

HUMAN RELATIONS COMMISSION MINUTES

May 30, 2019 4:00 p.m.
City Council Chambers

PRESENT: COMMISSION CHAIR Derrick Thaxton
VICE CHAIR Nikki Garry
COMMISSIONERS Marty Watkins, Francie Johnson, Joyce Keller, Byron
Hansbro, and Kenneth White

ABSENT: COMMISSIONERS Mary Jo Comerford and Richard Zaker

ALSO, PRESENT: ACTING HUMAN RESOURCES MANAGER Penny Rogers
ADMINISTRATIVE SECRETARY Sherry Beasley
ASSISTANT CORPORATION COUNSEL Amy Waks

I. Call to Order

Chair Thaxton called the meeting to order at 4:06 p.m.

A. Roll Call

Seven out of Nine Commissioners were present at the time of roll call. Chair Thaxton declared a quorum does exist to conduct and approve business.

II. Concerns, Comments or Questions from the Audience

There was none.

III. Approval of the April 18, 2019 Meeting Minutes

Motion was made by Commissioner Johnson to approve the minutes, seconded by Commissioner Watkins. Upon roll call, the minutes were approved.

IV. Monthly Activity Report & Update/Summary of Cases

Acting Human Resources Manager Rogers presented the monthly status report of cases for Human Rights Investigator, Jan Runion (Exhibit A). There is no status report of cases for Human Rights Investigator, Fred Spannaus because he currently has no cases.

V. Unfinished Business

A. Approval of Presentation on Protecting Houses of Worship

Chair Thaxton stated he would like the Commission to hold this forum the evening of July 23, 2019 and asked if this date was good for everyone. Several Commissioners stated they were unavailable on this evening. Commissioner Watkins stated he is unavailable July 21 – 26. Commissioners Johnson and Keller stated evenings on the fourth Tuesday of the month are bad for them. Commissioner Johnson suggested the evening of Tuesday, July 30. Ms. Rogers stated the Civic Center parking lot will be closed that entire week due to set up for the Decatur Celebration. Chair Thaxton stated this forum will last three to four hours. Several Commissioners expressed concern that this would be a long day for people who work during the day and then come to a forum of this length in the evening. It was then suggested that we hold this event on a Saturday afternoon or during the day on a week day. Commission Chair Thaxton stated Saturdays are bad for some religions because they have services on Saturdays, and some pastors are busy preparing for Sunday services on Saturdays. Ms. Beasley asked who our audience would be. Commission Chair Thaxton

stated it would be pastors and people who do security for places of worship. Chair Thaxton stated he hopes to involve the Decatur Police Department, Macon County Sheriff's Office, the Attorney General's office and others for this forum. Commissioner Hansbro expressed the importance of getting the information out to the churches via letter and to give plenty of notice. Commissioner Watkins suggested we contact Kenith Bergeron, Senior Conciliation Specialist with the U.S. Department of Justice, to check on his availability, and that we might need to push this event out to August to make sure we do this right and get the information out to the media. Commission Chair Thaxton will contact Mr. Bergeron. Ms. Beasley asked Commissioners Johnson and Keller if they would be available during the day on the fourth Tuesday of the month, and Commissioner Johnson stated they would. Commissioners Watkins and Zaker will work with Chair Thaxton to set a new date that will take place on a weekday afternoon.

VI. New Business

A. Request to Review Dismissal of Complainant's Charge 180723 Demetrius Hill vs. Decatur Housing Authority Public Hearing

Assistant Corporation Counsel Amy Waks explained the process for today's hearing and stated both parties were notified of this hearing via certified mail. Ms. Waks asked if there were any conflicts with any of the Commissioners to be present at this hearing. There were none.

Ms. Runion took the stand and went over her summary of the investigation. Demetrius Hill, B/M, alleged retaliation and disability discrimination against Decatur Housing Authority (DHA) on July 17, 2018. Mr. Hill moved into an apartment that was leased by DHA on May 22, 2018. On July 13, 2018, Mr. Hill fell asleep with food cooking on the stove, which caused a fire in his apartment. Mr. Hill was evicted on July 16, 2018. Mr. Hill alleges that he was evicted because in 2016, he filed an insurance claim against DHA for injuring himself when he fell into a hole on DHA's property. Mr. Hill was awarded \$2,500 from DHA's insurance company. Ms. Runion went on to say that she and Mr. Hill agreed that the charge against DHA based on disability discrimination should be dismissed and he could continue with the charge of retaliation. Unfortunately, under Chapter 28 of the City Code, "Unlawful Discrimination", Article 8 – Real Estate Transactions, retaliation is not listed as a basis for a charge in housing. This charge was, therefore, dismissed due to lack of jurisdiction by this Commission. Mr. Hill filed an appeal of Ms. Runion's decision to dismiss this charge on March 4, 2019.

