



**TENNESSEE HUMAN RIGHTS COMMISSION
CENTRAL OFFICE**

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November 16, 2012
Board of Commissioner's Meeting
Minutes

Commissioner's Present:

Commissioner Davis
Chair Garrett
Commissioner Hewitt
Commissioner Horne
Commissioner McDaniel
Commissioner Miller
Commissioner Starling
Commissioner Walker (Phone)
Commissioner Wiggins
Commissioner Wurzburg

Commissioner's Absent:

Commissioner Blalock
Commissioner Cocke
Commissioner Jones
Commissioner Pierce

Staff Present:

Beverly Watts, Executive Director
Sabrina Hooper, Deputy Director
Shalini Rose, General Counsel
Tiffany Taylor, Title VI Compliance Director
Susannah Taylor, Special Assistant to Executive Director/Communications Specialist
Lisa Lancaster, Executive Assistant
Richard Gadzekpo, Housing Coordinator
Tracy Davidson, IT

Guests:

Tally Olson, HCFA Office of General Counsel
Paula Casey, Contractor
Saadia Williams, Knoxville THRC

Call to Order

Chair Garrett called the meeting to order at 9:10 a.m. CST. Roll call was taken and Chair Garrett asked for a moment of silence for those that may not have enough to eat during the upcoming Holidays and all the victims of Hurricane Sandy. Minutes of the September 21, 2012 meeting were reviewed. Commissioner Wiggins made

a motion to accept. Commissioner Davis seconded the motion. A vote was taken and passed.

Executive Director's Report

Executive Director, Beverly Watts noted that at the last meeting the budget was presented and approved by the Board at the September meeting. The Budget hearing that was attended on September 15, 2012 did not reflect any changes and a few questions. The changes that were to take place in the Chattanooga office space have been put on hold by General Services and this was one of the items that we had identified as a saving item if the identified 5% cuts were taken.

Plans are in the process for a move of the Knoxville office and the space identified is the Pellicipi Community College which is 15 miles from downtown and there is no public transportation is available so there may be some intake issues to address and we will present our ideas to the board as they are developed.

Interviews are being conducted for the ASA4 position in the intake division that was vacated by Pat Ladd October 1, 2012. The new Human Resource process for hiring requires us to interview every veteran/veteran's spouse and those on the RIF list. We are expecting to make a decision by the end of the day today and at that time we will be fully staffed.

We have received the Performance Assessment conducted by HUD in September and we have responded letting them know that we disagree with one issue that they identified. It is in regards to the 100 day case processing time and they indicate that we are at 30% and our numbers say 60%. They have not responded to our response but we hope to hear from them in January of 2013 and we will share that information with the board with a written report at the January board meeting.

Congratulations were offered for IT staff member, Tracy Davidson who will be receiving a reward for IT Support for Small Agencies from the ITMA which is the IT Association for the state of Tennessee.

It was noted that the Customer Service Surveys document in the meeting materials reflects the responses to the 5 and 10 question surveys that are conducted in response to our Audit regarding witness contacts and customer service. Survey Monkey is being reviewed to determine if it could provide the reports we require.

We do two witness calls per case for employment and one for housing and each call is attempted twice and information is documented. The information on the report reflects those that were reached and responded to the questions. It was noted by responses that investigators are explaining the process to complainants and the other issue is whether or not they have done regular and timely updates with complainants. We are looking at this issue for possible future action. A six month update will be given at the next meeting.

Commissioner Wurzburg talked about the 50th Anniversary Celebration who co-chairs the committee with Commissioner Pierce with the help of contractor Paula Casey who is researching documents for the THRC history. She reviewed the dates for activities associated with the 50th Anniversary of THRC.

On February 28, 2013 THRC will have an event at the Tennessee State Museum to view the Emancipation Proclamation which will be on display. In Knoxville on February 5, 2013 at the Beck Cultural Center the Celebration Kick Off will take place. In Memphis the kick off will take place in April that will coincide with our Housing event and the events will end with the Anniversary Luncheon on October 4, 2013. Suggestions for a keynote speaker(s) will be welcomed.

