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BEFORE THE STATE OF INDIANA

CIVIL RIGHTS COMMISSION

- - -

PUBLIC MEETING OF NOVEMBER 22, 2024

- - -

PROCEEDINGS

in the above-captioned matter, before the Indiana  
Civil Rights Commission, Adrienne L. Slash,  
Chairperson, taken before me, Lindy L. Meyer,  
Jr., a Notary Public in and for the State of  
Indiana, County of Shelby, at the Indiana  
Government Center South, Conference Center,  
Room D, 402 West Washington Street, Indianapolis,  
Indiana, on Friday, November 22, 2024 at 1:11  
o'clock p.m.

- - -

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1 APPEARANCES:

2 COMMISSION MEMBERS:

3 Adrienne L. Slash, Chairperson  
4 Steven A. Ramos  
5 Holli Harrington  
6 Sue Silberberg  
7 James W. Jackson (via telephone)  
8 Terry Tolliver

9 INDIANA CIVIL RIGHTS COMMISSION  
10 By David Fleischhacker, Deputy Director  
11 Indiana Government Center North  
12 100 North Senate Avenue, Room N300  
13 Indianapolis, Indiana 46204  
14 On behalf of the Commission.

15 OTHER COMMISSION STAFF PRESENT:

16 Michael Lostutter  
17 Christiana Afuwape  
18 Yvette Kirchoff  
19 Diane Graves  
20 Izzo

21 ALSO PRESENT:

22 None

23 - - -

1 1:11 o'clock p.m.  
November 22, 2024

2 - - -

3 CHAIRPERSON SLASH: Good afternoon.

4 It is 1:11 on Friday, November 22nd, 2024, and I  
5 hereby call this meeting of the Indiana Civil  
6 Rights Commission to order. We'll begin by  
7 establishing our quorum, and then we'll announce  
8 the agenda. Because we do have one Commissioner  
9 that's on the phone, we will need to take roll  
10 call when it comes to votes.

11 MR. LOSTUTTER: All righty. The  
12 agenda, we will have the approval of previous  
13 meeting minutes; we will have the ICRC Director's  
14 report; we will have Old Business to attend to,  
15 although not many, two cases have been continued;  
16 we then will have two new cases to assign; we  
17 will then have a review of two decisions, very  
18 quick; and one reading into the record of an  
19 automatic decision.

20 CHAIRPERSON SLASH: Thank you.

21 With that, do I have a motion to approve  
22 the meeting minutes from the October meeting?

23 VICE-CHAIR RAMOS: So moved.

1 CHAIRPERSON SLASH: Is there a  
2 second?

3 COMM. TOLLIVER: Second.

4 COMM. SILBERBERG: Second.

5 CHAIRPERSON SLASH: Okay. Motion,  
6 Vice-Chair Ramos, second, a tie over here, so  
7 I'll take Comm. Silberberg.

8 MR. LOSTUTTER: All right. Then  
9 we'll go ahead and, I guess, call the roll on  
10 that.

11 CHAIRPERSON SLASH: Yes. Thank you.

12 MR. LOSTUTTER: Comm. Jackson?

13 COMM. JACKSON: Aye.

14 MR. LOSTUTTER: Comm. Tolliver?

15 COMM. TOLLIVER: Aye.

16 MR. LOSTUTTER: Comm. Silberberg?

17 COMM. SILBERBERG: Aye.

18 MR. LOSTUTTER: Comm. Harrington?

19 COMM. HARRINGTON: Aye.

20 MR. LOSTUTTER: Vice-Chair Ramos?

21 VICE-CHAIR RAMOS: Aye.

22 MR. LOSTUTTER: Chair Slash?

23 CHAIRPERSON SLASH: Aye.

1 MR. LOSTUTTER: The ayes have it.

2 CHAIRPERSON SLASH: Thank you.

3 Now we'll have the ICRC Director's Report.

4 MR. FLEISCHHACKER: Thank you, Chair  
5 Slash.

6 CHAIRPERSON SLASH: Outside voice is  
7 what I've been told.

8 MR. FLEISCHHACKER: What's that?

9 CHAIRPERSON SLASH: Outside voice is  
10 what I've been told.

11 MR. FLEISCHHACKER: Outside voice. I  
12 have an outside voice, so I think we'll be okay.

13 So, we've got a couple of events coming up  
14 in January that the Indiana Civil Rights  
15 Commission does in conjunction with the Indiana  
16 Mart -- or Dr. Martin Luther King, Jr. Indiana  
17 Holiday Commission. On Thursday, January 16th at  
18 6:00 o'clock p.m. we'll do the wreath-laying  
19 ceremony at the Circle.