Complainant, Demetrius G. Hill, then took the stand. Mr. Hill stated he never agreed to dismiss the discrimination claim. He said the fire was contained to the kitchen area, and five days later, he was evicted. Mr. Hill later found out four other individuals had fires on DHA property and were not evicted. Mr. Hill felt he was not treated like the others who were not evicted. Mr. Hill stated he filed a claim with the Human Rights Commission in Chicago who said he could not file a retaliation claim pertaining to housing through them or through the Decatur Human Relations Commission; however, he could file a discrimination claim. Other DHA tenants had started more than one fire, yet were allowed to stay. Mr. Hill stated the fire in his apartment was contained to his kitchen area.

Commission Chair Thaxton interjected by stating we need to focus on the reason we are all here today. Mr. Hill reiterated that other individuals did the same thing he did more than once and were not evicted. He stated this was his first lease violation, and he wants to claim discrimination, not retaliation.

Ms. Runion was called backed to the stand. Commission Vice Chair Garry asked Ms. Runion if she reviewed the terms of the lease, and Ms. Runion said she did. Vice Chair Garry asked for these terms. Ms. Runion stated there is a section on the lease regarding damage to the apartment (not specifically fire).

Ms. Waks came to the stand to reiterate the reason for today's hearing which is for the Commission to review the dismissal of Mr. Hill's complaint. Ms. Runion's reason for dismissal is that the Human Relations Commission does not have jurisdiction over retaliation charges with regards to housing.

Commissioner Hansbro asked Ms. Runion if Mr. Hill agreed to dismiss the discrimination claim. She said he did. Commissioner Hansbro then asked if this was done in writing. Ms. Runion said no. Commissioner Hansbro asked Ms. Runion if Mr. Hill fully understood, and she said yes.

Mr. Hill returned to the stand and said he never discussed anything about dismissing anything, including discrimination. He reiterated others were not evicted. He filed a complaint with the Human Rights Commission in Chicago. Mr. Hill said his lease said there is a warning after the first offense. He said he was retaliated against because he fell in a hole on DHA property in 2016 and won a settlement. He again said he did not discuss dismissing the discrimination claim.

Commissioner Watkins asked for clarification. He wanted to know what the disability was that Mr. Hill claimed he had and was discriminated against. Ms. Waks stated Mr. Hill felt he was being discriminated against based on retaliation from DHA.

VII. Recess to Closed Executive Session under Section 2(c)(4) of the Open Meetings Act for the Purpose of Discussion of Evidence or Testimony Presented to a Quasi-Adjudicative Body

Chair Thaxton asked if there was a motion to go into closed executive session. Motion was made by Commissioner Watkins, seconded by Commission Johnson. Upon roll call, the motion carried.

Ms. Waks asked that everyone who is not on the Commission step out.

VIII. Return to New Business

Ms. Beasley called roll. Seven out of Nine Commissioners were present at the time of roll call. Commissioners Comerford and Zaker were absent.

A. Commission's Ruling on Request to Review Dismissal of Complainant's Charge
180723 Demetrius Hill vs. Decatur Housing Authority

Commissioner Hansbro made a motion that based on evidence reviewed today, the Commission deny the request to review dismissal of complainant's charge, as it does not fall under Chapter 28. Seconded by Commissioner Watkins. Upon roll call, the motion carried.

IX. Other Business

Ms. Rogers stated Commissioner Watkins gave her a list of possible speakers for the Martin Luther King, Jr. banquet. Ms. Rogers will email this list to all the Commissioners, and we will discuss at the next meeting.

X. Adjournment

There being no further business, Commissioner Hansbro made a motion to adjourn the meeting, seconded by Commissioner Garry.

Upon roll call, the meeting was adjourned at 4:48 p.m.