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BEFORE THE STATE OF INDIANA  
CIVIL RIGHTS COMMISSION

- - -

PUBLIC MEETING OF JANUARY 30, 2009

ORIGINAL

- - -

PROCEEDINGS

in the above-captioned matter, before the Indiana  
Civil Rights Commission, John E. Garcia,  
Chairman, taken before me, Lindy L. Meyer, Jr., a  
Notary Public in and for the State of Indiana,  
County of Shelby, at the Indiana Government  
Center South, Conference Center, Room A, 402 West  
Washington Street, Indianapolis, Indiana, on  
Friday, January 30, 2009 at 1:04 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

1 APPEARANCES:

2 COMMISSION MEMBERS:

3 John E. Garcia, Chairman  
4 Steven A. Ramos  
5 Barry Baynard  
6 Charles D. Gidney

7 INDIANA CIVIL RIGHTS COMMISSION  
8 By Tony A. Kirkland, Executive Director  
9 Indiana Government Center North  
10 100 North Senate Avenue, Room N103  
11 Indianapolis, Indiana 46204  
12 On behalf of the Commission.

13 OTHER COMMISSION STAFF PRESENT:

14 Robert D. Lange  
15 Joan Essex  
16 Tawanda Sharp

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1 1:04 o'clock p.m.  
2 January 30, 2009

3 CHAIRMAN GARCIA: I'd like to call  
4 the meeting of the Indiana Civil Rights

5 Commission to order. Present are -- we have a  
6 quorum. Present are Comm. Gidney, Comm. Ramos,  
7 Comm. Baynard and myself, Comm. Garcia.

8 I'd like to start with a motion to approve  
9 the minutes of the last meeting, December 12th.

10 COMM. RAMOS: So moved.

11 COMM. BAYNARD: I'll second that.

12 CHAIRMAN GARCIA: Any discussion?

13 (No response.)

14 CHAIRMAN GARCIA: So approved.

15 Joan, the Financial Report, please?

16 MS. ESSEX: You have in your packets  
17 the December 31st financial statement. As most  
18 of you may or may not have heard, the state is in  
19 a bit of an economic -- I'm not going to use the  
20 word "crisis," but we're just in an economic  
21 downturn. We have been asked by the Budget  
22 Agency to revert not only our seven percent, but  
23 an additional amount that will equal \$300,000 of

1 our appropriation.

2 We'll be giving that back to the state at  
3 the end of the year. I believe that's doable,  
4 and Budget is willing to work with us on that.

5 Obviously they're not going to have us do  
6 anything -- they're not going to have us cut  
7 services or anything like that to get that  
8 \$300,000 back to them, but I think that we can.  
9 That is manageable.

10 There are a couple of projects that we  
11 were going to engage in, office remodel and some  
12 other things, and we're just going to put those  
13 on hold until the economic times get better. I  
14 think it's more important for us to think about  
15 the state as a whole. Obviously we worry about  
16 our own little corner of the world, but we need  
17 to worry about the big picture, I think.

18 So, that's all I have. If anyone has any  
19 questions about the financial statement, I would  
20 be glad to entertain them.

21 CHAIRMAN GARCIA: Okay.

22 COMM. RAMOS: Any interesting trends  
23 from year to year that you've seen?

1 MS. ESSEX: No. Typically, as I was  
2 telling somebody the other day, these downturns  
3 tend to be cyclical. We tend to go through these  
4 about every ten years. Some are worse than  
5 others. About every -- about every twenty years  
6 you go through one that's a little bit worse than  
7 others. This one's worse than we've seen in a  
8 long time.

9 I think the predictors out there and the  
10 people that take a look at this stuff are saying  
11 that they expect this to last 18 months. It  
12 wouldn't surprise me if it went 18 to 24. I  
13 think we'll start seeing some things come up, but  
14 I think perhaps for the stock market to recoup  
15 and for different things like that, I just think  
16 it's going to take longer than that. I think  
17 it's just a big sore that's just going to have to  
18 take time to heal, so --

19 COMM. RAMOS: I know this isn't on  
20 the financial side of this, but are you seeing an  
21 uptick in requests for services and --

22 MS. ESSEX: I just did an analysis  
23 for a report that Budget asked for the other day.

1 We are currently taking -- we average about 340  
2 calls that come into our office a month, and it  
3 looks like the last five or six months, that has  
4 been increasing somewhat, so -- and that 340 is  
5 an average including that.

6 So, the last several months we've gotten  
7 maybe 400 types of calls and different things  
8 like that, and on average, those -- about 17  
9 percent of those cases actually turn into -- or  
10 those calls -- turn into cases that we write up  
11 and pursue within the office. Most -- the other  
12 ones are referrals or other types of calls that  
13 we -- people just inquiring about what we do or  
14 something like that.

15 So, it looks like that we're starting to  
16 get more calls, but I don't know that that  
17 necessarily -- I would say that that probably  
18 does reflect more and more cases being taken in,  
19 but I don't have the statistics for that.

20 COMM. RAMOS: From a -- our  
21 experience on the corporate side of things is  
22 that when we have these downturns, you know, it's  
23 a statistic. It's a sad statistic, but

1 noneththeless, the minorities seem to be hit the  
2 hardest in that, certainly in the job side of  
3 things, and issues are being brought up  
4 against -- complaints and stuff.

