

WASHINGTON STATE HUMAN RIGHTS COMMISSION

**COMMISSION MEETING 9:30AM
April 26, 2012
711 S. CAPITOL WAY, SUITE 402
OLYMPIA, WA 98504**

MINUTES

ATTENDANCE

Commissioners: Yvonne Lopez-Morton, Chair; Shawn Murinko, Commissioner; Charlene Strong, Commissioner; Deborah Lee, Commissioner; Steve Hunt, Commissioner.

Staff: Sharon Ortiz, Executive Director; Cheryl Strobert, Asst. Director for Enforcement; Laura Skinner, Executive Assistant; Laura Lindstrand, Policy Analyst; Heather Polz, AG.

OPENING AND WELCOME

Yvonne Lopez-Morton, Chair called the meeting to order at 9:30am.

Chair Lopez-Morton welcomed and introduced new Commissioner, Steve Hunt.

UPDATE ON RULEMAKING: SEXUAL ORIENTATION AND GENDER IDENTITY

Policy Analyst Lindstrand filed CR101 with the office of the Code Reviser; work group meetings on rule making will be held on the following dates:

June 6, 2012, Eastern, WA and Olympia, WA; Chair Lopez-Morton to coordinate location in Eastern WA; Commissioner Lee and Commissioner Murinko will coordinate the Olympia meeting; time for both meetings will be from 1 to 4pm.

June 20, 2012, Seattle, WA; Commissioner Strong and Commissioner Hunt to coordinate location; meeting time will be from 1 to 4pm.

Policy Analyst Lindstrand created flyer to send out to all work group participants once locations are confirmed.

Commissioner Hunt asked about role in rulemaking; Policy Analyst Lindstrand explained process.

Director Ortiz suggested investigator Ramon Alvarez could participate at the Eastern WA work group on June 6th, 2012; Investigator Alvarez has worked extensively with the LGBT community, particularly with Odyssey.

Commissioner Strong asked about press release and talking points; Policy Analyst Lindstrand stated anyone with interest can attend; also stated locations need to be set within the next week for work groups.

Commissioner Murinko spoke about the work group meeting that will be held on May 23, 2012 in Pasco; Commissioner Murinko, Commissioner Strong and Policy Analyst Lindstrand will meet on May 10, 2012 at 12pm to discuss work group.

Director Ortiz stated the next rule making will be on Veteran status.

MINUTES

Approval of March 22, 2012 minutes; Commissioner Murinko made motion; Commissioner Strong seconds; motion carried.

CASE CLOSURES

Assistant Director Strobert informed Commissioners case Mortonson v. Target has been pulled from agenda.

Commissioner Lee made motion; Commissioner Hunt seconds; motion carried.

Commissioner Murinko had questions regarding case Holcomb v. Poulsbo RV; place of public accommodation, event was held at fair grounds not at actual place of business; accessibility issue with model or manufactured home; wanted to know what efforts Poulsbo RV made to accommodate Complainant.

Commissioner Lee commented person should be able to view layout to see if home can be retrofitted; Commissioner Strong stated if person contacted event or written letter regarding attending the event; Policy Analyst Lindstrand stated complaint was specific to a ramp; Director Ortiz stated the Complainant cannot remember incident due to being ill with cancer, not stated in closed memo; Commissioner Murinko commented that information would have been helpful in the closed memo.

Commissioners decided to pull case, Holcomb v. Poulsbo RV, from agenda for further clarification.

Director Ortiz submitted added case closure to Commissioners, Solvey v. Cascade Meadow Apartments; Commissioners reviewed finding.

Commissioner Lee made amended motion; Commissioner Hunt seconds; motion carried.

Director Ortiz provided update on case pulled from March agenda, Davis v. Ramada; wrong tribe mentioned on closing documents, corrected.

DIRECORS REPORT

Director Ortiz discussed additional duties at office for herself and Assistant Director Strobert, acting as Operations Manager and responsibility of Human Resource duties; administrative staff feeling impact.

Assistant Director Strobert will be attending EEOC conference in St. Louis; new contract.

