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PUBLIC MEETING OF OCTOBER 24, 2008

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, October 24, 2008 at 2:00
o'clock p.m.

William E. Daniels, RPR/CP CM d/b/a
ACCURATE REPORTING OF INDIANA
12922 Brighton Avenue
Carmel, Indiana 46032
(317) 848-0088

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

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BEFORE THE STATE OF INDIANA

CIVIL RIGHTS COMMISSION

- - -

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1 2:00 o'clock p.m.
October 24, 2008

2
3 CHAIRPERSON BLACKBURN: Okay. We're
4 all here. Good afternoon. The Indiana Civil
5 Rights Commission is now in public meeting, and
6 we have a quorum.

7 You have minutes from July. May I have a
8 motion to approve and adopt those minutes? You
9 all did receive --

10 COMM. CARTER: I wasn't here in July,
11 so I'm not going to --

12 COMM. GARCIA: I wasn't here, so I'm
13 going to keep my mouth shut.

14 CHAIRPERSON BLACKBURN: You haven't
15 read them? No one's --

16 COMM. BAYNARD: Yes. I'll make a
17 motion to accept the minutes.

18 COMM. CARTER: I'll second.

19 COMM. RAMOS: Second.

20 CHAIRPERSON BLACKBURN: All in favor?

21 COMM. CARTER: Aye.

22 COMM. CRENSHAW: Aye.

23 COMM. BAYNARD: Aye.

1 quarter are going to be more -- closer to a
2 hundred percent because we'll be gearing up and
3 moving into some of the programs and things like
4 that with MLK and with some of the other programs
5 that we do annually.

6 I don't expect us to be over budget. I
7 expect us to make reversion, and as I stated at
8 the beginning of the fiscal year, I hope that we
9 take this opportunity to utilize any additional
10 funds that we have. You know, if we make our
11 reversion and we have additional funding, I want
12 to use those dollars to the best benefit of the
13 agency, whether that be through doing advertising
14 campaigns, putting the money into new equipment,
15 new services, different things like that. So, we
16 want to make our reversion, but we surely don't
17 need to give back any more than that reversion
18 is.

19 CHAIRPERSON BLACKBURN: What's the
20 requested reversion; do you know?

21 MS. ESSEX: The requested reversion
22 this year is -- I think it's in here. I think
23 it's a hundred and -- I want to say a hundred and

1 MS. ESSEX: Uh-huh, yeah. I don't
2 see anything out of the ordinary coming to give
3 us any difficulty, and we -- I try to watch that
4 very closely.

5 COMM. RAMOS: Thank you.

6 CHAIRPERSON BLACKBURN: Thank you
7 very much.

8 MS. ESSEX: Uh-huh.

9 CHAIRPERSON BLACKBURN: Is there any
10 old business?

11 (No response.)

12 CHAIRPERSON BLACKBURN: New business?

13 (No response.)

14 CHAIRPERSON BLACKBURN: Any business?

15 (Laughter.)

16 CHAIRPERSON BLACKBURN: I wanted to
17 see if you all were listening.

18 Okay. We do have some consent agreements.
19 Clem versus Covington-Veedersburg Public Library
20 and Dennis versus First National Bank & Trust and
21 Harris, N.A. May I have a motion to accept both
22 of those consent agreements?

23 COMM. CARTER: So moved.

1 CHAIRPERSON BLACKBURN: Aye.

2 Anyone opposed?

3 (No response.)

4 CHAIRPERSON BLACKBURN: Thank you.

5 MR. BREWSTER: Excuse me. I just
6 wanted to point out two things. On two of the --
7 James Brock and Qwauntania Norman, if we could
8 remove those. They have already been
9 administratively dismissed. It was error on my
10 part. I'm staff attorney, and I should have done
11 that, but -- so they've already been dismissed.