20 The next day, Friday, January 17th, we'll  
21 have the holiday celebration in the Statehouse at  
22 noon, and then we'll send out Save the Dates and  
23 invites to all of you, to make sure that you have

1       them on your calendars if you're able to attend.

2               And then the following week, on Friday,  
3       January 24th, we'll have the Holocaust  
4       Remembrance Program, again starting at noon and  
5       also in the Statehouse, in the atrium there. So,  
6       we've three big -- those three big events coming  
7       up in January.

8               Those -- the MLK holiday celebrations  
9       occur the same week as the new Governor is  
10       inaugurated and gives the State of the State  
11       address, all of that kind of stuff. The General  
12       Assembly will have started the week before in  
13       their session, so it's going to be a busy  
14       January, but hopefully there's time for you all  
15       to attend and participate in those events.

16               COMM. HARRINGTON: Question.

17               MR. FLEISCHHACKER: Yes.

18               COMM. HARRINGTON: I heard you say  
19       January 16th and January 24th, but there was one  
20       in between.

21               MR. FLEISCHHACKER: January 17th.  
22       So, the 16th is the wreath-laying ceremony on the  
23       Circle at 6:00 o'clock, the next day,

1 January 17th, at noon is the Martin Luther King,  
2 Jr. Holiday celebration.

3 COMM. HARRINGTON: Perfect. Thank  
4 you.

5 MR. FLEISCHHACKER: Yep.

6 A few ongoing things that we have going  
7 on, as I mentioned in the past, we have some fair  
8 housing testing that we've been doing, and at the  
9 end of October we had completed 111 tests of  
10 properties in conjunction or partnership with the  
11 Indiana Housing and Community Development  
12 Authority. Those are properties that fall  
13 under --

14 CHAIRPERSON SLASH: Comm. Jackson,  
15 can you mute your line?

16 MR. FLEISCHHACKER: Okay. So, fair  
17 housing testing, again, we've completed 111  
18 tests. That's -- we have an annual partnership  
19 with the IHCDA for that. So, right now those  
20 test results are being analyzed, and we'll see if  
21 we have any Director-initiated complaints that  
22 come out of that, if the testers were  
23 significantly treated differently, and we'll go

1 from there.

2 Obviously, as I mentioned before, we have  
3 a new Governor starting on January 13th, so we've  
4 been working with the transition team for  
5 Governor-Elect Mike Braun, to provide him with  
6 information on the agency that they need, and  
7 start meeting with the transition team to provide  
8 them with whatever information they need,  
9 especially going into a budget session and things  
10 like that. So, we've got that going on.

11 And then we're starting to engage in the  
12 rulemaking process. As I mentioned before, we  
13 had House Bill -- or House Enrolled Act 1623.  
14 Two years ago that got passed, and part of that  
15 was that if there were any agency like fines,  
16 civil penalties, things of that nature that were  
17 not defined, that they needed to have rules to  
18 kind of define them or provide guidance to the  
19 ALJ's or commissions that were assessing those.

20 And our civil penalty, and by statute, is  
21 up to \$10,000, but there's no further guidance  
22 beyond that. So, our rulemaking, we're going to  
23 be incorporating the factors that are used on the



1 federal level, under the Federal Fair Housing  
2 Act, to guide ALJ's and commissions in  
3 determining -- kind of looking at these factors  
4 to figure out, you know, what type of civil  
5 penalties should be issued, how much, things of  
6 that nature.

7 So, we're beginning that process. We also  
8 have to readopt all of the rules for the  
9 Commission over this next year, so that's a --  
10 within the rules that -- or within some  
11 legislation that's been passed over the last two  
12 years, they've changed the readoption process for  
13 rulemaking, so we're going to be readopting some  
14 of ours, but we're looking at it to see if  
15 there's other sections that need to be amended or  
16 updated, like the -- it still has the old address  
17 for the Commission, down on the first floor.

18 So, some of those minor corrections, but  
19 also seeing if there are other amendments that  
20 need to be made, but we need to engage in that  
21 over this next year, because our rules now expire  
22 on January 1st of 2026, but we need to provide  
23 notice to the legislators on January 1st of 2025

1 that we're going to be engaging in this  
2 readoption process and kind of give them an  
3 advance notice of what that looks like.

