  <b>Gregory</b> [3] - 2:6, 22:22, 24:9  <b>Griesinger</b> [1] - 11:13  <b>ground</b> [1] - 18:18  <b>group</b> [2] - 23:2, 24:12  <b>groves</b> [1] - 30:7  <b>guess</b> [1] - 8:12</p>	<p style="text-align: center;"><b>J</b></p>	<p><b>Jackson</b> [4] - 16:22, 17:2, 18:16, 31:11  <b>James</b> [2] - 2:12, 15:2  <b>job</b> [1] - 10:14  <b>John</b> [1] - 17:7  <b>Johnson</b> [1] - 16:19  <b>Jr</b> [3] - 1:12, 33:2, 33:11  <b>Judge</b> [1] - 27:8  <b>judge</b> [4] - 22:5, 24:15, 25:22, 29:7  <b>judge's</b> [1] - 21:19  <b>judgment</b> [6] - 22:7, 22:10, 22:14, 28:5,</p>	<p><b>lack</b> [1] - 9:4  <b>landing</b> [1] - 5:15  <b>large</b> [1] - 6:3  <b>large-scale</b> [1] - 6:3  <b>last</b> [4] - 9:11, 9:20, 10:17, 16:18  <b>Latino</b> [1] - 5:8  <b>Laughter</b> [1] - 4:15  <b>law</b> [7] - 15:11, 19:9, 21:18, 22:5, 24:15, 25:22, 29:7  <b>Law</b> [1] - 27:8  <b>least</b> [2] - 8:16, 31:10  <b>level</b> [1] - 10:18  <b>Lewis</b> [1] - 13:9  <b>liability</b> [1] - 22:8  <b>Lindy</b> [3] - 1:12, 33:2, 33:11  <b>line</b> [1] - 16:10  <b>list</b> [2] - 16:18, 32:5  <b>litigation</b> [2] - 10:1, 10:3  <b>LLC</b> [9] - 1:21, 13:10, 17:8, 18:18, 23:2, 24:11, 30:8, 30:12  <b>Lockport</b> [1] - 16:20  <b>looking</b> [1] - 8:15  <b>lost</b> [1] - 17:7  <b>Lostutter</b> [1] - 2:11  <b>LOSTUTTER</b> [58] - 3:11, 4:8, 4:12, 4:17,</p>	<p><b>max</b> [1] - 14:23  <b>means</b> [1] - 7:14  <b>meet</b> [1] - 27:10  <b>meeting</b> [7] - 3:4, 4:1, 17:21, 18:1, 22:20, 30:16, 30:18  <b>MEETING</b> [1] - 1:5  <b>Mejia</b> [2] - 16:8, 16:9  <b>MEMBERS</b> [1] - 2:2  <b>mention</b> [1] - 10:8  <b>met</b> [1] - 7:22  <b>metrics</b> [1] - 9:6  <b>Meyer</b> [3] - 1:12, 33:2, 33:11  <b>MFRD4</b> [1] - 13:10  <b>Michael</b> [1] - 2:11  <b>might</b> [2] - 6:10, 32:3  <b>Millar</b> [1] - 18:9  <b>Miller</b> [2] - 21:1, 27:4  <b>mind</b> [1] - 8:3</p>											
<p style="text-align: center;"><b>H</b></p>	<p><b>Harrington</b> [16] - 2:3, 3:8, 4:9, 12:19, 12:21, 14:2, 14:12,</p>	<p style="text-align: center;"><b>J</b></p>	<p><b>Jackson</b> [4] - 16:22, 17:2, 18:16, 31:11  <b>James</b> [2] - 2:12, 15:2  <b>job</b> [1] - 10:14  <b>John</b> [1] - 17:7  <b>Johnson</b> [1] - 16:19  <b>Jr</b> [3] - 1:12, 33:2, 33:11  <b>Judge</b> [1] - 27:8  <b>judge</b> [4] - 22:5, 24:15, 25:22, 29:7  <b>judge's</b> [1] - 21:19  <b>judgment</b> [6] - 22:7, 22:10, 22:14, 28:5,</p>	<p><b>lack</b> [1] - 9:4  <b>landing</b> [1] - 5:15  <b>large</b> [1] - 6:3  <b>large-scale</b> [1] - 6:3  <b>last</b> [4] - 9:11, 9:20, 10:17, 16:18  <b>Latino</b> [1] - 5:8  <b>Laughter</b> [1] - 4:15  <b>law</b> [7] - 15:11, 19:9, 21:18, 22:5, 24:15, 25:22, 29:7  <b>Law</b> [1] - 27:8  <b>least</b> [2] - 8:16, 31:10  <b>level</b> [1] - 10:18  <b>Lewis</b> [1] - 13:9  <b>liability</b> [1] - 22:8  <b>Lindy</b> [3] - 1:12, 33:2, 33:11  <b>line</b> [1] - 16:10  <b>list</b> [2] - 16:18, 32:5  <b>litigation</b> [2] - 10:1, 10:3  <b>LLC</b> [9] - 1:21, 13:10, 17:8, 18:18, 23:2, 24:11, 30:8, 30:12  <b>Lockport</b> [1] - 16:20  <b>looking</b> [1] - 8:15  <b>lost</b> [1] - 17:7  <b>Lostutter</b> [1] - 2:11  <b>LOSTUTTER</b> [58] - 3:11, 4:8, 4:12, 4:17,</p>	<p><b>max</b> [1] - 14:23  <b>means</b> [1] - 7:14  <b>meet</b> [1] - 27:10  <b>meeting</b> [7] - 3:4, 4:1, 17:21, 18:1, 22:20, 30:16, 30:18  <b>MEETING</b> [1] - 1:5  <b>Mejia</b> [2] - 16:8, 16:9  <b>MEMBERS</b> [1] - 2:2  <b>mention</b> [1] - 10:8  <b>met</b> [1] - 7:22  <b>metrics</b> [1] - 9:6  <b>Meyer</b> [3] - 1:12, 33:2, 33:11  <b>MFRD4</b> [1] - 13:10  <b>Michael</b> [1] - 2:11  <b>might</b> [2] - 6:10, 32:3  <b>Millar</b> [1] - 18:9  <b>Miller</b> [2] - 21:1, 27:4  <b>mind</b> [1] - 8:3</p>											

