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BEFORE THE STATE OF INDIANA
CIVIL RIGHTS COMMISSION

- - -

PUBLIC MEETING OF SEPTEMBER 25, 2009

ORIGINAL

- - -

PROCEEDINGS

in the above-captioned matter, before the Indiana
Civil Rights Commission, David C. Carter,
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, Rooms 1 & 2, 402
West Washington Street, Indianapolis, Indiana, on
Friday, September 25, 2009 at 10:47 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 David C. Carter, Chairman
4 Charles D. Gidney
5 Barry Baynard
6 John E. Garcia
7 Tehiji G. Crenshaw

8 OTHER COMMISSION STAFF PRESENT:

9 Robert D. Lange
10 Ruby Bowman
11 Tawanda Sharp

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1 10:47 o'clock a.m.
September 25, 2009

2 - - -
3 CHAIRMAN CARTER: Okay. I'd like to
4 call the September meeting of the Indiana Civil
5 Rights Commission to order. Let the record show
6 that we have a quorum, four Commissioners
7 present, and in your packet, or in your notebook,
8 you have a copy of the minutes slash transcript.
9 If you -- if I could hear a motion to accept
10 them, please.

11 COMM. GARCIA: I'll move we accept
12 the minutes.

13 CHAIRMAN CARTER: Okay.

14 Second?

15 COMM. GIDNEY: Second.

16 CHAIRMAN CARTER: All in favor?

17 COMM. GARCIA: Aye.

18 COMM. GIDNEY: Aye.

19 COMM. BAYNARD: Aye.

20 CHAIRMAN CARTER: Aye.

21 Any opposed?

22 (No response.)

23 CHAIRMAN CARTER: Thank you.

1 Joan Essex not being here and not having a
2 Financial Report for reasons that were explained
3 to me and I've momentarily forgotten --

4 MR. LANGE: Something about the
5 record-keeping system --

6 CHAIRMAN CARTER: Oh --

7 MR. LANGE: -- changing over.

8 CHAIRMAN CARTER: -- the changeover
9 of the system. So, we will presumably hear the
10 Financial Report next month. And we can pass
11 quickly past Old and New Business, if there is
12 none. I will pause for all of the Old and New
13 Business to make itself known.

14 (No response.)

15 CHAIRMAN CARTER: There being none,
16 we move on to the Consent Agreements, of which
17 there appear to be none as well.

18 Findings of Fact, Conclusions of Law and
19 Order. We have three cases, Hamblin versus DH
20 Toys, Inc. doing business as Learning Express;
21 Kimbrough versus Spinal Aid and Spinal Aid
22 Centers of America, Inc.; and Godwin versus Gary
23 Railway Company.

1 May I have a motion to accept those
2 findings of fact, conclusion of law and order?

3 COMM. GARCIA: I'll move we accept
4 those.

5 CHAIRMAN CARTER: And a second?

6 COMM. BAYNARD: Second.

7 CHAIRMAN CARTER: All in favor?

8 COMM. GARCIA: Aye.

9 COMM. GIDNEY: Aye.

10 COMM. BAYNARD: Aye.

11 CHAIRMAN CARTER: Aye.

12 Anyone opposed?

13 (No response.)

14 CHAIRMAN CARTER: Thank you.

15 Report by Commissioners on Complaint
16 Appeals. I will take these in order rather than
17 modestly waiting until the end and forgetting to
18 come back to me. My case is Baker versus TSI
19 Paving, and I recommend that we uphold the
20 no-probable-cause finding.

21 May I have a motion to accept that
22 recommendation, please?

23 COMM. GARCIA: Move we accept your

1 recommendation.

2 CHAIRMAN CARTER: Okay.

3 And a second?

4 COMM. GIDNEY: Second.

5 CHAIRMAN CARTER: All in favor?

6 COMM. GARCIA: Aye.

7 COMM. GIDNEY: Aye.

8 COMM. BAYNARD: Aye.

9 CHAIRMAN CARTER: Aye. Thank you.

10 Comm. Baynard?

11 (Comm. Crenshaw arrived.)

