

BEFORE THE STATE OF INDIANA  
CIVIL RIGHTS COMMISSION

PUBLIC MEETING OF JANUARY 22, 2024

PROCEEDINGS

In the above-captioned matter before the Indiana Civil Rights Commission, Adrienne L. Slash, Chairperson, taken before me, Elizabeth Hardcastle, RPR, a Notary Public, in and for the County of Marion, State of Indiana, at the office of the Indiana Civil Rights Commission, Indiana Government Center North, 100 North Senate Avenue, Room N300, Indianapolis, Marion County, Indiana, on Monday, January 22, 2024, at 1:10 p.m.

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A\_P\_P\_E\_A\_R\_A\_N\_C\_E\_S

## COMMISSION MEMBERS:

Adrienne L. Slash, Chairperson  
Alpha Blackburn [appearing via telephone]  
Holli Harrington  
James W. Jackson  
Terry Tolliver

## INDIANA CIVIL RIGHTS COMMISSION:

Gregory Wilson, Director [appearing via online]  
David Fleischhacker, Deputy Director

## OTHER COMMISSION STAFF PRESENT:

Michael Lostutter  
Nicole Owens  
Jordan Teske-Harrison  
Vanessa Powell  
Yvette Kirchoff

## PRESENT VIA ONLINE:

Christiana Afuwape  
James Hodge  
Cherrie Moe  
Nick Piezonka

## ALSO PRESENT:

Sarah Jones  
Dustin Robinson

1 (1:10 p.m.)

2 January 22, 2024

3 CHAIRPERSON SLASH: It's 1:10 p.m. on Monday,  
4 January 22nd. We will call this meeting of the Indiana  
5 Civil Rights Commission to order. We will begin with  
6 our established quorum and announcement of the agenda.

7 MR. LOSTUTTER: All right. First I'll read  
8 this into the record here.

9 Please be advised no party will be allowed to  
10 speak directly to the Commission during any Commission  
11 meeting, except during a previously scheduled oral  
12 argument.

13 The Commissioners will make their initial  
14 determination based on the complaint, the notice of  
15 finding, the appeal, and the final investigative report.  
16 You must not address the Commission members except and  
17 unless you are addressed by them directly, and if you  
18 have any questions about your case please wait to speak  
19 to the Docket Clerk until after the Commission meeting.

20 And the agenda, we will have approval of  
21 previous meeting minutes, the ICRC Director's Report,  
22 old business from last month and the month before,  
23 Motions and Other Filings that were made last month as  
24 well. And then new business with new Motions and Other  
25 Filings, and then recommended review of ALJ Recommended

1 Decisions and Orders, and then reading of final orders  
2 into the record.

3 CHAIRPERSON SLASH: Thank you. At this time  
4 I'll call for approval of last month's meeting minutes.

5 MR. TOLLIVER: So moved.

6 CHAIRPERSON SLASH: Okay; the last two months.

7 COMM. HARRINGTON: Seconded.

8 CHAIRPERSON SLASH: Thank you.

9 MR. LOSTUTTER: All right. We will call the  
10 roll.

11 Commissioner Blackburn?

12 COMM. BLACKBURN: Blackburn aye.

13 MR. LOSTUTTER: Commissioner Harrington?

14 COMM. HARRINGTON: Aye.

15 MR. LOSTUTTER: Commissioner Tolliver?

16 COMM. TOLLIVER: Aye.

17 MR. LOSTUTTER: Commissioner Jackson?

18 COMM. JACKSON: Aye.

19 MR. LOSTUTTER: Chair Slash?

20 CHAIRPERSON SLASH: Aye.

21 MR. LOSTUTTER: Ayes have it.

22 CHAIRPERSON SLASH: Thank you. Next we'll  
23 have the ICRC Director's Report.

24 MR. FLEISCHHACKER: Thank you, Chair Slash.

25 We had just two weeks ago, last week -- time flies

1 by -- the MLK holiday events, which were very  
2 successful. The wreath-laying event on Monument Circle,  
3 we had, I think, around 50 to 100 people there for that,  
4 and the video that was shared was well received as well.

5 And then the following day we had several  
6 hundred people join us either in person or remotely for  
7 the holiday celebration in the State House. Again,  
8 another very successful event.

9 I'm very proud of the work that our team put  
10 together, or did to put that together and make that a  
11 successful event. So we're very excited about those.

12 And then coming up on Thursday, the 25th, we  
13 have a Holocaust Remembrance event, also in the State  
14 House, at noon. So we encourage Commissioners to attend  
15 if your schedule allows. So we're looking forward to  
16 that event as well.

17 We've got -- as far as projects go, the fair  
18 housing testing is wrapping up from the 2023 year.  
19 We've got a good, successful round of testing. I think  
20 ultimately we're going to have between 20 and 30  
21 director-initiated complaints as a result of that  
22 testing.

23 Some of those have already been settled over  
24 the course of the year. A couple of them have gone to  
25 litigation. So we will continue to do that, and we're

1 going to be starting some new testing.

2 We received a little over \$31,000 from HUD on  
3 furniture funds and we're using that for testing. So  
4 we've got that starting up here pretty soon, and we're  
5 working with Indiana Housing and Community Development  
6 to see if they want to do another round of testing this  
7 year for their properties. So we'll keep the Commission  
8 updated on that as those progress.

9 As you likely know from all the extra cars  
10 around campus and in the garages, the General Assembly  
11 is in session right now. So we're actively monitoring  
12 all the various bills that may have an impact on the  
13 Commission.

14 As the Commissioners may be aware, there is  
15 one that would have a significant impact on the  
16 Commission, and that would be House Bill 1003. There it  
17 would give the Administrative Law Judges at the Office  
18 of Administrative Law Proceedings, would make them the  
19 ultimate authority for matters that fall under their  
20 jurisdiction, so to speak, which includes the Indiana  
21 Civil Rights Commission along with a number of other  
22 commissions throughout state government.

23 There is an exception, however, in the bill  
24 where it talks about federal mandates for federal  
25 funding purposes, for that to be -- for those decisions

1 or agencies to be excluded from that provision.

2 We've reached out to HUD to get their thoughts  
3 on whether or not at least our housing cases would be  
4 excepted out and if the Commission would retain the  
5 ultimate authority under that exception for that. So  
6 we're waiting to hear back from HUD on that.

7 Otherwise, some additional things in that  
8 bill, it removes deference to the ultimate authority's  
9 decision and the courts would review the matter  
10 de novo, or it would look at the record with new eyes.  
11 It also changes some attorneys fees things in there as  
12 well.

13 So a bunch of things going on with that bill.  
14 So we're actively monitoring. It has found a committee  
15 in the House. I think it's passed second reading as  
16 well. So that looks on track to at least pass the House  
17 and then we'll see where it goes in the Senate.

18 There is a Senate bill that's similar to that,  
19 Senate Bill 296. It doesn't have quite as much in it as  
20 House Bill 1003 does, but there's a significant overlap  
21 between the two. But that has not even had a committee  
22 hearing yet. I'm assuming that House Bill 1003 will  
23 kind of be the vehicle for all of that movement.

24 There's a number of other bills that would  
25 directly impact the Commission. House Bill 1024 would

1 put into state law about the Pregnancy Fair Workers Act  
2 bill that passed this past year on the federal level.  
3 It would add that to a state law.

4 There's also House Bill 1087 that would add  
5 some protective classes to the Fair Housing Act.  
6 There's House Bill 1124, which is essentially a CROWN  
7 Act, making hairstyles a part of race under the  
8 discriminatory kind of regime. There's also Senate Bill  
9 94, which is the Senate bill counterpart.

10 None of those have been scheduled for  
11 committee hearing, and most of those are sponsored by  
12 Democratic Congress members so it's unlikely that  
13 they'll move. But if they do, then they would directly  
14 impact some of the work that we do.

15 House Bill 1396 is a significant bill in that  
16 it would add some new duties to this Commission. There  
17 is currently a Board under Article 4 of the Board for  
18 the coordination of programs serving vulnerable  
19 individuals, and this House bill would repeal that  
20 section of the code and put all the duties of that Board  
21 underneath this Commission.