5 MS. ESSEX: Right.

6 COMM. RAMOS: Are you seeing that  
7 from your data, or is it too early to tell?

8 MS. ESSEX: Yeah, I think it's too  
9 early to tell. I think one of the things that we  
10 need to think about in the future is measuring  
11 some of these statistics, because we -- just like  
12 now through the budget session, we're asked to do  
13 fiscal impact statements and things like that,  
14 and --

15 COMM. RAMOS: Uh-huh.

16 MS. ESSEX: -- we ask ourselves  
17 questions like, "Well, how many of these type of  
18 calls do we get in?" And we don't really keep  
19 that kind of data, and that was one of the other  
20 things that we were going to try to do in the  
21 future was to try to put a system in where we  
22 could track everything that came in so that we  
23 could run this type of statistical data, not

1 necessarily in the past, but at least from the  
2 future forward.

3           And I think it would be very interesting  
4 for us to have that, and I think that in a  
5 situation like this, it kind of hinders us  
6 because we don't have that type of information to  
7 fall back on, to say we're seeing more of this or  
8 more of that. So, that's one thing that we do  
9 want to look at producing in the future, and it's  
10 definitely on our list.

11           COMM. RAMOS: Okay.

12           CHAIRMAN GARCIA: You know, I recall  
13 that we were going to create that data base to  
14 try to do the queries and --

15           MS. ESSEX: Yeah.

16           CHAIRMAN GARCIA: -- figure out  
17 where -- who we were really helping, and I think  
18 I mentioned before that I think we're not an  
19 advocate for small business or business, but most  
20 of the cases -- or most of the claims -- end up  
21 being in favor of the respondent as opposed to  
22 the claimants.

23           But it would be interesting to know



1 nowadays, you know, unions -- we were in fact  
2 discussing this privately -- unions were  
3 developed to help the workers and a lot of people  
4 died for that cause, and I have one case, I have  
5 an asbestos worker on appeal. I don't see any  
6 mention of the union helping, and, you know, he  
7 talks about being licensed and having -- I assume  
8 he's in the union, maybe not. I don't know.

9 But it would be nice to know, you know, if  
10 we entered that data in the data base, that, you  
11 know, this -- the claimant was a member of a  
12 union, and what did the union do to help? It  
13 seems like unions are more concerned about wages,  
14 the economics of it, instead of producing  
15 productive workers, not that unions don't produce  
16 productive workers, but the majority are  
17 productive workers. I think they get away from  
18 what their original --

19 MR. KIRKLAND: What the intent was.

20 CHAIRMAN GARCIA: -- idea was, to  
21 help the worker with working conditions and labor  
22 standards, and I think we've got OSHA and labor  
23 and health and government doing that now, and

1 that's enough.

2 MS. ESSEX: Right.

3 CHAIRMAN GARCIA: But getting back to  
4 something else, I have a question that -- I think  
5 Comm. Baynard asked this question two or three  
6 years ago. The beepers and bellboys, I see.

7 MS. ESSEX: Uh-huh.

8 CHAIRMAN GARCIA: Can you enlighten  
9 me, and maybe even Comm. Baynard, so that we  
10 could --

11 MS. ESSEX: Do you know what that is?

12 CHAIRMAN GARCIA: No.

13 MS. ESSEX: That is our  
14 blackberries --

15 CHAIRMAN GARCIA: Oh, okay.

16 MS. ESSEX: -- and that. We don't  
17 have pagers and that any longer, but we do have  
18 the blackberries --

19 CHAIRMAN GARCIA: Okay.

20 MS. ESSEX: -- for senior staff.

21 CHAIRMAN GARCIA: PDA's, okay.

22 MS. ESSEX: Uh-huh.

23 CHAIRMAN GARCIA: All right. They

1 just haven't changed the terminology --

2 MS. ESSEX: No.

3 CHAIRMAN GARCIA: -- in the line  
4 item? Okay. That's all I have.

5 Any other questions on the Finance Report?

6 (No response.)

7 CHAIRMAN GARCIA: Well, we'll move on  
8 to Old Business. I don't see any Old Business in  
9 the agenda packets.

10 (Discussion off the record.)

11 CHAIRMAN GARCIA: Is there any New  
12 Business?

13 (No response.)

14 CHAIRMAN GARCIA: And nothing under  
15 Consent Agreements. We'll skip over that.  
16 Findings of Fact, Conclusions of Law and Order.  
17 Witherspoon versus University of Indianapolis.  
18 Do I hear a motion to accept those findings of  
19 fact, conclusions of law and order?

20 COMM. BAYNARD: So moved.

21 COMM. RAMOS: Second.

22 CHAIRMAN GARCIA: And no discussion?

23 (No response.)

1 CHAIRMAN GARCIA: Approved, then.

2 COMM. BAYNARD: Take a vote?

3 CHAIRMAN GARCIA: Yeah, we'll take a  
4 vote; I'm sorry.

5 All in favor?

6 COMM. BAYNARD: Aye.

7 COMM. RAMOS: Aye.

8 COMM. GIDNEY: Aye.

9 CHAIRMAN GARCIA: Aye.

10 All opposed?

11 (No response.)