12 COMM. BAYNARD: Yes. In the case of
13 Warfield versus Larue D. Carter Memorial
14 Hospital, I recommend that we uphold the
15 Director's finding of no probable cause.

16 CHAIRMAN CARTER: And may I have a
17 motion to accept that recommendation?

18 COMM. GARCIA: I'll move we accept
19 Comm. Baynard's recommendation.

20 CHAIRMAN CARTER: And a second?

21 COMM. GIDNEY: Second.

22 CHAIRMAN CARTER: All in favor?

23 COMM. GARCIA: Aye.

1 COMM. GIDNEY: Aye.

2 COMM. BAYNARD: Aye.

3 COMM. CRENSHAW: Aye.

4 CHAIRMAN CARTER: Anyone opposed?

5 (No response.)

6 CHAIRMAN CARTER: Thank you.

7 Comm. Crenshaw, you're just in time.

8 COMM. CRENSHAW: Yes.

9 CHAIRMAN CARTER: Your case of
10 Collins versus Forszt doing business as M.J.F.
11 Rentals. Do you remember --

12 COMM. CRENSHAW: Just give me one
13 second while I get --

14 CHAIRMAN CARTER: Okay.

15 COMM. CRENSHAW: -- my ducks -- sorry
16 for being late. The weather was not cooperating.

17 Okay. In the case of Cody Collins versus
18 Mark J. Forszt and Michael Forszt doing business
19 as M.J.F. Rentals, I make a motion that we uphold
20 the finding of -- the Executive Director's
21 finding of no probable cause.

22 CHAIRMAN CARTER: Okay.

23 May I have a motion from another

1 Commissioner to accept that recommendation?

2 COMM. GARCIA: I'll move that we
3 accept the Commissioner's recommendation.

4 CHAIRMAN CARTER: All in -- may I
5 have a second?

6 COMM. BAYNARD: Second.

7 CHAIRMAN CARTER: All in favor?

8 COMM. GARCIA: Aye.

9 COMM. GIDNEY: Aye.

10 COMM. BAYNARD: Aye.

11 COMM. CRENSHAW: Aye.

12 CHAIRMAN CARTER: Any opposed?

13 (No response.)

14 CHAIRMAN CARTER: Thank you.

15 Comm. Garcia?

16 COMM. GARCIA: In the case of
17 Ibrahima Diop versus General Hospitals doing
18 business as Holiday Inn Select Airport, I concur
19 with the Deputy Director's finding of no probable
20 cause and make the recommendation that we move
21 forward.

22 CHAIRMAN CARTER: Okay. And with the
23 observation that -- I'm sure you misspoke. You

1 said "General Hospitals" and it's General
2 Hotels --

3 COMM. GARCIA: I'm sorry.

4 CHAIRMAN CARTER: -- may I have a
5 motion to accept that recommendation?

6 COMM. BAYNARD: So moved.

7 CHAIRMAN CARTER: And a second?

8 COMM. GIDNEY: Second.

9 CHAIRMAN CARTER: All in favor?

10 COMM. GARCIA: Aye.

11 COMM. GIDNEY: Aye.

12 COMM. BAYNARD: Aye.

13 COMM. CRENSHAW: Aye.

14 CHAIRMAN CARTER: Aye.

15 Any opposed?

16 (No response.)

17 CHAIRMAN CARTER: Comm. Gidney?

18 COMM. GIDNEY: Yes. In the matter of
19 Weekley versus Superior Construction, I move that
20 we accept the Deputy Director's finding of no
21 probable cause.

22 CHAIRMAN CARTER: Okay. Thank you.

23 And may I have a motion to accept that

1 recommendation?