22 But it would also give this Commission the  
23 authority to hire a director for those duties, and then  
24 that director can hire staff to meet that. So obviously  
25 there's questions about funding and how that would work



1 with the current structure, but that bill's out there.  
2 It has not received a committee hearing time, so we're  
3 continuing to monitor that.

4 Something House Bill 1415 would impact for the  
5 cultural commissions that are supported by the Indiana  
6 Civil Rights Commission, in that it would sunset each of  
7 them and it would have the ICRC work to establish  
8 nonprofits that would assume the responsibilities or  
9 duties, power, things that those cultural commissions  
10 currently look at.

11 So we'll see where that goes, if it goes  
12 anywhere. It has not, again, been scheduled for a  
13 committee hearing at this point, but the potential is  
14 for that. Those are kind of the main current proposed  
15 bills that we're tracking that would have a direct  
16 impact on the Commission.

17 There's a number of other bills that would  
18 have kind of secondary impacts on the Commission and the  
19 things that we look at, like House Bill 1002 is a  
20 definition of antisemitism in annex to education  
21 discrimination. That would impact how we look at  
22 discrimination as well, although we kind of already  
23 include under that under our rule that it's  
24 discrimination reviews.

25 It's a short session, so we're monitoring

1 things as they move quickly through. Next Tuesday, I  
2 believe, is the deadline for things to pass out of  
3 committee. So we'll see where things stand as of next  
4 Tuesday, what bills survive until the second chamber,  
5 and for those that don't, what representatives or  
6 senators try to get as amended into bills that do  
7 survive that process. So we'll continue to monitor  
8 that.

9 Before I move on to metrics, any questions  
10 about legislative items?

11 CHAIRPERSON SLASH: I had a clarity question  
12 around the Administrative Law Judge bill that you  
13 shared. That essentially would alleviate our need to  
14 confirm into the record the section of the confirmations  
15 that we have because they are the ultimate authority?

16 MR. FLEISCHHACKER: Yes. Anything that ALJ  
17 heard you would no longer need to review. And like you  
18 approve, modify, or deny, that would fall off the  
19 Commission's duties.

20 CHAIRPERSON SLASH: Okay; thank you.

21 MR. FLEISCHHACKER: Yeah; no problem. Any  
22 other questions on the legislations?

23 [No response]

24 MR. FLEISCHHACKER: All right. And then as  
25 far as metrics go, we've closed out 2023. So it was a,

1 I don't want to say, good year for the Commission,  
2 because more people are believing, alleging that they've  
3 been discriminated against, but our numbers are up and  
4 our staff have been doing a great job in moving things  
5 along.

6 Obviously, with the new phone system that we  
7 have in place it's easier for us to track calls, but for  
8 2023 we tracked just over 10,000 calls that we received  
9 and answered and talked to folks about, compared to  
10 4,661 that we had kind of hand counted in 2022. So more  
11 than twice as many in 2023.

12 For increase, we had 2,722 in the year of  
13 2023, which was up ten percent from the 2,470 the year  
14 before.

15 For formalized complaints, we finished the  
16 year at 978 formalized complaints, which was just under  
17 24 percent higher than 2022, where we had 791. And then  
18 978, that's the lowest ever since Greg Wilson started as  
19 Executive Director in 2017. So we're well beyond even  
20 pre-pandemic numbers that will be formalized this year.

21 For closures, we had 730 cases that we closed  
22 in 2023, which is eight percent more than the year  
23 before, where we had 676. And then as far as monetary  
24 relief that was obtained through settlements and  
25 mediation, we ended the year at \$832,000 that was

1           obtained for complainants, which was up ten percent from  
2           the year before, which was at 756,000.

3                       We have currently 58 open litigation cases,  
4           which is just slightly down from the same time last  
5           year, where we had 61 open.

6                       And then actually going back to the 978  
7           formalized complaints, that does not include the 76  
8           cases that were transferred to the Commission from  
9           either the EEOC or HUD. So roughly a thousand forty or  
10          fifty or so cases that were new to the Indiana Civil  
11          Rights Commission in 2023.

12                      So a lot of work that our staff are doing  
13          moving cases along, moving them along in a high quality  
14          manner. So a lot to be proud of.

15                      Any questions?

16                      CHAIRPERSON SLASH: Any questions?

17                      [No response]

18                      CHAIRPERSON SLASH: Okay. Well, great work.  
19          And I know, as you're saying, it was a big year for the  
20          ICRC, which means kind of a bad year for Hoosiers, but  
21          at the same time how they improved their structure in  
22          numbers leading to capture that data and chase it a  
23          little bit better is significant.

24                      So I will say it's never a good thing, but  
25          there are pieces in there that are very good and show

1           promise for the future. So congratulations to all staff  
2           on a good year, and continue to do good work on behalf  
3           of Hoosiers.

4                     MR. FLEISCHHACKER: Thank you.

5                     COMM. BLACKBURN: Kudos all around.

6                     MR. FLEISCHHACKER: Thank you, Commissioner  
7           Blackburn.

8                     CHAIRPERSON SLASH: Having that be the  
9           conclusion of the ICRC Director's Report, we will begin  
10          with old business.

11                    The first case we have is Melvin Limpscomb  
12          versus Meijer, case PPara23040381. That case was  
13          assigned to Commissioner Tolliver and was to be an oral  
14          argument today. However, the complainant is under the  
15          weather and asked this to be continued, and that was  
16          granted. So they continued it to the February meeting.

17                    The next case, Sarah Jones --

18                    MR. LOSTUTTER: And I believe you are --

19                    MS. JONES: That's me.

20                    MR. LOSTUTTER: -- Sarah Jones. She had said  
21          that she was sick. I told her that she didn't have to  
22          show up.

23                    MS. JONES: I didn't get an email back, so I'm  
24          here.

25                    MR. LOSTUTTER: I did send an email.

1 MS. JONES: I'm sorry; I didn't get it. Oh,  
2 well.

3 MR. LOSTUTTER: So she is here, and as --

4 CHAIRPERSON SLASH: Okay. Do we need to also  
5 have the respondent?

6 MR. LOSTUTTER: The respondent has been made  
7 aware of it. The respondent has never --

8 MS. JONES: He doesn't think he's done  
9 anything wrong. He --

10 THE REPORTER: I can't hear you.

11 MS. JONES: Oh, I'm sorry. I don't think the  
12 respondent has ever, like, participated, because it's  
13 been an ongoing thing for years. But he doesn't  
14 believe, since he keeps his businesses as small LLCs,  
15 which is the reason I'm here and not at the EEOC, that  
16 none of these rules apply to him. But civil rights  
17 always apply. So I guess that's basically why I'm here.

18 CHAIRPERSON SLASH: Thank you for coming in.  
19 We hope that you feel better. We also presently do not  
20 have the Commissioner who was assigned your case. She's  
21 out of the country.

22 MS. JONES: Okay. Well, I've also filed in  
23 federal court, so I don't even know if I'm allowed to be  
24 in both places, but I know I've got to exhaust my  
25 administrative rights. But I also wanted to speak about

1 something else, so maybe we could just talk about that,  
2 what happened at Sports Clips.

3 CHAIRPERSON SLASH: Just a moment.

4 MR. FLEISCHHACKER: So you filed this subject  
5 matter in federal court?

6 MS. JONES: Correct.

7 MR. FLEISCHHACKER: All right. Then that ends  
8 all Commission matters.

9 CHAIRPERSON SLASH: Okay. So thank you for  
10 coming in, but I thought that was the case.

11 MR. FLEISCHHACKER: Can you send a copy of the  
12 federal suit that you filed to Mike?

13 MS. JONES: I have done that for both.

14 MR. LOSTUTTER: I have not received a copy of  
15 the federal.

16 MS. JONES: Oh, no; I'm sorry. I don't really  
17 maybe even know what you mean.

18 MR. FLEISCHHACKER: Under our laws, if you  
19 file in federal court, then that --

20 MS. JONES: I've got the case number.

21 MR. FLEISCHHACKER: -- then that requires the  
22 Commission to halt all investigations and we cannot  
23 issue any other findings or decisions related to that  
24 matter once you -- so now that you filed in federal  
25 court anything before the Commission is null and void.