12 CHAIRMAN GARCIA: Okay. And Report  
13 by Commissioners on Appeals.

14 Any word from Comm. Blackburn?

15 MS. SHARP: No word from  
16 Comm. Blackburn.

17 CHAIRMAN GARCIA: Okay.

18 Comm. Baynard?

19 COMM. BAYNARD: Yes. In the case of  
20 Elliott versus -- Elliott doing business as  
21 Braswell verses Community Reinvestment Foundation  
22 and in the case of Dodd versus Style Setter,  
23 Incorporated, I'd like to recommend to the

1 Commission that we uphold the Deputy Director's  
2 finding of no probable cause.

3 CHAIRMAN GARCIA: Do I hear a motion?

4 COMM. RAMOS: So moved.

5 COMM. GIDNEY: Second.

6 CHAIRMAN GARCIA: Second?

7 COMM. GIDNEY: Second, yes.

8 CHAIRMAN GARCIA: Okay. All in  
9 favor?

10 COMM. BAYNARD: Aye.

11 COMM. RAMOS: Aye.

12 COMM. GIDNEY: Aye.

13 CHAIRMAN GARCIA: Aye.

14 And opposed?

15 (No response.)

16 CHAIRMAN GARCIA: Approved.

17 Anything from Comm. Carter?

18 MS. SHARP: Yes. In the case of  
19 Williams versus Gene B. Glick Management,  
20 Comm. Carter wants to uphold the finding of the  
21 Director.

22 CHAIRMAN GARCIA: Do I hear a motion?

23 COMM. BAYNARD: So moved.

1                   COMM. RAMOS:    Second.

2                   CHAIRMAN GARCIA:  Second?  Okay.  All  
3  in favor?

4                   COMM. BAYNARD:  Aye.

5                   COMM. RAMOS:  Aye.

6                   COMM. GIDNEY:  Aye.

7                   CHAIRMAN GARCIA:  Aye.

8                   All opposed?

9                                    (No response.)

10                  CHAIRMAN GARCIA:  Motion approved.

11                  Anything from Comm. Crenshaw?

12                  MS. SHARP:  No word from  
13  Comm. Crenshaw.

14                  CHAIRMAN GARCIA:  Okay.

15                  Comm. Gidney.

16                  COMM. GIDNEY:  Yes.  In the case of  
17  Walters verse, Miller's Merry Manor, I move that  
18  we uphold the finding of no probable cause.

19                  CHAIRMAN GARCIA:  Do I hear a motion?

20                  COMM. BAYNARD:  So moved.

21                  COMM. RAMOS:  Second.

22                  CHAIRMAN GARCIA:  All in favor?

23                  COMM. BAYNARD:  Aye.

1                   COMM. RAMOS:  Aye.

2                   COMM. GIDNEY:  Aye.

3                   CHAIRMAN GARCIA:  Aye.

4                   All opposed?

5                                   (No response.)

6                   CHAIRMAN GARCIA:  Motion approved.

7                   And I've got two cases.  In the case of  
8                   Hodge versus 2063 Meridian, LLC and in the case  
9                   of Owens versus Advance Specialty Contractors, I  
10                  move that we uphold the Executive Director's no  
11                  probable cause recommendation.  That's my  
12                  recommendation.  Do I hear a motion?

13                  COMM. RAMOS:  So moved.

14                  CHAIRMAN GARCIA:  Second?

15                  COMM. BAYNARD:  Second.

16                  CHAIRMAN GARCIA:  All in favor?

17                  COMM. BAYNARD:  Aye.

18                  COMM. RAMOS:  Aye.

19                  COMM. GIDNEY:  Aye.

20                  CHAIRMAN GARCIA:  Aye.

21                  All opposed?

22                                   (No response.)

23                  CHAIRMAN GARCIA:  Ayes have it.

1 Comm. Ramos?

2 COMM. RAMOS: I have two cases,  
3 Sanchez versus Employment Plus and Washington  
4 versus Webb Ford. I ask to -- another month for  
5 extension on that.

6 CHAIRMAN GARCIA: Okay.

7 I will go to Assignment of Appeals to the  
8 Commissioners. Comm. Baynard, will you take  
9 Wiggins versus Debbie Weimer & Stonehedge  
10 Apartments and Srivastava versus Congregation  
11 B'Nai Torah -- B'Nai Torah?

12 Comm. Gidney, Matthews versus Indiana  
13 Health & Rehabilitation Centers, and can you  
14 take, I guess, Comm. Carter's Correa versus  
15 Wal-Mart --

16 COMM. GIDNEY: Yes.

17 CHAIRMAN GARCIA: -- and Kali versus  
18 Housing Opportunity & Caroline Shook?

19 COMM. GIDNEY: Yes.

20 CHAIRMAN GARCIA: And Comm. Baynard,  
21 can you take Castro versus TGIF Friday for  
22 Comm. Crenshaw?

23 COMM. BAYNARD: Yes, I can.



1                   CHAIRMAN GARCIA: Okay. I'm trying  
2 to make this even. And I'll take Smith versus  
3 Applied Extrusion Technologies and Moredock  
4 versus Carmel Clay Board of Parks and Recreation.