2 COMM. GARCIA: I'll move we accept
3 the Commissioner's recommendation.

4 CHAIRMAN CARTER: And a second?

5 COMM. CRENSHAW: Second.

6 CHAIRMAN CARTER: All in favor?

7 COMM. GARCIA: Aye.

8 COMM. GIDNEY: Aye.

9 COMM. BAYNARD: Aye.

10 COMM. CRENSHAW: Aye.

11 CHAIRMAN CARTER: Aye.

12 Any opposed?

13 (No response.)

14 CHAIRMAN CARTER: Okay. Do we have
15 anything from Comm. Ramos?

16 MS. SHARP: No, we don't.

17 CHAIRMAN CARTER: Okay. We'll
18 continue that.

19 And Assignment of Appeals to
20 Commissioners. Well, I'll take Comm. Blackburn's
21 Buffington versus Janene Smith, CNC Investments,
22 LTD, LLC, Palathota, LLC, and also the one that
23 was assigned to me on the agenda, Nimitz versus

1 Barry Bohlander.

2 Comm. Baynard, if you would review Alrdin
3 versus Menards, Inc.

4 Comm. Crenshaw, if you would review Perry
5 versus Rexnord Industries.

6 And Comm. Garcia, McNaughton versus Durbin
7 Bowl & Lounge.

8 And Comm. Gidney, Thompson versus Bobby
9 Dominy and Remax Connection.

10 Which brings us to the Administrative
11 Update. Is there one?

12 (No response.)

13 MR. LANGE: I guess not.

14 Ruby, do you have anything?

15 CHAIRMAN CARTER: Do we have a
16 designated Administrator or Director stand-in?

17 MS. BOWMAN: Well, I guess I'm it.

18 Again, going back to the Financial Report,
19 the reason that we do not have a report for today
20 is that the state is just changing over to the
21 new ENCOMPASS system, and that went into effect
22 at the beginning of this week, so we will have a
23 report for you during the next meeting next

1 month.

2 There is a consortium meeting taking place
3 today, so that is where Mr. Brewster is for
4 today. He's standing in for Mr. Kirkland, who is
5 attending Fair Housing Training on Predatory
6 Lending for this week in D.C., along with some of
7 our Housing staff.

8 CHAIRMAN CARTER: That's the training
9 that's required --

10 MS. BOWMAN: Yes, sir.

11 CHAIRMAN CARTER: -- by HUD? Okay.

12 I guess we'll notice in passing that the
13 monthly production report shows a reduction of
14 some 20 cases that -- from seven -- 494 inventory
15 to 477. That's always the right direction to see
16 things going.

17 Is -- does anyone have any announcements
18 of any sort?

19 (No response.)

20 CHAIRMAN CARTER: Hearing none, I
21 will observe that on November 16th and 17th,
22 there will be the Annual Conference for People
23 with Disabilities at the Hyatt Regency, and if

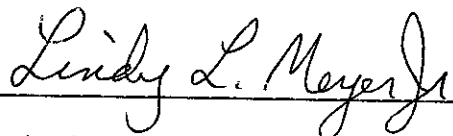
1 you will stay for any signatures and note the
2 next meeting dates, we can adjourn.

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Thereupon, the proceedings of
September 25, 2009 were concluded
at 10:56 o'clock a.m.
- - -

1
2 CERTIFICATE

3 I, Lindy L. Meyer, Jr., the undersigned
4 Court Reporter and Notary Public residing in the
5 City of Shelbyville, Shelby County, Indiana, do
6 hereby certify that the foregoing is a true and
7 correct transcript of the proceedings taken by me
8 on Friday, September 25, 2009 in this matter and
9 transcribed by me.

