

BEFORE THE STATE OF INDIANA
CIVIL RIGHTS COMMISSION

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INDIANA
CIVIL RIGHTS COMMISSION

PUBLIC MEETING OF MARCH 23, 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 A, 402 West Washington Street, Indianapolis,
Indiana, on Friday, March 23, 2012 at
11:11 o'clock a.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 Alpha Blackburn, Chairperson
4 David C. Carter
5 Barry Baynard
6 Tehiji G. Crenshaw
7 Charles D. Gidney

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

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11 OTHER COMMISSION STAFF PRESENT :

12 Robert D. Lange
13 Pamela Cook
14 Melissa Deering

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1 11:11 o'clock a.m.
2 March 23, 2012

3 CHAIRPERSON BLACKBURN: Good morning.

4 MS. COOK: Good morning.

5 MR. LANGE: Good morning.

6 CHAIRPERSON BLACKBURN: The Indiana
7 Civil Rights Commission is now in session and in
8 public meeting. I would ask for approval of the
9 minutes.

10 COMM. GIDNEY: So moved.

11 COMM. CARTER: Second.

12 CHAIRPERSON BLACKBURN: All in favor?

13 COMM. CARTER: Aye.

14 COMM. CRENSHAW: Aye.

15 COMM. BAYNARD: Aye.

16 COMM. GIDNEY: Aye.

17 CHAIRPERSON BLACKBURN: Aye.

18 Anyone opposed?

19 (No response.)

20 CHAIRPERSON BLACKBURN: Thank you.

21 I will move now to the Financial Report.

22 MS. COOK: Good morning.

23 CHAIRPERSON BLACKBURN: Good morning.

1 MS. COOK: I'd just like everyone to
2 know that we currently receive \$104,500 in
3 cooperative agreements from EEOC, and we are also
4 awaiting the additional \$250,000 from HUD. Since
5 we're currently ending the near -- ending the
6 third quarter of our fiscal year, it seems that
7 we're still on target to meet our goal.

8 The agency has been asked to reserve three
9 percent of its appropriation, which equates to
10 approximately \$56,000 for this year, and I will
11 be making those adjustments to reflect on next
12 month's financial statement.

13 If you have any questions, I'll take those
14 at this time.

15 CHAIRPERSON BLACKBURN: Is that in
16 addition to previous cuts that we've had to --

17 MR. SMITH: Yes.

18 CHAIRPERSON BLACKBURN: -- respond
19 to?

20 MS. COOK: Yes.

21 MR. SMITH: Yes.

22 MS. COOK: But it's less than in
23 previous years. Last year we were asked to

1 revert 15 percent.

2 MR. SMITH: Yeah, I think it's been
3 15 the last couple of years.

4 MS. COOK: Yes.

5 MR. SMITH: And the three percent, my
6 guess is that they're trying to see how far they
7 can go before everybody just --

8 CHAIRPERSON BLACKBURN: "I can't cut
9 any more."

10 MR. SMITH: Yeah. So, we'll see.
11 We're sitting in a good position. We have been
12 able to secure some external funds to help out
13 with expenses in other areas, and so salary
14 consumes the majority of our allotted funds from
15 OMB, so -- and they're aware of that as well.
16 But we try to keep it as -- well, we're in a good
17 position.

18 CHAIRPERSON BLACKBURN: As long as we
19 can still aggressively pursue our mission --

20 MR. SMITH: Yes.

21 CHAIRPERSON BLACKBURN: -- we're
22 okay; right?

23 MR. SMITH: Yes, ma'am.

1 CHAIRPERSON BLACKBURN: Thank you.

2 Any other questions for Ms. Cook?

3 (No response.)

4 CHAIRPERSON BLACKBURN: Thank you
5 very much.

6 Old business. Commissioners have cases,
7 appeals for which they have studied and are now
8 ready to report on their recommendations. I'd
9 like to start with Comm. Gidney.

10 COMM. GIDNEY: Okay. In the matter
11 of Deborah Hughes versus Carmel City Court, my
12 recommendation is that we uphold the finding of
13 no probable cause, and the same with William
14 Clark versus Golden Corral, to uphold the finding
15 of no probable cause.