4           So -- and they also made the readoption  
5 process a little bit more rigorous. Usually --  
6 in the past it had kind of just been a rubber  
7 stamp, you say, "I'm readopting," and it's  
8 readopted. Now you have to do a little bit more  
9 regulatory analysis to determine whether or not  
10 the rules are still required, still necessary,  
11 things of that nature. So, we'll be engaged in  
12 that process.

13           CHAIRPERSON SLASH: Can you give us  
14 some examples of what kind of rules you're  
15 talking about, just for us that don't necessarily  
16 understand?

17           MR. FLEISCHHACKER: Sure. The  
18 Commission has three rules that are found under  
19 910 IAC, which is the Indiana Administrative  
20 Code. Section 1 deals with just practice before  
21 the Commission, so general things related to the  
22 Commission and the work that it does. It  
23 prescribes a lot of the things that go on before

1 the Commission here, provides some of the rules  
2 as far as investigation, essentially rules to  
3 kind of fill in the gaps that exist in the  
4 statute and --

5 CHAIRPERSON SLASH: Okay.

6 MR. FLEISCHHACKER: -- provide  
7 additional guidance for members of the public,  
8 attorneys, whomever, that might be doing  
9 something for the Commission.

10 Section 2 deals with fair housing  
11 complaints, so, again, that's additional  
12 information and guidance on what to do in the  
13 fair housing sphere.

14 And then Section 3 deals with employment  
15 discrimination for individuals with disabilities.  
16 So, again, just those are all of the rules that  
17 fill in the gaps from the statutes that are out  
18 there. The General Assembly provided the  
19 Commission with rulemaking authority to provide  
20 that further guidance and fill in those gaps for  
21 the statute.

22 CHAIRPERSON SLASH: Okay. Thank you.

23 MR. FLEISCHHACKER: Yeah, no problem.

1           And then as far as just how some metrics  
2 go, through the end of October 31st, we're on  
3 track to be around the same or exceed what we've  
4 done in years past. We're up seven and a half  
5 percent for number of inquiries. So far, we've  
6 had over 2500 inquiries into the Commission  
7 through the end of October.

8           Through the end of October, we've had  
9 1,066 formalized complaints. We did 980 all of  
10 last year, so we still have two more months for  
11 complaints to come in, so we're over 26 percent  
12 above where we were last year as far as  
13 formalized complaints go.

14           Closures, we're within five or six percent  
15 of where we were last year, and I think we'll  
16 kind of close that gap as we close out our year.

17           Relief -- monetary relief obtained through  
18 settlement, we're a little bit behind where we  
19 were last year. Last year we had a couple of  
20 larger-dollar settlement funds that were  
21 provided, but we're still at 624,000 through the  
22 end of October as far as monetary relief that's  
23 been obtained for complainants.

1           We currently -- at the end of October, we  
2           currently had 25 open litigation cases, compared  
3           to 55 at the same point last year, and we've been  
4           able to close 55 litigation cases over the course  
5           of this year, compared to 39 at the same point  
6           last year.

7           We have just -- we just did have about six  
8           cases -- six cause cases move on to the  
9           administrative setting, so those litigation  
10          numbers are going to bump up here little bit at  
11          the end of the year, but the staff are doing a  
12          great job, humming along.

13          We're -- each year our complaints have  
14          increased -- I don't want to say "exponentially,"  
15          but, you know, a few years ago we were in the  
16          400's, then we went to the high 500's, then went  
17          to the mid-700's, last year we were at 980, and  
18          now this year we're likely going to be over, you  
19          know, 1200, nearing 1300, so -- and that's not  
20          with any addition of staff members. We're doing  
21          more work with the same team, and I think that's  
22          a testament to the work that they're doing.

23          And also, I think part of that, you know,

1 we've been able to have a really good retention  
2 of our staff. Our turnover rate over the last  
3 several years has only been around 13 percent, so  
4 we're able to retain the high-quality talent that  
5 we have been hiring and bringing on board, so  
6 they're able to do things a lot more quickly and  
7 more efficiently. The Case Management System, I  
8 think, has aided in that as well as making some  
9 efficiencies there. So, again, doing more with  
10 less, or the same, at least.

11 And I think, you know, part -- you know,  
12 that's part of the story that we're trying to,  
13 you know, relay to the transition team that's  
14 coming in with the Governor-Elect. You know,  
15 obviously it's out there in the public that  
16 they're looking at trying to trim, you know, up  
17 to ten percent from the budget.