<p><b>minutes</b> [2] - 3:13, 4:2  <b>Missy</b> [1] - 13:9  <b>ML</b> [2] - 23:1, 24:11  <b>Monday</b> [2] - 1:16, 33:7  <b>month</b> [8] - 7:8, 9:1, 9:23, 10:17, 11:15, 16:12, 17:3, 20:18  <b>Moss</b> [1] - 20:23  <b>moss</b> [1] - 27:4  <b>motion</b> [27] - 4:2, 4:5, 12:11, 12:18, 13:19, 15:14, 19:14, 19:19, 19:23, 20:16, 20:19, 22:7, 22:8, 22:10, 23:12, 23:14, 25:1, 26:9, 26:14, 26:15, 28:5, 28:9, 28:13, 29:10, 29:11, 29:14, 32:16  <b>motions</b> [6] - 3:17, 11:16, 16:15, 17:4, 18:22, 25:4  <b>Mott</b> [1] - 27:20  <b>move</b> [3] - 11:10, 17:3, 32:11  <b>moved</b> [11] - 4:3, 12:13, 13:21, 15:15, 16:17, 19:21, 23:15, 25:2, 26:10, 26:12, 28:11  <b>moves</b> [3] - 18:22, 19:5, 23:13  <b>moving</b> [3] - 23:8, 24:18, 24:23  <b>MR</b> [67] - 3:11, 4:8, 4:12, 4:17, 4:19, 4:21, 4:23, 5:3, 6:20, 7:3, 10:20, 11:18, 12:2, 12:7, 12:21, 12:23, 13:2, 13:4, 13:6, 13:14, 14:3, 14:10, 14:14, 14:16, 14:18, 14:20, 15:20, 15:22, 16:1, 16:3, 16:5, 16:13, 16:23, 17:23, 19:16, 19:17, 20:3, 20:5, 20:7, 20:9, 20:11, 20:20, 21:7, 23:21, 23:23, 24:2, 24:4, 24:6, 25:8, 25:10, 25:12, 25:14, 25:16, 26:16, 26:18, 26:20, 26:22, 27:1, 28:16, 28:18, 28:20, 28:22, 29:1, 31:13, 31:14, 32:12, 32:14</p>	<p style="text-align: center;"><b>N</b></p> <p><b>N300</b> [2] - 1:15, 2:8  <b>near</b> [1] - 5:6  <b>need</b> [26] - 4:2, 4:7, 10:8, 12:11, 12:14, 13:19, 13:22, 15:14, 15:16, 16:14, 19:14, 19:19, 20:1, 20:19, 23:12, 23:14, 23:17, 24:23, 25:1, 25:4, 25:7, 26:8, 26:9, 26:15, 28:9, 28:14  <b>neighborhood</b> [1] - 5:15  <b>network</b> [1] - 11:22  <b>new</b> [3] - 3:16, 8:3, 17:5  <b>next</b> [35] - 5:2, 7:8, 8:5, 8:15, 8:19, 8:20, 11:9, 11:15, 11:20, 13:8, 14:23, 16:8, 16:12, 17:3, 17:12, 17:16, 17:21, 17:23, 18:1, 18:9, 18:13, 18:17, 20:13, 20:18, 20:23, 21:9, 22:22, 24:8, 25:18, 27:3, 27:20, 29:3, 30:7, 30:11, 30:17  <b>none</b> [2] - 3:23, 32:10  <b>nonfinal</b> [3] - 21:3, 27:14, 30:2  <b>normally</b> [1] - 10:15  <b>North</b> [4] - 1:15, 2:7, 2:8  <b>Northeast</b> [1] - 5:14  <b>Notary</b> [3] - 1:13, 33:3, 33:12  <b>nothing</b> [8] - 13:7, 14:21, 16:6, 20:12, 24:7, 25:17, 27:2, 29:2  <b>notice</b> [3] - 23:6, 24:16, 26:3  <b>notice/finding</b> [1] - 19:5  <b>noticed</b> [1] - 10:15  <b>notified</b> [2] - 12:6, 12:7  <b>November</b> [3] - 31:17, 32:1, 32:3  <b>NP0690003</b> [1] - 33:16  <b>Number</b> [2] - 17:14, 23:3  <b>number</b> [9] - 5:5, 8:14, 9:8, 9:9, 11:22, 16:10, 27:22, 31:5  <b>numbers</b> [1] - 7:9  <b>numeral</b> [1] - 32:4</p>	<p style="text-align: center;"><b>O</b></p> <p><b>o'clock</b> [3] - 1:17, 3:1, 32:19  <b>objection</b> [16] - 21:3, 21:13, 22:14, 22:15, 22:16, 22:17, 23:10, 24:21, 26:6, 27:13, 27:16, 27:17, 28:7, 29:16, 29:17  <b>objections</b> [1] - 22:18  <b>obtained</b> [1] - 9:15  <b>October</b> [4] - 6:1, 8:19, 31:17, 31:20  <b>October's</b> [1] - 31:23  <b>OF</b> [3] - 1:1, 1:5, 1:21  <b>official</b> [1] - 24:9  <b>old</b> [2] - 11:10, 16:9  <b>Olynger</b> [1] - 17:17  <b>on-site</b> [1] - 3:7  <b>one</b> [7] - 8:9, 11:5, 11:12, 15:11, 18:4, 30:3, 32:12  <b>one-day</b> [1] - 8:9  <b>ones</b> [1] - 3:16  <b>open</b> [1] - 9:23  <b>opposition</b> [1] - 21:13  <b>oral</b> [7] - 11:23, 16:16, 17:10, 18:20, 22:19, 27:16, 29:16  <b>order</b> [9] - 3:4, 14:4, 19:6, 21:14, 21:19, 21:20, 26:4, 26:6, 30:1  <b>Order</b> [1] - 26:9  <b>orders</b> [2] - 3:19, 21:18  <b>Orders</b> [1] - 3:18  <b>originally</b> [1] - 19:7  <b>OTHER</b> [1] - 2:10  <b>otherwise</b> [1] - 32:6</p>	<p><b>partners</b> [1] - 6:11  <b>PAse23070631</b> [1] - 19:2  <b>pass</b> [1] - 32:6  <b>past</b> [1] - 7:19  <b>Paul</b> [1] - 11:13  <b>percent</b> [1] - 9:11  <b>percentage</b> [1] - 11:1  <b>period</b> [12] - 7:7, 7:10, 8:2, 8:4, 8:5, 8:20, 22:17, 23:11, 24:21, 26:7, 28:7, 29:17  <b>persons</b> [1] - 9:17  <b>phenomenon</b> [1] - 10:18  <b>Pitzel</b> [1] - 29:5  <b>place</b> [1] - 11:3  <b>planning</b> [2] - 5:18, 6:6  <b>plant</b> [1] - 30:13  <b>point</b> [6] - 9:5, 9:11, 9:20, 10:2, 14:3, 31:18  <b>Pointe</b> [1] - 1:21  <b>points</b> [1] - 11:2  <b>Ponds</b> [1] - 1:21  <b>Pony</b> [1] - 19:1  <b>prejudice</b> [6] - 22:12, 23:10, 24:20, 27:12, 28:6, 29:13  <b>present</b> [1] - 26:2  <b>PRESENT</b> [2] - 2:10, 2:14  <b>presented</b> [2] - 28:4, 29:9  <b>pretty</b> [4] - 7:22, 9:7, 9:9, 9:14  <b>previous</b> [3] - 3:13, 4:1, 13:14  <b>primary</b> [1] - 10:16  <b>probable</b> [5] - 12:11, 13:18, 14:5, 15:10  <b>proceedings</b> [3] - 21:19, 32:18, 33:6  <b>PROCEEDINGS</b> [1] - 1:9  <b>processing</b> [1] - 7:23  <b>proof</b> [1] - 27:10  <b>property</b> [1] - 17:8  <b>proposed</b> [1] - 26:3  <b>protected</b> [1] - 10:22  <b>provided</b> [4] - 19:8, 19:9, 19:10  <b>public</b> [3] - 32:11, 32:13, 32:15  <b>PUBLIC</b> [1] - 1:5  <b>Public</b> [3] - 1:13, 33:3, 33:12  <b>purchase</b> [1] - 6:15  <b>put</b> [1] - 8:2</p>	<p style="text-align: center;"><b>Q</b></p> <p><b>questions</b> [2] - 3:20, 11:7  <b>quorum</b> [3] - 3:7, 3:9, 3:12</p>
				<p style="text-align: center;"><b>R</b></p> <p><b>race</b> [1] - 10:17  <b>Race</b> [1] - 10:21  <b>raising</b> [2] - 5:23, 10:10  <b>Ramos</b> [12] - 1:11, 2:3, 4:21, 5:4, 13:4, 14:18, 16:3, 20:9, 24:4, 25:14, 26:22, 28:22  <b>RAMOS</b> [60] - 3:3, 3:20, 3:23, 4:5, 4:22, 5:1, 6:18, 10:14, 11:6, 11:9, 11:19, 12:6, 12:8, 12:14, 12:17, 13:5, 13:8, 13:19, 13:22, 14:1, 14:19, 14:22, 15:13, 15:16, 15:18, 16:4, 16:7, 16:14, 17:1, 18:5, 18:8, 19:18, 19:23, 20:10, 20:13, 20:21, 21:8, 23:17, 23:19, 24:5, 24:8, 25:3, 25:6, 25:15, 25:18, 26:12, 26:23, 27:3, 28:13, 28:23, 29:3, 30:21, 31:2, 31:6, 31:9, 31:15, 31:21, 32:2, 32:10, 32:15  <b>range</b> [1] - 11:1  <b>Rashid</b> [1] - 30:4  <b>reach</b> [1] - 6:14  <b>read</b> [1] - 19:2  <b>reading</b> [3] - 3:18, 27:6, 29:22  <b>really</b> [2] - 29:22, 30:17  <b>reasonable</b> [2] - 14:6, 15:9  <b>received</b> [1] - 7:19  <b>receives</b> [1] - 7:17  <b>recognizing</b> [1] - 6:4  <b>recommend</b> [3] - 12:9, 15:7, 19:11  <b>recommendation</b> [2] - 17:2, 19:19  <b>record</b> [3] - 3:19, 27:7, 29:22  <b>recovery</b> [1] - 9:20  <b>regular</b> [1] - 10:22</p>
		<p style="text-align: center;"><b>P</b></p> <p><b>p.m</b> [3] - 1:17, 3:1, 32:19  <b>package</b> [1] - 6:19  <b>packet</b> [1] - 6:23  <b>PAHa21110432</b> [2] - 21:2, 27:5  <b>PAHa22010026</b> [1] - 21:12  <b>palmer</b> [1] - 11:21  <b>parade</b> [1] - 5:21  <b>park</b> [2] - 5:14, 5:16  <b>partial</b> [1] - 22:7  <b>participating</b> [1] - 5:21  <b>particular</b> [1] - 11:4  <b>parties</b> [2] - 28:4, 29:9</p>		