1 MS. JONES: I emailed this morning and asked  
2 them that, too, and they didn't --

3 MR. LOSTUTTER: But you did not send me a  
4 copy. I need a copy.

5 MS. JONES: A copy of what?

6 MR. FLEISCHHACKER: The federal lawsuit that  
7 you filed.

8 MS. JONES: Well, because I'm so confused. I  
9 filed a complaint and a notice of removal, because I  
10 thought it was already out of this court until I got --

11 THE REPORTER: I'm not getting what you say.  
12 Your head is turned.

13 MS. JONES: Oh, I'm so sorry. I'll just stand  
14 over there and talk. I can't hear people unless I see  
15 their lips, either. I know sign language, too.

16 So I'm very confused on all the lingo. I  
17 don't know the lingo, but I do know what happened to me  
18 is wrong. So I get this place and the EEOC dual files.  
19 I think that's the correct term.

20 But it kind of didn't make sense because it  
21 says they basically just adapt each other's findings  
22 usually, but maybe I was like the one rare one that fell  
23 through, or maybe the EEOC just strictly saw the  
24 termination letter. There's two or three charges of  
25 discrimination on there. But then you've got to play to



1 the fact if the ADA even plays. So that's a whole  
2 another issue.

3 Anyway, I filed a complaint and notice of  
4 removal, but since I'm not an attorney and I don't have  
5 an attorney I can't see the answers, I guess. I was  
6 going to go over there, and they said something like  
7 maybe I could use their computer.

8 CHAIRPERSON SLASH: Well, thank you for coming  
9 back in. One thing that I can share with you, although  
10 we cannot continue to move forward here --

11 MS. JONES: Sure.

12 CHAIRPERSON SLASH: -- we hadn't made a  
13 decision here yet. Your case had not been confirmed,  
14 and that's through oral argument that you had requested.  
15 But now that you have filed elsewhere, we can no longer  
16 continue to hear or make decisions around your case.

17 MS. JONES: Okay; that's no problem.

18 CHAIRPERSON SLASH: So we were going to  
19 continue and you were going to have an opportunity for  
20 an oral argument. You were going to be able to add  
21 additional things, within reason, in front of this body,  
22 except for you have now filed elsewhere so we can no  
23 longer hear it.

24 MS. JONES: Okay. Well, can I just ask a  
25 question that's not related to my direct lawsuit?

1                   CHAIRPERSON SLASH: That would have to be  
2                   asked after this is over, and you are more than welcome  
3                   to --

4                   MS. JONES: Oh, okay.

5                   CHAIRPERSON SLASH: -- direct it to the staff  
6                   of the Commission once we complete our meeting here  
7                   today.

8                   MS. JONES: Okay; no worries. So just so I'm  
9                   clear, what am I supposed to send here?

10                  CHAIRPERSON SLASH: We need the case number  
11                  and filing documents from your federal case so that we  
12                  can close this one.

13                  Is that correct?

14                  MR. FLEISCHHACKER: Of your case going  
15                  forward.

16                  MS. JONES: Do you want the complaint and the  
17                  notice of removal? And I sent in literally 90, almost  
18                  100, pages, which what was exactly what you guys had  
19                  sent me as my public record.

20                  MR. FLEISCHHACKER: The complaint that you  
21                  filed with federal court --

22                  MS. JONES: But I think that I did it overall.

23                  MR. FLEISCHHACKER: The complaint that you  
24                  filed with federal court, if you could send that to Mike  
25                  that would be great.

1 MR. LOSTUTTER: Right. Just send it in an  
2 email attachment to me, so we have your court records.

3 MS. JONES: Okay. Let me think of how I'm  
4 going to do that. Okay. I'll try to figure that out.

5 CHAIRPERSON SLASH: Thank you.

6 MS. JONES: Yeah, no problem.

7 CHAIRPERSON SLASH: Okay. So for the record,  
8 that is a removal from this --

9 MR. FLEISCHHACKER: Or you could table it for  
10 present to verify that the federal lawsuit does cover  
11 the same subject matter as the matter that's before the  
12 Commission.

13 CHAIRPERSON SLASH: So officially for the  
14 record, we wish to table case EMha23060568. Thank you.

15 The next case, Dustin Robinson versus  
16 T & T Collision. That is case EMha23050437. The case  
17 was assigned to me.

18 MR. LOSTUTTER: And the gentleman did request  
19 an oral argument. I do not believe that the other side  
20 is here, the respondent, but he is.

21 CHAIRPERSON SLASH: And he was made aware?

22 MR. LOSTUTTER: He was made aware, and he's  
23 the only one who's showed up.

24 MR. FLEISCHHACKER: The respondent.

25 MR. LOSTUTTER: The respondent was made aware.

1 CHAIRPERSON SLASH: Do I have an option?

2 MR. LOSTUTTER: You have the option to either  
3 go ahead and hear him, or --

4 CHAIRPERSON SLASH: I feel like -- because  
5 that's what we tend to provide for members of the public  
6 that have requested an action, so if you would, you have  
7 about five minutes to add anything additional that you  
8 would like for us to know.

9 MR. ROBINSON: I think basically I'm going --

10 CHAIRPERSON SLASH: If you could, stand up and  
11 project this way so our court reporter can hear you.

12 MR. ROBINSON: So I'm going based off of what  
13 they had in their file, I guess investigation was, which  
14 is completely different than what actually happened.

15 It states that I did not report to my employer  
16 that I was -- that I, you know, was injured until later  
17 on, you know, months later, weeks later, whatever. I  
18 forgot the exact date. It would have been March 29th.

19 But I have text messages right here in my  
20 phone showing that I actually texted my production  
21 manager right as the accident happened and let him know  
22 that I was going to the hospital. It's dated,  
23 documented, and I kept him updated the whole time. So  
24 for them to say that I didn't tell them that I was  
25 injured for weeks later on after the injury, it's

1 completely a lie, false.

2 I mean, I really don't know what else to say  
3 about it. Everything that was in that statement is  
4 completely wrong.

5 CHAIRPERSON SLASH: And so may I ask a  
6 question? Did you make those text messages and that  
7 text trail available to our investigators?

8 MR. ROBINSON: I did not. I wasn't aware of  
9 doing that, but I do have it in my phone and I --

10 THE REPORTER: I'm sorry; I didn't hear you.

11 MR. ROBINSON: I wasn't aware of who to send  
12 anything to. I wasn't told that. I just received what  
13 letters I got in the mail. They never gave any kind of  
14 instruction or direction of what to do or where to send  
15 anything, I guess, as far as documents go to back up my  
16 claim.

17 The only thing I had was, when I got the facts  
18 findings of what happened and what they actually put on  
19 paper stating what the respondent and everything, you  
20 know, said, which is kind of false also because of the  
21 fact that I really never even got ahold of a response so  
22 how did they come up with this story that, you know, he  
23 said something about me being fired a certain date?

24 But anyway, with that being said, I was never  
25 told about the paperwork and everything, what documents

1 to send in, which I do have every document to back up  
2 everything I had to say.

3 And also I have a work comp claim, too, which  
4 is something, another totally different story that  
5 they're claiming I was fired 13 days prior to  
6 January 22nd. So that shows a different date.

7 So that's three different times that they've  
8 lied and said different days of being fired or  
9 terminated. And I was basically terminated -- I wasn't  
10 aware of it. My injury happened January 22nd.

11 I was out of work because I had two fractured  
12 bones in my elbow. I had one displaced, one  
13 non-displaced. So I was off of work, and I was still  
14 okay with everybody.

