

MICHIGAN CIVIL RIGHTS COMMISSION
Tuesday, January 25, 2011 – 2:30 P.M.
Cadillac Place Building, Suite L-150
3054 W. Grand Boulevard, Detroit, Michigan

MINUTES

PRESENT: Commission Chair Matthew Wesaw
Commissioner Nabih Ayad
Commissioner Mark Bernstein
Commissioner Bertram Marks
Commissioner Lisa Peeples-Hurst
Commissioner Jared Rodriguez
Commissioner Mike Zelle

EXCUSED: Commissioner Eliya “Louie” Boji

The meeting of the Michigan Civil Rights Commission was called to order by Commission Chair Matthew Wesaw at 2:40 p.m.

I. WELCOME

Director Krichbaum introduced the Commission and brought welcoming remarks on behalf of the Civil Rights Commission and the Department of Civil Rights.

II. APPROVAL OF AGENDA

On Motion duly made by Commissioner Zelle and supported by Commissioner Peeples-Hurst, the Meeting Agenda was approved. Motion carried unanimously.

IV. APPROVAL OF MINUTES from the November 29, 2010 Meeting

On Motion duly made by Commissioner Zelle and supported by Commissioner Ayad, the Minutes from the November 29, 2010 meeting were approved. Motion carried unanimously.

V. DIVISION REPORTS

Director Daniel H. Krichbaum

Director Krichbaum introduced new staff, including Leslee Fritz, Chief Financial Officer and Marcelina Trevino-Savala, Reconsideration Attorney; reported on the budget deficit and a reduction plan report submitted to the Governor; reported on the status of the Migrant and Seasonal Farm Worker Collaborative, its transition to

new Department Directors - and resumption of collaborative meetings; reported on the status of the branding initiative, which is currently in the contract bid phase.

Civil Rights Operations Report, Lori Vinson

Ms. Vinson reported that since October 1, 2010, the Enforcement Division has investigated 649 complaints of unlawful discrimination, and received monetary awards for the claimants in the amount of \$306,105. Ms. Vinson introduced new staff, including the Intake Unit: Marquis Dennings, Letisha Gaulden, Cynthia Thornton and Tracey Barbee; and Antonio Baldwin, Administrative Support for the Lansing Enforcement Unit.

Office of Public Affairs Report, Harold Core

Mr. Core reported that the Department of Natural Resources released a final Environmental Justice Plan on December 20, 2010; reported on the creation of an Office of Business and Community Affairs within Public Affairs. This new office will be led by John Golaszewski and its major activities will include community and case mediations and business support including State contractor review.

Office of Legal Affairs Report, Sylvia Elliott

Ms. Elliott reported that there are approximately 80 cases in conciliation, with most being housing cases; timelines have been set for the *Barash v. SMART* case, oral arguments are scheduled for the May 2011 Commission Meeting.

Mediation and Hearings Report, Daniel Levy

Mr. Levy reported that the absence of a Mediation and Hearings Report was due to retirements, but that a new Reconsideration Attorney, Marcelina Trevino-Savala, was recently hired to oversee the reconsideration process (Public Affairs now oversees mediations). Following George Wirth's retirement, Mr. Levy will oversee Hearings and legal matters for the Commission, Commissioners may contact him for information and work assignments. The FOIA Division has been moved from Enforcement to Legal. Mr. Levy introduced the representative of the State Bar of Michigan who provided information on the Bar's Diversity and Inclusion. Following the presentation and discussion the Commission determined it would decide whether to sign the pledge at a future meeting, after reviewing newly provided materials.

Greg Conyers, Director of Diversity, State Bar of Michigan

Mr. Conyers was invited to provide information to the Commission regarding the development and status of the State Bar of Michigan Pledge to Achieve Diversity and Inclusion. The Bar has obtained nearly 300 signatories thus far. Next steps will include an assessment of the current status of diversity and inclusion in Michigan's legal and creating benchmarks from which to measure progress. Mr.

Conyers indicated that he would provide a website and additional written information, and hoped the Commission would become a signatory to the pledge.

Public Information Officer Report, Jacki Miller

Ms. Miller reported on two issues that received major media attention within the past 2 months – the incident involving the Christian Roommate advertisement, and one where Jackson police arrested a child in school for missing a court hearing.

VI. COMMISSION MATTERS

➤ Chair's Report, Commission Chair Matthew Wesaw

Commissioner Wesaw reported on ongoing conversations with citizens of the Native American Community regarding Michigan Indian Tuition Waiver. He also reported that he and other Commissioners had been interviewed by the assigned transition official prior to the new administration taking office. He noted that the feedback was positive and that MDCR was possibly the only department where there were no recommendations for changes.

➤ Attorney General's Report, Assistant Attorney Ron Robinson

Mr. Robinson indicated that administration has changed in the Attorney General's Office, the new Attorney General is Bill Schuette. Mr. Robinson is hopeful that the Commission will extend an invitation for Mr. Schuette to attend a future Commission Meeting.

Mr. Robinson reported on the status of two cases:

- *Ronald Berglund v. MDCR, Linda Parker and Kelvin Scott* – the Michigan Court of Appeals found the filing to be defective and gave Mr. Berglund 21 days to resolve the defect, and pay court costs or the case would be dismissed.

- *Shala Walton v. Road to Freedom* - the effort to compel Answers to Interrogatories was successful, and MDCR can now proceed with the investigation.

VII. OLD BUSINESS

Migrant and Seasonal Farm Worker Report implementation Status, Harold Core

Mr. Core reported that the involved Departments are each developing Department specific plans for implementing the Report's 15 general recommendations. These plans will serve as a more specific and effective "roadmap" for accomplishing the recommendations in the Report. Commission Chair Wesaw asked Mr. Core to share the Department-specific plans with the Commission.

Report on the Michigan Alliance Against Hate Crime, Melissa Pope

Ms. Pope reported that due to retirements, MIAAHC has lost much of the subcommittee leadership over the past two months and new leadership is being established. Ms. Pope also reported that the Steering Committee for the "Michigan Response To Hate" Conference was meeting on January 26, 2011 – planning for the September 2011 Conference is progressing, but budget issues make it more challenging.

