

BEFORE THE STATE OF INDIANA  
CIVIL RIGHTS COMMISSION

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INDIANA  
CIVIL RIGHTS COMMISSION

PUBLIC MEETING OF JANUARY 27, 2012

ORIGINAL

PROCEEDINGS

in the above-captioned matter, before the Indiana  
Civil Rights Commission, Alpha Blackburn,  
Chairperson, taken before me, Lindy L. Meyer,  
Jr., a Notary Public in and for the State of  
Indiana, County of Shelby, at the Indiana  
Government Center South, Conference Center,  
Room 22, 402 West Washington Street,  
Indianapolis, Indiana, on Friday, January 27,  
2012 at 12:58 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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APPEARANCES :

COMMISSION MEMBERS :

- Alpha Blackburn, Chairperson
- David C. Carter
- John E. Garcia
- Barry Baynard
- Tehiji G. Crenshaw
- Steven A. Ramos
- Charles D. Gidney

INDIANA CIVIL RIGHTS COMMISSION  
 By Jamal Smith, Director/Secretary  
 & Joshua Brewster, Dep. Director  
 Indiana Government Center North  
 100 North Senate Avenue, Room N103  
 Indianapolis, Indiana 46204  
 On behalf of the Commission.

OTHER COMMISSION STAFF PRESENT :

- Robert D. Lange
- Pamela Cook
- Melissa Deering

ALSO PRESENT :

- Jody Butts
- Jeff Moore
- Robin Clay
- Chris Wyant

- - -

12:58 o'clock p.m.  
January 27, 2012

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CHAIRPERSON BLACKBURN: Good  
afternoon. The Indiana Civil Rights Commission  
is now in session, and having established a  
quorum, are ready.

I would like a motion to approve the  
minutes of the last meeting.

COMM. GARCIA: So moved.

COMM. CARTER: Second.

CHAIRPERSON BLACKBURN: All in favor?

COMM. CARTER: Aye.

COMM. CRENSHAW: Aye.

COMM. BAYNARD: Aye.

COMM. GARCIA: Aye.

COMM. RAMOS: Aye.

COMM. GIDNEY: Aye.

CHAIRPERSON BLACKBURN: Anyone  
opposed?

(No response.)

CHAIRPERSON BLACKBURN: Thank you.

You have also a financial report from  
Pamela Cook. Are there any questions?

1 MS. COOK: The only --

2 CHAIRPERSON BLACKBURN: Any comments?

3 MS. COOK: The only thing I'd like to  
4 highlight in the financial report is on page 3,  
5 regarding our operating account. For the first  
6 time in a very long time we received, under  
7 "Revenue," \$400 for mediation services in the  
8 case of Dwayne Barundo verses Buckeye Check  
9 Cashing that was doing business as Checksmart.  
10 It's been quite some time since we've received  
11 those type of funds.

12 CHAIRPERSON BLACKBURN: Okay.

13 MS. COOK: Also, from last month's  
14 meeting, Comm. Baynard had inquired about the  
15 personnel costs, whether they were a flat rate or  
16 had gone down since June of 2005. I did some  
17 research on this since that was prior to me being  
18 here, and I saw that in 2005 the agency had a  
19 total of 44 employees. The current status is 29,  
20 so through regular attrition and the agency's  
21 restructuring, we recognized -- or realized a  
22 significant cost savings in our personnel costs.

23 And also, Mr. Smith had also asked what

1 all of our personnel costs entail. It includes  
2 the actual employee salaries, the employer's  
3 portion of the Social Security, health insurance,  
4 the life insurance, our retirement fund  
5 contributions, as well as our payment for our  
6 compensation awards.

7 If there are any questions, I'd like to  
8 entertain those at this time.

9 CHAIRPERSON BLACKBURN: Are there any  
10 questions?

11 COMM. BAYNARD: No.

12 And thank you for the additional  
13 information.

14 MS. COOK: Okay.

15 CHAIRPERSON BLACKBURN: May I have a  
16 motion to accept the report?

17 COMM. RAMOS: So moved.

18 COMM. CARTER: Second.

19 CHAIRPERSON BLACKBURN: All in favor?

20 COMM. CARTER: Aye.

21 COMM. CRENSHAW: Aye.

22 COMM. BAYNARD: Aye.

23 COMM. GARCIA: Aye.

1                   COMM. RAMOS: Aye.

2                   COMM. GIDNEY: Aye.

3                   CHAIRPERSON BLACKBURN: Thank you  
4 very much.

5                   Old Business. Report from Commissioners  
6 on Complaint Appeals. Regarding the three cases  
7 which you have listed in your agenda, the second  
8 two, as indicated on your agenda, I have  
9 recommended that those cases be reserved. They  
10 are Jeff Moore versus Creek Side Mobile Home, and  
11 Angela Washington versus Prompt Ambulance.