5                   And Comm. Ramos, Ross versus Kasper Life  
6 Center, Inc. Do you mind taking -- helping out  
7 Comm. Gidney and taking Kali versus Housing  
8 Opportunity & Caroline Shook?

9                   COMM. RAMOS: Sure, be happy to.

10                  CHAIRMAN GARCIA: Okay. Pretty even,  
11 then.

12                  Okay. Administrative Update.

13                  MR. KIRKLAND: Okay. And I guess  
14 I'll tie that in as well with the Director's  
15 Report, if that's all right with you.

16                  CHAIRMAN GARCIA: That's fine.

17                  MR. KIRKLAND: Some of the things  
18 that we're doing administratively, currently we  
19 are looking -- and Joan hasn't mentioned this  
20 yet, but we're talking with Budget. We are  
21 trying to offer our services for -- alternative  
22 dispute resolution mediation services -- to those  
23 human relations agencies across the state as well

1 as other agencies like the City of Indianapolis.  
2 We are trying to come up with an actual dollar  
3 amount that we actually will be able to charge.  
4 And if I'm correct, Joan did say that we were  
5 approved by Budget that we could receive the  
6 funds --

7 MS. ESSEX: Uh-huh.

8 MR. KIRKLAND: -- but the funds would  
9 go into the general fund.

10 MS. ESSEX: Yes.

11 MR. KIRKLAND: It wouldn't affect our  
12 overall agency offset, you know, it wouldn't mess  
13 with our current, but it's a source of revenue  
14 that would come in that we would in turn get  
15 credit for, so that's one of the things that  
16 we've been doing here administratively, looking  
17 at, we do have our case -- case allotment for  
18 EEOC, which this year is 275. So, that's an  
19 increase from 249 from last year.

20 Also, our agency was recognized by the  
21 Minority Women -- Indianapolis Recorder Minority  
22 Business Magazine for outstanding state agency as  
23 it relates to diversity, so that's one of the

1 things that we are able to applaud ourself.

2 COMM. RAMOS: Congratulations.

3 MR. KIRKLAND: Thanks.

4 On the legislative side, we have some  
5 bills that I've been involved on hearing that's  
6 coming down the pike that involves the agency.  
7 The first bill, which took place on Monday for  
8 hearing, was House Bill 1014, and this bill deals  
9 with the age discrimination. Currently it's  
10 still in committee hearing, supposed to be  
11 reviewed again next week.

12 Representative Vernon Smith is the author  
13 of the bill. He did have all of the things that  
14 he need to make sure that he wanted to make this  
15 work correct. We had Paul Chase there  
16 representing AARP, and the issue with the age  
17 discrimination is that civil rights would be  
18 taking on the language that -- we'll be covering  
19 the age discrimination just as the Feds have in  
20 their -- that regular EEOC has in their language.  
21 The challenge has been that it's been over with  
22 the Department of Labor, so they're still working  
23 on that.

1           Other bills that were introduced, the --  
2 also House Bill No. 1250, which extends  
3 antidiscrimination and civil rights statutes to  
4 include prohibiting discrimination based on  
5 sexual orientation, gender identity, national  
6 origin, age, disability and accessory. That is  
7 what they wanted that to include. That's coming  
8 from Representative Sullivan. There has not been  
9 a hearing set as of yet, so that's on 1250.

10           The other one that was introduced was  
11 Senate Bill 33, which requires equivalent jobs  
12 and wage discrimination, provides that an  
13 employer may not discriminate against an employee  
14 on the basis of sex, race or national origin by  
15 paying a wage less than a wage paid to an  
16 employee of another sex, race or national origin  
17 for work in an equivalent job.

18           So, basically the same thing that  
19 President Obama signed for the other day was the  
20 pay equity for workers is this bill. It has the  
21 same similarity here as Senate Bill 33. So,  
22 we'll be looking to see how this, you know, goes  
23 through committee, and if it goes through

1 committee, we will definitely let all  
2 Commissioners know the importance of how that,  
3 you know, pans out.

4           So, right now, that's what we're facing.  
5 That may not be everything, because, you know,  
6 everybody now is getting in line and everybody's  
7 dealing with budget, ways and means, so they're  
8 trying to -- you know, as Joan said earlier,  
9 they've been asking us for, "If we do this,  
10 what's the fiscal impact? That means you're  
11 going to have to hire. You know, what does that  
12 do for the bottom line?"

13           So, we've been constantly this week  
14 writing back and forth to Budget, because they  
15 need those numbers so they can try and report  
16 this back to the Governor. In case this happens,  
17 these are some of the adjustments we've got to  
18 make. So, those are some of the things that  
19 we've got ongoing here that --

20           COMM. RAMOS: Director, are there any  
21 pieces in the upcoming budget that are going to  
22 have an impact? Because there working on the  
23 cuts; right?

1 MR. KIRKLAND: Uh-huh.

2 COMM. RAMOS: Are there other cuts  
3 that are out there that we know that may have  
4 impact that could increase volume? Because I  
5 know they're cutting areas in the schools and  
6 different aspects. Anything, you know, using  
7 foresight, that you might see?