12 CHAIRPERSON BLACKBURN: Okay. Thank
13 you. We'll make note that those two have already
14 been dismissed.

15 Reports by Commissioners on complaint
16 appeals.

17 Comm. Baynard?

18 COMM. BAYNARD: Yes, Madam Chair.
19 The case of Cotton versus MEDTEC Ambulance
20 Corporation, I would recommend we uphold the
21 Director's finding of no probable cause.

22 CHAIRPERSON BLACKBURN: May I have a
23 motion to accept that recommendation?

1 CHAIRPERSON BLACKBURN: All in favor?

2 COMM. CARTER: Aye.

3 COMM. CRENSHAW: Aye.

4 COMM. BAYNARD: Aye.

5 COMM. RAMOS: Aye.

6 COMM. GARCIA: Aye.

7 CHAIRPERSON BLACKBURN: Aye.

8 Anyone opposed?

9 (No response.)

10 CHAIRPERSON BLACKBURN: Thank you.

11 Comm. Crenshaw?

12 COMM. CRENSHAW: In the case of
13 Cantrell versus The Harbours Condominium
14 Association, Inc., I make a recommendation that
15 we uphold the Executive Director's decision of no
16 probable cause.

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

19 COMM. GARCIA: So moved.

20 COMM. CARTER: Second.

21 CHAIRPERSON BLACKBURN: All in favor?

22 COMM. CARTER: Aye.

23 COMM. CRENSHAW: Aye.

1 motion to --

2 COMM. GARCIA: So moved.

3 CHAIRPERSON BLACKBURN: -- accept
4 that recommendation?

5 COMM. CARTER: Second.

6 CHAIRPERSON BLACKBURN: All in favor?

7 COMM. CARTER: Aye.

8 COMM. CRENSHAW: Aye.

9 COMM. BAYNARD: Aye.

10 COMM. RAMOS: Aye.

11 COMM. GARCIA: Aye.

12 CHAIRPERSON BLACKBURN: Aye.

13 Thank you very much.

14 (Discussion off the record.)

15 CHAIRPERSON BLACKBURN: Assign -- oh,
16 in the case of Kunze versus Evansville Housing
17 Authority/Buckner Tower, I recommend that we
18 uphold the Director's finding of no probable
19 cause. May I have a motion to accept that
20 recommendation?

21 COMM. GARCIA: So moved.

22 COMM. CARTER: Second.

23 CHAIRPERSON BLACKBURN: All in favor?

1 And Comm. Garcia, Hodge versus 2063
2 Meridian, LLC.

3 And Comm. Ramos, Sanchez versus Employment
4 Plus.

5 We would like now to hear our
6 Administrative Update and the Director's Report.

7 MR. KIRKLAND: Okay. Basically we've
8 been real busy. For those of you all that may
9 not know, Josh is our new ADR person, who's --
10 Josh is here, he's down at the end, and he's
11 going to be handing a lot of our remediation
12 cases. We're trying to work on that with EEOC,
13 trying to make that adjustment.

14 Those of you who don't know, Ms. Malone
15 here is Deputy Director/Chief of Staff, so we've
16 been in several trainings. We went to a human
17 resource conference in Detroit, which that was
18 very befitting. She, as a matter of fact, went
19 to a law training in D.C.

20 Is that correct?

21 MS. MALONE: Yes.

22 MR. KIRKLAND: Right.

23 Currently Elena Love, who used to be our

1 could have new players in the game as well as we
2 could have overall new leadership; we don't know.
3 So, definitely we all will know on November 5th
4 who's going where and what to do on what.

5 So, hopefully with that, the following
6 week after the election is the first day that the
7 legislators start to hearing recommendation
8 bills, so that's when they have both Houses, both
9 the Senate as well as the House, in on that
10 Friday, where they get legislative -- what they
11 call Legislative Day, so they'll be putting
12 things together, so it's something we probably
13 want to look at that we might want to voice out
14 if we want to continue to carry that initiative.