12                   In the case of Brian James versus Ivy Tech  
13 Community College of Indiana, I recommend we  
14 uphold the finding of no probable cause. May I  
15 have a motion to approve that suggestion?

16                   COMM. CRENSHAW: So moved.

17                   COMM. CARTER: Second.

18                   CHAIRPERSON BLACKBURN: And all in  
19 favor?

20                   COMM. CARTER: Aye.

21                   COMM. CRENSHAW: Aye.

22                   COMM. BAYNARD: Aye.

23                   COMM. GARCIA: Aye.

1                   COMM. RAMOS: Aye.

2                   COMM. GIDNEY: Aye.

3                   CHAIRPERSON BLACKBURN: Anyone

4 opposed?

5                               (No response.)

6                   CHAIRPERSON BLACKBURN: Thank you.

7                   Comm. Baynard?

8                   COMM. BAYNARD: Yes, Madam Chair. In

9 the case of Ben Bambo versus National College, I

10 would recommend to the Commission that we uphold

11 the Deputy Director's finding of no probable

12 cause.

13                   CHAIRPERSON BLACKBURN: May I have a

14 motion to accept that recommendation?

15                   COMM. CARTER: So moved.

16                   COMM. CRENSHAW: Second.

17                   CHAIRPERSON BLACKBURN: All in favor?

18                   COMM. CARTER: Aye.

19                   COMM. CRENSHAW: Aye.

20                   COMM. BAYNARD: Aye.

21                   COMM. GARCIA: Aye.

22                   COMM. RAMOS: Aye.

23                   COMM. GIDNEY: Aye.

1                   CHAIRPERSON BLACKBURN:  Anyone  
2  opposed?

3                                   (No response.)

4                   CHAIRPERSON BLACKBURN:  Thank you.

5                   MR. BREWSTER:  Madam Chair, if I may,  
6  I just wanted to make you aware that we do have  
7  attorneys here on the Jeff Moore matter,  
8  Respondent's attorney, and also the Complainant.  
9  I believe they did want to make a comment on  
10 that.  They have filed written objections, but  
11 they did want to appear today to make comment, if  
12 you would allow that.  I just wanted to make you  
13 aware.

14                   CHAIRPERSON BLACKBURN:  I would be  
15 glad to allow it --

16                   MR. BREWSTER:  Okay.

17                   CHAIRPERSON BLACKBURN:  -- as long as  
18 it's timely.

19                   MR. BREWSTER:  Sure.

20                   CHAIRPERSON BLACKBURN:  And we'll do  
21 that as soon as we've completed this.

22                   MR. BREWSTER:  Okay.  And the same  
23 goes for Complainant in another case that I don't



1 believe was yours, but was recommended for  
2 reversal, so --

3 CHAIRPERSON BLACKBURN: All right.  
4 Who else?

5 MR. BREWSTER: I believe that's the  
6 case versus -- it was Ms. Crenshaw's --

7 COMM. CRENSHAW: Fullington verses  
8 Crump --

9 MR. BREWSTER: Yes, Crump --

10 COMM. CRENSHAW: -- Claudeen Crump.

11 MR. BREWSTER: -- case, that's right.

12 CHAIRPERSON BLACKBURN: All right.

13 Comm. Carter?

14 COMM. CARTER: Okay. Did we not vote  
15 on -- two of these cases I think I made my  
16 recommendation last month, but in any case, on  
17 all three cases, I recommend that we uphold the  
18 no probable cause finding.

19 CHAIRPERSON BLACKBURN: May I have a  
20 motion to accept --

21 COMM. RAMOS: So moved.

22 CHAIRPERSON BLACKBURN: -- that  
23 recommendation?

1                   COMM. RAMOS:   So moved.

2                   COMM. CRENSHAW:   Second.

3                   CHAIRPERSON BLACKBURN:   Anyone  
4 opposed?

5                                   (No response.)

6                   CHAIRPERSON BLACKBURN:   Thank you.  
7                   Comm. Crenshaw?

8                   COMM. CRENSHAW:   The case of Samantha  
9 Kennedy versus The Original Spaghetti & Sub  
10 House, I make a recommendation we uphold the  
11 Deputy Director's finding of no probable cause.

12                   In the case of Larry Fullington versus  
13 Claudeen Crump, I'd like to make a recommendation  
14 of intent to reverse to -- it's probable cause.

15                   And then Joseph Crump -- Joseph Marcum  
16 versus Claudeen Crump, I'd like to make a  
17 recommendation to -- intent to reverse to  
18 probable cause.

19                   CHAIRPERSON BLACKBURN:   Thank you.  
20 In the case of Samantha Kennedy versus the  
21 Original Spaghetti & Sub House, may I have a  
22 motion to accept that recommendation?