16 CHAIRPERSON BLACKBURN: May I have a
17 motion to accept those two recommendations?

18 COMM. CARTER: So moved.

19 COMM. CRENSHAW: Second.

20 CHAIRPERSON BLACKBURN: Anyone -- all
21 in favor?

22 COMM. CARTER: Aye.

23 COMM. CRENSHAW: Aye.

1 COMM. BAYNARD: Aye.

2 COMM. GIDNEY: Aye.

3 CHAIRPERSON BLACKBURN: Aye.

4 Anyone opposed?

5 (No response.)

6 CHAIRPERSON BLACKBURN: Thank you.

7 Comm. Carter?

8 COMM. CARTER: Madam Chair, in the
9 matter of Heather Derringer versus Exact Target,
10 I recommend that we uphold the Deputy Director's
11 no probable cause finding.

12 CHAIRPERSON BLACKBURN: May I have a
13 motion to accept Comm. Carter's --

14 COMM. BAYNARD: So moved.

15 COMM. CRENSHAW: Second.

16 CHAIRPERSON BLACKBURN: All in favor?

17 COMM. CARTER: Aye.

18 COMM. CRENSHAW: Aye.

19 COMM. BAYNARD: Aye.

20 COMM. GIDNEY: Aye.

21 CHAIRPERSON BLACKBURN: Aye.

22 Anyone opposed?

23 (No response.)

1 CHAIRPERSON BLACKBURN: And
2 comm. Crenshaw?

3 COMM. CRENSHAW: In the case of Glen
4 Dean versus RLH Transport, Inc., I make a motion
5 we uphold the Deputy Director's finding of no
6 probable cause.

7 CHAIRPERSON BLACKBURN: May I have a
8 motion to accept that recommendation?

9 COMM. CARTER: So moved.

10 COMM. BAYNARD: Second.

11 COMM. GIDNEY: Second.

12 CHAIRPERSON BLACKBURN: All in favor?

13 COMM. CARTER: Aye.

14 COMM. CRENSHAW: Aye.

15 COMM. BAYNARD: Aye.

16 COMM. GIDNEY: Aye.

17 CHAIRPERSON BLACKBURN: Aye.

18 Anyone opposed?

19 (No response.)

20 CHAIRPERSON BLACKBURN: Thank you
21 very much.

22 Comm. Garcia have a report in to you?

23 MS. DEERING: No, I didn't get a

1 chance to talk with him. I'll have that next
2 month.

3 CHAIRPERSON BLACKBURN: All right.
4 Comm. Baynard?

5 COMM. BAYNARD: Yes, Madam Chair. In
6 the case of Monica Butts verses Indiana Bureau of
7 Motor Vehicles, I would recommend that to the
8 Commission that we uphold the Deputy Director's
9 finding of no probable cause.

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

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. GIDNEY: Aye.

19 CHAIRPERSON BLACKBURN: Aye.

20 Anyone opposed?

21 (No response.)

22 CHAIRPERSON BLACKBURN: In the case
23 of William Coleman versus the Indianapolis Public

1 School Transportation, I recommend that we uphold
2 the finding of no probable cause, and ask for
3 someone to offer a motion --

4 COMM. CRENSHAW: So moved.

5 CHAIRPERSON BLACKBURN: -- to accept.

6 COMM. CARTER: Second.

7 CHAIRPERSON BLACKBURN: And all in
8 favor?

9 COMM. CARTER: Aye.

10 COMM. CRENSHAW: Aye.

11 COMM. BAYNARD: Aye.

12 COMM. GIDNEY: Aye.

13 CHAIRPERSON BLACKBURN: Aye.

14 Anyone opposed?

15 (No response.)

16 CHAIRPERSON BLACKBURN: Thank you.

17 I read two other cases this month but
18 they're not listed, so we will deal with those
19 later; okay?

20 MS. DEERING: Uh-huh.

21 CHAIRPERSON BLACKBURN: The -- I'd
22 like to assign Commissioners for new appeals.
23 They are Comm. Crenshaw, Berdina Gamble versus

1 Marsh Supermarkets; Comm. Carter, Dawn Ebersole
2 versus Town of New Carlisle; Comm. Gidney, Todd
3 Gatling versus M & M Transport; and I'll cover
4 the case assigned for Comm. Ramos, Steven
5 Thompson versus Technicot -- Technicote, c o t e.

6 All right. We have a motion -- or I would
7 entertain a motion and order for Elizabeth
8 Bridgewater. May I have a motion to accept the
9 order in the case of Elizabeth Bridgewater?

