

**WASHINGTON STATE HUMAN RIGHTS COMMISSION**

**COMMISSION MEETING  
October 25, 2012 AT 9:30AM  
711 S. CAPITOL WAY, SUITE 402  
OLYMPIA, WA 98504**

**MINUTES**

**ATTENDANCE**

**Commissioners:** Deborah Lee, Chair Pro Tem; Shawn Murinko, Commissioner; Clarence Henderson, Commissioner; Charlene Strong, Commissioner. A quorum was present.

Conference Call In: Stephen Hunt, Chair.

**Staff:** Sharon Ortiz, Executive Director; Cheryl Strobert, Enforcement Manager; Laura Skinner, Executive Assistant; Dianna Wilks, Management Analyst; Stacia Hollar, AAG.

**OPENING AND WELCOME**

Chair Pro Tem Lee called the meeting to order at 9:31AM.

**MINUTES**

Commissioner Murinko made motion to approve September 27, 2012 meeting minutes; Commissioner Strong seconded; motion carried.

**CASE CLOSURES**

Commissioner Murinko made motion to approve case closures; Commissioner Henderson seconded; motion carried.

Chair Hunt asked Commissioners if there are any conflicts, no conflicts.

Chair Pro Tem Lee had questions regarding case McGee v. Arbor Court Apartments, Hobbs v. DSHS, Adams v. Gateway Counseling Services and Schwartz v. Mod Super Fast Pizza.

Commissioners agreed to pull Hobbs v. DSHS from case closures for further review regarding whistleblower claim.

Commissioner Murinko made amended motion to approve case closures; Commissioner Henderson seconded; motion carried.

## **ED REPORT**

Director Ortiz commented she and Asst. Director Strobert completed the transition briefing paper for Governor's office; two HRC staff, Dean Hirst CR4 and Amanda Allard CRI2, will relocate to Vancouver beginning November 1<sup>st</sup> at the L&I office where we obtained free space; L&I has offered free space at their Yakima office, still in the works, no one wants to relocate to Yakima; we are in the process of restructuring intake for efficiency and eliminate unnecessary steps, Laura Lindstrand will begin overseeing intake next week; Dianna Wilks is now MA5 and will be taking over Public Records; Artemio Gutierrez started with our agency as a Spanish bi lingual, CRI2 and will be working in the Olympia office; Director Ortiz praised HRC staff for making the EEOC contract.

Director Ortiz and Christina Higgins attended the Housing Washington Conference where we staffed a table and attended speeches by Senator Patty Murray and Shawn Donovan, Secretary of the US Dept of Housing and Urban Development; main purpose was to speak to housing providers regarding service animals in housing; currently waiting for the Governor's approval on our proposed legislation; received a call from Alexis Oliver, Sr. Policy Advisor to the Governor, she passed the legislation on and yesterday the budget analyst assigned to us from OFM called to discuss the fiscal impacts.

Director Ortiz stated last week she worked with Seth Kirby, Director of Oasis Youth Center and Yvonne Ryans, Civil Rights Division of OSPI; Seth Kirby has been working with a transgender student who has been denied equal bathroom access at the Tacoma Art School, part of Tacoma School District; OSPI is in communication with the district; the student does not want to file a complaint but if it is not resolved a complaint will most likely come before the Commission; recommended the Transgender Panel led by Karen Williams to OSPI and they are in contact; Director Ortiz described various meetings attended.

## **COMMISSIONER REPORTING**

**Chair Hunt:** Nothing to report; out of town.

**Commissioner Henderson:** Contacted Chair for Tacoma Human Rights to establish communication with local agencies; hoping to have meeting accomplished by next Commission meeting; Commissioner Strong would like to attend meeting with Commissioner Henderson.

**Commissioner Strong:** Spoke at Winston Salem University; Adams Foundation; In Las Vegas in regards to LGBT/ youth issues; received phone call about the issue at the Evergreen State College, transgender individual, male to female, using girls locker room, was asked to make statement, cannot make public statement; Received another disturbing call from a woman in Spokane regarding her domestic partnership and a hospital.

Commissioners had discussion about the woman and her partner and what took place at the hospital; happened a year ago; woman was denied access to her partner, partner almost died; hospital claimed HIPPA even though the woman and partner had all their records indicating domestic partnership.

Commissioner Strong will be speaking at Gonzaga University on Monday, October 29th, as a private citizen.