15 I figured I still had my job and everything,  
16 and I was not aware that I was fired until the day that  
17 we went for an adjustment claim hearing for worker's  
18 compensation, and during that time is when I was told  
19 that I was actually terminated. That's the first time I  
20 ever heard it.

21 CHAIRPERSON SLASH: Thank you. Thank you for  
22 coming in today and sharing. Like I said a few moments  
23 ago, it's never a good day when you have to have people  
24 come in, but we appreciate you being here.

25 At this time, based off of what we've heard

1 and what we have, I would like to continue and make a  
2 decision in the coming months, allowing the other  
3 Commissioners to also deeply follow through with what we  
4 have so that we can confer.

5 COMM. TOLLIVER: What if I just have a  
6 question?

7 CHAIRPERSON SLASH: Sure; go ahead.

8 COMM. TOLLIVER: Is this a civil rights claim?

9 MR. ROBINSON: Yes, sir.

10 MR. FLEISCHHACKER: Well, it's filed as a  
11 civil rights claim.

12 CHAIRPERSON SLASH: It's filed as a civil  
13 rights.

14 COMM. TOLLIVER: Right, but how is it a civil  
15 rights claim? I guess that's the question.

16 MR. FLEISCHHACKER: I've not researched the  
17 case so I'm not sure the basis for that.

18 CHAIRPERSON SLASH: Yes. For his reasons, I  
19 actually would like for us to all go back collectively  
20 and review and make a collective better decision.

21 COMM. TOLLIVER: Okay.

22 CHAIRPERSON SLASH: Okay?

23 MR. ROBINSON: Can I ask a question?

24 CHAIRPERSON SLASH: Uh-huh.

25 MR. ROBINSON: I know I got in a letter that

1           it states that me, myself -- I don't know how to, I  
2           guess, offer any more information within three days'  
3           time that the respondent came. So the documentation  
4           that I do have I can't actually present that over or  
5           send that in, can I?

6                   CHAIRPERSON SLASH: No. Your conversation,  
7           though, you can ask clarifying questions or go over  
8           document clarifying points in our meeting today.

9                   MR. ROBINSON: Okay; thank you.

10                   CHAIRPERSON SLASH: Uh-huh. Any other  
11           questions?

12                   [No response]

13                   CHAIRPERSON SLASH: Okay. With that being  
14           said, we're going to go ahead and move to our next case,  
15           the case of Lisa Goodson versus IQVIA Holdings,  
16           Incorporated, case EMre23070625. This case was assigned  
17           by Shirley HOL-ston [phonetic]. He is not in attendance  
18           presently. Did he submit a recommendation?

19                   MR. LOSTUTTER: I do not believe they did. I  
20           don't see.

21                   CHAIRPERSON SLASH: With that in mind, we will  
22           continue. The next case is Jonathan Sawyer Couch versus  
23           Dollar General, case PAra23010091. This case is  
24           assigned to Commissioner Jackson. It was slated for an  
25           oral argument today. Do we have both parties?



1 MR. LOSTUTTER: The exact opposite of the  
2 previous case there. We have the respondent's counsel  
3 online here, and we do not have the complainant here.

4 CHAIRPERSON SLASH: Okay. Since we have the  
5 respondent's counsel and we just for the previous case  
6 allowed the party that was present five minutes, I'd  
7 like to issue the same five minutes to you if you'd like  
8 it.

9 MS. MOE: Thank you, Ms. Chair. I'll be  
10 brief. The respondent requests the Commission --

11 THE REPORTER: I'm not hearing anything.

12 MR. LOSTUTTER: If you could speak very, very  
13 loudly, please.

14 MS. MOE: Of course. Respondent requests the  
15 Commission uphold the no cause finding. Respondent did  
16 not deny complainant access to services. The complaint  
17 hinged on a discrimination theory that complainant's  
18 wife was permitted to shop while wearing a face mask.  
19 The complainant was not, due to his race. However,  
20 there are multiple [unintelligible] deficiencies in  
21 complainant's claims that have already been addressed in  
22 the [unintelligible] --

23 THE REPORTER: I'm sorry; I'm not hearing her.

24 MS. MOE: Respondent requests that the  
25 Commission uphold that finding.

1 MR. LOSTUTTER: Is there any way for you to  
2 speak any louder or make yourself heard?

3 CHAIRPERSON SLASH: Are there captions on the  
4 screen? Is there a caption button? That may also  
5 assist.

6 MS. MOE: I'm afraid not. [Unintelligible]  
7 In short, respondent just asks that the Commission  
8 uphold the no cause finding for [unintelligible].

9 CHAIRPERSON SLASH: Okay. So you're just  
10 asking that we uphold the no cause finding. Do you have  
11 anything further to --

12 [A computer announcement was heard]

13 CHAIRPERSON SLASH: Just to make sure, because  
14 I know that we are starting and stopping the same  
15 comment, just want to make sure if there was anything  
16 additional that you wanted or highlight that you wanted  
17 to make sure that we heard.

18 [No response]

19 CHAIRPERSON SLASH: Okay.

20 MS. MOE: My understanding is that the  
21 Commission reopen, respondent with a chance to submit  
22 its position [unintelligible] at that time.

23 CHAIRPERSON SLASH: Okay; thank you.

24 MS. MOE: Thank you.

25 CHAIRPERSON SLASH: Commissioner Jackson, do

1           you have a recommendation?

2                   COMM. JACKSON: Recommend to uphold the  
3           Director's finding of no probable cause.

4                   CHAIRPERSON SLASH: Is there a motion?

5                   COMM. HARRINGTON: I move.

6                   CHAIRPERSON SLASH: Is there a second?

7                   COMM. TOLLIVER: Second.

8                   MR. LOSTUTTER: We will call the roll.  
9           Commissioner Blackburn?

10                   COMM. BLACKBURN: Blackburn aye.

11                   MR. LOSTUTTER: Commissioner Harrington?

12                   COMM. HARRINGTON: Aye.

13                   MR. LOSTUTTER: Commissioner Jackson?

14                   COMM. JACKSON: Aye.

15                   MR. LOSTUTTER: Commissioner Tolliver?

16                   COMM. TOLLIVER: Aye.

17                   MR. LOSTUTTER: Chair Slash?

18                   CHAIRPERSON SLASH: Aye.

19                   MR. LOSTUTTER: The ayes have it.

20                   CHAIRPERSON SLASH: Thank you. The next case  
21           we have is Kenneth Davis versus Discount Auto, case  
22           EMra23050511. This case is also to hear an oral  
23           argument. Do we have either party present?

24                   MR. LOSTUTTER: Neither party is present.

25                   CHAIRPERSON SLASH: Okay. So we will dismiss

1 the oral argument and move forth to the recommendation.

2 Commissioner Harrington, do you have a recommendation?

3 COMM. HARRINGTON: Before, I just want  
4 clarification. Neither requested an oral argument and  
5 neither responded?

6 MR. LOSTUTTER: Neither responded. They were  
7 made aware that they had the opportunity, and --

8 COMM. HARRINGTON: All right. Well, then  
9 based on information that is provided, I will make a  
10 recommendation to uphold the no probable cause finding  
11 in both instances. So there were two issues in this  
12 case.

13 CHAIRPERSON SLASH: Thank you. Is there a  
14 motion?

15 COMM. JACKSON: So moved.

16 COMM. TOLLIVER: Seconded.

17 MR. LOSTUTTER: We'll call the roll.  
18 Commissioner Blackburn?

19 COMM. BLACKBURN: Blackburn aye.

20 MR. LOSTUTTER: Commissioner Harrington?

21 COMM. HARRINGTON: Aye.

22 MR. LOSTUTTER: Commissioner Jackson?

23 COMM. JACKSON: Aye.

24 MR. LOSTUTTER: Commissioner Tolliver?

25 COMM. TOLLIVER: Aye.

1 MR. LOSTUTTER: Chair Slash?

2 CHAIRPERSON SLASH: Aye.

3 MR. LOSTUTTER: The ayes have it.

4 CHAIRPERSON SLASH: Thank you. We'll move to  
5 Motions and Other Filings under old business. Deborah  
6 Weidner on Behalf of Minor Child BNF versus Saint  
7 Michael Catholic, Brookville, Inc., d/b/a Saint Michael  
8 Catholic School. They filed a Motion to Dismiss, which  
9 is in case EDse23110848.