A meeting with Gov. Haslam and THRC Commissioners will take place to discuss event plans. Additional members of the honorary committee are being recruited for their assistance and input. Several grant proposals are being looked at to help fund the events for this celebration.

Commissioner McDaniel asked who was on the committee and Commissioner Wurzburg responded Commissioner Miller, Commissioner McDaniel, Commissioner Pierce, previous Commissioner Osborne and previous staff member Bobbie Porter and herself. Commissioner McDaniel recommended that we approach the person who was the first HRC staff member to retire after 30 years who is a resident of Chattanooga to join the committee.

Chair Garrett asked if previous Executive Directors would be notified of the activities and the answer was yes. Commissioner Wurzburg noted that all commissioners, staff and executive directors were being researched for inclusion at the events.

Commissioner McDaniel made a motion to accept the Executive Directors report and Commissioner Miller seconded the motion. A vote was taken and passed.

Chair Garrett welcomed Commissioner Horne to the Commission and gave her an opportunity to introduce herself after the Commissioners introduced themselves to her. She was born and raised in Chattanooga and works as an accountant for the Chattanooga Housing Authority with the Section 8 unit. She is married to Johnny Horne and they have 4 children and 5 grandchildren.

Nominating Committee Report

Chair Starling gave a report of the October 4, 2012 nominating committee meeting. The recommended slate of officers is: Chair-Stacy Garrett, West Division Vice Chair-Robert Jones, East Division Vice Chair-Ralph Davis, Middle Division Vice Chair-Spencer Wiggins and Secretary-David Cocke.

Commissioner Wurzburg made a motion accepting the slate recommended by the committee and it was seconded by Commissioner Miller. A vote was taken and passed. Chair Garrett announced the committee assignments for 2013.

Law & Legislation Committee:

Chair: Jocelyn Wurzburg (West Division)
Paul McDaniel (East Division)
Ralph Davis (East Division)
Robert Jones (West Division)
Dennis Blalock (West Division)
A.J. Starling (Middle Division)
Karla Hewitt (Middle Division)

Education & Outreach Committee:

Chair: Paul McDaniel (East Division)
Jocelyn Wurzburg (West Division)
David Cocke (West Division)
Ruby Miller (East Division)
A. J. Starling (Middle Division)
Spencer Wiggins (Middle Division)
Joseph Walker (Middle Division)
Chrystal Horne (East Division)
Patricia Pierce (East Division)

Budget & Audit Committee:

Chair: Ruby Miller (East Division)
Chrystal Horne (East Division)
David Cocke (West Division)
Spencer Wiggins (Middle Division)
Stacey Garrett (Middle Division)
Robert Jones (West Division)
Ralph Davis (East Division)
Karla Hewitt (Middle Division)

Law & Legislation Committee Report

Chair Wurzburg noted that the committee met on October 30, 2012 and the minutes of the meeting are in your commission materials. This meeting was in regard to the THRC v. Weathers housing case. The ALJ's decision was that discrimination had taken place and awarded the Complainant Ms. Ma and her translator Mr. Liu was awarded \$750. He requested over \$528,000 in his appeal.

The two issues the committee addressed were the amount of the award and did he have standing to file a case since he was not the person who attempted to rent the apartment. The ALJ did agree that he had standing to file. The committee's scope of review was to see if the ALJ did anything inappropriate in his decision. The committee had to authority to review the amount of the damages awarded by the ALJ.

Upon review of Mr. Liu's appeal request, subsequent briefs have been submitted by the parties and the record as a whole, the committee determined that Mr. Liu had standing to

appeal but that Judge Darnell did not abuse his discretion with regard to the damages and we affirm the initial order. Subsequently the committee voted to recommend to this board that the initial order be adopted in whole.

The chair put before the board a recommendation to accept the initial order as ordered by the ALJ to stand. Chair Garrett asked General Counsel Rose to explain the case for Commissioner Horne to understand what she will be voting on. General Counsel Rose gave a brief overview of the case and the ALJ's decision and damage awards.

Chair Wurzburg moved that initial order be adopted as a whole and Commissioner McDaniel seconded the motion. A vote was taken and passed.