AAG Hollar stated she emailed memo out from Hospital Association regarding issues as the above; will resend memo.

**Commissioner Murinko:** On October 17<sup>th</sup> spoke at Central WA University regarding employee disability awareness; spoke with the Director of Diversity about issues of immigrant workers.

**Commissioner Lee, Chair Pro Tem:** In September attended the United Nations Conference in Italy; 2014 conference is suppose to be held in the United States, encouraged staff to attend if budget allow.

#### **BUDGET OVERVIEW, DIANNA WILKS**

Provided overview of current budget; submitted budget for 2013-2015 last month

#### **CASE LAW UPDATE, STACIA HOLLAR, AAG**

AAG Hollar provided case law update on Davis v. Fred's Appliance; first issue perceived sexual orientation; claimant being called "Big Gay Al"; perception only relevant to claims of gender identity or disability; second issue defamatory claim, referring to coworker as "gay", implying someone is homosexual, not defamatory.

Commissioners discussed case; Commissioner Murinko stated sexual orientation/ gender identity includes heterosexual individuals as a protected class; Commissioner Strong stated sexual orientation protects all citizens of Washington State.

#### **PUBLIC COMMENT:**

None.

#### **ADJOURN**

There being no further business, the meeting adjourned at 10:50 AM.

Respectfully submitted,

Laura Skinner

**WASHINGTON STATE HUMAN RIGHTS COMMISSION**

**COMMISSION MEETING**

**September 27, 2012 AT 9:30AM  
711 S. CAPITOL WAY, SUITE 402  
OLYMPIA, WA 98504**

**MINUTES**

**ATTENDANCE**

**Commissioners:** Stephen Hunt, Chair; Shawn Murinko, Commissioner; Clarence Henderson, Commissioner; Charlene Strong, Commissioner. A quorum was present.

**Absent:** Deborah Lee, Commissioner.

**Staff:** Sharon Ortiz, Executive Director; Laura Skinner, Executive Assistant; AAG, Stacia Hollar.

**OPENING AND WELCOME**

Chair Hunt called the meeting to order at 9:31AM.

**MINUTES**

Commissioner Strong made motion to approve August 23, 2012 meeting minutes; Commissioner Henderson seconded; motion carried.

**CASE CLOSURES**

Chair Hunt stated two cases were pulled from the agenda; Teague v. Unknown Inc. and Gilles v. Northshore Christian Academy and Church.

Commissioner Strong made motion to approve case closures; Commissioner Henderson seconded; motion carried.

**ED REPORT**

Director Ortiz reported October is the end of the EEOC contract year, made contract and will have a celebratory lunch with staff in October; HUD audit completed in August, working on legislation to change the fair housing section of 49.60 to remove the definition of service animal; both housing testing contracts in place, rental testing to take place on both sides of states this fall.

Director Ortiz informed Commissioners we had a lot of personnel activity, we hired a bilingual CSS2, Ludmila Barbacar; we hired a CRI2, Artemio Gutierrez, who will start

October 1, 2012; we hired an MA5, Dianna Wilks, who will start October 8, 2012; our ITS3, Teddy Levenson, had a desk audit and was moved to an ITS4; Kevin Graman, temporary CRI1, turned down a CRI2 position and is no longer with our agency; Ramon Alvarez, CRI, left our agency and is now working for Spokane Public Schools.

Teddy Levenson, ITS4, provided update on IT issues.

Director Ortiz and Asst. Director Cheryl Strobert attended the International Association of Official Human Rights Agency Conference in New Orleans last month; monthly meetings with Kendee Yamaguchi, Director of the Commission on Asian and Pacific Islanders Affairs; Investigator, Mai Ly, will host a table at the Unite Summit at Highline Community College in October in Seattle.

Director Ortiz commented this is the year of transition, new Governor; spoke about transition paperwork; since appointed by Commissioner's, do not have to complete paperwork.

Director Ortiz noted Janice Whitman, Specialist, compiled outreach statistics totaling quantifiable trained 1, 989, which include lectures, panel discussions, Q&A sessions; Heidi O'Day and Wilma Cartagena are taking the lead with the Spanish Radio with the Commission on Hispanic Affairs on the programming that is broadcast all over the state, doubling our time.

Director Ortiz went over various meetings attended in August and September.