10 Respondent is respectfully moving that the  
11 complaint of the complainant fails to state a claim for  
12 which relief may be granted pursuant to Trial Rule  
13 12(B) (6) of the Indiana Rules of Trial Procedure.

14 Respondent has also attached a Brief in  
15 Support, along with exhibits referred to in the  
16 complaint, which establish that a private school's  
17 grooming policy that requires male students to maintain  
18 their hair at a length that is above the collar is not  
19 sex discrimination.

20 This case is similar to many that we have  
21 recently seen here. It is currently in investigative  
22 phase, and this was left to me and I wish to dismiss  
23 this motion and let it continue through the  
24 investigative phases.

25 MR. FLEISCHHACKER: Denied.

1 CHAIRPERSON SLASH: I'm sorry; denied. Thank  
2 you.

3 COMM. HARRINGTON: Can you restate?

4 CHAIRPERSON SLASH: It's still in the  
5 investigative phases, and so I would like for us to  
6 continue to investigate on behalf of the resident [sic]  
7 and to let the quorum receive it prior to dismissal.  
8 Are there any other questions?

9 [No response]

10 CHAIRPERSON SLASH: All right. So moving to  
11 new business, I'll make some assignments based off of  
12 who's with us today. That way we can try to keep moving  
13 forward.

14 The case of Jeremy English versus Brookdale  
15 Senior Living, Inc., case EMha23080644. They are also  
16 requesting an oral argument. I will assign that one to  
17 Commissioner Harrington.

18 The next case, Tawanda Woods versus Beacon  
19 Pointe Apartments, case HOha23110878. That case is  
20 assigned to Commissioner Jackson. Correction for the  
21 record, I'll read the whole number. It's case  
22 HOha23110879, and that case to Commissioner Jackson.

23 Kimberly Addair versus Assist Indiana, Inc.,  
24 case EMse22070363. We'll assign that one to  
25 Commissioner Tolliver. That one is also requesting an

1 opportunity for oral argument.

2 Leslie Harrison versus Meijer Stores Limited  
3 Partnership, case EMre22110611, also requesting -- I  
4 will reread for the record, case EMre22110661, and that  
5 case I'll assign to myself. They are also requesting an  
6 opportunity for oral argument.

7 That covers all of us in the room.

8 Commissioner Blackburn, we will not assign you  
9 a case today.

10 COMM. BLACKBURN: Thank you.

11 CHAIRPERSON SLASH: Okay. So next we have  
12 Motions and Other Filings under new business. Carl  
13 Garland versus Horizon Bank, Complainant's Objections to  
14 Order on Motion for Summary Judgment.

15 We do have to make a decision here, correct,  
16 or am I just reading into the record?

17 MR. FLEISCHHACKER: Read it into the record.  
18 There was a non-final order issued by the ALJ. The  
19 complainant has filed objections to that non-final  
20 order. The respondent has filed a Motion in Opposition  
21 to that, to those objections. So they do have a motion  
22 that you could rule on, or you could have things proceed  
23 through the objections and have oral argument before the  
24 Commission at the next meeting.

25 CHAIRPERSON SLASH: I'm going to read it into

1 the record, and then I will take questions or interest  
2 from the Commissioners. Okay.

3 In this case the complainant is respectfully  
4 moving that the Commission review objections raised by  
5 the complainant, reject the Order issued by the  
6 Administrative Law Judge on December 21st, 2023, and  
7 remand the case back to the Administrative Law Judge for  
8 reevaluation of new information, specifically a witness  
9 on behalf of the complainant has since become available  
10 to sign an affidavit attesting to factual matters  
11 relayed to an ICRC investigator, with the likelihood  
12 that they will affirm as factual the same information  
13 under oath.

14 In response we have: The respondent filed  
15 respondent's Response in Opposition to Complainant's  
16 Objections to Order on Motion for Summary Judgment,  
17 stating that the complainant's filing was outside of the  
18 allotted 15 days for filing an objection and the  
19 Commission does not have the authority to extend the  
20 deadline to allow for additional evidence.

21 Commissioners, are there any concerns,  
22 questions, or is there a motion that you would like to  
23 state at this time?

24 COMM. HARRINGTON: Question. I do have a  
25 question regarding the statement that's about our



1 authority. Can either of you speak to that? I'm asking  
2 if the staff can speak to the comment made by the  
3 respondent regarding our authority to remand the case  
4 back, or do we not have that authority?

5 MR. FLEISCHHACKER: Sure. Within their  
6 response to the objections that were filed, they're  
7 alleging that the objections were filed outside of the  
8 15-day window that the Administrative Orders and  
9 Procedures Act allows for objections to be filed.

10 COMM. HARRINGTON: I understand that, but they  
11 were also saying we don't have authority to say that we  
12 wanted to remand and send it back. Is that true or not?

13 MR. FLEISCHHACKER: They're saying you do not  
14 have the authority to extend the deadline for additional  
15 offerings, not that you don't have the authority to hear  
16 the objections and then do something with the summary  
17 judgment motion. They're arguing that the matter should  
18 just be dismissed because it wasn't timely filed.

19 CHAIRPERSON SLASH: Are there any other  
20 questions, and is there a motion from anyone on the  
21 Commission?

22 COMM. HARRINGTON: I make a motion that we  
23 remand the case back to allow the opportunity to hear.

24 MR. FLEISCHHACKER: No, since their objections  
25 this will be an oral argument.

1 CHAIRPERSON SLASH: This will be an oral  
2 argument. So we can give them an opportunity --

3 MR. FLEISCHHACKER: The most you can --

4 CHAIRPERSON SLASH: -- and we can essentially  
5 say that next time we want to hear it.

6 MR. FLEISCHHACKER: Yes.

7 CHAIRPERSON SLASH: Are there any thoughts?

8 COMM. HARRINGTON: I'm saying we should hear  
9 the oral argument. I make a motion --

10 CHAIRPERSON SLASH: It's in line with what  
11 we've done with others.

12 MR. FLEISCHHACKER: You don't need to do a  
13 motion for that. We just automatically do so.

14 COMM. HARRISON: Okay.

15 CHAIRPERSON SLASH: Any objection?

16 [No response]

17 CHAIRPERSON SLASH: Okay. Please notify all  
18 parties that we will hear oral argument next month, same  
19 format that we've done before.

20 All right. Next we have Review of ALJ  
21 Decisions and Orders. Votes are required on these.

22 You just want me to read all the things in?

23 ICRC/Darian Day versus Jerry Wenger, Nikki  
24 Haynes, and JKS Marketing, case HOha23090705. The  
25 Administrative Law Judge in this matter took under

1 consideration Respondent Jerry Wenger's request to move  
2 this matter out of the administrative forum, a request  
3 made on November 8th, 2023.

4 Since the parties are not in agreement to have  
5 the claims decided in a court of law, the Notice is  
6 granted in part and denied in part, with the Complaint  
7 of Discrimination under the IFHA against the respondent  
8 dismissed with prejudice, 910 IAC 2-7-9(a).

9 The Notice is not effective in moving the  
10 Complaint of Discrimination under the ICRL out of the  
11 administrative forum, which will result in a bifurcation  
12 of these proceedings and will be addressed at the  
13 initial prehearing conference with the parties to  
14 determine their intent before a final dismissal is  
15 issued. The objection period in this matter has closed.

