



STATE OF IOWA

Chester J. Culver, GOVERNOR
Patty Judge, LT. GOVERNOR

IOWA CIVIL RIGHTS COMMISSION
RALPH ROSENBERG
EXECUTIVE DIRECTOR

Minutes --- Iowa Civil Rights Commission – February 4, 2010 Meeting

Roll Call—Attendance— Commissioners Gitchell; Claypool; Eychaner; Chapman, (Johnson and Witt conference calling)

- I. Recognition of Public and Press – Asst. AG Teresa Baustian; Tom Meyer-Davenport City Attorney ; Tom Waterman, and Dorothy O'Brien (counsel for the parties involved in Botsko) ; also VISTAs- Shawna Anderson and Crystal Schrader
- II. Approval of December Minutes --stand approved as distributed
- III. Commission discussion and decision on whether to accept for review : **DAVID BOTSKO, D.M.D., Appellant, vs. DAVENPORT CIVIL RIGHTS COMMISSION and INGELORE NABB, Appellees.**
 1. Ralph reviewed the timeline on how and why the case is before this Commission.
 2. Commissioner Witt wanted to know if this is an independent review—Ralph indicated it is.
 3. Teresa Baustian indicated the Commission would receive the transcripts and ALJ proposed decision.
 4. Estimated size of transcripts--17 witnesses + 22 exhibits—450 pages++
 5. Voluminous appellate court proceedings do not need to be reviewed.
 6. Commission can choose oral arguments or can ask for written arguments.
 7. O'Brien would like in person presentation and will argue national origin, as well as sex
 8. Commissioner Johnson would like to explore stipulation between the parties.
 9. Botsko would stipulate that every thing that happened after ALJ decision be ignored (appellate arguments, etc.)
 10. Proposed finding of fact can be presented before the 'hearing'.
 11. Waterman notes the ALJ's decision should be given deference.
 12. Commissioner Claypool—if we had transcripts, with proposed findings of facts and ALJ, this would assist the Commission.
 13. Commissioner Eychaner asked about length of oral arguments. –Waterman –as long as equal time, perhaps 20 minutes per side. O'Brien—40 on the outside.
 14. Commissioner Eychaner moves to receive transcript, exhibits, proposed findings, ALJ order, month before, with 30 minutes of arguments by C and R...Comm. would then deliberate in (closed) session.
 - i. Commissioner Chapman moved/Commissioner Witt seconded.
 - ii. Commissioner Claypool asked for training on how to review a case and law on harassment.
 - iii. Vote: Ayes: ***Gitchell; Claypool; Eychaner; Chapman; Witt ; Johnson***
 - iv. Chair wants paper copy.
 15. Commissioners asked for one hour training updating hearing procedures and law on harassment.
- IV. Administrative rules—see attached changes to the draft rules presented by the Director

1. Commissioner Gitchell moved; Commissioner Chapman. Approved by voice vote

V. Position statements

1. ADA proclamation—2010 x 2010 proposed proclamation— Commissioner Gitchell moved; Commissioner Witt seconded. Approved by voice vote.
2. Immigration reform—see previously distributed materials about joining the national coalition, Reform Immigration FOR America (RI4A). RI4A is building support for workable comprehensive immigration reform that benefits all in our economy. Discussion on language of the supporting material, not necessarily on the position statement. Discussion focused on the language on the number of Visas. The point of immigration reforms is to allow flexibility in the numbers of legal immigrants to reflect the ebb and flow of the U.S. economy regarding the number of workers needed. - Commissioner Gitchell moved; Commissioner Chapman. Approved by voice vote.

VI. Commissioners' Reports and Subcommittee Reports

Commissioner Alicia Claypool— attended One Iowa legislative reception; IMMAW; DMHRC housing survey; One Iowa applied to IMMAW for a booth, but were rejected; Jan. 18th MLK event at Hist. Bldg; Noted sit in at Woolworth happened in Jan. 1960; Federal hate crimes signed into law

Commissioner Debbie Gitchell— works with Ames VISTA—the highly successful MLK service project; 200 kids to do community projects.

Commissioner Rich Eychaner — DM Gay Men's Chorus. Youth Summit; One Iowa legislative reception; gay/straight alliance day; scholarship student spoke to Pace's class

Commissioner Mary Chapman— attending Iowa 2010 US Census roundtable to focus on undercounted—immigration, minority groups, esp. Afr. Amer. males between 18 and 34; IMMAW participation;

Commissioner Nancy Witt – Notice on resignation of David Meeks.

Commissioner Keith Johnson—no report. Sioux city lay offs of 1500 people—disproportionate in color.

VII. Legislative and other policy updates—Ralph provided updates on subpoena and budget. Some discussion on strategy ensued. Commissioners supported efforts to contact federal delegation on federal payment issues.

VIII. Next Meetings-- April 1st. June 10th; Aug. 12th —state fair; Oct. 7th ; Dec. 2nd. (ask local commissions for dates of possible joint meeting in June)

IX. ---Adjournment