23                   COMM. BAYNARD:   So moved.

1                   COMM. CARTER:    Second.

2                   CHAIRPERSON BLACKBURN:  All in favor?

3                   COMM. CARTER:    Aye.

4                   COMM. CRENSHAW:  Aye.

5                   COMM. BAYNARD:   Aye.

6                   COMM. GARCIA:    Aye.

7                   COMM. RAMOS:     Aye.

8                   COMM. GIDNEY:    Aye.

9                   CHAIRPERSON BLACKBURN:  Anyone

10  opposed?

11                                    (No response.)

12                   CHAIRPERSON BLACKBURN:  Thank you.

13                   Comm. Garcia?

14                   COMM. GARCIA:    In the case of Philip

15  Britt versus The Clubs doing business as Club

16  Indianapolis, I recommend that the Commission

17  adopt the Deputy Director's finding of no

18  probable cause.

19                   CHAIRPERSON BLACKBURN:  May I have a

20  motion to accept that recommendation?

21                   COMM. CARTER:    So moved.

22                   COMM. BAYNARD:   Second.

23                   CHAIRPERSON BLACKBURN:  All in favor?

1                   COMM. CARTER: Aye.

2                   COMM. CRENSHAW: Aye.

3                   COMM. BAYNARD: Aye.

4                   COMM. GARCIA: Aye.

5                   COMM. RAMOS: Aye.

6                   COMM. GIDNEY: Aye.

7                   CHAIRPERSON BLACKBURN: Anyone

8 opposed?

9                                   (No response.)

10                   CHAIRPERSON BLACKBURN: Thank you.

11                   Comm. Gidney?

12                   COMM. GIDNEY: Okay. I do not have a  
13 report on this particular case. I believe that  
14 it's listed in error, because I don't recall ever  
15 having this to review.

16                   MS. DEERING: Okay. I will check  
17 into that.

18                   COMM. GIDNEY: Okay.

19                   CHAIRPERSON BLACKBURN: All right.

20 Thank you very much for that.

21                   Comm. Ramos?

22                   COMM. RAMOS: In the case of Jeffery  
23 White versus School City of East Chicago, I

1 request additional time to review that case.

2 CHAIRPERSON BLACKBURN: Okay. Thank  
3 you very much.

4 Before we go on to New Business, so that  
5 we don't hold our guests too long, we have people  
6 who want to speak to the case of Jeff Moore  
7 versus Creek Side Mobile Home. If you would come  
8 to the microphone and identify yourself for the  
9 record.

10 MS. BUTTS: Good afternoon. My name  
11 is Jody Butts, and I represent Creek Side Mobile  
12 Home Park. I appreciate the opportunity to  
13 speak, and I'll keep this very brief.

14 Just to give you a little background on  
15 Creek Side, there's approximately 60 lots with  
16 eight vacancies, and of the 52 tenants that are  
17 currently residing there, we believe that eight  
18 may possibly have disabilities, and of those  
19 eight, two have wheelchair ramps.

20 And the issue that is pressing in this  
21 matter today is whether Mr. Moore was denied a  
22 reasonable accommodation for his disability. And  
23 this all started back in October -- around

1     October 21st of 2010. The owner of Creek Side  
2     sent several tenants action notes for the removal  
3     of various items from their property.

4             One of these action notes went to  
5     Mr. Moore. The first time he received a note, it  
6     was for the removal of a blue truck from his  
7     property, and this was pursuant to Section 7 of  
8     the lease, which states that "The general  
9     appearance of the exterior of your home and lot  
10    must be kept clean and neat," and this truck had  
11    not been used, and it was also blocking access  
12    for other tenants to access their lots.

13            Mr. Moore at that time refused to remove  
14    the truck, and so then in November, probably the  
15    middle of November of 2010, the owner sent  
16    Mr. Moore another note requesting that he remove  
17    the truck, an old swing set, and also an old  
18    rusty lift. The lift was very degraded, it  
19    didn't look like it had been used in a long time,  
20    it didn't look like it could be used, and at that  
21    time she also sent a notice to vacate if those  
22    items were not removed within three days.

23            Mr. Moore complied, and at the time of his

1 compliance, he neither mentioned that he was  
2 disabled, that he was in need of a reasonable  
3 accommodation, that he used the lift, that he  
4 needed the lift, and in fact, the first time that  
5 the owner of Creek Side was aware that Mr. Moore  
6 might be disabled was when this complaint was  
7 filed on May 11th, 2011.

8           And according to the law, in order to  
9 prevail on his claim, Mr. Moore must prove that  
10 he has a physical or mental impairment that  
11 substantially limits a major life activity; that  
12 Creek Side knew, or should have known, that  
13 Mr. Moore required a reasonable accommodation;  
14 Mr. Moore requested a reasonable accommodation;  
15 and that Creek Side denied or unreasonably  
16 delayed the request for a reasonable  
17 accommodation.