VIII. NEW BUSINESS

Election of Officers

Commission Chair Wesaw introduced Commissioner Jared Rodriguez as the Chair of the Nominating Committee. Commissioner Rodriguez reported on the development and purpose of the Nominating Committee, noting that it is tasked with assessing the interest of individual Commissioners to serve as Officers of the Commission, and with making election recommendations to the Commission as a whole. He stated that in addition to the Committee's recommendations, other Commissioners who are interested in running for an office can express their interest during the election process. A memo regarding the results of the January 22, 2011 is included in the Commission packet.

The Nominating Committee recommended the following slate be considered to continue their service: Commissioner Matthew Wesaw for Chair, Commissioner Mike Zelle for Vice-Chair, Commissioner Lisa Peoples-Hurst for Secretary, and Commissioner Nabih Ayad as Treasurer.

ELECTION RESULTS:

Office of Chair – Commissioner Matthew Wesaw was the only candidate seeking the 2011 Office of Chair. **Commissioner Matthew Wesaw was unanimously re-elected as the Commission Chair.**

Office of Vice-Chair – Commissioner Mike Zelle was the only candidate seeking the 2011 Office of Vice-Chair. **Commissioner Mike Zelle was unanimously re-elected as the Commission Vice-Chair.**

Office of Secretary – Commissioner Lisa Peoples-Hurst was the only candidate seeking the 2011 Office of Secretary. **Commissioner Lisa Peoples-Hurst was unanimously re-elected as the Commission Secretary.**

Office of Treasurer – Commissioner Nabih Ayad was the only candidate seeking the 2011 Office of Treasurer. **Commissioner Nabih Ayad was unanimously re-elected as the Commission Treasurer.**

IX. PUBLIC COMMENT

Ms. Berna Brocks – Ms. Brocks indicated that this was her first opportunity to attend a Commission Meeting, and asked what individuals can do to be more involved. As a grandparent to a Detroit Public Schools student, she wanted to know how she can become more involved with regards to the Commission, bullying, cyber bullying, and hate crimes. Commissioner Wesaw referred Ms. Brocks to Anthony Lewis of the Community Relations Division. Commissioner Peeples-Hurst also reiterated that the public is welcome to attend all of the Commission Meetings.

X. ADJOURNMENT

On motion duly made and supported, the meeting of the Michigan Civil Rights Commission adjourned at 3:42 p.m. Motion carried unanimously. A public forum on Bullying is scheduled to begin at 4:00 p.m.

Secretary

Director

MICHIGAN CIVIL RIGHTS COMMISSION
Friday, March 25, 2011 – 3:00 P.M.
Grand Rapids City Hall Building, 9th Floor Commission Chambers
300 Monroe Avenue, N.W., Grand Rapids, Michigan

MINUTES

PRESENT: Commission Chair Matthew Wesaw
Commissioner Mark Bernstein
Commissioner Jared Rodriguez
Commissioner Mike Zelle

EXCUSED: Commissioner Nabih Ayad
Commissioner Lisa Peoples-Hurst
Commissioner Bertram Marks

The meeting of the Michigan Civil Rights Commission was called to order by Commission Chair Matthew Wesaw at 3:07 p.m.

I. WELCOME

Director Krichbaum introduced the Commission and brought welcoming remarks on behalf of the Civil Rights Commission and the Department of Civil Rights. U.S. Attorney Don Davis also brought welcoming remarks.

II. APPROVAL OF AGENDA

To be addressed at the May 27, 2011 Meeting.

IV. APPROVAL OF MINUTES from the January 25, 2011 Meeting

To be addressed at the May 27, 2011 Meeting.

V. DIVISION REPORTS

Director Daniel H. Krichbaum

Director Krichbaum discussed Department Initiatives, including the Bullying Initiative and the well-attended public forums that have convened in Detroit and Grand Rapids (next forum at Northern Michigan University in Marquette on April 5); the Governor's Immigration Initiative, to be addressed by John Golaszweski during the Public Affairs Report; and the transfer of commissions (Hispanic/Latino Commission, the Asian Pacific American Affairs Commission, and the Disability Concerns Commission along with the Division on Deaf and Hard of Hearing) from DELEG to MDCR, Director Krichbaum has scheduled a meeting with the commissions' leadership.

Civil Rights Operations Report, Lori Vinson

Ms. Vinson introduced the new Grand Rapids Enforcement Staff: Melissa Hamp and Melissa Fields; discussed the new Intake Unit, which has been up and running since March 21st; reported that the Enforcement Unit has lost six investigators, five vacancies were posted for Enforcement, and one customer service position for the Intake Unit; 1,010 complaints have been closed to date, and \$435,794 have been awarded to date.

Office of Public Affairs Report, Al Flores

With regards to the Michigan Leadership Collaborative on Civil Rights, Mr. Flores indicated that meetings have been convened in the Metro Detroit and Grand Rapids areas, and the Community Relations Division has been busy recruiting civil and human rights advocacy organizations throughout the state; with regards to the Migrant Seasonal Farm Worker report implementation, Mr. Flores indicated that the interagency workgroup is developing tasks that should be developed within the next two months, and may be presented at the May Commission meeting if completed; distributed a status update report to the Commissioners on the Michigan Indian Tuition Waiver Program from Melissa Claramunt; discussed the formation of the Resource Development Team, indicating that they are working on seeking grants and funding for the Department, meetings have been scheduled with the Ford Foundation and the Mott Foundation.

John Golaszewski, lead on the Governor's Immigration Initiative indicated that the purpose of the initiative is to make Michigan a more welcoming and inclusive state, to retain foreign-born students attending school in Michigan, and to attract international entrepreneurs to open businesses in Michigan; indicated that the next advisory meeting is scheduled for April 18, 2011; discussed the success of the statewide Bullying Public Forums, and indicated that he would be attending U-M Dearborn's Bullying Conference on March 30, 2011.

