



# STATE OF IOWA

TERRY BRANSTAD, GOVERNOR  
KIM REYNOLDS, LT. GOVERNOR

IOWA CIVIL RIGHTS COMMISSION  
BETH TOWNSEND  
EXECUTIVE DIRECTOR

## **Minutes of the March 26, 2014 Meeting of the Iowa Civil Rights Commission**

**I. Roll Call:** Spicer, Lipski, Conley, Cunningham, Oelschlaeger, Ho, Williams

**Staff:** Grove, Owens

**Public:** Dan Garza, Des Moines Human Rights Commission

**II. Minutes from January 16, 2014 meeting:** distributed for review and unanimously approved.

**III. Commissioner Spicer** – No report.

Commissioner Conley – No report.

Commissioner Cunningham – No report.

Commissioner Lipski – Attended the RAC v. Henry argument before the Iowa Supreme Court. Katie Fiala, AG did a “fantastic” job and the Supreme Court ruled in our favor upholding previous decision by the Commission. The Court determined that because the ICRC was not a party to the arbitration agreement, the agreement was not binding on the Commission.

Commissioner Oelschlaeger – No report.

Commissioner Williams – No report.

Recessed until beginning of public hearing.

**IV. Public Hearing - Hearing in Lucas/ICRC v. IBP** began at approximately 1:15 pm. Arguments were heard from Respondent represented by Heidi Guttau-Fox; the ICRC represented by Alex Smith (and Katie Fiala on brief); and Complainant’s attorney, Crystal Raiber. All Commissioners asked questions and participated in active discussion around issues presented on appeal, i.e. whether the decision rendered by the ALJ should be affirmed, amended or rejected. Respondents asked the Commission to reverse the decision while the ICRC and Complainant requested the Commission affirm the decision. Complainant also requested the issue off attorney’s fees be remanded to hearing by the ALJ who had declined to take up the issue.

For issues presented to the Commission, see briefs filed by both parties as well as transcript of administrative public hearing.

At approximately 2:15 pm, a motion was made and seconded to close for deliberations. A roll call vote was held and all members of the Commission voted to go to closed session deliberations.

**V. At approximately 4:20 pm,** the Commission left closed session and each member stated his or her vote on the issues for the record as follows:

Commissioner Conley: Affirm finding of attorney’s fees; affirm ALJ decision on merits with amendment; reduce lost wages to \$4,500.00 and emotional distress damages to \$4,500.

Commissioner Cunningham: Remand issue of attorney's fees to ALJ for hearing; reverse on merits; reduce lost wages to \$4,500.00 and emotional distress damages to \$4,500

Commissioner Spicer: Affirm ALJ on attorney's fees; affirm merits with or without amendment; reduce lost wages to \$4,500.00 and emotional distress damages to \$4,500

Commissioner Oelschlaeger: Affirm ALJ on attorney's fees; affirm on merits with amendment; reduce lost wages to \$4,500.00 and emotional distress damages to \$4,500

Commissioner Ho: Remand issue of attorney's fees to ALJ for hearing; affirm merits without amendment; reduce lost wages to \$4,500.00 and emotional distress damages to \$4,500

Commissioner Williams: Remand issue of attorney's fees to ALJ for hearing; affirm decision.

Commissioner Lipski: Remand issue of attorney's fees to ALJ for hearing; affirm decision.

Commissioner Oelschlaeger volunteered to provide a draft opinion to the Commissioners for review and adoption at next meeting reflecting the decision of the Commission.

**Meeting adjourned after motion and vote to adjourn.**