Employment Case Report

Deputy Director, Sabrina Hooper reported on the period September 1, 2012 to October 31, 2012 during which 153 inquiries were received and 82 were accepted for investigation and 70 of those were dual filed and 12 THRC only. We closed 29 cases with a closed charge age of 305 days. Our open inventory at the end of August is 347 cases with an average open charge age of 187 days. During the same time period we had 2 mediations which closed and resulted in \$39,790 in monetary benefits to the complainants. There were four settlements with two with non monetary benefits but with neutral references, uncontested unemployment and two closed with \$18,100 to the complainants.

In comparison to last year we received 121 inquiries, which resulted in 83 charges and 71 of those were dual filed and 12 were THRC. During the same time period the agency closed 82 cases with a closed charge age of 303 days. Our open inventory at the end of August 2011 was 298 cases with an average open charge age of 227 days. In 2011 there were ten settlements resulting in \$11,122 in monetary benefits and there were no closures from mediations

In looking at the comparisons our inquiries and accepted charges are relatively the same and the concern for this reporting period is the closed case number of 29. We are looking at case inventory and case management tools and talking to investigators in an effort to increase the closure numbers.

Some upcoming events, the All Staff meeting will be held on December 5, 2012 starting at 9:30 and will include a pot luck lunch and all are invited to attend.

A motion to accept the Employment and Housing reports was made by Commissioner Davis and seconded by Commissioner Hewitt. A vote was taken and passed.

Housing Case Report

Housing coordinator, Richard Gadzekpo reported on the period September 1, 2012 to October 31, 2012 when 22 inquiries were received and 9 were accepted for investigation. The primary bases continue to be disability and race. We closed 24 housing complaints and 3 were THRC only cases. The chart will reflect both dual filed cases.

Some gradual improvement is occurring in our 100 day closures. At the last reporting we were at 20% and currently we are at 31%. With mediations and conciliations, the comparison of last year to this year is a remarkable improvement which can be associated with additional training for investigators.

Even though we are not at the HUD 50% efficiency goal we are making every effort to attain the goal by the end of the fiscal year.

Executive Director Watts noted that we now have a new HUD monitor out of North Carolina and we will be continuing this conversation with them.

Commissioner Hewitt made a motion to accept the housing report. Commissioner Wurzburg seconded the motion. A vote was taken and passed.

Legal Report

General Counsel, Shay Rose reported on the period September 1, 2012 to October 31, 2012 in employment we closed out 24 cases and in housing we closed 21 cases with 15 of those being conciliations or settlements. We reviewed 7 copy requests.

Rachel Appelt attended the NCRC Predatory Lending Seminar that THRC co-hosted with NCRC in October and on October 25, 2012 legal assisted with the all investigator training session and legal conducted the Law and Legislation committee meeting on October 30, 2012. Also the General Assembly begins on January 8, 2013 and updates will begin on bills filed at the next board meeting.

In employment cause case updates on the corrections officer being terminated based on race will go to hearing the last week in November.

In Housing the first case is the affectionately called the “stir fry” case which was voted on by the commission this morning and the final order will be filed with the Attorney General today and if another appeal is filed the AG’s office will deal with it.

The next case is another housing case for failure to make a reasonable modification based on disability. The child needed the use of a wheelchair and they wanted a ramp on a rental home. The case will go to a hearing on December 13 and will be mediated before the hearing to attempt resolution.

Commissioner Hewitt noted that Rachel Appelt did an excellent job with the Liu/Ma case and asked the commission to formally recognize her work. Commissioner Wurzburg concurred and thanked all staff.

Commissioner Hewitt made a motion to accept the legal report. Commissioner Starling seconded the motion. A vote was taken and passed.

Outreach & Education

Communications specialist, Susannah Taylor reported on the period September 1, 2012 to October 31, 2012 and during the period we participated in 26 events which included 7

speaking engagements and we reached a total of 7,716 individuals which brings our year to date total to 9,459. We exhibited at 6 events and attended 18 events

Executive Director Watts spoke at the SHRM Legal Day; State NAACP she spoke about diversity; THRC hosted David Lopez, EEOC General Counsel on September 27, 2012 with 23 attendees; Executive Director Watts spoke at the Economic Summit for Women. There were also several NAACP Freedom Fund events attended and Hispanic events attended by Francisco Guzman.