Office of Legal Affairs Report, Sylvia Elliott (Dan Levy)

Ms. Elliott was excused; Dan Levy provided the report for the Office of Legal Affairs. Mr. Levy indicated that there are currently 10 cases in Legal Review, 2 Charged cases, and 3 cases have been closed; also indicated that a video recording of the Bullying Public Forum in Grand Rapids is available through a link provided by the Grand Rapids Public Schools website.

Public Information Officer Report, Jacki Miller

Ms. Miller reported on a \$60,000 settlement reached by the Fair Housing Center of West Michigan with a property owner in Holland; the status of the Branding Initiative, including the PSA contract with Message Makers; plans for PSA auditions; looking to possibly present final product at May Commission Meeting.

VI. COMMISSION MATTERS

➤ **Chair's Report, Commission Chair Matthew Wesaw**

Mr. Wesaw reported that he and Melissa Claramunt served as panelists at the 2011 Native American Critical Issues Conference, for which they discussed the changes to the Michigan Indian Tuition Waiver Program in 2010; discussed his appreciation for Gabrielle Ford and her anti-bullying efforts (motivational speaker and book author), as she attended and testified at the Detroit Bullying Public Forum; indicated his approval for a Bullying Public Forum in Benton Harbor within the coming months.

➤ **Attorney General's Report, Assistant Attorney Ron Robinson**

Mr. Robinson introduced the new AG's Office Intern, Arick Flesch, and provided updates on the following cases:

In the case of *Constance Haddad v. MDCR*, Court issued Order denying Plaintiff's Motion for Reconsideration, case dismissed after having been in court proceedings for twenty-one years; in the case of *Charmell Cobbs v. Wells Fargo*, MDCR withdrew request for Attorney General representation seeking injunctive relief in this matter citing insufficient evidence; in the General Assignment case of *Arleah Watts*, Claimant has executed a private settlement agreement with respondent and has signed a formal withdrawal of her complaint with the MDCR.

VII. OLD BUSINESS

Migrant and Seasonal Farm Worker Report implementation Status, Al Flores

Mr. Flores covered this update in his Division Report.

VIII. NEW BUSINESS

Collective Bargaining as a civil right

The Commission informally discussed the issue of Collective Bargaining as a civil right, lead by Commissioner Mark Bernstein. This discussion will be continued in future meetings.

ALPACT Urban Initiative, Dan Levy

Mr. Levy reported on the development of new statewide ALPACT (Advocates and Leaders for Police And Community Trust) in the cities of Flint, Grand Rapids, and possibly Benton Harbor; indicated that MDCR is receiving good support from the U.S. Attorney Offices across the state; asked Commissioners to recommend potential members from their communities.

Budget Report, Leslee Fritz

Ms. Fritz reported that Governor Snyder's timeline to complete the budget is May 31; the Department had a budget reduction of \$787,000; anticipating a 10.5%

reduction for Fiscal Year 2012; the Department plans to hire two additional Enforcement staff to investigate housing cases only, two vacant positions will not be filled; submitted a request for reduction of Information Technology Service charges, phones, rental space and equipment.

IX. PUBLIC COMMENT

Patti Caudill, City of Grand Rapids Office of Diversity and Inclusion
Ms. Caudill invited the Commission and the Department to attend the KIDSPEAK 2011: Bullying – End the Trend event on April 29, 2011. Students are given an opportunity to provide testimony to legislators, community leaders and school officials about the role they can play in ending the trend of bullying.

Alex Thomas, City of Grand Rapids Office of Diversity and Inclusion
Mr. Thomas brought concerns about Collective Bargaining as a civil rights issue, and was pleased that the Commission is considering undertaking this issue.

X. ADJOURNMENT

The meeting of the Michigan Civil Rights Commission adjourned at 4:55 p.m.

Secretary

Director

MICHIGAN CIVIL RIGHTS COMMISSION
Friday, May 27, 2011 - 2:00 P.M.
Capitol Tower Building, Commission Room
110 W. Michigan Ave., Suite 800, Lansing, MI

MINUTES

PRESENT: Commissioner Mark Bernstein
Commissioner Lisa Peeples-Hurst
Commissioner Bertram Marks via telephone
Commissioner Mike Zelle

EXCUSED: Commissioner Chair Matthew Wesaw
Commissioner Nabih Ayad
Commissioner Jared Rodriguez

*The meeting of the Michigan Civil Rights Commission was called to order by
Commission Vice Chair Mike Zelle at 2:06 p.m.*

I. WELCOME

Director Krichbaum introduced the Commission and Commission Counsel Ron Robinson, and brought welcoming remarks on behalf of the Civil Rights Commission and the Department of Civil Rights.

(There was no quorum so Commissioner Zelle moved directly to item IV. Division Reports.)

IV. DIVISION REPORTS

Director Daniel H. Krichbaum

Director Krichbaum discussed Department Initiatives including the Statewide Leadership Collaborative and how MDCR is connecting with other civil rights groups (35-40) to use each others' resources; the Governor's Immigration Initiative; and the Bullying Initiative and how MDCR has partnered with Northern Michigan University; the last bullying forum will be held mid-June in Benton Harbor/St. Joseph (Berrien County). Director Krichbaum mentioned Governor Snyder's Executive Order which transferred the Disability Commission, Hispanic/Latino Commission, Asian Pacific American Commission, and the Arab and Caldean American Council from MDLEG to MDCR. Director Krichbaum introduced Susi Avery, Director of the Women's Commission who addressed the group about the Women's Commission's history and the initiatives they are working on. Director Krichbaum stated the new Commissioner, Stephanie Comai, will be at the next meeting as she is currently on vacation. The next Commission meeting

will be in Lansing on Friday, July 8 and thereafter the meetings will be on Monday afternoons. Director Krichbaum stated the branding PSAs are now done and will be rolled out to the media; he introduced Leslee Fritz who gave an update on the 2011-12 budget; Leslee stated MDCR was initially scheduled for a 15% cut in the general fund, but that has now been reduced to 8.5% and should be passed within the week. She stated two of the four Commissions being moved to MDCR from DLEG have budgets of their own which will transfer with them for an increase to our budget of \$1.4 million plus 8 FTEs for a total of 126 staff slots.