18 And we want to make our case that, you  
19 know, we really don't have ten percent to trim,  
20 especially on the staffing level, with our  
21 current appropriations not even covering what our  
22 staffing and benefits costs are. So, obviously,  
23 we're not in charge of the budget, but we're

1 going to make our case and tell our story and see  
2 what -- so, hopefully they'll hear that.

3 CHAIRPERSON SLASH: Do we have any  
4 concern about cuts coming to the agency that  
5 should -- we should pay closer attention to, or  
6 is there any assistance with the transition  
7 process that any of the Commissioners could be  
8 helpful with?

9 MR. FLEISCHHACKER: Not at this  
10 point. Like I said, you know, we're providing  
11 information to the transition team, and they're  
12 going to make the determinations that they make  
13 based on what they -- how they want the next  
14 government, you know, executive branch to look  
15 like. I know that they've announced some, you  
16 know, cabinet secretary positions and how things  
17 are going to be aligned there.

18 So, like I said, we're going to tell our  
19 story, and, you know, with our budget submission  
20 this year, we actually requested an increase in  
21 our budget to fully cover all of our staffing  
22 costs, and then also to convert some of our  
23 contract staff into full-time staff, and we're

1 going to make our case to try to have those go  
2 through. We'll see what happens with that.  
3 Obviously, you know, in a different budgetary  
4 picture, that might be more welcomed, so we'll  
5 see. You know, again, we're going to tell our  
6 story and try to make our case that that's what  
7 we need to do.

8 But as far as from the Commission, I don't  
9 think that there's anything that we specifically  
10 need from the Commissioners in order to push  
11 those things along or anything along those lines.

12 CHAIRPERSON SLASH: Thank you.

13 Comm. Harrington has a question.

14 MR. FLEISCHHACKER: Yeah.

15 COMM. HARRINGTON: Yeah. I know you  
16 talked about the increased number of cases. As  
17 we look at metrics, are we also looking at  
18 outcomes? Because I know there are times when  
19 the public may not fully understand, so are we  
20 looking at the ratio of incoming versus -- I  
21 don't know if it's the right word, legitimate or  
22 true cases --

23 MR. FLEISCHHACKER: Sure, yeah.



1                   COMM. HARRINGTON:  -- so that we can  
2 take that back from an education standpoint to  
3 make sure that if there is an opportunity to  
4 clarify, you know, what the role is and what will  
5 qualify, are we doing some of that work?

6                   MR. FLEISCHHACKER:  Sure, yeah, we  
7 look at, you know, for like the inquiries, other  
8 people that contact our office, there's something  
9 that might be related to what we do, and then we  
10 look at the percentage of inquiries that actually  
11 result in formalized complaints.  So, typically  
12 that's been in the kind of mid to high 30's  
13 percentage --

14                  COMM. HARRINGTON:  Uh-huh.

15                  MR. FLEISCHHACKER:  -- area, and  
16 actually that's increased over the last couple of  
17 years.  It used to be in the low 30's, and last  
18 year I think we were in the high 30's as far as  
19 being able to translate inquiries over into a  
20 formalized complaint and drawing that information  
21 out of the complainant.  Sometimes they don't  
22 have facts and evidence that would fall within  
23 our jurisdiction, and that's just how it is.

1           But then we also do track cases that  
2 ultimately end up being a cause case or that are  
3 settled, so we track those as well. Typically,  
4 on average, on an average year, we typically have  
5 about eighty to a hundred cases that are settled,  
6 closed through that type of resolution, and we've  
7 been closing between 600 and 700 cases a year.  
8 So, that's a pretty good percent of the cases  
9 that are being closed that way.

10           And then I know last year about four and a  
11 half percent of our cases were cause cases out of  
12 the 790 that were closed last year -- or I think  
13 it was 670 that were closed last year -- and that  
14 percentage varies from year to year. I think as  
15 we -- the employment cases have always been a  
16 majority of our cases, but that percentage has  
17 increased over the last couple of years.

18           And we tended not to receive as many cause  
19 cases in our employment cases just because they  
20 tend to have very specific prima facie elements  
21 that need to be met in order to go cause on them,  
22 so I think that's brought down our overall cause  
23 percentage, because a couple of years ago we were

1 like in the eleven-and-a-half- percent range, and  
2 then last year, like I said, we were in the  
3 four-and-a-half-percent range.

