

**Approved Minutes – September 17, 2018 Meeting of the Iowa Civil Rights Commission**

- I.** Roll Call: Jackson (Chair), Oelschlaeger, Ordaz, Haugh, Kooiker, Lipski (by phone)  
Staff: Director Johnson  
Guests: AAG Katie Fiala, David Curry, Terri Curry
- II.** Minutes from 7/27/18 presented. Motion to approve as amended made by Commissioner Oelschlaeger, seconded by Commissioner Ordaz. Motion carried.
- III.** Oral Argument, *ICRC v. AAA Allied Building Services, Bruce Smith, and Bruce Smith d/b/a AAA Allied Building Services*, ICRC Case No. 09-15-68037, DIA No. 18ICRC002. Commission was represented by AAG Katie Fiala. No one appeared on behalf of Appellant AAA Allied Building Services, Bruce Smith, and Bruce Smith d/b/a AAA Allied Building Services. Questions by Commissioners followed. For issues presented to the Commission, see briefs filed by parties.
- III.** Commissioners' Reports –
- a. Commissioner Jackson – enjoyed engaging in outreach with the public at the ICRC information booth at the Iowa State Fair.
  - b. Commissioner Lipski – nothing to report.
  - c. Commissioner Oelschlaeger – nothing to report.
  - d. Commissioner Haugh – nothing to report.
  - e. Commissioner Ordaz – nothing to report.
  - f. Commissioner Kooiker – nothing to report.
- IV.** Director's Report – provided updates on matter the AAG has been working on for the ICRC. In *Hager v. Iowa Civil Rights Commission*, a complainant attempted to obtain judicial review of an administrative closure of his complaint at the screening stage. The ICRC's motion to dismiss was granted by the Polk County District Court. In *Palmer College of Chiropractic v. Iowa Civil Rights Commission*, a Respondent's attempt to challenge the ICRC's issuance of a right-to-sue after following required statutory and administrative procedures was rejected by the Scott County District Court. The ICRC's request to file an amicus brief before the Iowa Court of Appeals was granted in *Sioux City Human Rights Commission v. James W. Boyd Revocable Trust*. This case involves the Woodbury County District Court's dismissal of a testing complaint based on standing, which the ICRC asserts is in contravention of the express statutory provision in Iowa Code Chapter 216 which allows the ICRC standing in these types of cases. Director Johnson will send the amicus brief to commissioners.
- V.** Next meeting will be November 9, 2018 at 2:00 pm, location to be announced.
- VI.** At approximately 1:40 pm, it was moved by Commissioner Kooiker, seconded by Commissioner Haugh, to close for deliberations pursuant to Iowa Code § 21.5(1)(f) to discuss a

decision to be rendered in a contested case. A roll call vote was held and all members of the Commission present voted to go to closed session deliberations.

The Commission exited closed session at approximately 2:35 pm after motion by Commissioner Lipski, seconded by Commissioner Haugh. Motion approved. Commissioner Oelschlaeger moved that the Commission affirm the decision of the ALJ and deny the Motion to Vacate, specifically noting that Appellant AAA Allied Building Services, Bruce Smith, and Bruce Smith d/b/a AAA Allied Building Services failed to appear or have any representative appear on their behalf. Seconded by Commissioner Ordaz. Motion carried unanimously. See signed order for the written record of the vote.

Motion to adjourn made by Commissioner Kooiker, seconded by Commissioner Oelschlaeger, motion carried.

**Meeting adjourned.**

A handwritten signature in black ink, appearing to read "Kristin L. Johnson". The signature is written in a cursive style with a large initial "K".