Civil Rights Operations Report, Lori Vinson

Lori Vinson gave an overview of the Enforcement Division and the Intake Unit; five new Enforcement investigators and one Intake person will be joining the Department 06/13/11; she presented an update on the HUD and EEOC contracts and what the Enforcement staff is doing to meet the contracts; Enforcement closed 168 cases in March and 154 in April; with the addition of the Intake Unit, the case closure expectations have been increased.

Office of Public Affairs Report, Al Flores

Al Flores gave an overview of three initiatives in which he is involved: the Global MI Initiative which was originally the Governor's Immigration Initiative; this group has 25 advisory members which look outside Michigan to bring highly educated and entrepreneurial immigrants to Michigan to work and live; the Michigan Farm Workers Initiative, which has been responsible for increasing the housing inspections of migrant housing for health and safety issues; and, the Collaborative Initiative mentioned earlier by Director Krichbaum. Commissioner Zelle was very impressed with the Global MI Initiative and asked for a list of the advisory committees' members.

Office of Legal Affairs Report, Sylvia Elliott

Sylvia Elliott explained the handling of cases that have been processed through the Enforcement Division and assigned to Legal Affairs to issue charges; currently there are 67 charges which are mostly housing cases involving websites, such as Craigslist, using illegal wording in their advertisements. Federal law makes websites immune to laws of advertising, but newspapers' advertisements are held accountable. MDCR is currently awaiting guidance from HUD and the Attorney General's office.

Dan Levy wanted to let the Commission know there are several cases on his desk awaiting issuance and the charges will be issued soon. Dan is a member of Aligning Michigan With Local Businesses, which is involved with laws and issues which affect how a business decides where to locate. Workers want jobs in locales where they also want to live and have families. Dan stated SB137, the bullying bill, has been gutted and basically states bullying is bad; it is not the comprehensive bill the Commission and the Governor

wanted; hopefully a more comprehensive bill will be developed and passed before the end of summer so schools will have time to incorporate it into school policy. Dan also mentioned the Barash hearing; he stated an opinion will be submitted after the Commission has had a chance to listen to testimony and ask questions of those involved.

Public Information Officer Report, Jacki Miller

Jacki Miller reported the PSAs have been completed and are scheduled for release at 2:30 p.m. on June 14 at the West Michigan Housing Center and on June 15 at the NAACP offices in Detroit. Invitations to the events will be sent to the Commissioners. The 30 and 60 second PSAs will also be released to the media.

V. COMMISSION MATTERS

Attorney General's Report, Ron D. Robinson

Ron Robinson introduced his two interns who attended the meeting; he reported on the three cases which went to the Supreme Court; *Dividock v Office Max*, *Feyz v Mercy Memorial Hospital, et al*, and *Melinda James v MDCR*.

Update and Commission Discussion on Bullying Initiative, John Golaszewski

John Golaszewski was absent from the meeting, and the bullying initiative had already been covered.

Commission Vote to authorize MDCR to sign and support the State Bar of Michigan's "Pledge to Achieve Diversity and Inclusion in the Legal Profession in Michigan"

This item will be covered at the next meeting.

VI. OLD BUSINESS

All old business items were covered earlier in the meeting.

VII. NEW BUSINESS

There was no new business.

VIII. PUBLIC COMMENT

Guillermo Lopez, City of Lansing employee and a member of the Lansing School Board, spoke about the Greater Lansing Alliance Against Hate Crimes, which currently has eleven partners. This group was created due to the work

MIAAHC has initiated. Mr. Lopez also asked the Commission to speak out on behalf of school funding concerns in Lansing.

Melissa Pope, Chief Judge of the Potawatomi tribe, and a member of MIAAHC, reviewed the new leadership changes due to retirements and the work being done by each sub-committee. She also said this year's Hate Conference will be held on Friday, September 9, at the Kellogg Center. One of the guest speakers is a mother whose daughter died as a result of a hate crime, which was made into a Life Time movie.

Harriett Dean, Prevention Specialist with Eaton Intermediate Schools and Coordinator of the Ingham Substance Abuse Coalition. She spoke about the problems of under age drinking, drugs, mental health, bullying prevention and suicide prevention, and the rampant cyber-bullying in middle schools which lead to suicide. Her group also coordinates school health programs such as weight nutrition, alcohol abuse, medical marijuana abuse and advocate reducing risk factors.

Luis Garcia, Director of MSU Migrant Student Services. He spoke about Global MI and how we need to assist businesses that use foreign labor. He thanked Director Krichbaum and the Chair for the farm workers report. He stated over 100,000 migrant farm workers come to Michigan each year and the average education level reached is the 7th, and 30% live below the poverty level (\$15,000 – 17,000); many do not make use of the federal and state programs in Michigan that assist families living in poverty. He also stated he has an initiative that helps children who have dropped out of school get into a GED program he oversees that end up with 80% completing the program and over 90% finding employment.

Liliana Salas, MSU College Assistance Program, told how this program actively recruits incoming freshmen coming to MSU from Texas and Florida; they provide winter clothing to them, and they set up trips to Mexico for the students to learn their roots and better understand their culture; they also have graduate assistants act as mentors to students arriving at MSU to help them fit in to the community.

Bruce Lack, Assistant Director, MSU Migrant Student Services; his department's role is to identify and recruit migrant workers and youth ages 0 to 21 and enroll them in migrant education programs to increase graduation rates. The program offers free lunches, educational courses in the summer, and tutors. They have a 13-week GED program that has processed in excess of 500-600 persons to date (roughly 230 students per cycle per camp site).

Dr. Maxine Thomb, National Association of Social Workers, Michigan Chapter; this group has over 7,000 members in Michigan who have daily encounters with oppression and discrimination and would like to partner to work more closely with MDCR and MCRC. They work with social workers in the Detroit area helping the Muslim and Latino communities who face

discrimination and oppression; they are activists regarding immigration issues, the Michigan Earned Income Tax Credit, the LGBT group facing hate crimes, and in helping establish laws to enable transgendered individuals to change their sex on their birth certificates (currently they can change their names, but not their sex unless they have had a complete sex change). For more information go to their website www.nasw-michigan.org

IX. ADJOURNMENT

On motion duly made and supported, the meeting of the Michigan Civil Rights Commission adjourned at 3:50 p.m.