18           While Mr. Moore might be able to meet the  
19 first prong, he's unable for meet the last three.  
20 Creek Side had no way of knowing that he was ever  
21 disabled. There was numerous occasions when he  
22 had called in or came in, and at no point did he  
23 mention that he was in need of a lift, that he

1 was disabled, that anyone who lived at the lot  
2 was disabled. We just had no way of knowing.  
3 And he at no point requested a reasonable  
4 accommodation.

5 So, Creek Side would respectfully request  
6 that the intent to reverse be denied and that the  
7 initial finding of no probable cause be upheld.

8 CHAIRPERSON BLACKBURN: Thank you.

9 Is there someone here speaking in  
10 opposition?

11 MR. MOORE: Yes. I told Sondra Sells  
12 in October of 2010 that we needed the wheelchair  
13 lift, and she ignored it. So, don't say she  
14 wasn't told. She was told.

15 (Discussion off the record.)

16 MR. MOORE: Yeah, it also operates.  
17 Now, I have a video right here in this bag, if  
18 you want to see it in operation. We took it just  
19 before we had it removed.

20 CHAIRPERSON BLACKBURN: I have a  
21 question regarding that. You say you have -- the  
22 lift that she says was asked to be removed is the  
23 one that you were using?



1 MR. MOORE: Yes.

2 CHAIRPERSON BLACKBURN: Okay.

3 Okay. I -- my understanding of this case,  
4 including the comments having just been made, has  
5 not in any way convinced me that I -- intent to  
6 reverse should be reconsidered. Thank you so  
7 much, however, for making your presentation here.

8 Do we have someone speaking for or against  
9 another case?

10 Yes.

11 MS. CLAY: Yes.

12 CHAIRPERSON BLACKBURN: All right.

13 MS. CLAY: Hello. My name is Robin  
14 Clay, and I'm the attorney for Larry Fullington  
15 and Joseph Marcum, as two complaints where a  
16 notice of intent to reverse has been submitted on  
17 those cases. There was an original finding of no  
18 probable cause, and the Commissioner recommended  
19 to reverse those findings.

20 So, I just wanted to say in support of her  
21 recommendation that the Respondent submitted  
22 objections to her notice of intent to reverse,  
23 and in response to that, we just wanted to say

1 that the evidence, in our opinion, is clear that  
2 there was actually discrimination, discrimination  
3 based on the AIDS status of my clients.

4 My clients are two same-sex partners who  
5 live together, one of them that is a person who's  
6 living with AIDS. He disclosed his status later  
7 on in his tenancy to the owners, and in the  
8 objections they recognized that they were aware  
9 of his condition.

10 Once she -- our -- of course, our position  
11 is that once he found out his condition, she  
12 moved to evict him based on the fact that he was  
13 a person living with AIDS, and in fact made a  
14 discriminatory comment and said, "Are you living  
15 with that horrible disease?"

16 And in response to their -- well, in  
17 defense of their position, the Respondent  
18 submitted that the eviction was based on  
19 nonpayment of rent and different police runs that  
20 were made to the property.

21 However, we submitted evidence that  
22 nonpayment of rent was not a factor in the  
23 eviction and that the eviction was just a

1 termination of lease, not based on nonpayment of  
2 rent, and the actual order indicates that the  
3 eviction was not based on nonpayment of rent.

4           The Respondent submitted a cab report  
5 which shows several police runs to that address.  
6 Two of those police runs were prior to my tenants  
7 even moving there. They were conducted in June;  
8 my tenants moved there -- my client moved there  
9 in July.

10           The other police runs that were on there,  
11 there's actually one police run that's noted  
12 three times, which is one incident, it has the  
13 same date. There was a disturbance on that date.  
14 There was a call made to the police when my  
15 clients believed that their home had been  
16 burglarized.

17           There was a theft that they actually  
18 believe the landlord participated in, so that was  
19 one of their police calls, and then there was one  
20 other police call. So, there were actually two  
21 police calls during their tenancy that she said  
22 was the basis for her moving for eviction.

23           However, the June police reports there

1 indicates there were two police reports prior to  
2 them moving in, which presumably is a prior  
3 tenant, and for some reason there was no eviction  
4 moved on those police runs. So, that still  
5 leaves the question as to whether the police runs  
6 and the nonpayment of rent were actually a true  
7 factor for the eviction, or if they were in fact  
8 pretext for discrimination.

9           It's our position that if her policy or  
10 her practice is to move on tenants -- move for  
11 eviction on tenants who have police runs to their  
12 home, then certainly she would have moved for  
13 eviction on this prior tenant that had two police  
14 runs to their home, and there was no evidence  
15 indicating that she made that decision.

