

**WASHINGTON STATE HUMAN RIGHTS COMMISSION
MEETING OF JULY 27, 2006**

**Silverdale Community Center
Silverdale, WA**

ATTENDANCE

Commissioners: Kathy Baros Friedt, Commission Chair; Jerry Hebert; and Deborah Sioux Cano-Lee.

Staff: Marc Brenman, Executive Director; Tanya Calahan, Executive Assistant to the Commissioners; Dixie Shaw, Operations Manager; Seth Kirby, Program Specialist; Michael Tovar, Eleanor Winkler, and Teresita Torres, Civil Rights Investigators; Idolina Reta, Deputy Director.

Guests: Kim Tanaka and Mark Rupp, Office of Governor Christine Gregoire; Lisa Stone, J.D., NW Women's Law Center; Spencer Bergstedt, Esq., A. Alene Anderson, Esq., Linda Henderson, Marsclea Irving, and Justin Mitzcaff, OutKitsap; Marcie Mathis and Kel Williams, Bremerton-Kitsap County PFlag; Andrea Ledesma; Ken Lewis; Luis Moscoso, WPEA/UFCW 365; Jonathan Long and Robert V. Sacim, Citizen's for Kyle Taylor Lucas(D); Robert Babb, External Wood Finishing, Stanley W. Hess, ECT/ Aupm & St. Paul's Church; Joel Kirthley; Marti Anthony and Natalie E. Bryson, Peninsula Pride Alliance; Ryan Warner, TCULS; Claire Shearer, Roberta Messenger, Leif Bentson, and Nancy Gray, Kitsap Council for Human Rights; D. West; Matt Weinstein and Linda Henderson, Equal Rights Washington; Joe Bento, GLSEN WA; and Shelia Mengert, Attorney at Law.

(Forum was audio recorded digitally and video taped by TVW)

OPENING AND WELCOME

Commissioner Baros Friedt called the meeting to order at 7:15 p.m. and introduced the Commissioners. Executive Director Marc Brenman highlighted the work of the Washington State Human Rights Commission.

Commissioner Hebert thanked Governor Gregoire for her support. He gave a summary of the WSHRC's expanded jurisdiction that now covers sexual orientation and gender identity discrimination protection.

Commissioner Baros Friedt introduced Kim Tanaka of Governor Gregoire's Boards and Commission's Office and Mark Rupp, Policy Advisor to Governor Gregoire. Mr. Rupp thanked the Commissioners for coming to Silverdale and traveling around the state to hold public forums. He explained Governor Gregoire's work on the anti-bullying statute when she was the Attorney General of Washington.

PUBLIC FORUM

Program Specialist Seth Kirby introduced the panelists and their respective backgrounds.

Lisa Stone of Northwest Women's Law Center spoke first. She highlighted the protections under the Washington Law Against Discrimination (WLAD) for sexual orientation and gender identity discrimination.

Spencer Bergstedt spoke about gender identity and expression versus sexual orientation. He shared that there are a lot of transgender people in Washington. Mr. Bergstedt transitioned from female to male about 11 years ago. In Washington, it's relatively easy to change driver's license gender designations and get a legal name change, and a birth certificate changed if one is transsexual. Trans also covers heterosexual cross dressers. He spoke about "the bathroom issue" in places of employment for transsexual people. He stated that trans identified individuals should be allowed to use the restroom that most purports with their gender identity or expression. Asking how someone uses a public restroom facility is not an appropriate question. He stated that places of public accommodation such as locker rooms in gyms should exercise caution about how they treat individuals.

A. Alene Anderson spoke about the complaint process and how individuals should document discriminatory behavior. There are no special rights for individuals alleging discrimination based on sexual orientation or gender identity; rather those individuals are provided the same rights as those alleging discrimination based on other protected classes such as sex, race, and disability under the WLAD.

Linda Henderson, Executive Director of OutKitsap spoke about the work of her organization. Their mission is to strengthen community health, equality, and pride in Kitsap County. She spoke about an incident at Arby's in Silverdale. Some of the employees were pointing at a male patron and laughing at him and his guests. One of the staff members "blew the man a kiss." He complained to the Manager but she took 20 minutes to refund his money. The harassment by the employees continued while she did this. He may file a complaint with WSHRC. Outkitsap's website address is www.outkitsap.org.

Marcie Mathis of the local chapter of Parents, Families, and Friend of Lesbians and Gays (PFLAG) spoke next. She spoke about the work that PFLAG does. Part of their mission is to promote the health and well being of gays, lesbians, bisexual and transgender persons and their friends and families through support to cope with an adverse society, education to enlighten an ill informed public and advocacy to end discrimination and secure equal rights.