4 COMM. HARRINGTON: Uh-huh.

5 MR. FLEISCHHACKER: So -- but we are  
6 tracking those.

7 COMM. HARRINGTON: Okay. Well, just  
8 curious, because I know we've had conversations,  
9 and we just said, "Are we learning from our  
10 processes so that we can improve and drive  
11 efficiency?"

12 MR. FLEISCHHACKER: Yep.

13 COMM. HARRINGTON: And then from your  
14 budget case standpoint, I think some of that  
15 would be very important to share, to show that  
16 you're driving efficiency and it's not just  
17 numbers. You can reflect back to outcomes.

18 MR. FLEISCHHACKER: Yep, yep.

19 VICE-CHAIR RAMOS: Yeah,  
20 piggy-backing on that, have you been, from a  
21 corporate level, under the chopping blocks, where  
22 you had to cut 10 percent, 20 percent? So, you  
23 certainly have a priority of where that impacts,

1 you know, the Commission at this point. And from  
2 a person's viewpoint, you may not be as versant  
3 in what we do here, and maybe, from their mind's  
4 sake, the difference is time; right? And so,  
5 instead of taking -- being able to have the  
6 efficiency, now it's going to take longer to  
7 process that.

8 MR. FLEISCHHACKER: Right.

9 VICE-CHAIR RAMOS: And then with the  
10 impact overall, and again, they're not  
11 understanding what we do. They're just saying,  
12 "So, it takes another six months. Who cares?"

13 MR. FLEISCHHACKER: Yeah.

14 VICE-CHAIR RAMOS: I don't know,  
15 but --

16 MR. FLEISCHHACKER: And then that's  
17 part of the story that we've told when we've met  
18 with members from the transition team. We talk  
19 about aged cases and how we're trying to limit  
20 the percentage of aged cases that we have.  
21 Especially like in our REPACE area, most of our  
22 cases we get resolved within six months, because  
23 at 180 days is when we consider them to be aged

1 cases, in that area, and we maintain that at a  
2 below-five-percent rate on a monthly basis, if  
3 not at a zero percent rate.

4 Employment's a little bit different, we  
5 have such a high volume of employment cases.  
6 We're near 700 cases in our investigation  
7 inventory right now, so those tend to take a  
8 little bit longer, but still we're trying to --  
9 right now we're trying to close out the last few  
10 cases from 2023 so that we're within a one-year  
11 range for our employment cases.

12 And compared to like the EEOC, which takes  
13 multiple months just to intake a case and then  
14 multiple years to investigate a case, you know,  
15 that's part of their confidence in us. You know,  
16 they just transferred 180 cases to us to process,  
17 so -- but that's part of the confidence that  
18 we've built with them, to know that we can handle  
19 those cases, deal with those cases in a timely  
20 manner.

21 But yeah, if we do need to make staffing  
22 cuts, that's going to impact our ability to turn  
23 around things and have timely resolution of

1 cases. So, that's part of the story that we're  
2 telling as well, that we need to maintain our  
3 current staffing levels to provide that customer  
4 service.

5 I know customer service is one thing  
6 that -- you know, effectiveness, efficiency,  
7 customer service are some of the kind of pillars  
8 that the transition team has been talking about,  
9 so we're trying to articulate that this is what  
10 we need in order to meet those goals.

11 CHAIRPERSON SLASH: Thank you.

12 Are there any other questions from  
13 Commissioners?

14 (No response.)

15 CHAIRPERSON SLASH: Okay. Thank you  
16 very much.

17 We'll go ahead and we'll move to Old  
18 Business. We have some continued cases on our  
19 agenda today, and I'm going to just read  
20 everything that I have in front of me.

21 Kellee Rembert versus Lennar Homes of  
22 Indiana, LLC, and Lennar Mortgage, LLC,  
23 Case HOra24060455. That case was to have an oral

1 argument today, but has been continued on behalf  
2 of not having participants available.

3 The next case, Kevin Thomas versus  
4 Affordable Living Property Management, LLC &  
5 Crestview at Kokomo, LLC, Case HOr24050384.

6 Vice-Chair Ramos?

7 VICE-CHAIR RAMOS: Madam Chair, I  
8 recommend that we uphold the Director's finding  
9 of no reasonable cause under the Indiana Fair  
10 Housing Act and no probable cause under the  
11 Indiana Civil Rights Law.