We exhibited at SHRM State Conference, El Protector Hispanic Festival sponsored by the Metro Nashville Police Department and the Governors Housing Summit. Several staff members attended the Celebrate Nashville event at the Centennial Park and Paula Casey exhibited at the Gandhi King Peacemaking Conference and Susannah Taylor exhibited at the Economic Summit for Women.

There was one media inquiry by a reporter from the Bristol Herald who wanted to know about the complaint filed by the Mayor of Bristol. He was informed about the confidentiality of our clients and no story was generated.

There were several articles published during the period one written by Commissioner Wiggins on investment in Education was in the Tennessean; a story about our 50th Anniversary was picked up by Out and About Magazine and THRC was mentioned in a Jackson Sun article about a Police officer complaint filed in 2008. Also staff attended the NCRC Training and the staff investigator training.

Special Projects officer Frank Guzman responded to 14 telephone calls from Hispanic callers and explained the role of THRC, sent out complaint forms and referred callers to other agencies as appropriate.

During the period we received no requests for translation services.

Executive Director Watts added that General Counsel of EEOC, David Lopez gave a presentation at Waller Lansden which she attended with approximately 45 attendees.

Commissioner Wurzburg noted that she attended the presentation by Director Watts and reported that she gave a good presentation.

Commissioner Davis made a motion to accept the Communications report. Commissioner Miller seconded the motion. A vote was taken and passed.

Commissioner Davis noted that he had been contacted by the media concerning the Bristol Mayor's case and wanted to know what Commissioners are supposed to do when contacted by media. Executive Director Watts noted that the NAACP held a press conference and announced that the case was dismissed and now the media is coming to THRC for comments.

THRC has said nothing and that is our position due to the confidentiality of our complainants. It is our understanding that the city manager sent the letter that we sent to them to the press. Our role to the press is to say we are not going to comment about the case.

The complaining party still has rights to seek redress as stated in the letter and other avenues that they can take if they are dissatisfied with the decision of THRC.

Title VI Compliance Report

Title VI Compliance Director, Tiffany Taylor reported on the period September 1, 2012 to October 31, 2012. A series of on-site compliance reviews were conducted at the Department of Corrections and TN Wildlife Resource Agency in late spring of this year. Corrections had 8 items and TWRA had 2 that we recommended they take action on to bring them into compliance on Title VI. Both have submitted their proposed corrective action plans and they are being reviewed.

The Title IV Implementation Plans of all state agencies are due to be submitted by October 1st and Transportation, Treasury and TN Community Services Agency were submitted untimely. We have completed the about half of the plan reviews.

Jennell Riddle has been chosen to fill the ASA II position in the Title VI division where she will process, track and respond to inquiries.

Workshop training was attended addressing discrimination harassment and investigation that was sponsored by the DOHR on October 18, 2012. Staff also attended a listening session regarding proposed plans regarding the viability and the future of Metro General Hospital and Meharry Medical College which also included assisted living facilities on October 29, 2012.

We have received a complaint against the TN Department of Education and have initiated an internal investigation and we continue to monitor the TN Arts Commission corrective action plan activities.

We received 39 inquiries resulting in 3 complaints and closed 9 cases during the reporting period. New employee Jennell Riddle was introduced to the commission and welcomed.

A motion was made to accept the Title VI report by Commissioner Hewitt and seconded by Commissioner Starling. A vote was taken and passed.

Announcements

Executive Director Watts announced that International Human Rights Day will be held on December 10, 2012 at the North Police Precinct. An email with details will go out to all commissioners. Commissioner Wurzburg will sit on the panel that evening along with Sonny Dixon and George Barrett. Honors will be given to several others that evening.

The Mosque in Murfreesboro will be opening on Sunday afternoon at 2 pm and Assistant Attorney General Tom Perez will be speaking and Executive Director Watts will be attending.

Commissioner McDaniel announced that the Mosque in Chattanooga opened and he attended the event.

Commissioner Osborne noted that the next meeting is January 18, 2013 which will be via telephonic and adjourned the meeting at 10:15 a.m.