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BEFORE THE STATE OF INDIANA  
CIVIL RIGHTS COMMISSION

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INDIANA  
CIVIL RIGHTS COMMISSION

- - -

PUBLIC MEETING OF SEPTEMBER 28, 2012

**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, Room A, 402 West  
Washington Street, Indianapolis, Indiana, on  
Friday, September 28, 2012 at 11:15 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 Barry Baynard  
5 Tehiji G. Crenshaw  
6 Charles D. Gidney  
7 Steven A. Ramos

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

14 OTHER COMMISSION STAFF PRESENT:

15 Pamela Cook  
16 Daniel Lopez  
17 Marco Deckard  
18 Debbie Rincones-Chavez

19 ALSO PRESENT:

20 Shuqin Gao  
21 Gengxin Hu  
22 Audrey Tsay, Interpreter  
23

1 11:15 o'clock a.m.  
2 September 28, 2012

3 CHAIRMAN CARTER: I'd like to call  
4 the September meeting of the Indiana Civil Rights  
5 Commission to order. We have a quorum, and you  
6 have presumably had the opportunity to review the  
7 minutes. Do we have any comments on the minutes?  
8 Otherwise, I will entertain a motion to accept  
9 them.

10 COMM. BAYNARD: I'll make a motion to  
11 accept the minutes as written.

12 CHAIRMAN CARTER: And a second?

13 COMM. GIDNEY: Second.

14 CHAIRMAN CARTER: All in favor?

15 COMM. CRENSHAW: Aye.

16 COMM. BAYNARD: Aye.

17 COMM. RAMOS: Aye.

18 COMM. GIDNEY: Aye.

19 CHAIRMAN CARTER: Any opposed?

20 (No response.)

21 CHAIRMAN CARTER: Thank you.

22 The Financial Report is before you for the  
23 month of August, and Ms. Cook, is there anything

1 to say?

2 MS. COOK: The only thing I'd like to  
3 note in the Financial Report is that the HUD and  
4 EEOC funds, the cooperative agreements, have been  
5 separated into individual funds. Because of our  
6 reporting to the Federal Government, we now have  
7 to keep those separate.

8 On a side note, for the Fiscal Year  
9 '14-'15 biennial budgets, we're getting ready to  
10 do our Budgets Commission, and currently they're  
11 asking for -- remember, in previous years they'd  
12 been asking for the three percent retention.  
13 They're now asking for that three percent  
14 reduction in the budget for Fiscal Year '14-'15.

15 COMM. RAMOS: Already?

16 MS. COOK: Yes.

17 CHAIRMAN CARTER: No matter who wins  
18 the election.

19 MS. COOK: Right, yes.

20 COMM. RAMOS: In your column, it says  
21 the year reversion.

22 MS. COOK: Uh-huh.

23 COMM. RAMOS: That's -- the year to

1 date is the first one that's on that, so we have  
2 the annual retention, we have the net, or what's  
3 remaining, but you budget us by month, right, so  
4 you have an obligation by month?

5 MS. COOK: Right.

6 COMM. RAMOS: Could you just show  
7 that again what our budget's going to be? You  
8 can do it off-line.

9 MS. COOK: Okay.

10 COMM. RAMOS: That way we can see,  
11 from a tracking standpoint, where we're at for  
12 the budget and where we're at --

13 MS. COOK: Okay. Fantastic.

14 CHAIRMAN CARTER: Any more questions  
15 for Ms. Cook?

16 (No response.)

17 CHAIRMAN CARTER: Comments on the  
18 Financial Report?

19 (No response.)

20 CHAIRMAN CARTER: I don't think we  
21 need to vote on it. No.

22 Okay. We move on to Old Business, Report  
23 by Commissioners on Complainant Appeals.

1           Comm. Crenshaw.

2           COMM. CRENSHAW: On the case of  
3 Connie Brown versus Patterson Logistics Services,  
4 I'd like to make a recommendation upholding the  
5 Deputy Director's finding of no probable cause.

