

**STATE HUMAN RELATIONS COMMISSION
FULL COMMITTEE MEETING MINUTES
DOVER, DELAWARE**

THURSDAY, March 10, 2016

The March monthly meeting of the Delaware State Human Relations Commission was held by video-conference the Cannon Building, 861 Silver Lake Boulevard, Conference Room A, Dover, Delaware; and the Carvel Building, 820 N. French Street, 4th Floor Executive Conference Room, Wilmington, Delaware.

Attendance:

Commission Members Present: Chairperson Calvin Christopher, Commissioners Mashoor Awad, Jamaal Bivens, Diaz Bonville, Whittona Burrell, Erika Caesar, Chok-Fun Chui, Earnest Gulab, Michael Harpe, Rose Mary Hendrix, Doug James, Prameela Kaza, Gail Launay-Tarlecki, Olga Ramirez, Misty Seemans, Walter Smith Jr., Roy Sudler Jr., Robert Watson Jr. and Rosemarie Williams. Dag Paige Schmittinger.

Commission Members not present: Commissioners Wallace Dixon (unexcused), Bernice Edwards (excused), Stephen Elkins (excused), Nancy Maihoff (excused), Janet Maull-Martin (unexcused) and Lorenzo Murdaugh (unexcused)

Staff from Division of Human Relations Office: Vincent Petroff, and Kelly Fox.

Members of the public present: Chris Curtain

I Call to Order

The meeting was called to order by Chair Christopher at 7:05 p.m., followed by a period of silent meditation.

II Approval of Minutes

The minutes for the February SHRC meeting were submitted. A motion was made to accept the minutes. Motion was seconded. A vote was taken, motion carries with no opposition.

III Members of the Public Present

Chris Curtain, Office of the Ombudsman for the Common Interest Community, came to introduce himself and his office to the Commission. He shared a description of the duties of his office and a brief definition of a Common Interest Community. He believes there is an overlap of disputes that his office handles and those of the Commission. A conversation took place between multiple Commissioners and Mr. Curtain.

Mr. Curtain and Commissioner Launay-Tarlecki serve together on a Common Interest Community Committee. She will maintain communication with Mr. Curtain.

IV Chair’s Report

<i>Topic / Discussion</i>	<i>Actions to be Taken</i>	<i>Leaders</i>	<i>Due Date</i>
<p>Danberg vs. Ovens Decision – Chair Christopher shared with the Commission details regarding the reversal that was issued and the learning opportunity that it presents. Paige Schmittinger provided a brief description of the case. A copy of the decision was previously emailed to Commissioners. Paige recommended that Commissioners take the time to read the decision if they have not already. A brief description of the case was provided. The Hearing Panel initially made issued a decision in favor of the Complainant. The Respondent filed an appeal with the Delaware Superior Court on the basis of jurisdiction. The Delaware Superior Court found that there was a precedent that stated a prison is not a place of public accommodation. Based on this precedent this matter does not fall within the jurisdiction of the Equal Accommodations statute. The recommendation was made that if there is a case pending in the court of a similar nature of a complaint the Commission is reviewing that a determination is not made until the court has issued their decision.</p> <p>A handout, <i>Which court is binding? Mandatory vs Persuasive Cases</i> (from the writing Center at Georgetown University Law Center), was provided to Commissioners. Paige reviewed the handout with</p>	<p>Read the Reversal decision of the Danberg vs. Ovens case.</p>	<p>All Commissioners</p>	<p>Undefined</p>

<p>Commissioners.</p> <p>A discussion took place between Commissioners and Paige concerning the review, decision that was issued by the Panel and the reversal that was issued.</p>			
<p>Commission Training – Paige Schmittinger advised additional hearing training is scheduled March 18th from 10:00 am – 12:00 pm at the Carvel Building in Wilmington. All Commissioners are encouraged to attend. Natalie Fountain will be emailing additional details on training.</p> <p>Chair Christopher asked that Commissioners communicate training topic requests to him.</p>	<p>Email training details</p> <p>Attend training based on availability</p> <p>Communicate training topic requests</p>	<p>Natalie Fountain</p> <p>All Commissioners</p> <p>All Commissioners</p>	<p>Undefined</p> <p>Friday, March 18th</p> <p>Undefined</p>
<p>Commission Vacancies – Chair Christopher reported the issue of Commissioner vacancies will be addressed by the Community Response Committee.</p>	<p>Review Commissioner Vacancies.</p>	<p>Community Response Committee</p>	<p>Undefined</p>
<p>Fair Housing Month – Chair Christopher advised that April is Fair Housing month. Dates for the three County Community Conversations are available in the printed Director’s report. The date and location of the Policy Conference is to be determined.</p>	<p>Participate in Fair Housing Month Activities</p>	<p>All Commissioners</p>	<p>Throughout April</p>
<p>Discussion About Race Relations in Delaware – Chair Christopher reported that Delaware Racial Justice Collaboration was formed recently. He is a member of this collaboration. The mission is to end racism in Delaware. A calendar is being developed for activities to avoid overlap with other groups.</p>			