Secretary

Director

MICHIGAN CIVIL RIGHTS COMMISSION
Friday, July 8, 2011 – 2:00 P.M.
State Capitol Building, Committee Room 426
Lansing, Michigan

MINUTES

PRESENT: Commission Chair Matthew Wesaw
Commissioner Nabih Ayad (attending via teleconference)
Commissioner Mark Bernstein
Commissioner Stephanie Comai
Commissioner Lisa Peeples-Hurst (NEW COMMISSIONER)
Commissioner Bertram Marks
Commissioner Mike Zelle

EXCUSED: Commissioner Jared Rodriguez

The meeting of the Michigan Civil Rights Commission was called to order by Commission Chair Matthew Wesaw at 2:08 p.m.

I. WELCOME

Director Daniel H. Krichbaum introduced the Commission and brought welcoming remarks on behalf of the Civil Rights Commission and the Department of Civil Rights.

II. APPROVAL OF AGENDA

On Motion duly made by Commissioner Zelle and supported by Commissioner Marks, the Meeting Agenda was approved. *Motion carried unanimously.*

III. APPROVAL OF MINUTES from the May 27, 2011 Meeting

On Motion duly made by Commissioner Zelle and supported by Commissioner Bernstein, the Meeting Agenda was approved. *Motion carried unanimously.*

IV. DIVISION REPORTS

Director's Report, Daniel H. Krichbaum, Executive Director

Director Krichbaum spoke briefly about the new Contract Review Unit (formerly the Contract Compliance Unit) that resulted from our Department restructuring, which will offer diversity and inclusion training to companies who have won contract bids with the state of Michigan; announced the launching of our Branding Initiative "Only Fair Is Fair", consisting of radio and television public service announcements (PSA) as well as press conferences in Detroit and Grand Rapids; provided updates on the transition of multiple commissions that were transferred from the former Department of Energy, Labor and Economic Growth, which include the Michigan

Asian and Pacific American Affairs Commission, the Disability Concerns Commission, the Division on Deaf and Hard of Hearing, and the Michigan Hispanic/Latino Affairs Commission, some of whom are working with Global Michigan on the Governor's Immigration Initiative. Director Krichbaum introduced the new Commission Liaison who will be working directly with these Commissions, Mary McLellan.

In addition, Director Krichbaum also introduced our newest Commissioner, Stephanie Comai, as well as Susy Avery, Executive Director of the Michigan Women's Commission.

Enforcement Division Report, Lori Vinson

Ms. Vinson reported that 1,531 cases have been investigated this fiscal year, some resulting in monetary awards in the amount of \$1,049,040; HUD Contract ended June 30, 2011, totals to be calculated and reported at a later date; EEOC Contract ends on September 30, 2011.

Ms. Vinson also introduced several new staff in the Enforcement Division: Renard Morey Greer, Detroit Intake Unit; Morenike Christian, Flint Civil Rights Investigator; Danita Wimbush, Lansing Civil Rights Investigator; Ian Fields, Grand Rapids Civil Rights Investigator; Jessica Olmedillo, Grand Rapids Civil Rights Investigator; Kirstie Stroble, Flint Civil Rights Investigator; two additional Investigators for Lansing as of Monday, July 11.

Hearings and Policy Report, Dan Levy

Mr. Levy discussed updates on the Proposal 2 opinion, which only covered education in university admissions; anti-bullying legislation, for which there has been no movement on bill as of yet; and Michigan becoming a more welcoming state with regards to legislation pertaining to partner benefits, immigrants, etc...

Office of Public Affairs Report, Al Flores

Mr. Flores announced several upcoming events hosted by the Department, including the August 5 Statewide Leadership Collaborative Meeting, the Branding Press Conferences in Grand Rapids and Detroit on July 19 and 20, the Benton Harbor Bullying Public Forum on August 9, and the MIAAHC Hate Crime Conference in Lansing on September 9 – Registration opens the week of July 11.

Mr. Flores also gave an update on the implementation of the Migrant Seasonal Farmworker Report, indicating that the department directors are individually addressing recommendations that their department is responsible for – Director Krichbaum rolled out MDCR's responsibilities at the last meeting; Director Corrigan will roll out the Department of Human Services' and responsibilities at the next meeting, followed by Col. Etue of the Michigan State Police.

Office of Legal Affairs Report, Sylvia Elliott

Ms. Elliott reported five cases in legal review, sixty-seven charge cases, three closed cases, nine cases in conciliation and one Rule 12 Hearing – which is the *Barash v. SMART* oral arguments to be heard today under "New Business".

Public Information Officer Report, Jacki Miller

The PIO Report was waived in Ms. Miller's absence; a written report was submitted and provided in the Commission packets.

V. COMMISSION MATTERS

➤ Swearing-In of New Commissioner Stephanie Comai, Commission Chair Matthew Wesaw

Commissioner Comai was sworn-in by Commissioner Wesaw, indicating: "I do solemnly swear that I will support the Constitution of the United States and the Constitution of this State, and that I will faithfully discharge the duties of the office of Commissioner on Civil Rights according to the best of my ability."

➤ Chair's Report, Commission Chair Matthew Wesaw

Commissioner Wesaw indicated that the public forums on Bullying across the state have been successful, thanked the Commissioners and the MDCR staff for leading the Bullying Initiative, and indicated that the Whirlpool Corporation has partnered with MDCR as the next public forum will convene in Benton Harbor (August).

➤ Attorney General's Report, Assistant Attorney Ron Robinson

Mr. Robinson provided updates on the following two Court Cases:

- 1) *Rodney Collins v. MDCR*, which was an appeals claim resulting from the dismissal of Mr. Collins' case. However, Mr. Collins failed to pursue his claim, and the Court dismissed the claim of appeal.
- 2) *Rose Otto, MDCR v. City of Clawson*, a case regarding accommodation for a companion animal at a senior citizen community in Clawson that enforced a no pet policy. This case has been resolved, and she was able to move in with her companion animal.