16 Is there a motion to affirm?

17 COMM. TOLLIVER: So moved.

18 CHAIRPERSON SLASH: Thank you.

19 COMM. JACKSON: Second.

20 CHAIRPERSON SLASH: We have a motion, and  
21 second by Commissioner Jackson.

22 MR. LOSTUTTER: We will call the roll.

23 Commissioner Blackburn?

24 COMM. BLACKBURN: Blackburn aye.

25 MR. LOSTUTTER: Commissioner Harrington?

1                   COMM. HARRINGTON: Aye.

2                   MR. LOSTUTTER: Commissioner Jackson?

3                   COMM. JACKSON: Aye.

4                   MR. LOSTUTTER: Commissioner Tolliver?

5                   COMM. TOLLIVER: Aye.

6                   MR. LOSTUTTER: Chair Slash?

7                   CHAIRPERSON SLASH: Aye.

8                   MR. LOSTUTTER: Ayes have it, five-zero.

9                   CHAIRPERSON SLASH: Thank you. Next one,  
10                  Gregory L. Wilson, Sr. versus Kittle Property Group,  
11                  LLC, case HOra23060552. The Administrative Law Judge in  
12                  this matter took under consideration the respondent's  
13                  request to move this matter out of the administrative  
14                  forum, a request made on October 24th, 2023.

15                  Since the parties are not in agreement to have  
16                  the claims decided in a court of law, the Notice is  
17                  granted in part and denied in part, with the Complaint  
18                  of Discrimination under the IFHA against the respondent  
19                  dismissed with prejudice, 910 IAC 2-7-9(a).

20                  The Notice is not effective in moving the  
21                  Complaint of Discrimination under the ICRL out of the  
22                  administrative forum, which will result in a bifurcation  
23                  of these proceedings and will be addressed at the  
24                  initial prehearing conference with the parties to  
25                  determine their intent before a final dismissal is

1 issued. The objection period in this matter has also  
2 closed.

3 Is there a motion to affirm?

4 COMM. TOLLIVER: So moved.

5 CHAIRPERSON SLASH: Thank you.

6 COMM. HARRINGTON: Second.

7 CHAIRPERSON SLASH: Thank you. Motion made by  
8 Commissioner Tolliver and seconded by Commissioner  
9 Harrington.

10 MR. LOSTUTTER: We will call the roll.

11 Commissioner Blackburn?

12 COMM. BLACKBURN: Aye to affirm.

13 MR. LOSTUTTER: Commissioner Harrington?

14 COMM. HARRINGTON: Aye.

15 MR. LOSTUTTER: Commissioner Jackson?

16 COMM. JACKSON: Aye.

17 MR. LOSTUTTER: Commissioner Tolliver?

18 COMM. TOLLIVER: Aye.

19 MR. LOSTUTTER: Chair Slash?

20 CHAIRPERSON SLASH: Aye.

21 MR. LOSTUTTER: The ayes have it, five to  
22 zero.

23 CHAIRPERSON SLASH: Thank you. The next case,  
24 ICRC/Virginia Phenis versus Brian Atkinson, case  
25 HOha23050440. The Administrative Law Judge in this

1 matter took under consideration the respondent's request  
2 to move the matter out of the administrative forum, a  
3 request made on October 24th, 2023.

4 Since the parties are not in agreement to have  
5 the claims decided in a court of law, the Notice is  
6 granted in part and denied in part, with the Complaint  
7 of Discrimination under the IFHA against the respondent  
8 dismissed with prejudice, 910 IAC 2-7-9(a).

9 The Notice is not effective in moving the  
10 Complaint of Discrimination under the ICRL out of the  
11 administrative forum, which will result in a bifurcation  
12 of these proceedings and will be addressed at the  
13 initial prehearing conference with the parties to  
14 determine their intent before a final dismissal is  
15 issued. The objection period in this matter is also  
16 closed.

17 Is there motion to affirm?

18 COMM. HARRINGTON: Move to affirm.

19 CHAIRPERSON SLASH: Thank you.

20 COMM. JACKSON: Second.

21 CHAIRPERSON SLASH: Motion by Commissioner  
22 Harrington, second by Commissioner Jackson.

23 MR. LOSTUTTER: We will go ahead and call the  
24 roll.

25 Commissioner Blackburn?

1                   COMM. BLACKBURN: Blackburn aye.

2                   MR. LOSTUTTER: Commissioner Harrington?

3                   COMM. HARRINGTON: Aye.

4                   MR. LOSTUTTER: Commissioner Jackson?

5                   COMM. JACKSON: Aye.

6                   MR. LOSTUTTER: Commissioner Tolliver?

7                   COMM. TOLLIVER: Aye.

8                   MR. LOSTUTTER: Chair Slash?

9                   CHAIRPERSON SLASH: Aye.

10                  MR. LOSTUTTER: The ayes have it, five to  
11 zero.

12                  CHAIRPERSON SLASH: Thank you. If you all  
13 bear with us, we have a few more fairly similar in  
14 nature. I'll try in my best reading voice. ICRC/Aisha  
15 Rashid versus Kenneth and Sherry Thompson, case  
16 HOha22080395. The Administrative Law Judge in this  
17 matter issued a Notice of Proposed Default Order against  
18 the Respondent Kenneth Thompson due to his not being  
19 present, either in person or by counsel, for a  
20 telephonic prehearing conference on November 28th, 2022,  
21 at 11 a.m., Eastern Standard Time.

22                  Respondent Kenneth Thompson never filed a  
23 Motion of Continuance regarding the prehearing  
24 conference, nor is there any evidence indicating that  
25 service of the Notice of the date and time of the

1 prehearing conference was not perfected.

2 No response was filed regarding the Notice of  
3 Proposed Default Order, was received within the  
4 seven-day deadline after being issued on October 3rd,  
5 2023, so the Proposed Default Order went into effect.  
6 The objection period in this matter has also closed.

7 Is there a motion?

8 COMM. TOLLIVER: So moved.

9 CHAIRPERSON SLASH: Motion to affirm?

10 COMM. TOLLIVER: Yes.

11 CHAIRPERSON SLASH: Okay. Motion to affirm by  
12 Commissioner Tolliver. Is there a second?

13 COMM. BLACKBURN: Second.

14 CHAIRPERSON SLASH: Second by Commissioner  
15 Blackburn.

16 MR. LOSTUTTER: We will call the roll.

17 Commissioner Blackburn?

18 COMM. BLACKBURN: Blackburn aye.

19 MR. LOSTUTTER: Commissioner Harrington?

20 COMM. HARRINGTON: Aye.

21 MR. LOSTUTTER: Commissioner Jackson?

22 COMM. JACKSON: Aye.

23 MR. LOSTUTTER: Commissioner Tolliver?

24 COMM. TOLLIVER: Aye.

25 MR. LOSTUTTER: Chair Slash?



1 CHAIRPERSON SLASH: Aye.

2 MR. LOSTUTTER: The ayes have it, five to  
3 zero.

4 CHAIRPERSON SLASH: Okay; thank you. The next  
5 case, ICRC/Marsha Rush versus M Fine on Spring, LP and  
6 Heron Property Management, LLC, case HOha23040378. The  
7 case was submitted to the Commission on December 11th.

8 The Administrative Law Judge in this matter  
9 grants the complainant's Motion to Withdraw, as the  
10 parties have reached a settlement agreement, and the  
11 complainant's complaint is dismissed with prejudice.  
12 The objection period in this matter has closed.

13 Is there a motion?

14 COMM. TOLLIVER: So moved.

15 COMM. HARRINGTON: Second.

16 CHAIRPERSON SLASH: Motion to affirm made by  
17 Commissioner Tolliver and second by Commissioner  
18 Harrington.

19 MR. LOSTUTTER: We will call the roll.

20 Commissioner Blackburn?

21 COMM. BLACKBURN: Blackburn aye.

22 MR. LOSTUTTER: Commissioner Harrington?

23 COMM. HARRINGTON: Aye.

24 MR. LOSTUTTER: Commissioner Jackson?

25 COMM. JACKSON: Aye.

1 MR. LOSTUTTER: Commissioner Tolliver?

2 COMM. TOLLIVER: Aye.

3 MR. LOSTUTTER: Chair Slash?

4 CHAIRPERSON SLASH: Aye.

5 MR. LOSTUTTER: The ayes have it, five to  
6 zero.

7 CHAIRPERSON SLASH: Next case, ICRC/Charlene  
8 Cripps versus Noblesville Senior, LLC and NRP  
9 Management, LLC, case HOha23090755. The Administrative  
10 Law Judge in this matter took under consideration the  
11 respondent's request to move this matter out of the  
12 administrative forum, a request made on October 24,  
13 2023.