6           CHAIRMAN CARTER: And may I have a  
7 motion to accept that recommendation, please?

8           COMM. GIDNEY: So moved.

9           COMM. BAYNARD: Second.

10          CHAIRMAN CARTER: All in favor?

11          COMM. CRENSHAW: Aye.

12          COMM. BAYNARD: Aye.

13          COMM. RAMOS: Aye.

14          COMM. GIDNEY: Aye.

15          CHAIRMAN CARTER: Any opposed?

16                           (No response.)

17          CHAIRMAN CARTER: Okay. Thank you.

18           In my two cases, Ruth Golden and Shenika  
19 Gaines versus The Kroger Company, I recommend  
20 that we uphold the no probable cause finding.  
21 May I have a motion to accept that  
22 recommendation?

23          COMM. BAYNARD: So moved.

1                   COMM. CRENSHAW:   Second.

2                   COMM. RAMOS:    Second.

3                   CHAIRMAN CARTER:  All in favor?

4                   COMM. CRENSHAW:  Aye.

5                   COMM. BAYNARD:   Aye.

6                   COMM. RAMOS:    Aye.

7                   COMM. GIDNEY:    Aye.

8                   CHAIRMAN CARTER:  Any opposed?

9                                   (No response.)

10                  CHAIRMAN CARTER:  Okay.  Thank you.

11                  Comm. Ramos.

12                  COMM. RAMOS:    In the case of Rock  
13 Perri versus the Partners In Opportunities, I  
14 recommend that we uphold the Director's findings  
15 of no probable cause.

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

18                  COMM. GIDNEY:    So moved.

19                  COMM. CRENSHAW:  Second.

20                  CHAIRMAN CARTER:  All in favor?

21                  COMM. CRENSHAW:  Aye.

22                  COMM. BAYNARD:   Aye.

23                  COMM. RAMOS:    Aye.

1                   COMM. GIDNEY: Aye.

2                   CHAIRMAN CARTER: Any opposed?

3                                 (No response.)

4                   CHAIRMAN CARTER: Do we have any news  
5 from Comm. Blackburn?

6                   MS. RINCONES-CHAVEZ: No.

7                   CHAIRMAN CARTER: Okay. Those two  
8 cases will be continued.

9                   Comm. Baynard.

10                  COMM. BAYNARD: Yes. In the case of  
11 Joseph Nauracy verses Sebos Nursing and  
12 Rehabilitation Center, I would recommend to the  
13 Commission that we uphold the Deputy Director's  
14 finding of no probable cause.

15                  CHAIRMAN CARTER: Okay. May I have a  
16 motion to accept that?

17                  COMM. CRENSHAW: So moved.

18                  COMM. GIDNEY: So moved.

19                  COMM. RAMOS: Second.

20                  CHAIRMAN CARTER: All in favor?

21                  COMM. CRENSHAW: Aye.

22                  COMM. BAYNARD: Aye.

23                  COMM. RAMOS: Aye.



1                   COMM. GIDNEY: Aye.

2                   CHAIRMAN CARTER: All right. Any  
3 opposed?

4                                   (No response.)

5                   CHAIRMAN CARTER: And Comm. Gidney?

6                   COMM. GIDNEY: Okay. In the case of  
7 Baughman versus Emergency Radio Services, my  
8 recommendation is that we remand for further  
9 review.

10                   CHAIRMAN CARTER: And do you have  
11 guidance for the investigator?

12                   COMM. GIDNEY: Yeah. As far as the  
13 case, it involves the -- an employee who was  
14 discharged at or near the time that they were not  
15 working due to medical restrictions, and the  
16 rationale of the Respondent is that it wasn't due  
17 to the condition of the employee; it was based on  
18 their bottom line. As they kind of rearranged  
19 the work duties, they found that it was more cost  
20 effective for them to have one less employee.