8 MR. KIRKLAND: Well, put it like  
9 this: It's interesting that you say that. I  
10 guess with the recent announcements that we've  
11 had here statewide, I'm just giving you the  
12 general from -- via from the Governor's Office is  
13 what we're looking at doing.

14 One of the reasons why that we are having  
15 to give up three hundred some thousand is, one,  
16 that we're trying to cover all of the  
17 unemployment, you know, trying to work in  
18 cooperation with Work Force Development, to try  
19 to help sustain some these hits on these  
20 unemployment benefits.

21 COMM. RAMOS: Sure.

22 MR. KIRKLAND: So, that's one of the  
23 biggest challenges we've got.

1           The other opposition that you might look,  
2 from the House, Speaker of the House, they would  
3 like to tap on the Rainy Day Funds, but the  
4 Governor's looking at trying to do everything he  
5 possibly can before we do that. You know, even  
6 as it relates to employment, you know, if we  
7 don't -- if we couldn't contribute back, then the  
8 next alternative, we're going to have to let  
9 somebody go --

10           COMM. RAMOS: Right.

11           MR. KIRKLAND: -- which is going to  
12 put -- you know, we're still going to have work  
13 to do, we've still got the expectations that  
14 we're still going to be able to service Hoosier  
15 taxpayers at the same rate, but you're going to  
16 be doing it with less staff. So, right now, I  
17 think we all are thankful to have jobs and that  
18 we can effectively try to make this happen.

19           One of the mandates were all of the  
20 out-of-town travel was put on hold, or at least  
21 getting approved through the Governor's Office.  
22 Well, for us, we have HUD and EEOC dollars that  
23 requires that training is mandatory, so each time

1 we send this out, I have the responsibility,  
2 along with Joan, to send out wording over so that  
3 we can get approved, because, you know, they're  
4 trying to streamline it.

5 COMM. RAMOS: Sure. Thank you.

6 CHAIRMAN GARCIA: Mr. Kirkland, what  
7 was Representative Vernon's House Bill number?

8 MR. KIRKLAND: His House Bill number  
9 was 1014.

10 CHAIRMAN GARCIA: 1014; thank you.  
11 And is that the Director's Report for the  
12 productions?

13 (Discussion off the record.)

14 MR. LANGE: I think it's in the back.

15 MR. KIRKLAND: It is in the back.

16 MR. LANGE: Yeah.

17 CHAIRMAN GARCIA: Are there any  
18 questions on those reports?

19 COMM. BAYNARD: I have one question  
20 about the Legislative Update.

21 MR. KIRKLAND: Sure.

22 COMM. BAYNARD: Last -- I think it  
23 was last year, Representative Delph introduced a



1 bill to -- it was to stop illegal immigration.  
2 Is there any expectations that he will  
3 reintroduce that bill this year?

4 MR. KIRKLAND: That, I don't know,  
5 but --

6 COMM. BAYNARD: That will impact --

7 MR. KIRKLAND: Right.

8 COMM. RAMOS: I can address that.

9 There are four bills right now that address  
10 legislation. I can't tell you the numbers. One  
11 of them is a Senate bill, and it's actually  
12 sponsored by Senator Delph, but it's being put on  
13 the platform by Senator Kruse, and it does  
14 address some of the issues oriented to hiring  
15 illegal aliens.

16 The three House bills, and they're all  
17 pretty similar in their writing, which basically  
18 makes it illegal to hire anyone that essentially  
19 does not have documentation. In and of itself,  
20 you know, they're -- you know, how they write  
21 that is always open for question and what their  
22 real objective is is really the big picture.

23 The question that I have, and which I

1 think is a concern, is that in every one of the  
2 bills, it references what the penalty is if you  
3 provide illegal documentation. So, for example,  
4 an illegal driver's license, Social Security  
5 number, any of that's illegal. And again, the  
6 premise of it, again, is to stop the illegal  
7 migration.

8 But the impact of it is, if you have a  
9 young child who is 18 that wants to go into a bar  
10 and they provide a fake I.D., by these statutes,  
11 every one of them, it is now a felony offense,  
12 and that you can't get off your record unless you  
13 have some incredible things to happen.

14 So, I mean I understand what the intention  
15 is, but the impact of it is far greater than  
16 that. And you cannot discriminate; right? You  
17 cannot just be a Latino and "I'm going to check  
18 your I.D." You have to check everyone.

19 MR. KIRKLAND: Yeah.

20 COMM. RAMOS: And so, when you think  
21 about the universities where we have college  
22 students that are 18, 19 --

23 MR. KIRKLAND: Uh-huh.

1                   COMM. RAMOS:  -- or even people  
2 coming across the street or even coming across  
3 the country, across the world, if they're under  
4 the age and providing information that is not  
5 authorized, that's a felony.  Second, you have to  
6 educate all of the officers on all of the  
7 different documentation to know if it's legal or  
8 not.  So, interesting bills.  I understand the  
9 intent of it, but I think there's some flaws in  
10 it.

11                   COMM. BAYNARD:  Are we going to track  
12 that bill along with House Bill 1014 and 1050 and  
13 Senate Bill 33?