14 Since the parties are not in agreement to have  
15 the claims decided in a court of law, the Notice is  
16 granted in part and denied in part, with the Complaint  
17 of Discrimination under the IFHA against the respondent  
18 dismissed with prejudice, 910 IAC 2-7-9(a).

19 The Notice is not effective in moving the  
20 Complaint of Discrimination under the ICRL out of the  
21 administrative forum, which will result in a bifurcation  
22 of these proceedings and will be addressed at the  
23 initial prehearing conference with the parties to  
24 determine their intent before a dismissal is issued.  
25 The objection period in this matter is also closed.

1 Is there a motion?

2 COMM. TOLLIVER: Move to affirm.

3 CHAIRPERSON SLASH: Thank you. Motion to  
4 affirm, Commissioner Tolliver. Is there a second?

5 COMM. HARRINGTON: Second.

6 CHAIRPERSON SLASH: Second, Commissioner  
7 Harrington.

8 MR. LOSTUTTER: We will call the roll.  
9 Commissioner Blackburn?

10 COMM. BLACKBURN: Blackburn aye.

11 MR. LOSTUTTER: Commissioner Harrington?

12 COMM. HARRINGTON: Aye.

13 MR. LOSTUTTER: Commissioner Jackson?

14 COMM. JACKSON: Aye.

15 MR. LOSTUTTER: Commissioner Tolliver?

16 COMM. TOLLIVER: Aye.

17 MR. LOSTUTTER: Chair Slash?

18 CHAIRPERSON SLASH: Aye.

19 MR. LOSTUTTER: Ayes have it, five to zero.

20 CHAIRPERSON SLASH: Thank you. In the case of  
21 Carl Garland versus Horizon Bank, case PAr19080473.  
22 The Administrative Law Judge in this matter was asked to  
23 rule on a Motion For Summary Judgment filed by counsel  
24 for the respondent on July 7, 2023.

25 Complainant, by counsel, filed their

1 Memorandum of Law in Response to Respondent's Motion For  
2 Summary Judgment on October 23rd, 2023. On  
3 December 1st, 2023, respondent's counsel filed  
4 Respondent's Reply Brief in Support of its Motion For  
5 Summary Judgment.

6 The Administrative Law Judge granted the  
7 respondent's Motion for Summary Judgment on  
8 December 21st, 2023, dismissing the complainant's case  
9 with prejudice. The objection period in this matter has  
10 closed, but objections to the Proposed Order were filed  
11 by the Complainant on January 5th, 2024.

12 Respondent has filed an objection to the  
13 complainant's objections to the proposed order.  
14 Complainant is also moving for time to be scheduled for  
15 oral arguments on complainant's objections and for the  
16 allowing of briefs from both parties regarding  
17 complainant's objections in advance of the Commission  
18 hearing the arguments on the objections, and, if  
19 granted, respondent will have 30 days to respond.

20 We do not need a motion on this one; correct?

21 MR. FLEISCHHACKER: No, this is the same case  
22 that we already disposed of.

23 CHAIRPERSON SLASH: Okay; fantastic. So  
24 already moved. Thank you.

25 All right. The next are ALJ decisions that

1           were automatically confirmed. I'm just reading them  
2           into the record.

3                       The case of Juanita Gambler versus Maintenance  
4           on Wheels, Inc., case EMrt22120719.

5                       The next case, Sabrina Murray versus Rhenus  
6           Logistics, case EMra23050436.

7                       The next case, ICRC/Rachel Shadix versus  
8           Ronald Peterson, case HOha21110429.

9                       The next case, Eric Lewis versus Our Pizza  
10          House and Robert B. and Rhonda J. Main, case  
11          PAha23050407.

12                      Next case, Kristina Guerrero Neace versus PSI  
13          Online Exams, case PAha23020085.

14                      Next case, ICRC/Misty Lee versus North  
15          American Hospitality, Inc. and Anup Bhalla, case  
16          HOfs23080673.

17                      That concludes cases that are automatically  
18          confirmed.

19                      MR. FLEISCHHACKER: I know that we tabled the  
20          Ms. Jones matter before I've had a chance to review the  
21          federal lawsuit. It is based on the same matter that  
22          was before the Commission, and under Indiana Code  
23          22-9-1-6(q), "On notice that a complaint is the subject  
24          of an action in a federal court, the Commission shall  
25          immediately cease investigation of the complaint and may

1 not conduct hearings or issue findings of fact or orders  
2 concerning that complaint." So --

3 CHAIRPERSON SLASH: We can just dismiss that,  
4 but we don't need a motion on it. We just have to stop;  
5 right?

6 MR. FLEISCHHACKER: Correct.

7 CHAIRPERSON SLASH: Okay. Thank you for the  
8 clarity, and thanks for doing the research.

9 MS. JONES: I like to hang out with you-all  
10 anyways, because I'm curious about what you're going to  
11 say about this here, because I'm having the same issue.

12 CHAIRPERSON SLASH: Okay. Next on our agenda  
13 is to just confirm any dates moving forward. Are there  
14 any concerns at issue with the February 19th date? It  
15 will be coming off of a weekend where most of  
16 Indianapolis is fairly busy. But if you are able to be  
17 here on the 19th, and the 19th --

18 MR. FLEISCHHACKER: And then it's President's  
19 Day.

20 CHAIRPERSON SLASH: I was going to say it's  
21 President's Day. If the 19th works we will keep it. If  
22 it does not we will move it.

23 COMM. HARRINGTON: I could potentially have a  
24 conflict, but could shift it moving forward.

25 CHAIRPERSON SLASH: Okay. As of right now we

1 will keep it. We will do what we did for today, and  
2 just track down to make sure that we have what we need  
3 prior to beginning. All right.

4 We do not have any elections, trainings, or  
5 anything like that on the agenda today. Do we have any  
6 announcements?

7 [No response]

8 CHAIRPERSON SLASH: Okay. And we do not have  
9 anyone with us to comment today?

10 MR. LOSTUTTER: No.

11 CHAIRPERSON SLASH: Okay. With that in mind,  
12 it is 2:06 p.m. I'll go on record officially to say  
13 Happy New Year to everyone. We're glad that you made it  
14 to 2024. We're glad to see you, and we look forward to  
15 a great year supporting ICRC.

16 This meeting is adjourned.

17

18

19

20 THEREUPON, the proceedings of  
21 January 22, 2024 were concluded  
22 at 2:06 p.m.

23

24

25

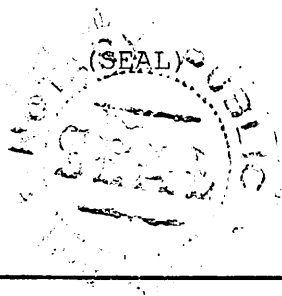
26

STATE OF INDIANA            )  
   )    SS:  
 COUNTY OF MARION         )

I, Elizabeth Hardcastle, RPR, a Notary Public in and for the County of Marion, State of Indiana, do certify that said hearing before the Indiana Civil Rights Commission on January 22, 2024 was taken down in stenographic notes and afterwards reduced to typewriting under my direction, and that the typewritten transcript is a true and accurate record of the proceedings to the best of my hearing and ability.

I do hereby certify that I am a disinterested person in this cause of action; that I am not a relative or attorney of any of the parties, or otherwise interested in the event of this action, and am not in the employ of the attorneys for any of the parties.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal this 15<sup>th</sup> day of February, 2024.