21                   I just don't see enough evidence that  
22 suggests that the one less employee necessarily  
23 needed to be the individual. If they can prove

1 that in some way that it was more cost effective  
2 to discharge him as opposed to anyone else within  
3 the company, then I could see the basis, but I  
4 just think it's a little odd that the timing of  
5 it happened to fall at the same time that he was  
6 out for medical reasons, and then at the same  
7 time, it was necessary to discharge him for  
8 financial reasons. So --

9 CHAIRMAN CARTER: Okay.

10 COMM. GIDNEY: -- I just want to see  
11 a little bit more.

12 CHAIRMAN CARTER: Okay. Do we need  
13 to vote on the recommendation to remand?

14 MR. BREWSTER: (Shook head no.)

15 CHAIRMAN CARTER: No? Okay. Then we  
16 won't. Thank you.

17 And on to New Business, or Assignment of  
18 New Appeals. I will take the case again Shuqin  
19 Gao versus Meijer, Inc. and Marsha Rush versus  
20 Jeffersonville Housing Authority.

21 Comm. Crenshaw, if you would look at  
22 Pamela Singleton versus Wal-Mart and Phillip  
23 Jefferson versus GreatCare.

1           Comm. Baynard, Reginald Coffey verses  
2 Center Stone English Manor and Gregory Tatum  
3 versus Gary Police Department.

4           Comm. Gidney, Marc Shell versus City of  
5 Anderson Transportation System and Kevin Tumey,  
6 Sr. versus St. Catherine Regional Hospital.

7           Comm. Ramos, three cases of Robert Bailey  
8 versus VPA, P.C. doing business as Visiting  
9 Physician Association, versus Trinity Health  
10 Corporation St. Joseph Regional Medical Center,  
11 and versus Memorial Hospital South Bend.

12           And let's see. I will take one of  
13 Comm. Garcia's cases, Antonio --

14           COMM. CRENSHAW: I can take the other  
15 one, if you want to me to.

16           CHAIRMAN CARTER: Thank you.

17           Antonio Peterson versus OmniSource, and if  
18 you, Comm. Crenshaw, would take Pamela Kidd  
19 versus Employment Plus.

20           MS. RINCONES-CHAVEZ: Thank you.

21           CHAIRMAN CARTER: Thank you.

22           MS. RINCONES-CHAVEZ: Two less  
23 problems for the investigator.

1                   CHAIRMAN CARTER: That's how you put  
2 it in the Groucho mode. Those of you who know  
3 the Marx Brothers movies will know the movie I'm  
4 referring to.

5                   Anyway, Findings of Fact, Conclusions of  
6 Law and Order. Phillip gray versus Bonnie &  
7 Clyde's Restaurant, Inc.; Jamal Smith, in his  
8 official capacity as Executive Director of the  
9 Indiana Civil Rights Commission versus ICON  
10 Properties, LLC, Orchid Hills, LLC, and Orchid  
11 Hills Apartments; and Clifton Brooks versus Mount  
12 Vernon Community School Corporation. If I may  
13 have a motion to accept those findings of fact,  
14 conclusions of law and order.

15                   COMM. CRENSHAW: So moved.

16                   COMM. GIDNEY: Second.

17                   CHAIRMAN CARTER: All in favor?

18                   COMM. CRENSHAW: Aye.

19                   COMM. BAYNARD: Aye.

20                   COMM. RAMOS: Aye.

21                   COMM. GIDNEY: Aye.

22                   CHAIRMAN CARTER: Okay. Any opposed?

23                                   (No response.)



1 you know, working in conjunction with the local  
2 agency up there, we'll be in the Burmese  
3 community in -- towards the tail end of October.  
4 What we're planning on doing is going out to  
5 the -- there's about five different apartment  
6 buildings where there's a very, very high  
7 concentration of Burmese residents.

8           So, rather than asking them to come to the  
9 community center or anything like that, we're  
10 actually going to go out there, together with the  
11 Burmese Advocacy Center -- they're a partner of  
12 our agency -- and conducting some information and  
13 education right there in the apartment buildings.  
14 So, we're in the process of planning that, but  
15 we've got good partnership on the ground, and  
16 we're excited because we've never done anything  
17 like that.

