

Unapproved Minutes – Apr. 6, 2017 Meeting of the Iowa Civil Rights Commission

- I. Roll Call: Jackson (Chair), Cunningham, Conley, Hosford, Lipski, Oelschlaeger
Staff: Director Johnson
AG: Buller
Public/Press: Robert Sabers, Allan Max Richards, Michael Fishnick, Patricia Kelly
- II. Minutes from 1-20-17 presented. Motion by Conley, seconded by Lipski to approve minutes from 1-20-17; motion approved.
- III. Public hearing on Respondents' second appeal in ICRC Nos. 03-13-64009 and 03-13-63965, DIA Nos. 14ICRC009, 14ICRC010. Arguments were heard from Respondents, represented by Allen Richards, Complainants, represented by Robert Sabers, and the ICRC, represented by Tyler Buller. Questions by Commissioners followed. For issues presented to the Commission, see briefs filed by parties.
- IV. Commissioners' Reports - None
- IV. Director's Report – Director Johnson updated Commissioners on legislative efforts during the current session. There have been no changes to laws directly affecting the Iowa Civil Rights Commission.

Director Johnson announced the reappointment of Doug Oelschlager and Tom Conley and the appointment of Lauren Haugh from Des Moines and Marcelena Ordaz from Eldridge to serve as Commissioners for 4-year terms beginning May 1, 2017.

Director Johnson presented a certificate of appreciation to outgoing Commissioners Lawrence Cunningham and Lily LiJun Hou (in absentia) and announced refreshments would be provided after the open session.
- V. Public comment – Allan Richards informed the Commission that he was appointed on March 13, 2017 to serve as one of 15 Iowans on the Iowa state advisory committee for the United States Commission on Civil Rights. The first issues the Iowa committee will address is the issue of voting and the “Ban the Box” discussions. The Civil Rights Act of 1957 created the U.S. Commission on Civil Rights as an independent, bipartisan, fact-finding federal agency whose mission is to inform the development of national civil rights policy and enhance enforcement of federal civil rights laws. The USCCR pursues this mission by studying alleged deprivations of voting rights and alleged discrimination based on race, color, religion, sex, age, disability, or national origin, or in the administration of justice. The USCCR plays a vital role in advancing civil rights through objective and comprehensive investigation, research, and analysis on issues of fundamental concern to the federal government and the public. The USCCR maintains 51 State Advisory Committees (SACs), one for each state and the District of Columbia. Each is composed of citizen volunteers familiar with local and state civil rights issues. The members assist the Commission with its fact-finding, investigative, and information dissemination functions.
- VI. Next meeting will be on Friday, June 23, 2017 at the Grimes Building at 2:00 pm.

At approximately 2:15 pm, a motion was made by Commissioner Lipski and seconded by Commissioner Oelschlaeger to close for deliberations pursuant to Iowa Code § 21.5(1)(f) to discuss a decision to be rendered in a contested case pursuant to Iowa Code Chapter 17A. A roll call vote was held and all members of the Commission present voted to go to closed session deliberations. Director Johnson excused herself from closed session due to her representation of the Commission in an earlier phase of the case.

The Commission exited closed session at approximately 4:00 pm after motion by Commissioner Conley, seconded by Commissioner Cunningham. Motion approved by roll call vote. Moved by Commissioner Oelschlaeger, seconded by Commissioner Lipski that the first proposed order of the Administrative Law Judge on remand be approved and incorporated by reference regarding liability and damages of Respondent Dubuque Aerie #568 of the Fraternal Order of the Eagles, a/k/a Dubuque Fraternal Order of Eagles No. 568, and the supplemental ruling on the Motion to Amend the Complaint to modify the name of Respondent and the ruling regarding attorneys' fees be approved and incorporated by reference, and that it be reversed as to the issue of personal liability of Respondent Kuhle based immunity as an officer of a non-profit under Section Iowa Code 504.901, but his actions as trustee form the basis for the final order regarding liability of Dubuque Aerie #568 of the Fraternal Order of the Eagles, a/k/a Dubuque Fraternal Order of Eagles No. 568. The A written order will follow. Commissioner Lipski seconded the Motion. Each member stated his or her vote upon roll call approving the motion, which was by majority vote, with Commissioner Conley dissenting as to the issue of emotional damages only. Commissioner Jackson was authorized to sign the written order on behalf of the Commission.

At approximately 4:00 pm, Commissioner Cunningham moved that the Commission adjourn, seconded by Commissioner Oelschlaeger, motion approved unanimously.

Meeting adjourned.