<p>relief [1] - 9:16 remand [2] - 19:12, 19:19 remote [1] - 2:3 report [1] - 5:2 Reporter [1] - 33:3 REPORTING [1] - 1:21 representatives [2] - 12:4, 13:16 requesting [1] - 17:10 required [5] - 21:5, 21:15, 21:22, 22:20, 30:2 requirements [1] - 7:22 residing [1] - 33:3 respectfully [1] - 19:4 Respondent [5] - 12:3, 13:15, 20:15, 21:12, 27:11 respondent's [1] - 23:6 Respondent's [4] - 22:10, 24:17, 28:5, 29:10 respondents [2] - 19:7, 29:14 Respondents [2] - 22:14, 27:15 response [7] - 3:22, 11:8, 21:12, 26:4, 27:15, 29:15, 32:9 rest [1] - 30:17 resulting [1] - 26:5 review [4] - 3:17, 19:12, 20:18, 21:17 rights [4] - 6:2, 6:5, 15:10, 23:1 RIGHTS [2] - 1:2, 2:6 Rights [4] - 1:11, 3:5, 24:10, 30:4 rights/Christine [1] - 29:4 road [1] - 16:20 roll [10] - 4:7, 12:20, 14:1, 14:11, 15:19, 20:2, 23:20, 25:7, 26:15, 28:15 Roman [1] - 32:4 Room [2] - 1:15, 2:8 Rowe [2] - 21:9, 22:1 rules [1] - 27:10 run [1] - 17:7 runs [1] - 7:10</p>	<p>16:19 save [1] - 6:22 saw [1] - 8:7 scale [1] - 6:3 schedule [1] - 31:3 scheduled [3] - 22:19, 25:23, 30:18 Scott [1] - 19:1 second [19] - 4:4, 12:14, 12:15, 12:16, 13:22, 13:23, 15:16, 15:17, 19:22, 23:16, 23:17, 23:18, 23:19, 25:4, 25:5, 26:11, 28:12, 28:14 secondary [1] - 5:16 seconded [3] - 4:6, 20:1, 26:14 seconds [2] - 12:19, 25:7 see [2] - 4:13, 10:22 Senate [2] - 1:15, 2:8 send [1] - 6:22 senior [1] - 13:10 September [11] - 5:7, 5:13, 5:20, 7:21, 8:19, 18:2, 22:20, 22:21, 30:18, 31:6, 31:7 service [1] - 5:12 set [5] - 5:19, 11:23, 19:5, 27:16, 29:16 settlement [2] - 9:15, 9:16 seven [2] - 3:16, 26:5 seven-day [1] - 26:5 several [1] - 17:6 sex [1] - 11:2 Shawler [1] - 13:9 Shelby [2] - 1:14, 33:4 Shelbyville [1] - 33:4 Sherry [1] - 30:5 Shield [1] - 25:19 shook [1] - 20:20 shorter [1] - 17:12 showing [1] - 31:16 Shweta [1] - 18:10 sic [6] - 14:23, 18:23, 22:7, 27:17, 28:5, 29:14 side [1] - 10:7 sides [1] - 22:18 signed [1] - 32:12 SILBERBERG [24] - 4:4, 4:18, 12:13, 13:1, 13:13, 13:17, 14:7, 14:15, 15:15, 15:23, 17:20, 18:3, 19:22, 20:6, 23:16, 24:1, 25:2, 25:11,</p>	<p>26:11, 26:19, 28:12, 28:19, 30:20, 31:19 Silberberg [19] - 2:4, 4:6, 4:17, 12:18, 12:23, 13:12, 14:14, 15:22, 17:19, 20:1, 20:5, 23:23, 25:3, 25:10, 26:14, 26:18, 28:14, 28:18, 30:21 site [1] - 3:7 six [1] - 3:14 Slash [3] - 18:12, 20:18, 31:14 slash [1] - 31:13 Slash's [1] - 16:16 sorry [4] - 14:8, 24:14, 26:13 southern [1] - 18:14 southwind [1] - 30:8 specific [1] - 20:16 sponsor [3] - 6:15, 6:19, 6:23 sponsors [2] - 6:7, 6:11 Sr [2] - 22:22, 24:9 STAFF [1] - 2:10 staff [1] - 10:13 stages [2] - 5:18, 6:6 STATE [1] - 1:1 state [2] - 23:13, 25:1 State [3] - 1:13, 10:9, 33:13 statement [1] - 20:16 status [1] - 26:1 staying [1] - 9:7 steady [1] - 9:7 Steven [2] - 1:11, 2:3 still [4] - 9:20, 29:15, 30:19, 31:16 strike [1] - 22:9 stuff [1] - 6:8 submitted [10] - 22:3, 23:3, 24:13, 25:20, 27:5, 27:23, 29:5, 30:6, 30:9, 30:13 subsequently [1] - 8:18 successful [2] - 23:8, 24:18 Sue [1] - 2:4 summary [6] - 22:7, 22:10, 22:14, 28:5, 29:10, 29:11 sway [1] - 11:5</p>	<p>TELEPHONE [1] - 1:22 telephonic [1] - 25:23 tend [1] - 10:21 Terre [1] - 16:19 Terry [1] - 2:4 testimony [2] - 28:3, 29:9 that'll [1] - 4:1 THE [1] - 1:1 Therese [1] - 18:17 Thereupon [1] - 32:18 third [2] - 11:2, 15:11 Thompson [1] - 30:5 three [3] - 3:7, 15:6, 31:10 thumbs [1] - 4:14 thumbs-up [1] - 4:14 timely [3] - 19:11, 23:7, 24:18 today [1] - 11:23 TOLLIVER [21] - 4:3, 4:13, 4:16, 4:20, 12:15, 13:3, 13:21, 15:5, 16:2, 19:21, 20:8, 23:15, 24:3, 25:5, 25:13, 26:10, 26:21, 28:11, 28:21, 31:1, 31:23 Tolliver [18] - 2:4, 4:6, 13:2, 14:16, 15:4, 16:1, 17:15, 19:23, 20:7, 24:2, 25:6, 25:12, 26:13, 26:20, 28:14, 28:20, 30:23, 31:22 tolliver [1] - 4:19 tough [1] - 8:7 training [1] - 32:6 transcribed [1] - 33:8 transcript [1] - 33:6 transfer [1] - 8:14 transferred [1] - 8:17 transportation [1] - 27:4 Transportation [1] - 21:1 troubles [1] - 8:10 true [2] - 19:15, 33:5 two [4] - 5:17, 10:21, 14:8, 15:7 typically [2] - 10:23, 11:2 Tyrone [1] - 15:2</p>	<p>33:2 unpaid [1] - 8:9 up [9] - 4:14, 5:6, 5:11, 5:13, 5:19, 9:13, 31:17, 32:12 uphold [4] - 12:10, 13:18, 15:7, 15:11 uptick [1] - 10:15 US [1] - 30:12</p>
<b>S</b>		<b>T</b>	<b>U</b>	<b>V</b>
<p>Samuel [1] - 15:2 Sarah [2] - 11:12,</p>	<p>24:1, 25:2, 25:11,</p>	<p>table [1] - 6:12 tables [1] - 6:16 talks [1] - 8:13</p>	<p>under [5] - 7:16, 15:9, 15:10, 21:20, 29:23 undersigned [1] -</p>	<p>vacate [1] - 19:5 versus [26] - 11:13, 11:21, 13:9, 15:1, 16:9, 16:19, 17:7, 17:12, 17:16, 18:10, 18:13, 18:18, 19:1, 20:14, 21:1, 21:9, 22:1, 23:1, 24:11, 25:19, 27:4, 27:20, 29:4, 30:4, 30:7, 30:11 Vice [12] - 1:12, 2:3, 4:21, 5:4, 13:4, 14:18, 16:3, 20:9, 24:4, 25:14, 26:22, 28:22 VICE [60] - 3:3, 3:20, 3:23, 4:5, 4:22, 5:1, 6:18, 10:14, 11:6, 11:9, 11:19, 12:6, 12:8, 12:14, 12:17, 13:5, 13:8, 13:19, 13:22, 14:1, 14:19, 14:22, 15:13, 15:16, 15:18, 16:4, 16:7, 16:14, 17:1, 18:5, 18:8, 19:18, 19:23, 20:10, 20:13, 20:21, 21:8, 23:17, 23:19, 24:5, 24:8, 25:3, 25:6, 25:15, 25:18, 26:12, 26:23, 27:3, 28:13, 28:23, 29:3, 30:21, 31:2, 31:6, 31:9, 31:15, 31:21, 32:2, 32:10, 32:15 Vice-chair [12] - 1:12, 2:3, 4:21, 5:4, 13:4, 14:18, 16:3, 20:9, 24:4, 25:14, 26:22, 28:22 VICE-CHAIR [60] - 3:3, 3:20, 3:23, 4:5, 4:22, 5:1, 6:18, 10:14, 11:6, 11:9, 11:19, 12:6, 12:8, 12:14, 12:17, 13:5, 13:8, 13:19, 13:22, 14:1,</p>