18           Also, we've just kicked off this past week  
19 and starting, then, October 1st a -- essentially  
20 what's going to be your little media campaign to  
21 start rebranding the agency a little bit and make  
22 sure that we're getting our message out to  
23 different communities throughout the state.

1           We are -- we've broken the state down into  
2 four quadrants, essentially, or four regions.  
3 We'll be heavily -- more heavily focused on one  
4 area, and then a little lighter in the other  
5 three areas each quarter for the next year, so  
6 we're starting in Southwestern Indiana.

7           So, there'll be public service  
8 announcements running, there'll be paid  
9 advertisements running that are on radio,  
10 there'll be some billboards up, and there'll be  
11 bus cards with our information, and in areas  
12 where we have part -- existing partnerships with  
13 the local agencies, we'll have their logo and  
14 information as well.

15           So, a lot going on on the outreach and  
16 media education side, but I'd be happy to answer  
17 any questions you have.

18           CHAIRMAN CARTER: I know I've been  
19 getting a lot of e-mail, newsletters and Facebook  
20 stuff.

21           MR. LOPEZ: And we're going to -- one  
22 thing I should note, too, is that we're -- about  
23 a your ago, last October, we conducted

1 essentially what was a free survey to try to get  
2 a feel for how much people understand not only  
3 about what their rights are, but about what we do  
4 as an agency, and give us a read on how  
5 recognizable we are across the state and how well  
6 people think we do our job.

7 We've now invested not only dollars but  
8 time and travel in developing the messaging  
9 pieces. We've been much more aggressive about  
10 getting out and providing education at the local  
11 level, partnering in the community.

12 So, we are now conducting essentially a  
13 post-survey. In October we'll be doing that,  
14 we'll be closing that out. Some of you may have  
15 received that already. We'll be closing that  
16 process in October, so that will give us a good  
17 kind of gauge on what return on investment we've  
18 been able to generate for the past year. And  
19 it'll also help us determine what has worked and  
20 hasn't worked as we develop our strategies for  
21 the next year, so --

22 COMM. RAMOS: Are you outsourcing  
23 that?



1                   MR. LOPEZ: No, we do that ourselves.  
2 We've worked -- we've partnered with -- we have  
3 an ongoing partnership with Butler and with Ball  
4 State, and so we've worked sort of unofficially  
5 with some of their researchers to help develop --  
6 you know, we said, "Well, here's what we want to  
7 get at, and how best can we ask this to make sure  
8 we get the best kind of response?" And then our  
9 staff is tabulating that and breaking it down  
10 into categories. We're doing that all in-house.

11                   COMM. RAMOS: Is that all done by  
12 e-mail, or is it done --

13                   MR. LOPEZ: No, we -- part of it is  
14 done by e-mail, but, you know, as you know, if  
15 you do it electronically, you're going to get a  
16 certain demographic responding, and more  
17 importantly, you're going to eliminate a certain  
18 demographic that sometimes is the beneficiary of  
19 the work that you're doing.

20                   So, we do provide it electronically, but  
21 we also do paper, and so any time we go out to an  
22 event in the community, we have paper surveys and  
23 we encourage people to fill them out, and we get

1 great responses. Just last week, you know, the  
2 Resource Festival that was here, we had about 60  
3 families that came and filled out the surveys in  
4 Spanish that we provided, the same survey, but in  
5 Spanish, so --

6 COMM. RAMOS: Okay.

7 CHAIRMAN CARTER: Over the years,  
8 I've -- one of the things I've noticed is that a  
9 lot of the time in appeal, requests for appeal,  
10 that people tend not to understand that we can  
11 only do things as they are addressed by the law.

12 MR. LOPEZ: Right.

13 CHAIRMAN CARTER: And it's not a  
14 question of what's fair or isn't fair, it's a  
15 question of what the law says and doesn't say,  
16 and do you encounter people with that sort of  
17 misunderstanding a lot?

18 MR. LOPEZ: I mean I'm sure that we  
19 do. I think our investigators -- Josh, you  
20 probably can speak to that better.