Committee Strategic Actions for 2016 – Chair Christopher advised updates will be provided during Committee reports.			
Dover Human Relations Commission – Chair Christopher asked Commissioner Sudler communicate with the new Chair of the Dover Human Relations Commission to facilitate the relationship between the Commissions.			

V Director’s Report

<i>Topic / Discussion</i>	<i>Actions to be Taken</i>	<i>Leaders</i>	<i>Due Date</i>
A hard copy of the Director’s report was distributed to all Commissioners.			

VI Committee Reports

<i>Topic / Discussion</i>	<i>Actions to be Taken</i>	<i>Leader</i>	<i>Due Date</i>
<p><u>Public Awareness Committee (PAW)</u> – Commissioner James reported that a Comcast Newsmakers segment is scheduled for March 18th. Vincent Petroff will be doing the segment. Fair Housing Month activities will be one of the themes of the segment.</p> <p>Commissioner James is in contact with WHYY in efforts to have the Commission featured on their program <i>First</i>.</p>			
<u>Legislative Committee (LEG)</u> – No report.			

<p><u>Community Response Committee (CRC)</u> – No report.</p>			
<p><u>Governor’s Council on Equal Employment Opportunity Committee (GCEEO)</u> – Commissioner Launay-Tarlecki reported the last meeting was rescheduled to March 17th at 9:30 am at the Haslet Armory. The Committee is currently planning their Governor’s Summit on May 19th at Delaware State University.</p> <p>Chair Christopher inquired if the Committee was looking for another member for the Committee due to Commissioner Dixon’s recent absences. Commissioner Launay-Tarlecki indicated the Committee is being patient in light of the current situation. Chair Christopher reported he should have an answer for them by next month. Current members of the Committee are Commissioners Awad, Edwards, Launay-Tarlecki and Dixon.</p>			

VII Old Business

<i>Topic / Discussion</i>	<i>Actions to be Taken</i>	<i>Leader</i>	<i>Due Date</i>
None			

VIII New Business

<i>Topic / Discussion</i>	<i>Actions to be Taken</i>	<i>Leader</i>	<i>Due Date</i>
<p>Vincent Petroff advised there is an Equal Accommodations hearing scheduled on March 16th at 6:00 pm. in the Carvel building if Commissioners are interested in auditing a hearing.</p>			

Commissioner Launay-Tarlecki thanked Mr. Curtain for joining the Commission this evening. She discussed the number of cases on the current Statistical Report involving Common Interest Communities and the trends that seem to be occurring. Vince Petroff advised he shares concerns and has seen several complaints against Home Owners Associations (HOA's) and Common Interest Communities being received. Because of this we tried a few years ago to obtain a list of the Home Owners Associations in the state, but were unable to. The problem with HOAs is that the officers are elected to their position such as President, Secretary, etc. and they make decision sometimes in conflict with Fair Housing law. Types of complaints received are mostly failure to approve a Reasonable Accommodation or Reasonable Modification. They are making decision without realizing that they are responsible for their decisions. Additionally, when complaints are filed, these associations have to hire attorneys to defend them. As a result, the cost for the attorney is shared by the members who then become upset with the complainant because of this additional cost. As of just yesterday, we received another complaint approved by HUD for a denial for a modification. It would be a great to educate these associations. Chair Christopher challenged Commissioner Launay-Tarlecki and Vincent Petroff to work with Mr. Curtain on collaboration efforts

Commissioner James reported The Way Home, an organization that helps ex-offenders in Delaware, has requested he perform at their fundraiser on May 12th at Fish On.

IX Good News

<i>Topic / Discussion</i>	<i>Actions to be Taken</i>	<i>Leader</i>	<i>Due Date</i>

XI Meeting Adjourned

The Commission meeting was adjourned at approximately 8:00 p.m. by Chair Christopher.