10 COMM. CARTER: So moved.

11 CHAIRPERSON BLACKBURN: And do I --

12 COMM. CRENSHAW: Second.

13 CHAIRPERSON BLACKBURN: -- have a
14 second? All in favor?

15 COMM. CARTER: Aye.

16 COMM. CRENSHAW: Aye.

17 COMM. BAYNARD: Aye.

18 COMM. GIDNEY: Aye.

19 CHAIRPERSON BLACKBURN: Aye.

20 Anyone opposed?

21 (No response.)

22 CHAIRPERSON BLACKBURN: Thank you.

23 Now an Administrative Update.

1 MR. LANGE: You skipped one.

2 COMM. CARTER: You skipped one.

3 CHAIRPERSON BLACKBURN: Did I skip
4 one?

5 COMM. GIDNEY: Yes, Courtney --

6 MR. SMITH: Findings of Fact --

7 CHAIRPERSON BLACKBURN: Oh, I'm
8 sorry. Findings, F under your tab, Courtney
9 Looker versus Guy and Cordelia Embry, may I have
10 a motion to accept the findings?

11 COMM. BAYNARD: So moved.

12 COMM. CARTER: Second.

13 CHAIRPERSON BLACKBURN: All in favor?

14 COMM. CARTER: Aye.

15 COMM. CRENSHAW: Aye.

16 COMM. BAYNARD: Aye.

17 COMM. GIDNEY: Aye.

18 CHAIRPERSON BLACKBURN: Aye.

19 Anyone opposed?

20 (No response.)

21 CHAIRPERSON BLACKBURN: Thank you.

22 And now our Director's Report.

23 MR. SMITH: Not much. I wanted to

1 bring you guys -- I'm assuming everyone receives
2 the newsletters. I wanted to confirm that, make
3 sure as Commissioners you guys have always got
4 the newsletters. There are some press releases
5 that went out that were listed in the Executive
6 Director's report as well.

7 A recap on some of the events. We had
8 quite a few things in February, obviously: Fair
9 housing training, family day at the museum. A
10 couple of things to note, we're still working to
11 strengthen the relationships with the Burmese
12 communities throughout the state, both in
13 Fort Wayne and here in Indianapolis.

14 In conversations with IUPUI's Office of
15 Diversity, they actually have staff there that
16 work as interpreters that can help facilitate
17 some things with the Burmese community, and they
18 have a relationship with the CHNN community here
19 in Indianapolis that'll go a long way, so we're
20 trying to work through that so that we can
21 develop some sort of a process that if someone in
22 that community has an issue and they need to file
23 a complaint, that we don't have the roadblock of

1 interpreting what it is that they're trying to
2 get across, so working on those relationships,
3 and those seem to be really, really positive.

4 A very similar one with what's called the
5 South Bend Latino Task Force for Education. I
6 have an agreement with the organization there
7 where they, for three months, a day out of -- I
8 think it's the third Monday of each month, they
9 bring families into the community center, many of
10 which, obviously, English as a second language,
11 didn't speak English that well, and wanted to not
12 only inform them about what ICRC was doing, but
13 give them a lot of insight about education and
14 things of that nature. It really went over well.

15 The other thing, IBE, the relationship
16 with them, we've always been a sponsor of Black
17 Expo, but we've kind of reworked the sponsorship.
18 One of the things I did not want was, before we
19 had a -- I think historically we did like a booth
20 and be next to the Shea Butter guy in the middle
21 of the exhibits, so we kind of nixed a lot of
22 that stuff.

23 And considering we've taken on education

1 as a civil rights issue and that's our flight
2 here, what we've done is we've teamed up with
3 them to be one of the co-sponsors. We did it to
4 a certain degree last year, but we wanted to
5 emphasize it a lot more this year, their
6 education conference, as part of Black Expo.

7 And so, we'll be teaming up with them.
8 We'll be doing -- presenting and giving a panel
9 discussion during that piece. We'll be bringing
10 in someone from DOE as well as some folks from IU
11 to address the two areas of disparate discipline
12 in the schools and the disproportionate number of
13 black and brown youth being put into special ed,
14 so those will be the two areas that we'll be
15 focusing on as part of that component.