15 CHAIRPERSON BLACKBURN: Okay. Very
16 good.

17 Are there any questions or comments about
18 the Education Reports?

19 (No response.)

20 CHAIRPERSON BLACKBURN: I was
21 impressed with the work that they've done, and I
22 thought that it was tempered with a considerable
23 amount of objectivity. It didn't reflect some of

1 our educational investigator, because we find the
2 need -- that there is a need there, that we can
3 have individuals dedicated to trying to handle
4 those type cases, because those are some of our
5 longest -- cases that take some time to deal with
6 that. So, we are in that process, and hopefully
7 we can have that settled here by the middle of
8 the month.

9 CHAIRPERSON BLACKBURN: Uh-huh. So,
10 we've been proactive on both --

11 MR. KIRKLAND: Exactly.

12 CHAIRPERSON BLACKBURN: -- fronts,
13 which is a good thing.

14 Any other comments? Questions?

15 (No response.)

16 CHAIRPERSON BLACKBURN: Okay.
17 Announcements. Our next two meeting dates are in
18 your agenda, November 14th and December 12th this
19 year.

20 COMM. RAMOS: Chair, I will --

21 CHAIRPERSON BLACKBURN: Yes.

22 COMM. RAMOS: -- not be able to join
23 you on the 14th. I'll be in New York.

1 MS. MALONE: Madam Chair --

2 COMM. CARTER: That just shows --

3 CHAIRPERSON BLACKBURN: Yes.

4 MS. MALONE: -- I have a point of
5 order, and I may be inappropriate. One of the
6 cases that you assigned for review by
7 Commissioners, I've signed off on that case, but
8 I looked at it, and I think that the appeal was
9 well taken, and I would like for it to be
10 remanded back the agency for further
11 investigation.

12 CHAIRPERSON BLACKBURN: Okay. Which
13 case is it?

14 MS. SHARP: Mumba.

15 CHAIRPERSON BLACKBURN: Yeah, I read
16 that.

17 Is there any objection on the part of
18 Commissioners to that exception being taken?

19 (No response.)

20 CHAIRPERSON BLACKBURN: Hearing
21 none --

22 COMM. GARCIA: This is --

23 CHAIRPERSON BLACKBURN: -- would

1 CHAIRPERSON BLACKBURN: Just a
2 moment. I'm glad you called attention to me.
3 Owens -- yes, right. I skipped down to Crenshaw.

4 COMM. CARTER: And I think --

5 CHAIRPERSON BLACKBURN: So,
6 Comm. Garcia, you -- if you will please take both
7 of those cases --

8 COMM. GARCIA: Okay.

9 CHAIRPERSON BLACKBURN: -- Owens
10 versus Advance Specialty.

11 And if you, Comm. Baynard, would also
12 take --

13 COMM. BAYNARD: Ray.

14 CHAIRPERSON BLACKBURN: -- the Mum --

15 COMM. BAYNARD: Ray versus Princeton
16 Lakes.

17 CHAIRPERSON BLACKBURN: Right.

18 COMM. CARTER: And I think I had a
19 third one, too.

20 CHAIRPERSON BLACKBURN: Uh-huh.

21 COMM. CARTER: The Beemon versus
22 A & R Transport, in addition to the two --

23 CHAIRPERSON BLACKBURN: It's not

1 CHAIRPERSON BLACKBURN: Yes. Okay.

2 All right. Hearing no further
3 announcements, let me ask if we're going to
4 have -- we'll have a meeting in November. It's
5 probably not too soon to ask if we're going to
6 have a Christmas lunch. I'll just suggest that
7 if you do have one, that we would love to attend.

8 (Laughter.)

9 MR. KIRKLAND: Yes, Madam Chair.

10 CHAIRPERSON BLACKBURN: Thank you
11 very much, and we are adjourned.

12 Thereupon, the proceedings of
13 October 24, 2008 were concluded
14 at 2:18 o'clock p.m.
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