16           So, again, we just ask that you would  
17 uphold the Commissioner's recommendation to  
18 reverse the finding of no probable cause. We  
19 believe we've submitted enough evidence to  
20 support our position that Mr. Fullington and his  
21 partner, who have both filed a complaint, were  
22 discriminated against because of his AIDS status  
23 and because Mr. Marcum is associated with a

1 person who is living with AIDS, and we just ask  
2 that this case be allowed to move forward to an  
3 administrative hearing.

4 Thank you.

5 CHAIRPERSON BLACKBURN: Thank you  
6 very much.

7 Are there any other comments from the  
8 audience -- public here?

9 MR. WYANT: Yes, ma'am. I'm here on  
10 behalf of Ms. Crump on the two cases that were  
11 just argued in front of you.

12 CHAIRPERSON BLACKBURN: Do you want  
13 to come to the microphone, please?

14 MR. WYANT: Sure. Good afternoon.

15 CHAIRPERSON BLACKBURN: Good  
16 afternoon.

17 MR. WYANT: My name is Chris Wyant.  
18 I am the attorney representing Claudeen Crump,  
19 who is sitting back here, as it relates to both  
20 of the two matters that were just argued in front  
21 of you, brought by Joseph Marcum and Larry  
22 Fullington.

23 As counsel alluded to, we did file an

1 objection to the notice of an intent to reverse.  
2 Certainly that's in front you and in the file, so  
3 just as a quick summary, Ms. Crump has rented  
4 this home for about 50 years. I think that's  
5 significant. Running on 50 years now, she has  
6 not had any complaints, formally or informally,  
7 against her, as it relates to having been a  
8 landlord at this home on Linwood Avenue.

9 As it -- and over the course of those 50  
10 years she has rented -- as we put in the  
11 affidavit, she has rented to all different  
12 genders, origins, creeds, nationalities, and I  
13 think her record is important in this case and  
14 her history is important in this case.

15 As it relates to the particular facts of  
16 this case, it was July in 2010 when she rented  
17 the home to Mr. Marcum, Mr. Fullington. They  
18 did -- they apparently paid about \$300 from the  
19 time that they began renting until the time that  
20 Ms. Crump finally filed an eviction action. I  
21 believe a copy of the lease was attached, which,  
22 if I recall, was -- provided for \$500 a month in  
23 rent, so over the course of several months, not

1 even an entire month's worth of rent was tendered  
2 to Ms. Crump.

3 Based on that, she took the legal action  
4 available to her, which was filing a notice of  
5 eviction in Small Claims Court here in Marion  
6 County. She did that, and as the Court documents  
7 show, her only reasoning for doing that was the  
8 nonpayment of rent from her tenants.

9 That -- that case proceeded. The judge  
10 heard -- I will admit I was not party to that  
11 hearing, I wasn't there, but both of the  
12 Complainants were there, Ms. Crump was there, and  
13 heard whatever testimony was presented, and the  
14 judge felt that termination of the lease was  
15 appropriate. The only -- the only claim that was  
16 ever brought was nonpayment of rent, which, of  
17 course, was a valid justification for eviction of  
18 these tenants, because it's in violation of the  
19 lease.

20 We did attach, with an affidavit and as  
21 part of our objection, police runs to the home  
22 that, I think, further support Ms. Crump's  
23 actions in this case. There are even statements

1 from neighbors that lived near this property back  
2 at the time when Mr. Marcum and Mr. Fullington  
3 were occupying the property of several  
4 disturbances, I think wild parties is one of the  
5 terms that was used, several things that brought  
6 the police out to the property that just further  
7 made the relationship unworkable for the  
8 landlord.

9           And the evidence simply is that Ms. Crump  
10 has never -- has never had any issue with -- one  
11 thing I didn't hear addressed this morning -- I  
12 may have been speaking with my client, but in the  
13 information that's been submitted, there was a  
14 suggestion that my client has prejudice towards  
15 African-Americans and that that may have played  
16 some role in this case as well, and that simply  
17 is just not true.

18           She has -- again, she has rented to all  
19 races, all creeds, and in fact, even after these  
20 gentlemen were evicted, had rented to a young  
21 African-American woman. So, there's certainly  
22 not any evidence to support that, assuming that's  
23 an allegation here as well.



1           As it relates to the AIDS status of the --  
2           of the -- as least one of the gentlemen involved  
3           here, the assertion that that is a basis or was  
4           some motivation or pretext for her action here is  
5           simply just not supported by any of the evidence  
6           in front of the Commission here today.

7           And if -- if it's also alleged that it's  
8           because of the homosexual status of these two  
9           gentlemen, Ms. Crump's own son is also  
10          homosexual, so the suggestion that she somehow is  
11          intolerant or discriminatory towards homosexuals  
12          is just -- couldn't be further from the truth.