Director Ortiz attended NAACP conference on March 30 thru April 1, 2012 with Chair Lopez-Morton; feels African American community under served.

April 20, 2012 attended the Hispanic Affairs Commission meeting with Chair Lopez-Morton in Pasco, focus was on business/ economic growth and gang prevention; had an outreach table and promoted our upcoming forum;

Director Ortiz commented on the May Forum, press release needs to be done two weeks prior to meeting; Investigator Alvarez will announce over Spanish Radio; Mark Lee, Executive Director of Vista GLBT youth center is making local arrangements for work group meeting; Dallas Barnes will be in attendance.

Chair Lopez-Morton wants review of Commissioners profiles added to May agenda; also stated Commissioner Hunt needs to do PDC filing right away.

Director Ortiz informed Commissioners HRC has a signed MOU with Tacoma Human Rights Commission whereby staff and Commissioner complaints can be investigated in public accommodations and we can transfer non-contract cases that have valid conflict.

Heather Polz, AAG, obtained judgment against Respondents in Gossard v. Tafoya, sexual harassment housing case, currently under appeal by Respondents.

Christina Higgins and Janice Whitman delivered a power point presentation on harassment in housing and employment at the 26th annual Fair Housing Conference in Tacoma on April 19, 2012.

Ramon Alvarez, investigator, continues to broadcast about WLAD on Spanish radio heard across the state.

Budget: WSHRC in the end received the 10% cut which was anticipated; started implementing the cut in November 2011 to avoid impact on investigative staff.

Legislative: Session ended and Special Session was called; see Laura Lindstrand's report; it is imperative we change our service animal law in housing this year.

Technology: Teddy Levenson, IT3, has been repairing our system; she has revived our crashed intra-net and has been adding o our website; she accomplished getting Spokane connected to hum oly and the shared data base and files.

Personnel: We hired Kevin Graman, temporary investigator 1, in our Spokane office; he has a background in investigative journalism; we have Michelle Place at the front desk as a temporary CSS from Express Personnel.

Attended various meetings throughout the month.

From Cheryl Strobert, Assistant Director of Enforcement: 52 cases were closed for the month of March; staff also closed a large number of non contract cases; 8 HUD cases were closed; 24 non contract cases closed, out of the 24, 6 cases settled totaling \$7500; attended various meetings including access to justice board at the WA ST Bar Association.

From Laura Lindstrand, Policy Analyst: Rule making process is underway; CR101 has been filed with Code Revisers office, have dates in May and June for work groups, meetings will be held in Pasco, Seattle, Olympia and Spokane.

Legislation Session is over; have one addition to our jurisdiction, persons who work for an elevator contractor, and report unsafe installation of an elevator or similar conveyance are now protected from retaliation due to reporting; meeting is scheduled in May with Local 31 of the Elevator Construction Workers Union to discuss legislation; this takes effect June 7, 2012.

In addition, any documents we require to be submitted by a business, we must allow them the option to submit the documents electronically; goes into effect June 7, 2012.

Special meetings must be posted on agency website and displayed on the main entrance of the Olympia office and of the meeting site (if different); goes into effect June 7, 2012.

Working on guidance paper regarding veterans and non discrimination; updated other guidance papers including the Disability Q and A, the Disability Self-Assessment, he Service Animal guidance, the Medical Marijuana guidance, and the Addictions Q and A.

I have been updating the agency website with Teddy Levenson to update the guidance and remove outdated information.

**BREAK 10:45AM
RESUME MEETING AT 11:00AM**

PUBLIC COMMENT

Sarah Kelly and son, Nicholas Kelly spoke to the Commissioners regarding the Seattle School District ESL testing for Native American students.

Nicholas described what took place; in 8th grade, he was pulled out of class and sent to a computer lab and was told he was there because he is Native American and will undergo ESL testing; security was placed outside computer lab door to ensure students could not leave; ESL testing originally designed for new immigrants; all students who identified themselves as Native American were pulled from class and sent to computer lab for ESL testing.

Commissioners and Director Ortiz discussed possible options regarding the ESL testing of Native American students; conduct a pre investigation which could initiate a Commission initiated complaint; need to find out federal mandate and speak with AG office.