14                   MR. KIRKLAND:  Yes.  And as soon as  
15 the bill on the hate crimes that I talked with  
16 Comm. Ramos about earlier, I will let all of you  
17 all know what that one is as well, because that's  
18 the one that -- I know that they have a lobbyist  
19 that contacted me, Mark St. John, so I know it's  
20 him along with a couple of other -- a group of  
21 individuals he's lobbying for, so I don't know  
22 who they end up finally taking that to to try to  
23 bring it out.

1 CHAIRMAN GARCIA: I have a question.

2 MR. KIRKLAND: Sure.

3 CHAIRMAN GARCIA: I asked for this  
4 four or five years ago, and a couple of years ago  
5 again: Acronyms. Can you do something to --  
6 just list a bunch of the acronyms we use --

7 MR. KIRKLAND: Okay.

8 CHAIRMAN GARCIA: -- for the sake of  
9 new Commissioners?

10 MR. KIRKLAND: Sure.

11 CHAIRMAN GARCIA: Probably  
12 Comm. Gidney's used to them now.

13 (Laughter.)

14 CHAIRMAN GARCIA: Sometimes it is  
15 difficult --

16 MR. KIRKLAND: Yeah, because it was  
17 difficult for me.

18 MS. ESSEX: Are you talking about  
19 state agency acronyms, or --

20 CHAIRMAN GARCIA: Well, just some of  
21 the acronyms we use here.

22 MS. ESSEX: Okay.

23 MR. KIRKLAND: Okay.

1 MR. LANGE: We probably can cross  
2 with --

3 MS. ESSEX: Yeah.

4 MR. LANGE: -- other agencies we talk  
5 about.

6 CHAIRMAN GARCIA: Yeah. And then the  
7 other thing is the -- a staff update. You know,  
8 you used to --

9 MR. KIRKLAND: Sure.

10 CHAIRMAN GARCIA: -- have a list of  
11 who the staff members are and what they do and  
12 their --

13 MR. KIRKLAND: Okay.

14 CHAIRMAN GARCIA: -- e-mails. We  
15 haven't -- I don't think we've had one of those  
16 in about a year, I guess. If you could do that,  
17 I'd appreciate it.

18 And then one more question: How about the  
19 Education Committee; is that still --

20 MR. KIRKLAND: Well, once the report  
21 was given back to the Governor, they -- that's  
22 one of the things that's in the form of a bill,  
23 and that was handed to me as well.

1 (Discussion off the record.)

2 MR. KIRKLAND: 2 something. It's one  
3 of the -- yeah, it's one of the bills as well.

4 CHAIRMAN GARCIA: Well, you can --

5 MR. KIRKLAND: 286.

6 CHAIRMAN GARCIA: 286?

7 MR. KIRKLAND: 286.

8 CHAIRMAN GARCIA: That's House Bill?

9 MR. KIRKLAND: House Bill -- Senate  
10 Bill 286, calls for competency in schools,  
11 requires the Department of Education to develop  
12 standards for cultural competency, teacher  
13 in-training, requires school corporations and  
14 accredited nonpublic schools to develop policies  
15 concerning cultural competency training for  
16 school and staff and students. This is being  
17 sponsored by -- the author of this is Senator  
18 Taylor.

19 CHAIRMAN GARCIA: Good. Okay.  
20 Anything else from your end?

21 MR. KIRKLAND: (Shook head no.)

22 CHAIRMAN GARCIA: Okay.

23 MR. KIRKLAND: I don't know, but I

1 think from Judge, I think one of --

2 MR. LANGE: 2010 meeting schedule?

3 MR. KIRKLAND: Yes. And also we  
4 talked about --

5 CHAIRMAN GARCIA: Time.

6 MR. KIRKLAND: -- what the time is  
7 going to be. That's what it was.

8 MR. LANGE: Yeah. Last month -- I  
9 think between last month and this month,  
10 everybody's been --

11 MR. KIRKLAND: Right.

12 MR. LANGE: -- never had the same  
13 time -- that is, members of the Commission -- and  
14 I think it's been said that Comm. Carter and  
15 Comm. Blackburn don't really have a --

16 MR. KIRKLAND: Preference.

17 MR. LANGE: -- real preference as to  
18 the time. but Comm. Crenshaw liked the 10:00  
19 o'clock Friday --

20 MR. KIRKLAND: Right.

21 MR. LANGE: -- if she could get here  
22 the night before.

23 CHAIRMAN GARCIA: 10:00 o'clock?

1 MR. LANGE: Yeah.

2 CHAIRMAN GARCIA: Start the meetings  
3 at 10:00?

4 MR. LANGE: We thought that John  
5 especially, and perhaps Charles, had more  
6 interest in -- whether we moved the time or not  
7 the other folks would more likely --

8 CHAIRMAN GARCIA: So, like at six --

9 MR. LANGE: So, we're waiting until  
10 we have the Commissioners.

11 CHAIRMAN GARCIA: Yeah, starting  
12 earlier and get home earlier. That's okay. That  
13 sounds good to me.

14 MR. LANGE: Have you seen the dates?  
15 They're comparable to what we've been doing. I  
16 mean they're always on a Friday, usually late in  
17 the month, until we get to near the end of the  
18 year, where we start trying to avoid setting a  
19 meeting right around Christmas, trying not to  
20 back them up too close together at the end, get  
21 them closer to the middle of the month in  
22 November and December.

