



**INDIANA
CIVIL
RIGHTS
COMMISSION**

MITCHELL E. DANIELS, JR. GOVERNOR



GREGORY KELLAM SCOTT, DIRECTOR
Indiana Government Center North
100 North Senate Avenue, RM N103
Indianapolis, IN 46204
E-mail: icrc@crc.in.gov
Visit our web site: www.in.gov/icrc

Office: (317) 232-2600
Toll Free: (800) 628-2909
Hearing Impaired: (800) 743-3333
Fax: (317) 232-6580
Housing: (866) 3FAIR4U
(866) 332-4748

INDIANA CIVIL RIGHTS COMMISSION
MONTHLY MEETING
January 26, 2007

Chair Alpha Blackburn called the regular January 2007 Monthly Meeting of the Indiana Civil Rights Commission ("ICRC") to order. The meeting was held in Indianapolis, Indiana in Room A of the State Conference Center at the Indiana Government Center South, in Indianapolis, Indiana.

ATTENDEES:

In addition to the Chair, the Commissioners present were: Barry Baynard, David C. Carter and Tehiji Crenshaw. There being four Commissioners present a Quorum was established to conduct the Commission's business.

The Commission's Director, Gregory Kellam Scott, and several staff members, including Deputy Director Christine Cde Baca, were present in person. Members of the public attending the meeting included Cleveland Witherspoon.

A. AGENDA REQUEST:

No Agenda requests were received for this month. However, the Commission agreed to permit any member of the public attending the meeting to have the opportunity to address the Commission.

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

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B. APPROVAL OF THE MINUTES:

It was moved by Commissioner Carter and seconded by Commissioner Baynard to approve and adopt the minutes from the Commission's November 2006 meeting.

C. NEW BUSINESS:

Judge Scott announced the Holocaust Observance is planned for April 2007. An invitation has been extended to the governor to participate. In addition, the Commission's Director noted there will be a Youth Summit convened as part of the Observance.

D. Old Business

Judge Scott reported the Commission's Retaliation Regulations are proceeding through the state administrative process, including the Legislative Services Office, and that staff members have initiated communications with the Attorney General's Office to set a pre-review meeting.

The Director reported the Dr. Martin Luther King Jr. Indiana Holiday Celebration was held January 11 in the State House Rotunda. The Dr. Martin Luther King Jr. Indiana Holiday Commission cosponsored the celebration with the Civil Rights Commission. The Lt. Governor's Office participated with us and provided funding to support the reception held after the formal program. More than 1000 attended the celebration and our Youth Summit program had 800 students in attendance—more than last year's record 500! The youth summit included the performance of storyteller John Thompson, who portrayed Paul Robeson, the Rutgers University All-American football player who graduated number one in his class at Rutgers while earning 12 varsity letters and gave his historic commencement speech in Latin. Paul Robeson went on to play Othello, written for him by Eugene O'Neal and internationally became one of the most well-known Americans of his era.

Judge Scott noted our speaker for the Youth Summit was Brandon Cosby, a senior fellow at the University of Indianapolis. Mr. Cosby, a youth advocate, gave the students a charge in the morning to impact their schools and communities to oppose violence and fight against racism. (During the Rotunda formal program, Brandon provided very provocative closing comments addressing the relationship between adults, as elders, and our importance as wise and responsive elders to the future of our youth.) During the program and immediately following Mr. Thompson's performance revealing the life of Paul Robeson and the discrimination he was subjected to as a walk-on football player at Rutgers through his adult life in the United States. In response, students asked our story teller many questions.

The students were then divided into smaller groups, with facilitators, to lead discussions regarding Paul Robeson's life, discrimination, violence in schools and individual rights in school and the community, as well as the responsibility each person has as a member of our communities. Student responses were impressive, have been recorded, collected and will be provided to Commissioners and will be made available on our web page in a manner protecting the identity of the students.

E. COMMITTEE REPORTS:

Financial Report

The monthly financial report was presented by Eric Chandler, the Commission's accountant. The report was given and no questions were raised.

F. CONSENT AGREEMENTS: NONE

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

It was moved by Commissioner Carter and seconded by Commissioner Baynard that the Commission accept the findings of fact, conclusions of law and order proposed in **Emma Poindexter v. Marion County Family Advocacy Center, Inc. EMra0580415**. The motion carried unanimously, four in favor and none in opposition.

It was moved by Commissioner Carter and seconded by Commissioner Baynard the Commission accept the findings of fact, conclusions of law and order proposed in **Kimberly Reed v. Mike's Express Car Wash PAra04110592**. The motion carried unanimously, four in favor and none in opposition.