13          So, lastly, for all of those reasons and  
14          all of the reasons we designate in our objection,  
15          we believe that the Commission's original ruling  
16          that there was no finding of probable cause is  
17          appropriate and is supported by the information  
18          and the evidence in front of the Commission here  
19          today, and we simply ask that you stand by the  
20          original decision of no probable cause and do not  
21          reverse that decision here today.

22                   Thank you very much.

23                   CHAIRPERSON BLACKBURN:   Thank you.

1           Are -- Comm. Crenshaw, do you have any  
2 questions?

3           COMM. CRENSHAW: No.

4           CHAIRPERSON BLACKBURN: Okay.

5           Thank you very much --

6           MR. WYANT: Thank you.

7           CHAIRPERSON BLACKBURN: -- for your  
8 comments. It will be taken under advisement.

9           Anyone else here desiring to speak?

10                           (No response.)

11           CHAIRPERSON BLACKBURN: Thank you.

12           We'll proceed then to New Business and the  
13 Assignment of Appeals to Commissioners. I will  
14 review Arlene Hoffman versus Holiday Park of  
15 Muncie, and Comm. Baynard, if you would please  
16 review Karen Ampey versus Rescare.

17           Item F on your agenda is Findings of Fact,  
18 Conclusions of Law and Order. The case of  
19 Bridgewater and FACES, have we a recommendation?

20           COMM. CARTER: Madam Chair, in the  
21 cases of Bridgewater versus FACES,  
22 Docket Nos. EDha08110620 and EDrt08110681, I move  
23 that the Commission enter an order that overrules

1 Complainant's objections and Respondent's appeal,  
2 except to the extent that Conclusion of Law 17  
3 and paragraph 3 of the order should each be  
4 changed to reflect damages of \$2,500, and in all  
5 other respects adopts the findings of fact,  
6 conclusions of law and order proposed by the  
7 Administrative Law Judge in the proposed  
8 decision.

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

11 COMM. CARTER: I'm sorry; I  
12 apparently said 3, paragraph 3, instead of  
13 paragraph 5, which is what I --

14 CHAIRPERSON BLACKBURN: Okay.

15 COMM. CARTER: -- should have said.

16 CHAIRPERSON BLACKBURN: Thank you.

17 May I have a motion to accept that  
18 recommendation?

19 COMM. GIDNEY: So moved.

20 COMM. RAMOS: Second.

21 CHAIRPERSON BLACKBURN: And all in  
22 favor?

23 COMM. CARTER: Aye.

1                   COMM. CRENSHAW: Aye.

2                   COMM. BAYNARD: Aye.

3                   COMM. GARCIA: Aye.

4                   COMM. RAMOS: Aye.

5                   COMM. GIDNEY: Aye.

6                   CHAIRPERSON BLACKBURN: Anyone

7 opposed?

8                                   (No response.)

9                   CHAIRPERSON BLACKBURN: Thank you  
10 very much.

11                   The case of Tammy Snook versus Oak Woods  
12 Manor. May I have a motion to accept the  
13 findings of fact, conclusions of law and order in  
14 that case?

15                   COMM. GIDNEY: So moved.

16                   COMM. CRENSHAW: Second.

17                   CHAIRPERSON BLACKBURN: All in favor?

18                   COMM. CARTER: Aye.

19                   COMM. CRENSHAW: Aye.

20                   COMM. BAYNARD: Aye.

21                   COMM. GARCIA: Aye.

22                   COMM. RAMOS: Aye.

23                   COMM. GIDNEY: Aye.

1                   CHAIRPERSON BLACKBURN:  Anyone  
2  oppose?

3                                   (No response.)

4                   CHAIRPERSON BLACKBURN:  Thank you.

5                   The case of Virginia Creasy versus  
6  Northwest Pizza, is there a comment that you  
7  would like to make regarding this case?

8                   MR. LANGE:  There have been some  
9  motions filed since the entry of the proposed  
10 decision.  They're not objections exactly.

11                   Complainant asked to stay the entry of the  
12 final order based upon a petition she filed or a  
13 motion she filed -- well, a petition she filed  
14 for leave to amend the complaint for the purpose  
15 of entertaining successorship privately.  She  
16 contends she has recently discovered that there  
17 are some other entities that now operate the  
18 business that was operating at the time of the  
19 discriminatory practice.

20                   She's also filed a motion to amend the  
21 proposed finding as to who should -- who the  
22 check should be made to, and that has to do with  
23 the change from her son to her brother.

1 CHAIRPERSON BLACKBURN: And --

2 MR. LANGE: And I've given you --

3 CHAIRPERSON BLACKBURN: In light of  
4 these --

5 MR. LANGE: To further complicate  
6 this --

7 CHAIRPERSON BLACKBURN: Okay. In  
8 light of these additional considerations to be  
9 made, may I have a motion to remand this, then,  
10 for further consideration by the Administrative  
11 Law Judge.