21 MR. BREWSTER: Yeah, I mean certainly  
22 if -- you know, I don't want to make up numbers,  
23 but we'll say we receive, you know, maybe a

1 thousand calls in a month, and we only take in  
2 about, at the most, a hundred. Well, a thousand  
3 would be a lot, maybe it's like 600 or something  
4 like that, but the vast majority of calls we get  
5 are exactly that, they're the people who feel  
6 they were, you know, terminated unfairly, and we  
7 try to explain to them, you know, we have to show  
8 that there's a basis in race, religion, national  
9 origin, disability. So, yeah, there's definitely  
10 a misunderstanding of what the law requires as  
11 far as employment and in other areas.

12 CHAIRMAN CARTER: To be terminated is  
13 to be treated unfairly, the way a person feels  
14 about it.

15 MR. BREWSTER: Yeah, right.

16 CHAIRMAN CARTER: And that's -- or I  
17 mean I know over the years, I've seen people  
18 misunderstanding the ADA, I mean "because I have  
19 a disability, I have these special rights" --

20 MR. BREWSTER: Right.

21 CHAIRMAN CARTER: -- and that isn't  
22 true.

23 MR. BREWSTER: Yeah, some people

1 often think that if you have a disability, you  
2 can't be terminated; they have to keep you  
3 employed, even if you can't do the job.

4 CHAIRMAN CARTER: And, of course, the  
5 ADA specifically says you don't need to create a  
6 job for this individual.

7 MR. BREWSTER: Yeah.

8 CHAIRMAN CARTER: Any other questions  
9 or observations?

10 (No response.)

11 CHAIRMAN CARTER: Well, I guess the  
12 upshot of what -- my comment about getting a lot  
13 of e-mails and Facebook stuff is that certainly  
14 the ICRC isn't hiding anywhere. It's right out  
15 there. But I'm sure there's still a lot of  
16 people that fall between whatever cracks there  
17 are.

18 COMM. RAMOS: Do you get a lot of  
19 hits on the videos?

20 MR. LOPEZ: Yeah, we get a fair  
21 amount of hits. We've been getting more and  
22 more. You know, again, we try very hard to not  
23 limit ourselves to that, that medium, because we

1 know that much of our real target demographic is  
2 not connected that way necessarily, or always  
3 connected that way necessarily, like others are.

4 But yeah, we have been, we have been. In  
5 fact, I've had people, you know, with the staff,  
6 the staff testimonials that we do and everything  
7 like that, I've had people actually comment to me  
8 at events that I've been in, "Hey, you know, what  
9 are doing next week? Now I can put a face to the  
10 name," and, you know, it gives a real  
11 tangibility, I guess, to the agency, which I  
12 think is important as we take this throughout the  
13 state.

14 COMM. RAMOS: Do you have a studio  
15 set for that now, or --

16 MR. LOPEZ: We developed -- and  
17 that's the other thing. We've tried very hard,  
18 and I'm sure Jamal and Joshua have been talking  
19 about this in previous meetings, but we have  
20 tried very hard to create collaboration, either  
21 agency to agency or the state or with the locals  
22 or with other local agencies at the ground level.

23 One of those partnerships is a partnership

1 with the Department of Education. The Department  
2 of Education has a high-definition studio in  
3 their basement that they use for their own  
4 messaging, and when we found out about that, we  
5 called them up and said, "Hey, look, how can we  
6 help you, and can you give us access to that and  
7 staff time?"

8 So, they actually have somebody who comes  
9 in and helps us film once a month. We put all of  
10 this stuff together, we take PSA's, they do radio  
11 stuff, TV stuff -- it's, like I said, all high  
12 definition -- and then they cut the film and send  
13 it to Brad, who's our Communications Director.  
14 Brad edits, and that's how we get that stuff done  
15 free of charge.