Commissioner Baros Friedt recessed the meeting to gather written questions from the audience.

After the break, Joseph Bento of the Washington State Gay, Lesbian and Straight Education Network (GLSEN) spoke. His organization works to create safe schools for gay, lesbian, bisexual, and transgender students.

The panel next answered written questions submitted by the audience.

Questions touched on subjects such as how individuals go about proving discrimination, how a person's gender of record affect voting rights; are local protections in cities and counties still necessary given the new state law; and sexual orientation and serving in the military.

Ms. Anderson discussed the importance of documenting incidents when they happen and having witnesses. Mr. Bergstedt spoke about local human rights ordinances that provide sexual orientation protection. Such ordinances still have value even though there is a state law. Ms. Stone commented that there are organizations to help those having difficulties in the military.

Sheila Mengert spoke. She's an attorney in private practice. She spoke about those who are transitioning and her struggle over the years. She spoke about inter-sexed individuals who are "nature's transsexuals."

The Commissioners gave closing comments and thanked the panelists, members of the community and the Governor's Office staff for coming and participating in the forum.

There being no further business, the meeting adjourned at 9:20 p.m.

Respectfully submitted,

Tanya Y. Calahan
Executive Assistant to the Commissioners

Friday, July 28, 2006
Silverdale Community Center

Commissioners: Kathy Baros Friedt, Commission Chair; Jerry Hebert; and Deborah Sioux Cano-Lee. A quorum was present.

Staff: Marc Brenman, Executive Director; Tanya Calahan, Executive Assistant to the Commissioners; Dixie Shaw, Operations Manager; Seth Kirby, Program Specialist; and Idolina Reta, Deputy Director.

Guests: Leif Bentsen, Nancy Gray, Thomas Fairchild, Kitsap County Council for Human Rights (Council); and Kim Tanaka, Office of the Governor.

(Meeting was audio recorded digitally)

OPENING AND WELCOME

Commissioner Baros Friedt called the meeting to order at 9:08 a.m.

KITSAP COUNTY COUNCIL FOR HUMAN RIGHTS

Kitsap County Council for Human Rights was first on the agenda. Leif Bentsen, Nancy Gray, and Tom Fairchild spoke.

Tom Fairchild highlighted the work of the Council. They provide education but have no enforcement authority. The board is comprised of 12 volunteers appointed by the Kitsap County Board of Commissioners. The Council was created 16 years ago in response to a cross burning incident. Mr. Fairchild apologized on behalf the Council for a rude comment made to Commissioner Hebert by one of the Council members and the previous evening's public forum.

Leif Bentsen spoke about the 13th Annual Youth Rally. The Human Rights Council's annual event is on December 8, 2006.

Commissioner Hebert thanked Seth Kirby his work in putting together the research on sexual orientation on the agency's website. Kim Tanaka commented about how much she appreciates WSHRC's website.

APPROVAL OF MINUTES

The last page of the June 22-23, 2006 minutes should be corrected to reflect "Makah" Tribe instead of "Macaw" Tribe. Commissioner Hebert then made a motion to approve the minutes with the spelling correction. Commissioner Lee seconded the motion.
MOTION CARRIED.

ACTION ITEMS

The Commissioners discussed follow up items. An individual stated that the Governor's Office did not respond to his emails at the May 25, 2006 public forum. Kim Tanaka shared that Angela Graig, Constituent Services Managers handles constituent emails sent to the Governor. Ms. Tanaka stated that Governor's staff responds in some way to every inquiry. The Governor's Office responds to 3000 emails per month. Tanya Calahan will provide constituent contact information for the individual that stated he contacted the Governor's Office and received no response.

Commissioner Baros Friedt reported that the Governor's Committee on Disability Issues and Employment (GCDE) provided information regarding a survey. The survey shows the value of GCDE. Executive Director of GCDE Toby Olson reported that the Office of Financial Management has committed to replacing GCDE's agency contracts with a line item in the next Governor's Budget. WSHRC recently provided one time funding for \$5000 to GCDE.

The Commissioners discussed follow up from the July 27th public forum. The Yakima community asked for assistance in starting a local human rights organization. Commissioner Hebert will prepare some guidance on starting a local human rights organization and distribute it.

APPROVAL OF CASE CLOSURES

The Commissioners noted another outstanding month of case production by staff. Commissioner Hebert asked about the Foley case. He congratulated investigator Nolan Lim for a proper referral to the US Department of Justice (DOJ). Operations Manager Dixie Shaw shared that the allegations were egregious so staff took the complaint before referring it to DOJ. She will let Nolan Lim know that Commissioner Hebert is proud of how he handled the case.

Commissioner Hebert made a motion to approve case closures. Commissioner Lee seconded the motion. MOTION CARRIED.