12 COMM. CARTER: So moved.

13 COMM. CRENSHAW: Second.

14 CHAIRPERSON BLACKBURN: All in favor?

15 COMM. CARTER: Aye.

16 COMM. CRENSHAW: Aye.

17 COMM. BAYNARD: Aye.

18 COMM. GARCIA: Aye.

19 COMM. RAMOS: Aye.

20 COMM. GIDNEY: Aye.

21 CHAIRPERSON BLACKBURN: Anyone  
22 opposed?

23 (No response.)

1 CHAIRPERSON BLACKBURN: Thank you.

2 Roy Creek [sic] versus the Omelet Shoppe,  
3 may I have a motion to accept the findings?

4 COMM. BAYNARD: So moved.

5 COMM. CARTER: Second.

6 CHAIRPERSON BLACKBURN: All in favor?

7 COMM. CARTER: Aye.

8 COMM. CRENSHAW: Aye.

9 COMM. BAYNARD: Aye.

10 COMM. GARCIA: Aye.

11 COMM. RAMOS: Aye.

12 COMM. GIDNEY: Aye.

13 CHAIRPERSON BLACKBURN: Anyone  
14 opposed?

15 (No response.)

16 CHAIRPERSON BLACKBURN: Nathaniel  
17 Holloway versus Heartland Automotive, may I have  
18 a motion to accept?

19 COMM. CARTER: So moved.

20 COMM. RAMOS: Second.

21 CHAIRPERSON BLACKBURN: All in favor?

22 COMM. CARTER: Aye.

23 COMM. CRENSHAW: Aye.

1                   COMM. BAYNARD:  Aye.

2                   COMM. GARCIA:  Aye.

3                   COMM. RAMOS:  Aye.

4                   COMM. GIDNEY:  Aye.

5                   CHAIRPERSON BLACKBURN:  Anyone

6  opposed?

7                                   (No response.)

8                   CHAIRPERSON BLACKBURN:  Thank you.

9                   Next, an Administrative Update.

10                  MR. SMITH:  Good afternoon.

11                  COMM. CARTER:  Good afternoon.

12                  MR. SMITH:  And thank you, Madam

13  Chair.  I'll make this real quick.  I know that  
14  we've been here for quite some time.

15                  You guys should have a copy of the  
16  agency's report.  I just want to recap some of  
17  the recent events that we had.  The past few --  
18  couple of weeks, we've had the MLK celebration in  
19  the Statehouse.  I know some of the Commissioners  
20  were able to attend, as well as the Youth Summit  
21  that exact same day, all of which went very, very  
22  well.

23                  The Youth Summit provided us with close to



1 500 young people who were able to take part in  
2 the day's festivities, including what took place  
3 at the State Museum, so that was fantastic. We  
4 also had the follow-up at the Capitol Building,  
5 that had roughly an attendance of about 600  
6 people, including a lot of the young people that  
7 came over.

8 It went well. We had the Governor speak  
9 as well as some awards. We actually gave an  
10 award to a young person for winning our first  
11 multimedia contest, where the young folks were to  
12 demonstrate through either writing or multimedia  
13 how they had given back to their respective  
14 communities. So, a young lady from Indianapolis  
15 Manual High School won that, so we're excited  
16 that that went off very, very well.

17 COMM. RAMOS: Where is that hanging?

18 MR. SMITH: That -- well, right now  
19 it's not hanging anywhere. We're actually going  
20 to hang it in the office, though --

21 COMM. RAMOS: Yeah.

22 MR. SMITH: -- and put it the office  
23 a display. The idea was also -- there was some

1 conversation about making some kind of a copy of  
2 the young person's -- and allow her to commission  
3 her art, because she's got a lot of feedback. It  
4 would be all her. We would receive nothing,  
5 obviously. It would be for her benefit and her  
6 benefit alone.

7           But we're not really sure what red tape  
8 and strings you have to go through to do such a  
9 thing. We just wanted this young lady to benefit  
10 in any way, shape and form or fashion that we  
11 could think of. And she's a little shy,  
12 obviously, and not really aware of all of the --  
13 we're not even aware of all of the things that go  
14 into it, but hopefully we'll help her do that.

15           But when it's all said and done, we want  
16 to be able to hang that in the office, and  
17 hopefully, as we continue this thing, be able to  
18 put the artwork or whatever the winning piece of  
19 material is and display that, so -- for everyone  
20 to see for years to come. So, it's a very, very  
21 good piece. If you haven't had a chance to see  
22 it, I would encourage you to stop by the office  
23 and take a look at it. It was really, really

1 nice.