Elizabeth D Hardcastle  
 Elizabeth Hardcastle, Notary Public  
 Residing in Marion County, Indiana  
 My Commission Expires: Nov. 4, 2031  
 Comm. No. NP0673499



<p style="text-align: center;"><b>A</b></p> <p><b>a.m</b> 39:21</p> <p><b>A_P_P_E_A_...</b> 2:1</p> <p><b>ability</b> 48:11</p> <p><b>able</b> 17:20 46:16</p> <p><b>above-caption...</b> 1:9</p> <p><b>access</b> 25:16</p> <p><b>accident</b> 20:21</p> <p><b>accurate</b> 48:10</p> <p><b>Act</b> 8:1,5,7 33:9</p> <p><b>action</b> 20:6 45:24 48:13,15</p> <p><b>actively</b> 6:11 7:14</p> <p><b>ADA</b> 17:1</p> <p><b>adapt</b> 16:21</p> <p><b>add</b> 8:3,4,16 17:20 20:7</p> <p><b>Addair</b> 30:23</p> <p><b>additional</b> 7:7 17:21 20:7 26:16 32:20 33:14</p> <p><b>address</b> 3:16</p> <p><b>addressed</b> 3:17 25:21 35:12 36:23 38:12 42:22</p> <p><b>adjourned</b> 47:16</p> <p><b>adjustment</b> 22:17</p> <p><b>administrative</b> 6:17,18 10:12 14:25 32:6,7 33:8 34:25 35:2,11 36:11 36:13,22 37:25 38:2,11 39:16 41:8 42:9,12 42:21 43:22 44:6</p> <p><b>Adrienne</b> 1:10 2:4</p> <p><b>advance</b> 44:17</p> <p><b>advised</b> 3:9</p> <p><b>affidavit</b> 32:10</p> <p><b>affirm</b> 32:12</p>	<p>35:16 37:3,12 38:17,18 40:9 40:11 41:16 43:2,4</p> <p><b>affixed</b> 48:18</p> <p><b>afraid</b> 26:6</p> <p><b>Afuwape</b> 2:15</p> <p><b>agencies</b> 7:1</p> <p><b>agenda</b> 3:6,20 46:12 47:5</p> <p><b>ago</b> 4:25 22:23</p> <p><b>agreement</b> 35:4 36:15 38:4 41:10 42:14</p> <p><b>ahead</b> 20:3 23:7 24:14 38:23</p> <p><b>ahold</b> 21:21</p> <p><b>ALJ</b> 3:25 10:16 31:18 34:20 44:25</p> <p><b>alleging</b> 11:2 33:7</p> <p><b>alleviate</b> 10:13</p> <p><b>ALLIANCE</b> 1:20</p> <p><b>allotted</b> 32:18</p> <p><b>allow</b> 32:20 33:23</p> <p><b>allowed</b> 3:9 14:23 25:6</p> <p><b>allowing</b> 23:2 44:16</p> <p><b>allows</b> 5:15 33:9</p> <p><b>Alpha</b> 2:4</p> <p><b>amended</b> 10:6</p> <p><b>American</b> 45:15</p> <p><b>annex</b> 9:20</p> <p><b>announcement</b> 3:6 26:12</p> <p><b>announcements</b> 47:6</p> <p><b>answered</b> 11:9</p> <p><b>answers</b> 17:5</p> <p><b>antisemitism</b> 9:20</p> <p><b>Anup</b> 45:15</p> <p><b>anyway</b> 17:3 21:24</p> <p><b>anyways</b> 46:10</p> <p><b>Apartments</b></p>	<p>30:19</p> <p><b>appeal</b> 3:15</p> <p><b>appearing</b> 2:4,8</p> <p><b>apply</b> 14:16,17</p> <p><b>appreciate</b> 22:24</p> <p><b>approval</b> 3:20 4:4</p> <p><b>approve</b> 10:18</p> <p><b>arguing</b> 33:17</p> <p><b>argument</b> 3:12 13:14 17:14,20 19:19 24:25 27:23 28:1,4 30:16 31:1,6 31:23 33:25 34:2,9,18</p> <p><b>arguments</b> 44:15,18</p> <p><b>Article</b> 8:17</p> <p><b>asked</b> 13:15 16:1 18:2 43:22</p> <p><b>asking</b> 26:10 33:1</p> <p><b>asks</b> 26:7</p> <p><b>Assembly</b> 6:10</p> <p><b>assign</b> 30:16,24 31:5,8</p> <p><b>assigned</b> 13:13 14:20 19:17 24:16,24 30:20</p> <p><b>assignments</b> 30:11</p> <p><b>assist</b> 26:5 30:23</p> <p><b>assume</b> 9:8</p> <p><b>assuming</b> 7:22</p> <p><b>Atkinson</b> 37:24</p> <p><b>attached</b> 29:14</p> <p><b>attachment</b> 19:2</p> <p><b>attend</b> 5:14</p> <p><b>attendance</b> 24:17</p> <p><b>attesting</b> 32:10</p> <p><b>attorney</b> 17:4,5 48:14</p> <p><b>attorneys</b> 7:11 48:16</p> <p><b>authority</b> 6:19 7:5 8:23 10:15</p>	<p>32:19 33:1,3,4 33:11,14,15</p> <p><b>authority's</b> 7:8</p> <p><b>Auto</b> 27:21</p> <p><b>automatically</b> 34:13 45:1,17</p> <p><b>available</b> 21:7 32:9</p> <p><b>Avenue</b> 1:15</p> <p><b>aware</b> 6:14 14:7 19:21,22,25 21:8,11 22:10 22:16 28:7</p> <p><b>aye</b> 4:12,14,16 4:18,20 27:10 27:12,14,16,18 28:19,21,23,25 29:2 35:24 36:1,3,5,7 37:12,14,16,18 37:20 39:1,3,5 39:7,9 40:18 40:20,22,24 41:1,21,23,25 42:2,4 43:10 43:12,14,16,18</p> <p><b>eyes</b> 4:21 27:19 29:3 36:8 37:21 39:10 41:2 42:5 43:19</p> <hr/> <p style="text-align: center;"><b>B</b></p> <p><b>B</b> 45:10</p> <p><b>back</b> 7:6 12:6 13:23 17:9 21:15 22:1 23:19 32:7 33:4,12,23</p> <p><b>bad</b> 12:20</p> <p><b>Bank</b> 31:13 43:21</p> <p><b>based</b> 3:14 20:12 22:25 28:9 30:11 45:21</p> <p><b>basically</b> 14:17 16:21 20:9 22:9</p> <p><b>basis</b> 23:17</p>	<p><b>Beacon</b> 30:18</p> <p><b>bear</b> 39:13</p> <p><b>beginning</b> 47:3</p> <p><b>behalf</b> 13:2 29:6 30:6 32:9</p> <p><b>believe</b> 10:2 13:18 14:14 19:19 24:19</p> <p><b>believing</b> 11:2</p> <p><b>best</b> 39:14 48:11</p> <p><b>better</b> 12:23 14:19 23:20</p> <p><b>beyond</b> 11:19</p> <p><b>Bhalla</b> 45:15</p> <p><b>bifurcation</b> 35:11 36:22 38:11 42:21</p> <p><b>big</b> 12:19</p> <p><b>bill</b> 6:16,23 7:8 7:13,18,19,20 7:22,25 8:2,4,6 8:8,9,15,15,19 9:4,19 10:12</p> <p><b>bill's</b> 9:1</p> <p><b>bills</b> 6:12 7:24 9:15,17 10:4,6</p> <p><b>bit</b> 12:23</p> <p><b>Blackburn</b> 2:4 4:11,12,12 13:5,7 27:9,10 27:10 28:18,19 28:19 31:8,10 35:23,24,24 37:11,12 38:25 39:1,1 40:13 40:15,17,18,18 41:20,21,21 43:9,10,10</p> <p><b>BNF</b> 29:6</p> <p><b>Board</b> 8:17,17 8:20</p> <p><b>body</b> 17:21</p> <p><b>bones</b> 22:12</p> <p><b>Box</b> 1:20</p> <p><b>Brian</b> 37:24</p> <p><b>brief</b> 25:10 29:14 44:4</p> <p><b>briefs</b> 44:16</p> <p><b>Brookdale</b> 30:14</p>
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