REPORT OF THE CHAIR

Commissioner Casson is absent from the Commission meeting because he is celebrating his 75th birthday.

Shawn Murinko is the new Commissioner. Kim Tanaka stated that the Governor's Office was approached by the disability community for someone to represent them as a Commissioner. Commissioner Murinko is 30 years old but brings a wealth of experience. Ms. Tanaka highlighted his background.

The Commissioners will hold a work study session on Friday, August 18, 2006 starting at 3 p.m. The session on August 11th is canceled.

Commissioner Baros Friedt spoke about a Socialist Movement rally and Unity in the Community response in Olympia. Agency staff and Commissioner Lee attended the event.

She then spoke about the 10th Anniversary of the film "Not in Our Town." The producers are tracking community responses. Commissioner Baros Friedt will attend an event for the working group in September 2006 in Bloomington, IL. She asked the agency to pay the \$100 registration fee. The working group will pay the airfare. Commissioner Hebert made a motion for the agency to cover all uncovered expenses from Commissioner Baros Friedt's Bloomington, IL trip. Commissioner Lee seconded the motion. MOTION CARRIED.

MONTHLY CASE PRODUCTION REPORTS

Marc Brenman highlighted monthly case production reports. Deputy Director Idolina Reta shared that investigators have twice the nationwide 35 to 40 caseload average, which translates into 65 to 70 cases for agency staff. Mr. Brenman also distributed an agency affirmative action report.

EXECUTIVE DIRECTOR'S REPORT

The agency received praise at a National Organization for Women conference for its work on gay and lesbian issues and its response to the WA State Board of Pharmacy draft rules.

Idolina Reta proposes that WSHRC Commissioners visit the Northwest Center as part of the August 2006 Commission meeting. The trip will be on Thursday, August 24, 2006 at 2 p.m. The Commissioners were in agreement to participate in this trip.

Idolina Reta spoke about a grievance filed by staff for having to attend the recent Pow Wow event at Daybreak Star in Seattle for outreach. Commissioner Lee commented that it's shameful that staff did not take this as an opportunity to do outreach to an underserved community. Outreach is a part of the job of an investigator.

Kim Tanaka expressed appreciation to WSHRC for stepping up and going out into the community and responding to the Governor's various requests. She thanked the agency and Commissioners on behalf of the Governor and her staff.

UNFINISHED BUSINESS

Commissioner Hebert made a motion to approve the Commissioners Travel and Payroll Policy. Commissioner Lee seconded the motion. MOTION CARRIED.

The August 24, 2006 public forum will be at the Radisson Hotel in SeaTac on women's issues; particularly breastfeeding, pregnancy and maternity.

The Commissioners discussed whether to have a meeting in Yakima in September 2006. Commissioner Hebert will take the lead on a public forum on September 28th on how to start a local human rights organization. Wenatchee was successful in this regard.

Marc Brenman shared that the WA State Board of Pharmacy is reconsidering their five to zero vote on their draft rules.

NEW BUSINESS

The Commissioners spoke about various events they attended and upcoming events. Commissioner Lee attended a Pow Wow in Seattle at Daybreak Star. Commissioner Hebert attended various Pride events around the state.

Commissioner Baros Friedt attended "Not in Our Town" events. She met with Marc Brenman and Chuck Cross of the Department of Financial Institutions about the high interest rates charged to Latinos.

The Commissioners and Marc Brenman further discussed the WA State Supreme Court decision on disability. Assistant Attorney General Traci Friedl is working on an amicus brief. Investigator Laura Lindstrand wrote an excellent analysis memo on the subject. Mr. Brenman explained the impacts of the change in definition of disability on WSHRC cases. The disability definition in the agency's rules has been problematic.

Commissioner Hebert made a motion that the Executive Director move forward with the means necessary to respond to the Supreme Court decision. Commissioner Lee seconded the motion. MOTION CARRIED.

RECONSIDERATIONS

The Commissioners reviewed the reconsideration petitions, background information and Specialist recommendations prior to the Commission meeting. Commissioner Hebert made a motion to deny the petitions for reconsideration for **Borenstein v. Solara Apts; Bryant v. Robert & Ruth Reichle; Grantham v. Pinnacle Property Management; Harvey v. Fluor Federal Services, Inc.; Lingg v. Safeway Stores Inc., and Williams v. Rabanco Allied Waste.** Commissioner Lee seconded the motion. Commissioner Lee seconded the motion. MOTION CARRIED.

ACTION ITEM REVIEW

Tanya Calahan reviewed the action items from the day's business meeting as well as the public forum the previous day, which are attached to these minutes.

There being no further business, the meeting adjourned at 12:31 p.m.