It was moved by Commissioner Carter and seconded by Commissioner Baynard that the Commission accept the findings of fact, conclusions of law and order proposed in **Dale Eggert II v. Smitty's Brake & Muffler Service EMha05070375**. The motion carried unanimously, four in favor and none in opposition.

It was moved by Commissioner Carter and seconded by Commissioner Baynard that the Commission accept the findings of fact, conclusions of law and orders proposed in the following matters:

R. C. Chamberlin v. Timmy Dale Hickerson d/b/a Hickerson Transport EMra04030127; Talitha Cunningham v. Lafayette Housing Authority HOra06030082 ; Christine Cde Baca in her official capacity as Deputy Director of the Indiana Civil Rights Commission; and Wafiyyah Williams v. Brownsburg Point Apt., and Pedcor Management Corporation HOra05090481 and Carter v. Wal-mart Stores East, L.P. EM05030163. The motions carried unanimously.

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

It was moved by Commissioner Baynard and seconded by Commissioner Crenshaw to accept the recommendation of Commissioner Baynard to uphold the Director's or the Deputy Director's findings of No Probable Cause in the case of *Kapalamula v. Arbor at Ironwood and O'Connell and Nimon*. The motion carried unanimously.

In addition, it was moved by Commissioner Carter and seconded by Commissioner Baynard to accept the recommendation by Commissioner Crenshaw to uphold the Director's or the Deputy Director's findings of No Probable Cause in the cases of *Witherspoon v. Mike's Car Wash, Witherspoon v. Indianapolis Police Department, Witherspoon v. Integral Tech and Witherspoon v Security Video*. The motion carried unanimously.

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

Complainant Appeals were assigned to Commissioners as follows:

Blackburn – **Brooks v. Business Health Plus**
Carter – **Lewis v. Evansville Vanderburgh School Corporation**
Ojleska v. Accusil
Baynard- **Osborne v. Stee and Dave Grove**
Crenshaw– **Johnson v. Kroger**
Eberton v. Commerical Graphic, Inc

K. **ADMINISTRATIVE UPDATE :**

Director's Report

The Commission's Director, Judge Scott gave the following report. The Chair of the House Ways & Means Committee, Representative Bill Crawford, invited the Director to attend a hearing before the Ways and Means Committee regarding the Commission's budget. The Governor's budget proposal is before the legislature and I invite any Commissioners to join the Director in his appearance before the Ways & Means Committee. We have been advised of legislation to transfer the Native American Indiana Affairs Commission (NAIAC) so it will be an agency under the umbrella of the Indiana Civil Rights Commission. NAIAC will appear after our time before the House Ways & Means Committee.

Judge Scott suggested the Commissioners determine where the next meeting will be held. Commissioner Crenshaw recommended the April meeting of the Commission be held in Evansville and agreed to host the April meeting. The Commissioner's agreed and asked Commissioner Crenshaw to check into The University of Evansville or University of Southern Indiana as sites for the meeting and to report back to the Director and the Commission.

Deputy Director's Report

The Commission's Deputy Director, Christine Cde Baca, reported the current case inventory is 468 cases. This month the Director and Deputy Director issued findings of probable or reasonable cause in 4 matters. In addition, 45 matters or cases were added to the inventory, while 48 cases were disposed of or closed during the month.

As to matters regarding alternative dispute resolution, there were four cases that resulted in settlement. Two other cases which were mediated but no settlement was reached. Benefits received in the month of December 2006 included monetary benefits in the amount of \$4,250.00, which funds were paid to complainants.

Steve Tilden has obtained a number of IUPUI law students who have been accepted as mediator externs for the fall 2006 semester, who have assisted the ADR staff in and during the various settlement efforts.

Deputy Director Christine Cde Baca reported the ICRC Education Steering Committee held a second meeting on January 23, 2007. The meeting was well attended and included two presentations, one with regards to implementation of PBIS within the school system and the other given by member Pat Payne, from Indianapolis Public Schools. Ms. Payne discussed issues raised by efforts to conduct a cultural audit.

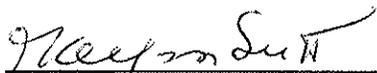
L. ANNOUNCEMENTS:

Chairperson Blackburn stated that The Beta Fair was on December 22, 2006 which is a national recognition program for achievements of African-Americans.

Judge Scott reported the Indiana Civil Rights Commission will be losing Eric Chandler in the upcoming weeks. While it is regrettable as he has served the Commission well and works very well with other staff members, he is moving to Virginia to accommodate his father's health needs, where they will live together.

M. ADJOURNMENT:

There being no further business to come before the Commission, on motion duly made, the meeting was adjourned.



Gregory Kellam Scott
Director
Dated: _____



Alpha Blackburn DAVID C. CARTER
Chair
Dated: 3/23/07