12 CHAIRPERSON SLASH: Is there a  
13 motion?

14 COMM. TOLLIVER: So moved.

15 COMM. HARRINGTON: Second.

16 CHAIRPERSON SLASH: Motion,  
17 Comm. Tolliver, second, Comm. Harrington. We'll  
18 call the roll.

19 MR. LOSTUTTER: Comm. Jackson?

20 COMM. JACKSON: Aye.

21 MR. LOSTUTTER: Comm. Tolliver?

22 COMM. TOLLIVER: Aye.

23 MR. LOSTUTTER: Comm. Silberberg?

1                   COMM. SILBERBERG: Aye.

2                   MR. LOSTUTTER: Comm. Harrington?

3                   COMM. HARRINGTON: Aye.

4                   MR. LOSTUTTER: Vice-Chair Ramos?

5                   VICE-CHAIR RAMOS: Aye.

6                   MR. LOSTUTTER: Chair Slash?

7                   CHAIRPERSON SLASH: Aye.

8                   MR. LOSTUTTER: The ayes have it.

9                   CHAIRPERSON SLASH: Thank you.

10                   The next case, Todd Boyce versus  
11                   Rolls-Royce Corporation, Case EMha23030289. This  
12                   case was assigned to me. There were two issues  
13                   in this case. It's my recommendation that we  
14                   uphold the Deputy Director's finding of no  
15                   probable cause in both issues under the Indiana  
16                   Civil Rights Law.

17                   Is there a motion?

18                   VICE-CHAIR RAMOS: So moved.

19                   COMM. SILBERBERG: So moved.

20                   CHAIRPERSON SLASH: Okay. I will  
21                   take the motion from Comm. Silberberg and the  
22                   second from Vice-Chair Ramos.

23                   MR. LOSTUTTER: We'll call the roll.



1 Comm. Jackson?

2 COMM. JACKSON: Aye.

3 MR. LOSTUTTER: Comm. Silberberg?

4 COMM. SILBERBERG: Aye.

5 MR. LOSTUTTER: Comm. Harrington?

6 COMM. HARRINGTON: Aye.

7 MR. LOSTUTTER: Comm. Tolliver?

8 COMM. TOLLIVER: Aye.

9 MR. LOSTUTTER: Vice-Chair Ramos?

10 VICE-CHAIR RAMOS: Aye.

11 MR. LOSTUTTER: Chair Slash?

12 CHAIRPERSON SLASH: Aye.

13 MR. LOSTUTTER: The ayes have it.

14 CHAIRPERSON SLASH: The next case,  
15 April Cook versus FSI Valleybrook Property LLC,  
16 Yes! Communities LLC, & Valleybrook Mobile Home  
17 Park, Case HOha24060496. This case was to have  
18 oral argument today and has been continued until  
19 next month. That concludes our Old Business.

20 Moving to our New Business, I have two  
21 assignments to make, and the first one is Vincent  
22 Jones versus Securitas Security Services USA,  
23 Inc., Case EMra23110892. I'll assign that case

1 to Comm. Harrington.

2 COMM. HARRINGTON: Unfortunately,  
3 Securitas is a vendor with the airport, so I  
4 would recommend that that not be assigned to me.

5 CHAIRPERSON SLASH: Perfect. Thank  
6 you for letting us know. I'll assign that to  
7 Vice-Chair Ramos.

8 Do you have any conflicts?

9 VICE-CHAIR RAMOS: No.

10 CHAIRPERSON SLASH: Okay. Great. I  
11 didn't realize I have to ask that question.

12 All right. The next one, Suzanne Appo  
13 versus Amazon.Com Services, LLC,  
14 Case EMha24010056. I'll assign that case to  
15 Comm. Jackson.

16 Do you have any concerns with that one,  
17 Comm. Jackson?

18 COMM. JACKSON: No, I'm good.

19 COMM. HARRINGTON: He said he's good.

20 CHAIRPERSON SLASH: Oh, okay.

21 Thank you.

22 COMM. JACKSON: You're welcome.

23 CHAIRPERSON SLASH: We get new

1 technology in every room that we're in, so we  
2 have to practice and try them out.

3 Okay. Next I've got -- we've got some  
4 cases to review of ALJ Decisions and Orders. The  
5 first one, ICRC/Darian Day versus Jerry Wenger,  
6 Case HOha23090705.

7 The ALJ in this matter determined the  
8 Respondent in this matter violated the Indiana  
9 Civil Rights Law by engaging unlawful retaliation  
10 in the protected area of housing. The  
11 Complainant is awarded compensatory damages of  
12 nine thousand seven hundred dollars, emotional  
13 damages of twenty-five thousand dollars.