Commissioner Zelle encouraged the Department to publicize the resolution of the *Otto* case to set precedence with other communities and municipalities throughout the state and the nation with regards to service animals as an accommodation.

VI. OLD BUSINESS

Update on implementation of Migrant Seasonal Farmworker Report, Al Flores

This update was provided during Mr. Flores' Division Report.

State Bar of Michigan Diversity Pledge, Dan Levy

The Pledge states:

We believe that diversity and inclusion are core values of the legal profession, and that these values require a sustained commitment to strategies of inclusion.

Diversity is inclusive. It encompasses, among other things, race, ethnicity, gender, sexual orientation, gender identity and expression, religion, nationality, language, age, disability, marital and parental status, geographic origin, and socioeconomic background.

Diversity creates greater trust and confidence in the administration of justice and the rule of law, and enables us to better serve our clients and society. It makes us more effective and creative by bringing different perspectives, experiences, backgrounds, talents, and interests to the practice of law.

We believe that law schools, law firms, corporate counsel, solo and small firm lawyers, judges, government agencies, and bar associations must cooperatively work together to achieve diversity and inclusion, and that strategies designed to achieve diversity and inclusion will benefit from appropriate assessment and recognition.

Therefore, we pledge to continue working with others to achieve diversity and inclusion in the education, hiring, retention, and promotion of Michigan's attorneys and in the elevation of attorneys to leadership positions within our organizations, the judiciary, and the profession.

On Motion duly made by Commissioner Zelle and supported by Commissioner Peoples-Hurst, the decision for the Michigan Civil Rights Commission to support the State Bar of Michigan Diversity Pledge was approved. Motion carried unanimously.

VII. NEW BUSINESS

Barash v. SMART Rule 12 Oral Arguments

The oral arguments were recorded and transcribed by Hanson Renaissance Court Reporters and Video of Detroit, Michigan, and may be provided upon request. Following oral arguments, Commissioner Zelle, indicated that he would draft an opinion on the case, to be presented at the October 3, 2011 Commission Meeting.

VIII. PUBLIC COMMENT

There was no public comment.

IX. ADJOURNMENT

The meeting of the Michigan Civil Rights Commission adjourned at 4:30 p.m.

Secretary

Director

MICHIGAN CIVIL RIGHTS COMMISSION
Monday, October 3, 2011 – 2:30 P.M.
Mass Transportation Center
Flint, Michigan

MINUTES

PRESENT: Commission Vice-Chair Mike Zelle
Commissioner Nabih Ayad
Commissioner Mark Bernstein
Commissioner Stephanie Comai
Commissioner Lisa Peoples-Hurst

EXCUSED: Commissioner Chair Matthew Wesaw
Commissioner Bertram Marks
Commissioner Jared Rodriguez

The meeting of the Michigan Civil Rights Commission was called to order by Commission Vice-Chair Mike Zelle at 2:32 p.m.

I. WELCOME

Ms. Erycka Hunter brought welcoming remarks on behalf of the City of Flint Human Relations Department and the Mayor's Office.

II. APPROVAL OF AGENDA

On Motion duly made by Commissioner Comai and supported by Commissioner Bernstein, the Meeting Agenda was approved. *Motion carried unanimously.*

III. APPROVAL OF MINUTES from the July 8, 2011 Meeting

On Motion duly made by Commissioner Comai and supported by Commissioner Bernstein, the July 8, 2011 Meeting Minutes were approved. *Motion carried unanimously.*

IV. DIVISION REPORTS

Director's Report, Daniel H. Krichbaum, Executive Director

Director Krichbaum relayed news on the passing of former Commission Counsel, George Wirth; touched on issues regarding the Governor's Immigration Initiative, the Migrant and Seasonal Farmworker Implementation Workgroup, the Bullying Initiative, and the success of the MIAAHC Conference on September 9, 2011.

Enforcement Division Report, Lori Vinson

Ms. Vinson reported that a total of 2,185 cases have been investigated this fiscal year, which ended August 31, 2011 - some resulting in monetary awards in the amount of \$2,057,961; also, MDCR met the terms of the EEOC Contract, which ended on September 30, 2011. In addition, Ms. Vinson introduced the Flint Office Staff, as well as two new investigators, Kerry Cooper and Brenda Frizell, both are working in the Lansing Office.

Hearings and Policy Report, Dan Levy

Mr. Levy indicated that Proposal 2 is once again constitutional, and that the case is restarting from the beginning. MDCR will submit briefs next week, the hearing will take place in Cincinnati, Ohio.

Office of Public Affairs Report, Al Flores

Mr. Flores reported that the Statewide Leadership Collaborative are holding regional meetings in Grand Rapids (October 14), Lansing (October 17) and Detroit (October 19). Mark Bishop also distributed informational packets on the 2011 MIAAHC Hate Crime Conference to the Commissioners. The Conference was well attended and received considerable positive feedback.

Office of Legal Affairs Report, Sylvia Elliott

Ms. Elliott reported five cases in legal review, sixty-seven charge cases, one closed case, and seventeen cases in conciliation. She briefly discussed one of the charge cases, *Arthur Amador v. Receivables Management, Inc.*, for which a charge was issued on August 31, 2011, and Respondent's Answers were received on September 21, 2011.

Public Information Officer Report, Jacki Miller

Ms. Miller's report was comprised of a number of local and national civil rights issues, including affirmative action, immigration, bullying, Appointments by the Governor, as well as Director Krichbaum's media interviews.

V. COMMISSION MATTERS

➤ Chair's Report, Commission Chair Matthew Wesaw

The Chair's Report was waived in Commissioner Wesaw's absence.

➤ Attorney General's Report, Assistant Attorney Ron Robinson

Mr. Robinson provided a status update on the case of *Belinda Robbins v. Michigan High School Athletic Association (MHSAA)*. Defendant filed motion for change of venue on August 8, 2011. The Court held hearings on August 29 and 30, 2011 and issued an opinion from the bench granting the preliminary injunction. Brief is due to the Michigan Supreme Court on October 14.

➤ **Commission Decision: *Barash v. SMART***

Commissioner Zelle indicated to the audience that a decision could not be made at this time, due to lack of a quorum. A special meeting will be scheduled within the next 1-2 weeks, and all parties will be notified.

