



**INDIANA
CIVIL
RIGHTS
COMMISSION**

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**INDIANA
CIVIL RIGHTS COMMISSION**

**Minutes of the
March 28, 2008 Meeting**

Chair Alpha Blackburn called the regular monthly meeting of the Indiana Civil Rights Commission ("Commission" or "ICRC") to order. As set forth in public notices, the meeting was held in Room A of the State Conference Center, Indiana Government Center South, Indianapolis, Indiana.

ATTENDEES:

The Commissioners present in person were: Alpha Blackburn, Barry Baynard, John Garcia, Tehiji Crenshaw, and Steven Ramos. Five Commissioners being present and constituting a majority of the commissioners, a quorum is present and represents a number of commissioners sufficient to conduct business and take final actions.

Commission Director Gregory Kellam Scott and several staff members were present in person.

A. AGENDA REQUESTS:

There were no Agenda requests received for this meeting.

B. APPROVAL OF THE MINUTES OF THE COMMISSION

It was moved by Commissioner Ramos and seconded by Commissioner Garcia to approve and adopt the minutes from the Commission's January 25, 2008 meeting. The motion carried by unanimous vote of all Commissioners present.

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

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C. NEW BUSINESS:

Director Gregory Kellam Scott ("Director Scott" or "Judge Scott") reported the NAACP supporting teacher recruitment. Director Scott stated it sent a good signal to NAACP and to the community that the Commission sees values in the efforts the NAACP are willing to take; it was moved by Commissioner Garcia and seconded by Commissioner Ramos to adopt the resolution.

Director Scott reported the Education steering resolution gives the sub committee the comfort of knowing that the sub committee report that constitutes that the commission has asked for the original charge. It was moved by Commissioner Baynard and seconded by Commissioner Garcia to adopt the resolution.

Director Gregory Kellam Scott reported for the travel schedule there is a conference that will call for Hud to reimburse the travel for a Commissioner the date has not been set yet.

Director Scott reported the Commission will co-sponsor the 1st MultiEthnic Indiana Conference, April 22, 2008. The program will be held at the State Auditorium with seating for about 400 people.

Director Scott stated that the agency received an invitation from Representative Crawford for the commemorative gathering at the Kennedy King Park. The agency will set up a booth and have a table for the program.

D. OLD BUSINESS

Director Scott indicated the State Board of Accounts (SBoA) conducted an Audit of the Commission. The Commission's financial affairs were under the direction of the Commission's Office Operations Manager, Robin Degner, who reported to the Deputy Director. In light of Audit results, noting deficiencies reported previously, the Commission's "Official Response" has been submitted to SBoA.

Director Gregory Kellam Scott ("Director Scott" or "Judge Scott") reported the age discrimination bill passed the House but did not pass out of the committee. The business communities lobbied the cost to small businesses would be high. Remedies were made comparable to other class discriminations such as punitive damages and attorney fees. The primary concern was hiring attorneys to represent them before the commission.

Director Gregory Kellam Scott the Commission will work with the Governors Bureau on Latino Affairs and Purdue University to co-sponsor the 1st

MultiEthnic Indiana Conference, April 22, 2008. The program will be held at the State Auditorium with seating for about 400 people.

E. COMMITTEE REPORTS:

Financial Report

The Commission's monthly financial report was prepared by the Commission's Office Operations Manager.

F. CONSENT AGREEMENTS:

It was moved by Commissioner Ramos and seconded by Commissioner Crenshaw, that the Commission accept the consent agreement in the case of Claudette Pendleton, individually and on behalf of her minor children, Christopher Scott, Cailin Scott and Christa Scott v. Steak "N Shake. The motion was approved unanimously.

It was moved by Commissioner Ramos and seconded by Commissioner Crenshaw, that the Commission accept the consent agreement in the case of Kahlea S. Pendleton v. Steak "N Shake. The motion was approved unanimously.

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

It was moved by Commissioner Garcia and seconded by Commissioner Baynard, that the Commission accept the proposed findings of fact, conclusions of law and order submitted in the case *Mickle v. Columbus Pediatric Dentistry, P.C and Carl D. Bell D.D.S.* The motion was approved unanimously and the Commission's judgment will be prepared consistent with ALJ Robert Lange's recommendation.

It was moved by Commissioner Garcia and seconded by Commissioner Crenshaw, that the Commission accepts the proposed findings of fact, conclusions of law and order submitted in the case *Jones v. American Senior Communities, LLC, d/b/a Spring Mill Meadows.* The motion was approved unanimously and the Commission's judgment will be prepared consistent with ALJ Robert Lange's recommendation.