### **COMMISSIONER REPORTING**

**Commissioner Murinko:** October 17, 2012 will speak at Central Washington University regarding National Disabled Employee's month; will work on understanding regarding Dreyfus appeal.

**Commissioner Strong:** Met with Chai Feldblum, Commissioner with the EEOC, and Michael Baldonado, EEOC spoke about sexual orientation work and the National Federal memorandum regarding hospital access with legal documentation present; speaking at Winston Salem University of North Carolina next week and will speak at Gonzaga University at the end of October.

Commissioner Strong provided overview of gay marriage v. heterosexual marriage; spoke about domestic registry cards which same sex couples have to carry, discriminatory practice because heterosexual couples do not; commented violation of 49.60; discussed the Secretary of State's office and process of registry, access to domestic partners; discussed possible complaint.

AAG Hollar stated potential conflict, could get senior AG opinion and provide update at the October Commission meeting regarding legalities and options.

**Commissioner Henderson:** Attended Tacoma Human Rights meeting, observation; spoke about outreach/ conference Governing for Racial Justice being held on December 13<sup>th</sup> and 14<sup>th</sup>.

**Chair Hunt:** Presented in Coeur d'Alene, Idaho, 24 different tribes, workshops; went to Spokane with Director Ortiz and met with several business leaders over 3 days; had a workshop with Spokane staff.

**BREAK 10:40AM**  
**RESUMED MEETING 10:52AM**

**ACTION ITEMS:**

**Attendance Policy:** AAG Hollar provided examples of other Commissions policies on attendance; Commissioners discussed proposed changes and agreed notification of absence report to Chair, if Chair not available report to senior Commissioner.

Commissioners had discussion regarding Commissioner Lee's attendance; Chair Hunt informed Commissioner's he will be speaking with Commissioner Lee.

Commissioner Murinko made motion; Commissioner Henderson seconded; motion to change Commissioner Attendance Policy carried.

**Commission Meeting Schedule 2013:** Commissioners and Director Ortiz discussed October, November and December meetings; October will be in person in Olympia, Chair Hunt will call in for meeting; November and December will be conference calls for case closures and meeting minutes approval.

Commissioners and Director Ortiz discussed plans for 2013 Commission meeting schedule, proposed dates, times and locations:

January 24, 2013 – In person in Snohomish County, Commissioner Strong and Director Ortiz to schedule logistics.

February 28, 2013 – In person in Seattle, Commissioner Strong to schedule logistics.

March 28, 2013 – In person in Tacoma, Commissioner Henderson to schedule logistics.

April 17<sup>th</sup>, 2013 – In person in Spokane and hold Public Forum, Chair Hunt, Commissioner Murinko and Director Ortiz to schedule logistics.

May 23, 2013 – In person at Olympia office.

June 27, 2013 – Conference call with Agenda.

July 25, 2013 – In person at Vancouver (to be determined)

August 22, 2013 – Conference call case closures and meeting minute approval.

September 26, 2013 – In person in Olympia.

October, November and December 2013 to be determined.

**Outreach:** Idolina Reta, Director Ortiz and Commissioner Henderson to attend Tacoma Latino Conference on October 26, 2012.

**FOLLOW UP ITEMS(S) – WELP TESTING:** Director Ortiz provided overview of WELP testing – Native American students ESL testing; spoke with OSPI for reasons behind testing and why they are trying to get tribes to participate, federal grants which help Native American students; students have option to opt out and not test.

**NEW BUSINESS – DREYFUS APPEAL:**

Commissioner Murinko provided overview of the Dreyfus appeal and the history leading up to decision; Washington State with current budget issues, Governor's office is looking at reversing due to limited resources.

Commissioner's, AAG Hollar and Director Ortiz had discussion on institutionalized v. non institutionalized; effects the reversal would have on care for individuals; Commission not in position to take a position on issue.

**CASE LAW UPDATE:**

AAG Hollar provided case law update on Loeffelholz v. University of WA, provided handout for Commissioner's to read summary; terms of particular case, prior comments would be allowed to bring in to show what led up to events, shows intent.

**POLITICAL CAMPAIGN:**

Director Ortiz provided handouts to Commissioners regarding political campaigning, what is as a private citizen v. a Commissioner.

**PUBLIC COMMENT:**

None.

**EXECUTIVE SESSION:**

None.

**ADJOURN**

There being no further business, the meeting adjourned at 12:02PM.

Respectfully submitted,

Laura Skinner