16 COMM. RAMOS: Great.

17 CHAIRMAN CARTER: Yeah, what I've  
18 seen is pretty well done. Of course, when you  
19 have big stars like Marco --

20 MR. LOPEZ: That's right.

21 CHAIRMAN CARTER: Okay. Well, we've  
22 come to announcements, and are we supposed to go  
23 out and get Ms. Gao?

1 MS. RINCONES-CHAVEZ: If you're  
2 ready.

3 CHAIRMAN CARTER: And the drinks have  
4 arrived, if you want coffee and that, if we take  
5 a very short break and --

6 MR. BREWSTER: Before we hear from  
7 Ms. Gao, I guess I would like to make an  
8 announcement, that -- I've already talked to my  
9 staff about that I will be leaving the state,  
10 actually, and the agency in January. I'm moving  
11 with my wife and one-year-old to Maryland for a  
12 job she's taking with the county health  
13 department there, so my ten years with the agency  
14 will come to an end, and I'm not sure what I'll  
15 be doing from here on out, but I look forward to  
16 the opportunities.

17 CHAIRMAN CARTER: Well, we'll miss  
18 you.

19 COMM. RAMOS: A Christmas party. We  
20 had a Christmas party last year.

21 MR. BREWSTER: We should do that.

22 COMM. RAMOS: Yeah, maybe can do it.

23 MR. LOPEZ: Yeah, we'll do a big

1 celebration, a send-off.

2 (Recess taken.)

3 CHAIRMAN CARTER: All right. We're  
4 back in session.

5 Ms. Gao, I understand you have -- you said  
6 that you wanted to address us on appeal of your  
7 case, and I think we agreed on 15 minutes; is  
8 that --

9 MS. RINCONES-CHAVEZ: Yes.

10 CHAIRMAN CARTER: All right. So, the  
11 floor is yours.

12 (Ms. Gao spoke through an interpreter.)

13 MS. GAO: First of all, I would like  
14 to thank the Committee for giving me the  
15 opportunity. The second finding, I have some  
16 things for the Committee. Joshua Brewster point  
17 out in the finding of notice, in the second  
18 notice, that Meijer has no responsibility to  
19 inform the employees about the regulation and  
20 policy.

21 I would like to recite the regulation in  
22 the orientation, which says you will be informed  
23 about the policy and procedures which pertain to



1 affect you in the orientation. She disagreed, so  
2 I think -- I don't think that Joshua's comment is  
3 appropriate. He said there are things that  
4 Meijer didn't want to say, but they did not --  
5 that Meijer did not care to say.

6 CHAIRMAN CARTER: Could you say that  
7 again, please?

8 MS. GAO: I think Joshua, he said  
9 problems with the law, Meijer has no  
10 responsibility to inform me this regulation. It  
11 is different from the orientation that Meijer --  
12 one that says you will be informed about the  
13 policies and procedures which pertain to affect  
14 you, and she is separated with Joshua's  
15 statement.

16 I would like to -- the price, the price  
17 findings -- I mean the findings of no test, the  
18 first one, first of all, he say I knew the  
19 policy, so it's all right to fire me.

20 The second finding, maybe I did not read  
21 well about this policy, but to fire me is -- is  
22 okay, is not about discrimination. What I'd like  
23 to express today, the major -- you find -- or

1 not, even I don't know about the regulation, to  
2 fire me is not right, because -- because their  
3 regulation is set up for the cashiers.

4           The following -- I have some points I  
5 would like to think -- it was some points that I  
6 think is discrimination. The first, different  
7 cashiers have got to be fired for the same  
8 reason. Five cashiers, they stole the coupons.  
9 They use the coupons on -- in the wrong way.  
10 They disobey the policy of Meijer. They have --  
11 they send out the investigations. They say they  
12 knew the policy. They did this, they did this,  
13 and then they grade it.

14           But I'm not a cashier. I didn't get  
15 orientation on this policy. I just pick up the  
16 coupon on from the trash, but they accused me of  
17 cheating. And steal is different behavior, but  
18 they put this on there. This is wrong.