14 The Respondent is ordered to cease and  
15 desist from discriminative acts and retaliating  
16 against people because of a protected activity.  
17 The Respondent filed an Objection and Appeal to  
18 the decision by the ALJ and the Complainant has  
19 filed their Response to the Respondent's  
20 Objection. The appeal process has yet to close,  
21 so Oral Arguments in this matter have not been  
22 scheduled, so we don't have an action to take, or  
23 do we need to set oral arguments?

1 MR. LOSTUTTER: Not at this time.

2 CHAIRPERSON SLASH: Okay. So, no --

3 MR. FLEISCHHACKER: They'll be --

4 CHAIRPERSON SLASH: -- actions at

5 this time.

6 MR. FLEISCHHACKER: -- set for next

7 month.

8 MR. LOSTUTTER: Next month.

9 CHAIRPERSON SLASH: We'll see them in  
10 December.

11 MR. FLEISCHHACKER: Yes.

12 CHAIRPERSON SLASH: Okay.

13 The next case, Shannon Black versus Park  
14 Hospitality, LLC d/b/a Best Western Plus  
15 Northwest, Case EMha23059495.

16 The Administrative Law Judge in this  
17 matter determined the Respondent is in Default,  
18 and must pay damages in the amount of four  
19 hundred ninety-one dollars and eighty-four cents  
20 to Complainant, along with ceasing and desisting  
21 from discriminating against people on the basis  
22 of disability in the protected area of employment  
23 and taking the steps to ensure that it does not

1 happen again. The objection period in this  
2 matter has closed.

3 Is there --

4 MR. FLEISCHHACKER: It technically  
5 has not yet closed. It closes on Monday.

6 CHAIRPERSON SLASH: Okay. So, we  
7 cannot make a decision on this one until next  
8 month?

9 MR. FLEISCHHACKER: Correct.

10 CHAIRPERSON SLASH: Okay.

11 And the last case I have to read in today  
12 is one that was automatically adopted under  
13 the -- it's an ALJ order that's automatically  
14 adopted, so I just have to read it in; correct?

15 MR. FLEISCHHACKER: (Nodded yes.)

16 CHAIRPERSON SLASH: ICRC/Taniesha  
17 Duckworth versus David Southern and Sobro  
18 Properties, LLC, Case HOra21120889.

19 VICE-CHAIR RAMOS: 0489.

20 MR. LOSTUTTER: 04.

21 CHAIRPERSON SLASH: I will reread the  
22 number for clarity. HOra21120489.

23 Thanks for that.



1 Training or Other. Do we have any Announcements  
2 that are not here?

3 COMM. HARRINGTON: Happy Holidays.

4 CHAIRPERSON SLASH: The biggest  
5 announcement is it's been a wonderful year, so  
6 thank you for that really great announcement.  
7 We -- well, many of us have been here for a long  
8 time. The staff has come a really long way, and  
9 the efficiencies are really taking off, and I'm  
10 really proud of the work that you all have been  
11 able to do. So, that is what I'm thankful for at  
12 this time, since we're not going to be around the  
13 table next Thursday.

14 COMM. HARRINGTON: I have -- what is  
15 the deadline for the MLK nominations?

16 MR. FLEISCHHACKER: Great question.  
17 I do not know offhand --

18 COMM. HARRINGTON: Okay.

19 MR. FLEISCHHACKER: -- but I know a  
20 couple of announcements have gone out for those.

21 COMM. HARRINGTON: I think it's still  
22 open, I just know it's close, so --

23 MR. LOSTUTTER: I'll forward that to

1 everybody.

2           COMM. HARRINGTON: Well, no, I was  
3 thinking for public record, in case --

4           CHAIRPERSON SLASH: Well, yeah, and  
5 if you can also just get it back to us, that's  
6 great, but for public record, if we could --

7           COMM. TOLLIVER: I've got it.

8           CHAIRPERSON SLASH: You've got it?

9           VICE-CHAIR RAMOS: I have it.

10           COMM. HARRINGTON: I'm looking, too,  
11 Call for Nominations.

12           COMM. TOLLIVER: So, it takes place  
13 on January 17th. Nominations are due Monday,  
14 December 2nd at 11:59 a.m.