Commissioner Hunt asked if complaint was filed with the Dept. of Education Civil Rights Division; Sarah Kelly stated no; the Indian Civil Rights Commission and other Native American advocacy groups along with the Dept. of Justice were at meetings held with Seattle school district regarding the ESL testing.

Chair Lopez-Morton asked about OSPI's involvement if any; Commissioner Strong stated they have own procedures.

Nicholas Kelly wants HRC to investigate why Native American students had to take the ESL testing and why others did not.

Commissioner Strong asked Chair Lopez-Morton to make recommendation; Chair Lopez-Morton said yes; Commissioner Murinko made motion; Commissioner Strong seconds; motion carried.

Chair Lopez-Morton to engage with OSPI regarding ESL testing; Commissioner Lee abstains, conflict of interest.

Commissioner Hunt strongly advises that someone file a complaint with the U.S. Dept. of Education.

Chair Lopez-Morton thanked Sarah and Nicholas Kelly for bringing issue to HRC's attention; Director Ortiz suggested assign to Christina Higgins, she has background in the issue.

BREAK 11:33AM
RESUME AT 11:45AM

COMMISSIONER REPORTING

Commissioner Strong: Will be speaking at St. Lawrence University in New York regarding LGBT issues; World Affairs Council in Seattle on May 15, 2012, regarding Gay rights, will be moderator; there is an outreach table for WSHRC, will be held at

Center for Spiritual Living, cost \$25.00; Involved in Reading of the Prop 8 play at WSU, state of equality in WA state.

Commissioner Lee: Collecting testimony through Indian Civil Rights Commission closed 2 cases recently; settled case with U.S. Dept. of Interior for \$55,000 with no early retirement penalty; settled disabled case for \$35, 000; experience with WSHRC helped out to get through working with our clients and being successful.

Commissioner Murinko: Attended volunteer lawyers breakfast; access to justice services have been severely cut, former supreme court justice, Gary Alexander, was keynote speaker.

Chair Lopez-Morton: Attended Hispanic affairs Commission meeting in Pasco; attended regional NAACP conference; Spokane Minority Advisory Resource Team, helping African American students with mentoring and higher education opportunities; attending the Hispanic graduation celebration on May 3, 2012.

ACTION ITEMS

ED Evaluation: Chair Lopez-Morton and Commissioner Lee met with Dept. of Personnel on April 27, 2012; will put together draft job description for May Commission meeting to share with all Commissioners.

May Forum: Commissioners to conduct outreach to get information out about forum; Chair Lopez-Morton and Director Ortiz looked at room forum being held in, possible access issue, are entries both on upper and lower levels; Commissioner Murinko stated that is okay; Commissioner Strong to time public comments.

OLD BUSINESS

Commission meetings in person/ conference call: Commissioner Murinko commented on budget and stated Director Ortiz should speak.

Director Ortiz suggested to keep half of meeting to conference calls since over spending on travel affects budget; Commissioner Strong commented more effective when HRC has in person meetings; Chair Lopez-Morton agrees; Commissioner Hunt stated it is important that Commissioners meet face to face taking in consideration of budget, important to give people what they are entitled to.

Commissioners decided August and December will be conference call meetings and discussed the possible combining of November and December Commission meetings; have special meeting for housing cases; discussed carpooling and Chair Lopez-Morton to fly over morning of Commission meeting and flying back same day to save on travel costs.

Commissioners agreed it is important to do what the law requires, interact and invite the public, prefer in person meetings; decided to conduct 9 in person meetings and 2 conference call meetings; Chair Lopez-Morton stated to see how this works and review later (conference call meetings – August and combining November and December).

Commissioner Hunt made motion; Commissioner Murinko seconds; motion carried.

EXECUTIVE SESSION: PERSONNEL ISSUE

Start: 1PM

End: 1:10PM

ADJOURN

There being no further business, the meeting adjourned at 1:12PM.

Respectfully submitted,

A handwritten signature in cursive script that reads "Laura Skinner".

Laura Skinner
Commission Clerk