16 As a lead-up to that, we are going to have
17 a few events as part of the agreement with IBE.
18 They're going to help us tap into their local
19 chapters, so, you know, in conjunction with our
20 mission to get out throughout the state, we're
21 going to leverage the relationships with the IBE
22 chapters. We've gotten word that some are a
23 little bit more active than others, but hopefully

1 we can get the most out of all of the chapters
2 that we come in contact with. So, excited about
3 that piece. It should be a lot of fun. We
4 should be able to touch a lot of people.

5 One of our things with that is, you know,
6 obviously when we put on these types of events
7 here in the Government Center, it's easy to get
8 the administrators, right, the superintendents of
9 the schools and the people from DOE and all of
10 these people who hear us talk back and forth
11 about the same things with one another all of the
12 time.

13 But what we wanted to do was make sure
14 that we got in the community and talk to a lot of
15 the parents, a lot of the folks who don't get
16 this information on a daily basis, who don't know
17 a lot of the changes in the law that happened
18 last year with all of the education reform and
19 things of that nature, and get it to them.

20 Our sentiment was that DOE, whether they
21 feel it's their job or not, they don't do a
22 really good job of getting it to the people who's
23 affected most, so hopefully we can facilitate

1 that, so that's our mission.

2 The last thing to note is that in April,
3 the 26th -- there's a few things going on in
4 April, including the Holocaust piece. We're
5 doing a deal in Gary with the Indiana Parenting
6 Institute, the Housing Community Resource Fair,
7 but we'll be hosting an education and fair
8 housing conference, very similar to what we did
9 in Gary last year. It's a two-day event here on
10 the 26th and 27th. The anchor of it will be the
11 fair housing piece.

12 Prior to that, though, on the 26th, we'll
13 have the deal on education that we'll hold here.
14 NAACP will be involved as well as the IBE, the
15 Urban League, and whatever other organizations we
16 can get to help facilitate. We want to bring in
17 as many people as we can, and that'll be held
18 here. Topics that'll be discussed, again, will
19 be the disproportionate number of kids being put
20 into special ed, and then disparate discipline as
21 well, so --

22 CHAIRPERSON BLACKBURN: And the dates
23 again?

1 MR. SMITH: April 26th and then
2 April 27th. And we've teamed up with Ivy Tech.
3 Instead of always hosting it here, parking seems
4 to be an issue, and again, for the government
5 people and the administrators it's not
6 necessarily an issue, but for the community folks
7 and the parents, you know, it could be a little
8 bit cumbersome and costly, to be honest.

9 And so, Ivy Tech was gracious enough to
10 allow us to use their facilities, they've got
11 free parking, centrally located. It should work
12 well. It should work well. And we'll get more
13 information as that unfolds out to you guys as
14 well.

15 Our CLE series has kicked off again, and
16 we're still pushing forward with that. Nothing
17 too severe to note on that piece. March we're in
18 Lafayette, May in Columbus, South Bend in June,
19 Indianapolis in August, Evansville in October,
20 and then back down south in December in the
21 Jeffersonville and New Albany area, so that will
22 be big.

23 And then the last thing you'll find on the

1 back is a mention about the Latino Task Force
2 that I talked about. It is a collaboration with
3 the United Way of Greater South Bend, who has a
4 large focus on the whole refugee -- they do a lot
5 with refugees. In fact, there's an Iraqi
6 community that's growing there, refugees, and
7 we're working with them on that, in addition to
8 the Latino Task Force.

9 So, that's a -- I mean United Way is a
10 huge organization and it allows us to be able to
11 expand and do a lot of things that maybe some of
12 the statutory parameters we have on us as an
13 agency won't allow us to do, so we're excited
14 about that as well.

15 Any questions about any of the events or
16 any of the outreach or efforts that we're trying
17 to get into?

18 (No response.)

19 MR. SMITH: We still have the
20 relationships with DOE. We take -- a few guys
21 have actually taken the chance to look -- there's
22 a link that we do with a video as part of the
23 newsletter that -- we try to touch on whatever

1 the hot topic is, and sorry you have to see my
2 mug on there all of the time, but we'll try to
3 mix that up a little bit, but -- not everybody
4 reads it, but we figure more people would be apt
5 to click on it and listen, so --

6 CHAIRPERSON BLACKBURN: That's very
7 nice.

8 MR. SMITH: Any other questions about
9 that?

10 (No response.)

11 MR. SMITH: Hearing none, did you
12 give me that card? No? Okay. So, what we
13 did -- hang on one sec here.

14 (Pause in proceedings.)