14:19, 14:22, 15:13,  
 15:16, 15:18, 16:4,  
 16:7, 16:14, 17:1,  
 18:5, 18:8, 19:18,  
 19:23, 20:10, 20:13,  
 20:21, 21:8, 23:17,  
 23:19, 24:5, 24:8,  
 25:3, 25:6, 25:15,  
 25:18, 26:12, 26:23,  
 27:3, 28:13, 28:23,  
 29:3, 30:21, 31:2,  
 31:6, 31:9, 31:15,  
 31:21, 32:2, 32:10,  
 32:15

**view** <sup>[2]</sup> - 13:10

**virtual** <sup>[1]</sup> - 3:8

**vote** <sup>[5]</sup> - 14:5, 21:5,  
 21:15, 22:20, 30:2

**votes** <sup>[1]</sup> - 21:22

## W

**Watkins** <sup>[1]</sup> - 5:14

**Wednesday** <sup>[1]</sup> - 6:1

**weeks** <sup>[1]</sup> - 8:15

**Whitsett** <sup>[1]</sup> - 18:17

**Wilberburn** <sup>[1]</sup> - 19:1

**William** <sup>[1]</sup> - 17:16

**Williams** <sup>[1]</sup> - 18:13

**Wilson** <sup>[3]</sup> - 2:6,

22:22, 24:9

**winterburn** <sup>[1]</sup> - 19:2

**Wyndham** <sup>[1]</sup> - 17:14

## Y

**year** <sup>[9]</sup> - 7:12, 7:13,  
 8:11, 8:19, 9:4, 9:11,  
 9:20, 10:4, 30:17

**years** <sup>[1]</sup> - 7:19

**young** <sup>[1]</sup> - 20:14

**Yovanis** <sup>[1]</sup> - 16:8