19           Second thing, the same behavior, but  
20 different -- different outcome. One cashier, she  
21 pick up -- I mean the cashier pick up a lot of  
22 coupons, and work with the other cashiers, use  
23 the illegal way to purchase what they're not

1 supposed to purchase, but this cashier didn't get  
2 fired, because she didn't -- I mean the cashier  
3 didn't steal. The cashier just pick up the  
4 coupons. And then I'm the only one out of  
5 thousand employees. The only one got fired  
6 because of picking up the coupons.

7 The third point, illegal use of the  
8 coupons, those five people, they were -- they  
9 were all cashiers. They all got oriented. I'm  
10 one of the thousand employees at Meijer in  
11 Indiana, the only one not cashier. Without being  
12 orientated about the policy of coupons, they used  
13 this policy to fire me.

14 The fourth, the whole procedure is  
15 discrimination of -- the whole procedure of  
16 firing me is discrimination. The five people got  
17 fired, they were -- they all investigated their  
18 cases and then they got fired. Only one person,  
19 the person stole \$80 coupons.

20 The person said did not know -- the person  
21 didn't know the regulation, but the person's  
22 advisor point out that the person got orientated,  
23 so then he got amend. The person wrote the

1 regret later. I am the only one without going  
2 through regulation.

3 And took me to the office and talked to  
4 me, and through translation, the security think I  
5 have the problem of language. Needs to  
6 investigate and then find out. In the report of  
7 investigation, they point out that the store --  
8 the store manager come to investigate and check,  
9 find out, and then decide whatever to do from  
10 there.

11 In the report of investigation he also  
12 written because of only picking up the coupons,  
13 you can only be given a warning, but on the  
14 second day I was fired. When I found the store  
15 manager, I told him, the store manager, I didn't  
16 know the policy.

17 The store manager called my supervisor.  
18 The supervisor approved that I didn't know the  
19 policy. He didn't even -- the store manager --  
20 the store manager didn't even correct what he did  
21 not -- what he made -- the mistake that he made.  
22 He used -- the store manager used the deficiency  
23 of language, asked me to use -- choose yes, no to

1 answer the question.

2 He -- for -- to cover up his mistakes at  
3 the work, because he didn't investigate, and then  
4 fired me, for his self-esteem. He gave me, a  
5 person who cannot speak English, 65-years-old  
6 lady, give me the while life's hurt, made me  
7 feel -- made me feel, non-English, pressured and  
8 helpless, because I am helpless.

9 I went through translation to submit a  
10 document, submit a letter that I -- to express I  
11 have working for -- I've been working for  
12 Meijer's 17 years. All of my performance get  
13 approve -- affirmed by all of my supervisors in  
14 the past. I don't want to be fired to leave  
15 Meijer, and may I use to quit, to leave the  
16 Meijer, but this, the request, was -- was  
17 refused.

18 I would like to find out the real reason  
19 of being laid off. Through translation, I asked  
20 the store manager to give me a report of laying  
21 me off. But -- the investigation, but I got  
22 refused. All of these, I feel the store manager,  
23 that I don't know English, that he can do -- so

1 the store manager can do anything, not going  
2 through the right procedure.

3 I'm not the same as the other American  
4 fellows. The same right and law, the same I  
5 should have, in the way they treat me, they  
6 didn't just treat me the same way. Coming to  
7 America has been 20 years, 20-some years. I  
8 think that America is a freedom and -- a freedom  
9 country. In laws, everyone is equal, especially  
10 for laws, people, their language is not English.

11 For the non-English speaking immigrants,  
12 give a lot of help, provide a lot of convenience.  
13 I could test my driver's license in Chinese. I  
14 could test my citizenship in Chinese,  
15 citizenship. Go to hospital, I get free patient  
16 help. All these is different from Meijer. The  
17 store manager -- especially store manager at  
18 Meijer, the way he treated the immigrants who  
19 don't speak English, this is a big contrast.

20 Because -- because the nature of your  
21 work, the Committee, to those people who don't  
22 know English, especially older -- elderly [sic]  
23 people, no major in life, work, all the hard work

1 on the difficulties. You know all about those.