15 MR. SMITH: Okay.

16 CHAIRPERSON BLACKBURN: I have an
17 announcement.

18 MR. SMITH: Well, you make your
19 announcement first.

20 CHAIRPERSON BLACKBURN: I'm letting
21 you know, I just wanted you to be aware that -- I
22 want everybody here who's not heard, who didn't
23 hear earlier, I want them to be aware of the fact

1 that you have been recognized for your
2 outstanding leadership --

3 MR. SMITH: I didn't know that was
4 your announcement.

5 CHAIRPERSON BLACKBURN: -- and
6 contributions to this community, and not just
7 this community, but across the state, as an
8 outstanding role model and leader for young
9 people.

10 And he was honored by the Center for
11 Leadership Development at their Annual Minority
12 Achievers Awards Dinner, attended by about a
13 thousand people, and well -- the audience well
14 peppered with the leaders of educational
15 institutions across the state and from outside of
16 the state and, of course, the corporate
17 leadership.

18 So, we applaud you, and we think it
19 entirely appropriate that you were honored.

20 MR. SMITH: Well, thank you. I
21 appreciate that.

22 (Applause.)

23 MR. SMITH: Well, thank you. I

1 certainly appreciate that.

2 And not to be outdone, the last piece of
3 business that I had, I'm not sure if everyone is
4 aware, but our Madam Chair has been serving as a
5 Commissioner for 25 years.

6 CHAIRPERSON BLACKBURN: Oh, they
7 know, because I've told them ad nauseam.

8 (Laughter.)

9 MR. SMITH: And we would be remiss if
10 we didn't, number one, thank you for your service
11 and what you've given not only to the Commission,
12 but for those who know you, you do a lot more
13 than just what you do for the Commission, so I
14 don't think we could do enough. And it's not a
15 Sagamore, but we want to be able to show our
16 token of appreciation to you and present you with
17 an award.

18 CHAIRPERSON BLACKBURN: Well, isn't
19 that lovely.

20 (Applause.)

21 MR. SMITH: To just say thank you for
22 that, and --

23 CHAIRPERSON BLACKBURN: Well, thank

1 you very much. Well, this is not a substitute
2 for the Sagamore.

3 MR. SMITH: It is not, and I will
4 make that request. In fact, if not for an
5 emergency, the Governor was scheduled to be here
6 this morning, but he sends his regards and --

7 CHAIRPERSON BLACKBURN: Well, thank
8 you.

9 MR. SMITH: -- certainly says thank
10 you.

11 CHAIRPERSON BLACKBURN: It's lovely.

12 MR. SMITH: We will also, too, as we
13 concluded, we have some cake and punch and some
14 things of that nature --

15 CHAIRPERSON BLACKBURN: Wow.

16 MR. SMITH: -- to celebrate, and the
17 staff wanted to --

18 CHAIRPERSON BLACKBURN: We all have a
19 sweet tooth.

20 MR. SMITH: -- the staff wanted to
21 come and say thank you as well, so on behalf of
22 the Commission and everyone who knows you, thank
23 you for all that you do, and I'm not sure how

1 long you'll keep putting up with us, but we
2 certainly appreciate it.

3 CHAIRPERSON BLACKBURN: Thank you.

4 (Applause.)

5 MR. SMITH: And that's it for the
6 Executive Director's report, unless there are any
7 other questions.

8 CHAIRPERSON BLACKBURN: Thank you.

9 Are there any other announcements?

10 MS. DEERING: I do have one.

11 CHAIRPERSON BLACKBURN: Yes.

12 MS. DEERING: We have extended an
13 offer to a Debbie Rincones-Chavez to fill
14 Christina's position, and she is due to start on
15 April 2nd.

16 CHAIRPERSON BLACKBURN: Okay.

17 MS. DEERING: So, we'll cross our
18 fingers that she'll be here on April 2nd.

19 CHAIRPERSON BLACKBURN: That's very
20 good. You're needing the extra help.

21 MS. DEERING: Yes.

22 CHAIRPERSON BLACKBURN: Thank you
23 very much.

1 In your agendas are the dates for 2012, so
2 if you don't already have them on your calendars,
3 please put them there. We have some signatures.

4 And following that, hearing no more
5 announcements, the Commission is adjourned.

6 - - -
7 Thereupon, the proceedings of
8 March 23, 2012 were concluded
9 at 11:31 o'clock a.m.
10 - - -

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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, March 23, 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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