23 CHAIRMAN GARCIA: Well, do we need a



1 motion to -- well, do I hear a motion to approve  
2 the dates and the new time?

3 COMM. RAMOS: So moved.

4 CHAIRMAN GARCIA: Second? Anybody,  
5 second?

6 COMM. BAYNARD: Yeah, I'll second it.

7 CHAIRMAN GARCIA: All in favor?

8 COMM. BAYNARD: Aye.

9 COMM. RAMOS: Aye.

10 COMM. GIDNEY: Aye.

11 CHAIRMAN GARCIA: Aye.

12 All opposed?

13 (No response.)

14 CHAIRMAN GARCIA: Ayes have it.

15 COMM. RAMOS: Are you going to  
16 describe --

17 MR. LANGE: We have to get a room.

18 One of the reasons we're talking about 2010 so  
19 early is to get a room this size -- there are  
20 only so many of them -- you have to ask early.

21 CHAIRMAN GARCIA: Okay.

22 COMM. RAMOS: Are we planning any  
23 road trips for 2010?

1 MR. LANGE: I don't know that. I  
2 haven't heard of it.

3 COMM. RAMOS: Okay.

4 CHAIRMAN GARCIA: We never did any  
5 road shows with you on board; right?

6 MR. KIRKLAND: No.

7 MR. LANGE: If we did, I assume we  
8 would do it on one of those dates, then we could  
9 just cancel the --

10 COMM. RAMOS: Yes, right.

11 MR. KIRKLAND: I mean we can do that.  
12 I think it --

13 CHAIRMAN GARCIA: The host cities  
14 loved it. Evansville loved it. I know Portage,  
15 we had a large crowd at Portage.

16 MR. KIRKLAND: Okay.

17 CHAIRMAN GARCIA: Didn't have a large  
18 crowd at --

19 COMM. BAYNARD: I think Terre Haute  
20 was a pretty good -- Terre Haute was a large  
21 crowd.

22 CHAIRMAN GARCIA: Oh, yeah.

23 COMM. RAMOS: It was a good group in.

1 MR. LANGE: We had an oral argument  
2 in Terre Haute.

3 COMM. RAMOS: Yes.

4 CHAIRMAN GARCIA: Oh, yeah, that's  
5 right.

6 MR. KIRKLAND: Yes.

7 COMM. BAYNARD: Right.

8 CHAIRMAN GARCIA: We never got over  
9 to Fort Wayne.

10 MR. KIRKLAND: Never got to  
11 Fort Wayne.

12 CHAIRMAN GARCIA: I would have liked  
13 to have gone more towards Northwest Indiana as  
14 opposed to Portage, but we did have a good crowd  
15 in Portage.

16 MR. KIRKLAND: Okay.

17 COMM. RAMOS: Never been south --  
18 well, we went to Columbus. Did we go -- we went  
19 to Richmond. We went to Columbus.

20 COMM. BAYNARD: Evansville.

21 CHAIRMAN GARCIA: Okay.

22 COMM. RAMOS: So, we could --

23 MR. LANGE: Do we have --

1 MR. KIRKLAND: Well, what I can do,  
2 since it seems like you guys are interested in  
3 doing that again, why don't we look at trying to  
4 get some of these on the schedule for '09?

5 COMM. RAMOS: I mean once-a-quarter  
6 kind of thing? That's how we did it last time.

7 CHAIRMAN GARCIA: Well, I don't think  
8 we ever got to that, but I think for the travel  
9 part of it --

10 MR. LANGE: Yeah.

11 CHAIRMAN GARCIA: -- when I had to go  
12 to Evansville, it was a lot easier to do it in  
13 the summertime.

14 MR. KIRKLAND: Right. Okay. Due to  
15 the --

16 MR. LANGE: I think any time you pick  
17 either -- any corner of the state --

18 CHAIRMAN GARCIA: That's right.

19 MR. RAMOS: Right.

20 MR. LANGE: -- we've got somebody in  
21 every corner, and if they've got to go all of the  
22 way to the other corner --

23 CHAIRMAN GARCIA: Yeah. If we could

1 do all of the traveling in the summer --

2 MR. KIRKLAND: Okay.

3 CHAIRMAN GARCIA: -- that would be  
4 better, then we don't have any problems that  
5 would --

6 MR. LANGE: At least nice weather.

7 COMM. RAMOS: Yeah.

8 MR. LANGE: Apparently that would  
9 be --

10 MR. KIRKLAND: Okay.

11 MR. LANGE: We might not have the  
12 agency getting people paid for travel.

13 MS. ESSEX: No, it's -- within state,  
14 it's fine.

15 MR. RAMOS: Right.

16 MS. ESSEX: It's just out-of-state  
17 travel that has to be preapproved.

18 MR. LANGE: Okay. I misunderstood.

19 MR. KIRKLAND: Okay. Well, we can do  
20 that.

21 MS. ESSEX: So, as long as we don't  
22 go to Ohio or Illinois, we're good.

23 MR. LANGE: I can't imagine why we

1 would.

2 MR. KIRKLAND: I'll try to make sure  
3 we have a calendar, at least where our road  
4 show's going to be, by the next meeting.