It was moved by Commissioner Garcia and seconded by Commissioner Baynard, that the Commission accept the proposed findings of fact, conclusions of law and order submitted in the case *Saylor v. Adams County.* The motion was

approved unanimously and the Commission's judgment will be prepared consistent with ALJ Robert Lange's recommendation.

H. REPORT FROM COMMISSIONERS ON COMPLAINANT APPEALS:

The commissioners present then offered their reports and recommendations regarding Complainant appeals. It was moved by Commissioner Garcia and seconded by Commissioner Ramos to accept the recommendation of Commissioner Blackburn to uphold the Deputy Director's finding of No Probable Cause in the case of Lasley v. Indiana Department of Environmental Management. The motion was approved unanimously.

It was moved by Commissioner Crenshaw and seconded by Commissioner Ramos to accept the recommendation of Commissioner Baynard to uphold the Deputy Director's finding of No Probable Cause in the case of Blake v. Clark. The motion was approved unanimously.

It was moved by Commissioner Garcia and seconded by Commissioner Crenshaw to accept the recommendation of Commissioner Carter by way of Tawanda to uphold the Deputy Director's finding of No Probable Cause in the case of Wolters Baldauf v. Hatch and Portage Real Estate, Inc & Hatch Construction & Shults. The motion was approved unanimously.

It was moved by Commissioner Baynard and seconded by Commissioner Garcia to accept the recommendation of Commissioner Crenshaw to uphold the Deputy Director's finding of No Probable Cause in the case of Price v. Indiana Joint Forces Adjutant General's Department. The motion was approved unanimously.

It was moved by Commissioner Ramos and seconded by Commissioner Baynard to accept the recommendation of Commissioner Garcia to uphold the Director's finding of No Probable Cause in the case of Proctor v. Wal-Mart Stores East L.P. The motion was approved unanimously.

It was moved by Commissioner Crenshaw and seconded by Commissioner Baynard to accept the recommendation of Commissioner Garcia to uphold the Deputy Director's finding of No Probable Cause in the case of Denson v. Presenius Medical Care North America. The motion was approved unanimously.

It was moved by Commissioner Baynard and seconded by Commissioner Ramos to accept the recommendation of Commissioner Garcia to uphold the Deputy Director's finding of No Probable Cause in the case of Bell v. U.S. Security Associates, Inc. The motion was approved unanimously.

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

Complainant Appeals were assigned to Commissioners as follows:

Commissioner Blackburn---- *Coats v. Woodridge Apartments and JVM Realty Corporation HOha07100501 (Deputy Director)*

Mills v. Lowe's Companies, Inc., EMse06090368 (Deputy Director)

Logwood v. Marion County Justice Agency EMra07040197 (Deputy Director)

Commissioner Baynard---- *Chase v. Bill Walker & the Courts by Long Beach Apartments LLC Hora07070316 (Deputy Director)*

Milton v. Wlasuk, Delporte & Davis EMSH06120574 (Deputy Director)

Wasily v. Morano's Restaurant Emno06120541 (Deputy Director)

Commissioner Crenshaw--- *Posthauer v. Montgomery Health Department EMha06080308 (Deputy Director)*

Hardy Wilson v. NIBCO Inc EMra06070265 (Deputy Director)

Ronald Hayes, Jr. v. Indiana Department of Workforce Development EMrt07100488 (Director)

Ronald Hayes, Jr. v. Indiana Department of Workforce Development Emra07060300 (Deputy Director)

Commissioner Garcia--- *Leybovich-Minevich v. The Indiana Heart Hospital, Inc. Community Health Network EMha07040182 (Deputy Director)*

Commissioner Ramos--- *Smith v. Robbins, Blanford, Grace Lutheran Community, Berkemeier and Graceworks Housing Services. HOha07100508 (Deputy Director)*

Jackson v. Ball State University and Ball State University Police Department Para06060210 (Director)

J. ADMINISTRATIVE UPDATE:

Director's Report

Director Scott reported that The Commission is still reaching out to Mr. Broyles. Mr. John Broyles made a brief presentation to the Commission. He advised the Commission the Immigration Law Association is developing a way to educate people and police with involvement of state and local police with concerns to immigration. Mr. Broyles noted people were being arrested on one basis and then being taken into custody to investigate if they are legal citizens or not. The Commission is still reaching out to Mr. Broyles.

Director Scott stated the HB 1034 did not pass with the current legislation pending is the Bayne case in Richmond and has no new relevant status.


Director Scott stated there have been good communications with EEOC. The agency is in good standing and on pace with contracts for the tester program. The agency is looking to hire a coordinator to run the Tester Program.

K. ANNOUNCEMENTS:

L. ADJOURNMENT:

There being no further business to come before the Commission, the meeting was adjourned.

Gregory Kellam Scott
Director
April 18, 2008



Alpha Blackburn
Chair
April 18, 2008