15           COMM. HARRINGTON: Awesome.

16           CHAIRPERSON SLASH: December 2nd  
17 by 11:59 a.m.

18           COMM. HARRINGTON: So, it's coming  
19 up, so --

20           CHAIRPERSON SLASH: Tell your people,  
21 nominate your people.

22           MR. FLEISCHHACKER: And then we've  
23 submitted that information about both of those



1 events, the MLK and the Holocaust Remembrance, to  
2 the transition team for Governor-Elect Mike  
3 Braun, so hopefully they'll be able to attend,  
4 because I know that's right after he takes  
5 office, so I think they're not officially  
6 responding to some of those until closer to  
7 inauguration time. So, I'll be putting a request  
8 out there, because typically the Governor has  
9 been involved in both of those events.

10 CHAIRPERSON SLASH: Thank you.

11 VICE-CHAIR RAMOS: A question. Is  
12 there -- obviously when the Governor is sworn in,  
13 that's typically a ceremonious occasion.

14 MR. FLEISCHHACKER: Yes.

15 VICE-CHAIR RAMOS: And the Commission  
16 will be there, I'm sure, in some capacity.

17 MR. FLEISCHHACKER: I think the  
18 invitations to the inauguration have been put out  
19 there to the public to attend. The inauguration  
20 Web site is up. It's on -- January 13th is the  
21 ceremony, I think on -- it's on the Circle Center  
22 at the Hilton Theatre. I think so.

23 CHAIRPERSON SLASH: Hilbert Theatre.

1 MR. FLEISCHHACKER: Hilbert Theatre,  
2 yeah; I'm sorry. So, that's when the  
3 inauguration is taking place. Obviously  
4 Commissioners, everyone, members of the public  
5 are free to attend that, and I think there's  
6 other things going on relating to the  
7 inauguration over that weekend.

8 I don't know -- I don't know if Greg's  
9 been invited to things that the agency had or  
10 what the inauguration team is doing as far as  
11 those kind of official invites, but that's when  
12 the activities related to the inauguration are  
13 occurring.

14 VICE-CHAIR RAMOS: Thank you.

15 CHAIRPERSON SLASH: Thank you.

16 Anything else? Any other announcements?  
17 Any Commissioners want to share anything they're  
18 thankful for since I went for it?

19 COMM. HARRINGTON: Oh, I'm just  
20 thankful for family. I thank God my husband got  
21 through a significant procedure.

22 COMM. JACKSON: Is anybody here?

23 CHAIRPERSON SLASH: We're still here.

1                   COMM. HARRINGTON: Yeah, I'm grateful  
2 that he came out on the positive side, so --

3                   CHAIRPERSON SLASH: Great.

4                   COMM. HARRINGTON: -- I'm very  
5 grateful.

6                   CHAIRPERSON SLASH: Comm. Jackson,  
7 would you like to share what you're thankful for?

8                   COMM. JACKSON: Can you hear me?

9                   CHAIRPERSON SLASH: Yeah, we can hear  
10 you.

11                  COMM. JACKSON: Oh, okay. Yeah, I'm  
12 thankful for the Commission, and thank you for  
13 the opportunity to serve, and thank you -- I'm  
14 thankful for each and every one of you and the  
15 work that you all have done this year, and  
16 looking forward to working with you throughout  
17 the rest of the year.

18                  CHAIRPERSON SLASH: Thank you.

19                  COMM. SILBERBERG: I'm thankful for  
20 my daughter, who just had a baby.

21                  CHAIRPERSON SLASH: Oh,  
22 congratulations.

23                  COMM. HARRINGTON: Congratulations.

1                   COMM. TOLLIVER:  And I'm thankful for  
2  some time off.

3                                   (Laughter.)

4                   CHAIRPERSON SLASH:  Very good.

5                   VICE-CHAIR RAMOS:  I'm grateful to be  
6  able to serve this Great State of Indiana and my  
7  fellow peers, and wish everybody a Happy  
8  Thanksgiving.

9                   CHAIRPERSON SLASH:  Okay.  Anyone  
10 else want to chime in while we're here and have a  
11 wonderful moment?

12                                   (No response.)

13                   CHAIRPERSON SLASH:  Okay.  Well,  
14 with -- hearing none, we have no one here for  
15 public comment.  This was a speedy meeting.  I  
16 adjourn this meeting at 1:41 p.m.

17                                   - - -  
18                   Thereupon, the proceedings of  
19                   November 22, 2024 were concluded  
20                   at 1:41 o'clock p.m.  
21                                   - - -

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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, November 22, 2024 in this matter and transcribed by me.

*Lindy L. Meyer Jr.*  
\_\_\_\_\_  
Lindy L. Meyer, Jr.,  
Notary Public in and  
for the State of Indiana.

My Commission expires August 26, 2032.

Commission No. NP0690003

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