5 MR. LANGE: Yeah.

6 CHAIRMAN GARCIA: Okay. But the new  
7 times are just for 2010?

8 MR. LANGE: Right.

9 CHAIRMAN GARCIA: Okay.

10 MR. LANGE: We already have rooms for  
11 this time for 2009.

12 MR. KIRKLAND: Any -- Judge, any --  
13 so, the idea of any of those days that we have on  
14 the 2009 schedule, any of them got a room free  
15 that day for our group?

16 MS. ESSEX: We've got rooms for all  
17 of them.

18 MR. LANGE: We've got rooms for  
19 everything.

20 MS. ESSEX: But we can release them.

21 MR. LANGE: But we can release a room  
22 easily.

23 MR. KIRKLAND: Okay.

1 MR. LANGE: But we have rooms  
2 for '09.

3 CHAIRMAN GARCIA: Oh, to change the  
4 meeting --

5 MR. LANGE: No.

6 MR. KIRKLAND: For the out of town --

7 CHAIRMAN GARCIA: Okay.

8 MR. LANGE: -- going on the road.

9 CHAIRMAN GARCIA: Did you want to try  
10 that, you know, maybe --

11 MR. KIRKLAND: Yeah.

12 MR. LANGE: We can try that. I don't  
13 know that we would -- I make no representations  
14 on how successful we'll be.

15 CHAIRMAN GARCIA: Would anybody be  
16 opposed to them trying?

17 COMM. RAMOS: No. Works for me.

18 CHAIRMAN GARCIA: We can try that,  
19 then.

20 MR. KIRKLAND: They'll be time for  
21 what's her name over there, my buddy --

22 MR. LANGE: Katrina? You've got a  
23 buddy?

1 CHAIRMAN GARCIA: And then if anybody  
2 shows up --

3 MR. LANGE: I bet yours are higher up  
4 than mine.

5 MR. KIRKLAND: That's what I was  
6 thinking, you know, I'm going in and saying --  
7 you know, have a talk with the Governor and he's  
8 okay with it, yeah, we approved it. So, you  
9 know, those things can be --

10 MR. LANGE: I don't expect --

11 MR. KIRKLAND: I found that out.

12 MR. LANGE: We won't have trouble  
13 getting a room, but there are only so many rooms  
14 that are large enough for the kinds of meetings  
15 we have.

16 MR. KIRKLAND: What we might have to  
17 do --

18 MR. LANGE: And we might have to do  
19 some of them 10:00 o'clock and some of them at  
20 1:00.

21 MR. KIRKLAND: Right, because I  
22 think -- you know, just like the room we do with  
23 the Minority Women and Business Commission, we



1 sometimes -- sometimes we use this room,  
2 sometimes we use a room smaller than this, but,  
3 you know, the crowd -- those that are interested  
4 stand around, so it's like, you know, if they're  
5 interested in like gaming, the Hoosier lottery,  
6 they have small rooms tighter than this, so  
7 that's the reason why, like I said, hey, as long  
8 as the Commissioners are here --

9 MR. LANGE: Well, we have to be  
10 prepared to have oral arguments.

11 MR. KIRKLAND: Right.

12 MR. LANGE: We don't know for sure  
13 when that's going to happen right now.

14 CHAIRMAN GARCIA: That's true.

15 MR. LANGE: We have to have a room  
16 that's big enough for it.

17 MR. KIRKLAND: Okay.

18 MR. LANGE: It doesn't necessarily  
19 have to be this room, but some are not big  
20 enough.

21 MR. KIRKLAND: Right.

22 CHAIRMAN GARCIA: Okay.

23 MR. LANGE: I take it, then, we'll

1 change as many to 10:00 o'clock as we can, and --

2 COMM. RAMOS: That's right. But

3 let's --

4 MR. LANGE: -- let you know which  
5 ones those are.

6 COMM. RAMOS: Well, certainly the  
7 next couple anyway, so --

8 MR. LANGE: Yeah.

9 MR. RAMOS: -- we can put those on  
10 our calendars.

11 MR. LANGE: We'll let you know as  
12 soon as we hear back.

13 COMM. RAMOS: Okay.

14 CHAIRMAN GARCIA: Okay. Are there  
15 any additional announcements?

16 (No response.)

17 CHAIRMAN GARCIA: Well, the next  
18 meeting, then, is February 27th at --

19 MR. LANGE: 10:00 or 1:00.

20 CHAIRMAN GARCIA: -- 1:00 o'clock,  
21 1:00 as it stands, but maybe 10:00.

22 Okay. Do I hear a motion to adjourn?

23 COMM. GIDNEY: So moved.

1 CHAIRMAN GARCIA: Second?

2 COMM. BAYNARD: Second.

3 CHAIRMAN GARCIA: Okay. The  
4 meeting's closed. We're adjourned.

5 - - -  
6 Thereupon, the proceedings of  
7 January 30, 2009 were concluded  
8 at 1:39 o'clock p.m.  
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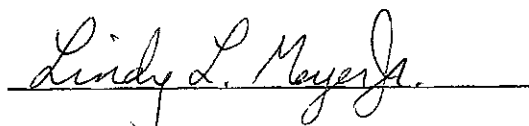
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CERTIFICATE

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 30, 2009 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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|--|--|---|--|
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