10 

11 Lindy L. Meyer, Jr.,

12 Notary Public in and
13 for the State of Indiana.

14
15 My Commission expires October 27, 2016.
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<p style="text-align: center;">1</p> <p>1 [1] - 1:15 10:47 [2] - 1:17, 3:1 10:56 [1] - 13:4 12922 [1] - 1:22 16th [1] - 12:21 17th [1] - 12:21</p>	<p>Appeals [2] - 5:16, 10:19 appear [1] - 4:17 APPEARANCES [1] - 2:1 arrived [1] - 6:11 assigned [1] - 10:23 Assignment [1] - 10:19 attending [1] - 12:5 Avenue [1] - 1:22 Aye [30] - 3:17, 3:18, 3:19, 3:20, 5:8, 5:9, 5:10, 5:11, 6:6, 6:7, 6:8, 6:9, 6:23, 7:1, 7:2, 7:3, 8:8, 8:9, 8:10, 8:11, 9:10, 9:11, 9:12, 9:13, 9:14, 10:7, 10:8, 10:9, 10:10, 10:11</p>	<p>cases [2] - 4:19, 12:14 Center [2] - 1:15 Centers [1] - 4:22 CERTIFICATE [1] - 14:1 certify [1] - 14:5 Chairman [2] - 1:12, 2:3 CHAIRMAN [43] - 3:3, 3:13, 3:16, 3:20, 3:23, 4:6, 4:8, 4:15, 5:5, 5:7, 5:11, 5:14, 6:2, 6:5, 6:9, 6:16, 6:20, 6:22, 7:4, 7:6, 7:9, 7:14, 7:22, 8:4, 8:7, 8:12, 8:14, 8:22, 9:4, 9:7, 9:9, 9:14, 9:17, 9:22, 10:4, 10:6, 10:11, 10:14, 10:17, 11:15, 12:8, 12:11, 12:20 changeover [1] - 4:8 changing [2] - 4:7, 11:20 Charles [1] - 2:3 City [1] - 14:4 CIVIL [1] - 1:2 Civil [2] - 1:11, 3:4 CM [1] - 1:21 CNC [1] - 10:21 Cody [1] - 7:17 Collins [2] - 7:10, 7:17 Comm [12] - 6:10, 6:11, 6:19, 7:7, 8:15, 9:17, 10:15, 10:20, 11:2, 11:4, 11:6, 11:8 COMM [46] - 3:11, 3:15, 3:17, 3:18, 3:19, 5:3, 5:6, 5:8, 5:9, 5:10, 5:23, 6:4, 6:6, 6:7, 6:8, 6:12, 6:18, 6:21, 6:23, 7:1, 7:2, 7:3, 7:8, 7:12, 7:15, 8:2, 8:6, 8:8, 8:9, 8:10, 8:11, 8:16, 9:3, 9:6, 9:8, 9:10, 9:11, 9:12, 9:13, 9:18, 10:2, 10:5, 10:7, 10:8, 10:9, 10:10 COMMISSION [3] - 1:2, 2:2, 2:6 Commission [3] - 1:11, 3:5, 14:15 Commissioner [1] - 8:1 Commissioner's [2] - 8:3, 10:3 Commissioners [3] - 3:6, 5:15, 10:20 Company [1] - 4:23 Complaint [1] - 5:15 concluded [1] - 13:4 conclusion [1] - 5:2 Conclusions [1] - 4:18 concur [1] - 8:18 Conference [2] - 1:15, 12:22 Connection [1] - 11:9 Consent [1] - 4:16 consortium [1] - 12:2 Construction [1] - 9:19</p>	<p>continue [1] - 10:18 cooperating [1] - 7:16 copy [1] - 3:8 correct [1] - 14:6 County [2] - 1:14, 14:4 Court [1] - 14:3 CRENSHAW [8] - 7:3, 7:8, 7:12, 7:15, 8:11, 9:13, 10:5, 10:10 Crenshaw [4] - 2:5, 6:11, 7:7, 11:4</p>
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<p style="text-align: center;">4</p> <p>402 [1] - 1:15 46032 [1] - 1:22 477 [1] - 12:15 494 [1] - 12:14</p>			
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