VI. OLD BUSINESS

Update on implementation of Migrant Seasonal Farmworker Report, Al Flores

Mr. Flores indicated that one of the implementation workgroup is still meeting regularly, and one of the workgroup departments, the Michigan State Police, is focusing on immigration and profiling.

Update on Bullying Initiative –draft report, John Golaszewski

Mr. Golaszewski distributed the Michigan Civil Rights Commission Bullying Public Forums Draft Report to the Commissioners, asking that they review the document for revisions. The report should be finalized and ready for adoption and release to the public at the next Commission Meeting on December 5, 2011.

VII. NEW BUSINESS

There was no new business.

VIII. PUBLIC COMMENT

There was no public comment.

IX. MICHIGAN COMMISSION RESOLUTION ACKNOWLEDGING THE CONTRIBUTIONS AND ACCOMPLISHMENTS OF GEORGE WIRTH

On Motion duly made by Commissioner Bernstein and supported by Commissioner Comai, the Resolution in honor of George Wirth was adopted by the Commission and read into the record. *Motion carried unanimously. (LANGUAGE ATTACHED)*

X. ADJOURNMENT

The meeting of the Michigan Civil Rights Commission adjourned at 3:56 p.m.

Secretary

Director

Michigan Commission Resolution Acknowledging the Contributions and Accomplishments of George Wirth

WHEREAS, the Michigan Civil Rights Commission was created in the Michigan Constitution in 1963; and the Michigan Department of Civil Rights followed in 1964; and

WHEREAS, George Norman Wirth began his employment with the Michigan Department of Civil Rights on October 7, 1974 and steadfastly dedicated the next 36 years, three months of his life to eliminating discrimination in the state of Michigan; and

WHEREAS, during his distinguished career with MDCR George served as an Investigator, Supervisor, Attorney, Administrative Law Specialist, Manager of the Coach Attorney Team, Director of Enforcement, Commission Case Counsel, Acting Department Director and Director of Mediation and Hearings, before retiring from state service December 31, 2010; and

WHEREAS, George was a scholar and devoted his time to worthy organizations. He graduated from Cooley High School in Detroit, received a Bachelor's degree from Eastern Michigan University in Teaching and English Literature, an MBA from Wayne State University and his J.D. from Detroit College of Law. George was recently elected President of the Labor and Employment Law Section of the state bar, a position he worked hard to achieve. George was former president of the Saline Area Soccer Association and President of the Michigan State Youth Soccer Association

WHEREAS, George was a mentor in the truest sense of word, willingly taking interns, new lawyers, and colleagues under his wing. He was instrumental in hiring, elevating and guiding the careers of many into important positions with a variety of organizations including but not limited to the Attorney Discipline Board and the Labor and Employment Law Section of the Michigan State Bar, teaching positions, law careers; and

WHEREAS, George Wirth had a sharp legal mind and exhibited high standards of professionalism, dedication and a strong work ethic, he always found time for a good laugh, to lend a listening ear, enjoy a game of solitaire, share sound advice, help with problem solving, share a historical perspective or play devil's advocate; and

WHEREAS, George loved and adored his family - his sons Kevin and Andrew and his wife Joan and he was always anxious to share their many successes and accomplishments; and

WHEREAS, George served the Department of Civil Rights, the Michigan Civil Rights Commission, Michigan's civil rights community and the People of the State of Michigan with honor and distinction, integrity and selflessness;

NOW THEREFORE, BE IT RESOLVED, that the members of the Michigan Civil Rights Commission and Department of Civil Rights colleagues, this day pay their highest tribute to the distinguished career, life and accomplishments of George Norman Wirth, a true friend and a warrior in the fight for civil rights in Michigan. We appreciated him while he was with here; we honor his memory and acknowledge how deeply he will be missed.

MICHIGAN CIVIL RIGHTS COMMISSION
Monday, December 5, 2011 – 2:00 P.M.
Capital Area Michigan Works, 2110 S. Cedar St.
Lansing, Michigan

MINUTES

PRESENT: Commissioner Chair Matthew Wesaw
Commission Vice-Chair Mike Zelle
Commissioner Mark Bernstein
Commissioner Stephanie Comai
Commissioner Bertram Marks

EXCUSED: Commissioner Nabih Ayad
Commissioner Lisa Peeples-Hurst
Commissioner Jared Rodriguez

The meeting of the Michigan Civil Rights Commission was called to order by Commission Chair Matthew Wesaw at 2:11 p.m.

I. WELCOME

Commission Chair Matthew Wesaw brought welcoming remarks.

II. APPROVAL OF AGENDA

On Motion duly made by Commissioner Bernstein and supported by Commissioner Zelle, the Meeting Agenda was approved. *Motion carried unanimously.*

III. APPROVAL OF MINUTES from the October 3, 2011 Meeting

On Motion duly made by Commissioner Zelle and supported by Commissioner Comai, the October 3, 2011 Meeting Minutes were approved. *Motion carried unanimously.*

IV. DIVISION REPORTS

Director's Report, Daniel H. Krichbaum, Executive Director

Director Krichbaum announced that Leslee Fritz has accepted a dual role as the Director of the Office of Public Affairs and Administrative Services, as well as Chief Financial Officer; reported that the Statewide Leadership Collaborative on Civil and Human Rights has been divided into three regional sectors – West Michigan (John Golaszewski), Mid-Michigan (Al Flores) and Southeastern Michigan (Tony Lewis and Marcelina Trevino-Savala), 15-20 organizations are represented in each sector, three main goals: Immigration, Education and Discrimination/Equal Opportunity; the revision of the MDCR Strategic Plan (will be sent to the Commissioners electronically for review and feedback); announcement of term expired Commissioners Nabih

Ayad and Bert Marks, and appointment of new Commissioners Rasha Demashkieh and Deloris Hunt; status update of Commissioner Bernstein's Youth Initiative.