Respectfully submitted,

Tanya Y. Calahan
Executive Assistant to the Commissioners

**Public Forum
Action Items
As of July 27, 2006**

1. Staff will research public assistance statistics in Washington State to obtain real numbers regarding minority public assistance recipients. (April 06)

Status: Deputy Director Idolina Reta is working on a draft. Staff posted immigrant statistics on the agency's website.

2. Staff will duplicate the immigration themed DVD titled "Walking the Line" obtained at the April 27, 2006 public forum and distribute it to the Commissioners, as permitted by the DVD producers. (April 06)

Status: Information Technology Manager Tim Reynolds duplicated the DVD. All Commissioners will receive copies at or before the August 24-25, 2006 Commission meeting.

3. Marc Brenman suggested using Washington Association of Police Chiefs and Sheriffs as a resource and sending them a cover letter with Access to Justice recommendations and ask them to distribute the information to their members. Commissioner Hebert suggested emphasizing that same interpreter is not appropriate in all settings like legal settings vs. medical services. (June 06)

Status:

4. Tanya Calahan will contact Kim Tanaka of Governor Gregoire's Office and provide contact information for the constituent from the Spokane forum who stated that he received no response from the Governor's Office, after several emails. He accessed her thru Gov's website. (July 06)

Status: Tanya Calahan is researching this information by reviewing the audio recording of the Spokane meeting.

**Commission Meeting
Action Items
As of July 28, 2006**

5. The Executive Director will outline when in-person investigations are particularly advised. (March 06)

Status: The ED drafted documents which the Operations Managers and Deputy Director are currently reviewing.

6. Include on WSHRC website, information for referring people to the US Department of Education, Office of Civil Rights regarding overlapping jurisdiction on charges within schools. (March 06)

Status: Not done yet.

7. Executive Director Marc Brenman will clarify the distinctions between whistleblower complaint jurisdiction under the State Auditor vs. whistleblower retaliation under the Washington Law Against Discrimination. (March 06).

Status: Deputy Director Idolina is working on a draft.

8. Marc Brenman will check on the status of updates for HIV/Aids and Hepatitis C Discrimination Outreach materials. (May 06)

Status: Staff is actively working to update all agency outreach materials.

9. Marc Brenman will check with Kent community leader Claudia Kauffman Red Morning Star regarding the status of the student handcuffing issue in Kent. (May 06)

Status: Mr. Brenman will contact Ms. Red Morning Star.

10. Marc Brenman will send a cover letter to Small Tribes Organization of WA with a copy of the letter that was sent to United Indians regarding the tribal preference issue. Staff will also send a Technical Assistance Advisory to respondent in the Small Tribes Organization of Washington case. (June 06)

Status: Not completed yet.

11. Staff will contact the Southeastern Washington Service Center for the Deaf and Hard of Hearing and inform them of the resources for interpreters in medical facilities that is on the WSHRC's website. (July 06)

Status: Not done yet.

12. Post TVW viewing schedule link on the agency's website. (July 06)

Status: This item is completed. The forum has aired several times.

13. Tanya Calahan will provide the Commissioners an updated list of human rights organizations in Washington. (July 06)

Status: Intern Sally Williamson is working on this item. It will be completed in time for discussion at the September 28-29, 2006 Commission meeting.

14. Seth Kirby will provide the date and time for the August 30, 2006 Sexual Orientation training to the Commissioners. (July 06).

Status: Training is scheduled for Wednesday, August 30, 2006 in Olympia. The meeting will be in the agency's Olympia headquarters building in the Public Disclosure Commission's conference room on the second floor starting at 1 p.m. Those unable to attend in person can dial in via conference call.

15. Commissioner Hebert will draft a "how to" for starting a human rights council. (July 06)

Status: Commissioner Hebert provided this information on July 31, 2006.

16. Provide a copy of the TVW video tape of the April 2006 and July 2006 public forums to Commissioners Baros Friedt and Hebert. (July 06)

Status: Tanya Calahan will bring copies to the August 25, 2006 Commission meeting. The July 27, 2006 public forum video was ordered from TVW and will be duplicated when received.

17. Deputy Director Idolina Reta is coordinating a tour of Northwest Center in Seattle for the Commissioners on the afternoon of August 24, 2006. (July 06)

Status: The tour is scheduled for 2 p.m. on August 24, 2006.

18. Tanya Calahan will send new Commissioner Shawn Murinko a copy of the Commissioners' Policy binder and material from the Silverdale meeting. (July 06)

Status: Tanya Calahan sent this information to Commissioner Murinko on August 2, 2006.

19. Reschedule work study session from August 11, 2006 to Friday, August 18, 2006 in Olympia. (July 06)

Status: Work Study Session on budget decision packages was held on August 18th.