2 We followed that up the next day with what  
3 we call the Day of Service, where we got out into  
4 the community revolving around MLK, and we got  
5 volunteers from the Army. The city pitched in.  
6 We collaborated with the city as well as Black  
7 Expo, and we did a cleanup of the neighborhood,  
8 picked up trash, we painted.

9 The Flanner House is over there. I don't  
10 know if you guys are familiar with the Flanner  
11 House, but Watkins Park, so we cleaned up the  
12 park, we cleaned up that nearby street, picked up  
13 trash, shoveled some snow on the sidewalks. For  
14 a lot of the elderly folks that we have living in  
15 the neighborhood, we shoveled some of their  
16 sidewalks.

17 And just took some time to fellowship with  
18 the people in the community for that day, and it  
19 went over really, really, well. We got some good  
20 pub from the media as well, so it shed a really,  
21 really good light on the agency, so we were  
22 excited about that.

23 Some upcoming things that we have coming,

1 you know, obviously in April is Fair Housing  
2 Month. We'll do the Holocaust Event, that's also  
3 in April, and we're looking at putting it on  
4 statewide, very similar to what we did last year.  
5 Last year we held it in Gary, and it was titled  
6 "The Changing Landscape."

7 We had housing, education and employment,  
8 and we look to do something very similar, if not  
9 identical, here in Indianapolis this time, but we  
10 want to add a virtual piece to it as well, so we  
11 will encourage everyone to come and take part in  
12 the conference that will be here, but for those  
13 who cannot attend, we want to be able to stream  
14 it live over the Internet so people can take  
15 part.

16 And we want to collaborate with the Urban  
17 Leagues, the NAACP's, and the local IBE chapters  
18 as well, to hopefully host like some viewing  
19 parties, if you will, to bring folks from their  
20 community in, stream it live, and they can take  
21 part in the discussion as we talk about  
22 education, employment and fair housing.

23 So, that's something to look forward to.

1 We're in the beginning stages of that piece,  
2 obviously, but I wanted to put that on the radar  
3 screen because we'll be leaning on you guys  
4 heavily to help us kind of promote this thing in  
5 your communities.

6 So, other than that, I won't belabor much  
7 else. Things are rolling relatively smoothly, so  
8 if there are any questions, I'll entertain those  
9 at this time.

10 COMM. RAMOS: I thought the Martin  
11 Luther King event on Thursday was done very well.  
12 You --

13 MR. SMITH: Thank you, sir.

14 COMM. RAMOS: You guys always do a  
15 fantastic job, so I commend you for that. Very  
16 impressive.

17 MR. SMITH: Thank you.

18 Anything else?

19 (No response.)

20 MR. SMITH: Thanks a lot.

21 CHAIRPERSON BLACKBURN: Thank you  
22 very much.

23 Are there any announcements?

1 (No response.)

2 CHAIRPERSON BLACKBURN: I would like  
3 to announce that at the Indiana State Museum  
4 currently there's a show celebrating Indiana  
5 African-American artists. It runs through, as  
6 this flier says, July 15th, but I think actually  
7 it will be extended to October this year.

8 Don't wait until the last minute to go see  
9 it. It is a wonderful representation of works  
10 owned by the Museum that represent an  
11 underrepresented segment of our population in  
12 terms of art in museums of any kind.

13 So, I encourage you to go, and especially  
14 to show up for Family Day, which is  
15 February 11th, when I'll chair the day's  
16 activities that will include things for young  
17 people to do and -- young people of all ages, if  
18 I can put it that way -- including entertainment  
19 and lectures and demonstrations from 11:00 a.m.  
20 until late afternoon. So, there are a few fliers  
21 here, and I encourage you to pick up one and take  
22 it with you as a reminder.

23 Are there any other announcements?

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(No response.)

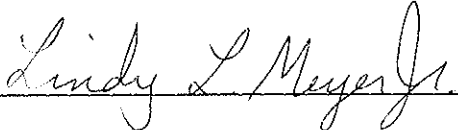
CHAIRPERSON BLACKBURN: Hearing none,  
this Commission meeting is adjourned.

- - -  
Thereupon, the proceedings of  
January 27, 2012 were concluded  
at 1:30 o'clock p.m.  
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CERTIFICATE

I, Lindy L. Meyer, Jr., the undersigned Court Reporter and Notary Public residing in the City of Shelbyville, Shelby County, Indiana, do hereby certify that the foregoing is a true and correct transcript of the proceedings taken by me on Friday, January 27, 2012 in this matter and transcribed by me.



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

My Commission expires October 27, 2016.



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<p><b>3</b></p>	<p><b>A</b></p>	<p><b>A</b></p>	<p><b>B</b></p>
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<p><b>5</b></p>	<p><b>A</b></p>	<p><b>A</b></p>	<p><b>B</b></p>
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