Budget Report, Leslee Fritz

Ms. Fritz indicated that the State is in the process of closing the books for Fiscal Year 2011; the Department had a lapse of funds due to staff turnover (retirements and transfers); with the implementation of contingency plans, the Department lost three vacant positions; the Department has applied for additional outside grant funding through the State Equity Fund, the Department of Agriculture, and HUD; MDCR has submitted a funding request for the Asian Pacific American Commission; working with State Budget Office on the development of the Fiscal Year 2013 Budget, more funding and staff have been requested for the Enforcement Division. Commissioner Zelle asked that a Budget Report be included in future meeting packets.

Enforcement Division Report, Lori Vinson

Ms. Vinson reported that 182 new formal complaints have been received since the beginning of the new fiscal year, and 327 complaints have been investigated, resulting in \$224,354 in monetary awards. There are currently 2,000 cases in active inventory, investigators are working on dated cases to reduce the inventory. MDCR is proposing additional grant funding from HUD to be used for aged housing cases, outreach and education efforts, conferences (such as the annual MIAAHC Hate Crime Conference), and the Statewide Leadership Collaborative on Civil and Human Rights. Ms. Vinson will be submitting a new report to the Commission packets which will include graphs of the number of cases under investigation.

Hearings and Policy Report, Dan Levy

Mr. Levy reported on the passing of the anti-Bullying legislation, the new bill will be signed into law on Tuesday, December 6, 2011; gave a status update on Proposal 2, MDCR has submitted briefs, and the table of contents were provided for the Commissioners.

Office of Public Affairs Report, Al Flores

Mr. Flores reported on the outreach/education and training efforts of the Community Relations Division; expanded on the status of the Statewide Leadership Collaborative; MIAAHC is seeking outside funding for the 2012 Hate Crime Conference next September; the development of additional ALPACT groups in Flint and Grand Rapids, and the Department of Agriculture Visa Worker Program.

Office of Legal Affairs Report, Sylvia Elliott

The Office of Legal Affairs Report was waived in Ms. Elliott's absence.

Public Information Officer Report, Jacki Miller

Ms. Miller's report was comprised of a number of local and national civil rights issues, including affirmative action, immigration, bullying, Appointments by the Governor, as well as Director

Krichbaum's media interviews. The next Bullying Public Forum is scheduled for March 15, 2012 at 4:00 p.m., at Northern Michigan College in Traverse City.

V. COMMISSION MATTERS

➤ **Chair's Report, Commission Chair Matthew Wesaw**

Commissioner Wesaw reported that there is currently a bill in legislation to eliminate the Michigan Indian Tuition Waiver, there is a request for assistance from MDCR; extended appreciation to the Commission and the Department for their efforts in the anti-Bullying efforts, with special thanks to Commissioner Marks for his leadership on the issue.

➤ **Attorney General's Report, Assistant Attorney Ron Robinson**

Mr. Robinson provided status updates on the following cases:

Belinda Robbins v. MHSAA – briefs have been submitted; appeal was filed; Michigan Supreme Court has not yet made a decision in two months, but should be forthcoming soon; pre-trial scheduling conference took place on November 21st, trial date set for June 26-28, 2012.

Pricilla Erve v. MDCR – the Attorney General's Office filed a motion to dismiss with the Federal District Court.

Vonda Grant v. Brother's Collision – the respondent refused to answer interrogatories, the Attorney General's motion was granted for respondent to pay \$450 in fees, plus attorney fees. This case will be transferred to the Criminal Division.

➤ **ORAL ARGUMENTS ON DAMAGES: *Barash v. SMART***

Commissioner Zelle indicated that the Commission voted unanimously to have found discrimination in the case of *Barash v. SMART*, and briefs have been provided by the claimant and the respondent. Next steps include the calculation of damages and attorney fees.

Commissioners Ayad and Bernstein are recused from this case; proxy votes were submitted by Commissioners Peoples-Hurst and Rodriguez in their absence; results of vote: 6 in favor, 0 opposed, 0 abstentions.

On Motion duly made by Commissioner Zelle and supported by Commissioner Comai, the Commission will remand the case of *Barash v. SMART* to a new hearing officer to review the testimony and exhibits, and provide a recommendation for damages and attorney fees to the Commission. *Motion carried unanimously.*

VI. DEPARTMENT INITIATIVES

Update on implementation of Migrant Seasonal Farmworker Report, Al Flores

Mr. Flores reported on MDCR's application for the USDA Agricultural Career Education Grant (\$500,000 over three years), which would provide MDCR with funding to complete re-

enumeration of farm workers (last completed in 2006), funding from this grant would cover five of the fifteen recommendations in the MSFW Report; working with Michigan State Police on immigration guidelines and policies; additional inspectors have been hired by the Michigan Department of Agriculture.

Update on Immigration Initiative, John Golaszewski

Mr. Golaszewski reported that the last Advisory Committee Meeting convened on November 15th, and that three main goals were developed: attracting new business and entrepreneurs, student retention and making Michigan a more welcoming state.

Update on Bullying Initiative, John Golaszewski

Mr. Golaszewski reported that the Commission will hold at least four additional bullying public forums in 2012, locations would include Traverse City, possibly the Flint/Saginaw area, and two other metropolitan areas, to be determined at a later date. Next steps include MDCR working with the Anti-Defamation League (ADL) on Training-the-Trainer, partnering with other organizations for training, meeting with editorial boards around the state to get buy-in, and planning additional bullying forums.

VII. OLD BUSINESS

There was no old business.

VIII. NEW BUSINESS

2012 Commission Meeting Schedule

The dates proposed for the 2012 Commission Meetings are:

January 23, 2012	July 23, 2012
March 15 or 16, 2012	October 1, 2012
May 21, 2012	December 3, 2012

The March meeting will convene in Traverse City, followed by a public forum on bullying, as well as a full-day conference on bullying. The December meeting will convene in Ann Arbor, and will be championed by Commissioners Bernstein and Comai.

On Motion duly made by Commissioner Zellej and supported by Commissioner Bernstein, the 2012 Commission Meeting Schedule was accepted. *Motion carried unanimously.*

IX. PUBLIC COMMENT

There was no public comment.

X. ADJOURNMENT

The meeting of the Michigan Civil Rights Commission adjourned at 4:00 p.m.

Secretary

Director