2 Every time when I encounter the problems,  
3 I first think of get the help from you, the  
4 Committee members. I believe with your help, you  
5 will help me to find out the real -- I mean the  
6 real situation, the whole incident, and give me  
7 justice, give me an explanation. For your help,  
8 I really appreciate it. I greatly appreciate it.

9 One thing I would like to stress, the  
10 first time I talked with Joshua Brewster, Joshua  
11 kept on saying as long as you could find them,  
12 the difference between file -- laying off the  
13 fellow Americans and laying off you, then you can  
14 say that's discrimination.

15 The facts I address here, there are so  
16 many differences. Hoping you can change your  
17 decision. I would like to say one more time,  
18 last two decisions, about the facts I talk  
19 earlier, I didn't receive any responses about the  
20 facts I addressed. I hope Joshua could afford to  
21 you my appeal, and the investigation at Meijer  
22 will serious consider the next decision.

23 Thank you.

1                   CHAIRMAN CARTER: Thank you.

2                   Are there any --

3                   MS. RINCONES-CHAVEZ: She's asking if  
4 you have any questions.

5                   CHAIRMAN CARTER: Yes, I was asking  
6 that same thing.

7                   Do you have any questions to ask?

8                   COMM. RAMOS: Not from these  
9 wonderful people, but I have questions among this  
10 group, and perhaps with Marcos as well, but it  
11 would be in a closed session, I would think.

12                   CHAIRMAN CARTER: Okay.

13                   COMM. BAYNARD: I have one question.

14                   MS. GAO: Yeah.

15                   COMM. BAYNARD: You say there were --  
16 if I understood this right, there were five  
17 cashiers who misused coupons as well?

18                   MS. GAO: Well, among those five  
19 cashiers that misused the coupons, three of them,  
20 they stole the coupons, two of them used the  
21 coupon illegally to purchase the wrong things  
22 they should not purchase. The cashier picked up  
23 the coupon.



1                   COMM. BAYNARD: Excuse me, but they  
2 did not get fired? They did not get fired?

3                   MS. GAO: They got fired. The five  
4 people picked -- they got fired, but the person  
5 picking up the coupon who was a cashier helping,  
6 two of them didn't get fired.

7                   COMM. BAYNARD: Okay. Thank you.

8                   CHAIRMAN CARTER: Are there any other  
9 questions?

10   (No response.)

11                   CHAIRMAN CARTER: I think we need to  
12 move on.

13   Thank you.

14                   MS. GAO: Can she say one more thing?

15                   CHAIRMAN CARTER: Short, one more  
16 short thing.

17                   MS. GAO: Well, according to the  
18 coupon policy at Meijer, the cashier -- the  
19 cashier has to void coupon. They has to enter  
20 it, but they shouldn't just he throw it away.

21                   CHAIRMAN CARTER: We saw the coupon  
22 last time she was here.

23                   MS. GAO: I'm sorry?

1                   CHAIRMAN CARTER: She wants to show  
2 us the coupon, and we saw it last time she was  
3 here.

4                   MS. GAO: No, no, she's not showing  
5 it.

6                   CHAIRMAN CARTER: Okay. She's waving  
7 the coupons around.

8                   MS. GAO: Thank you.

9                   (Discussion off the record.)

10                  CHAIRMAN CARTER: Are there any other  
11 questions or announcements or minutiae?

12                  COMM. RAMOS: Do we have this  
13 discussion off -- how do we do that?

14                  CHAIRMAN CARTER: Oh, yeah, you  
15 wanted to have a discussion off the record.  
16 Well, make an observation of the next meeting  
17 dates, and we can adjourn, if you stay for a  
18 discussion off the record and signatures.

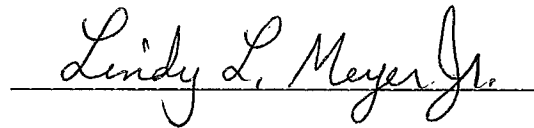
19                  So, we're off the record.

20                                 - - -  
21                                 Thereupon, the proceedings of  
22                                 September 28, 2012 were concluded  
23                                 at 12:01 o'clock p.m.  
   - - -

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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, September 28, 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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