



HUMAN RIGHTS COMMISSION
Monday March 28, 2011
REGULAR MEETING
City Hall Council Chambers & Room 1027
First Floor, 301 W. Second Street, Austin, TX 78701

MEETING MINUTES

Chair Judy Cortez called the Board Meeting to order at 5:33 p.m.

Commission Members in Attendance:

Judy Cortez – Chair
Lisa Scheps – Vice-Chair
Elizabeth Brenner
Tom Davis
DeWayne Lofton
Delia Meyer
Paul Rhea

Human Resources Staff Present:

Yamile M. Ortiz, EE/FHO Staff Liaison
Tony Robertson, EE/FHO Executive Liaison

1. APPROVAL OF MINUTES

The minutes from the meeting of February 28, 2011 were approved - Commissioner Davis motion, Commissioner Scheps second on a 7-0 vote.

2. CITIZENS COMMUNICATIONS

None

3. NEW BUSINESS

- a. Presentation of Mr. Arthur L. Walker, Attorney for Six Lounge and Wayne Krause, Attorney for Mr. Marshal to speak to the Commission regarding their thoughts on the hearing process.

Commissioner Cortez communicated that Mr. Wayne Krause was unable to come to the meeting, but he will be coming to the April meeting. Mr. Robertson said that Mr. Arthur L. Walker was also unable to come to the meeting, but Mr. John Koriath, the owner of the Six Lounge was ready to do the presentation.

Mr. John Koriath: Owner of the Six Lounge; spoke with Commissioners on September 27, 2010 the day of the hearing. He wanted to appear in front of the Commissioners after the hearing was completed to express his opinion of what he saw that day and all he went through.

Mr. Koriath stated what he saw about the hearing process and was appalled. He talked about what he experienced sitting in the room with the Human Rights Commissioners, the City of Austin staff, and the lawyers who spoke for them. He went on to say that maybe all of that needs to be examined again.

Mr. Koriath mentioned he is from Austin, he is the son of a Civil Rights Attorney from the 60's, he owns three businesses and 35% of his staff are minorities. He said he did an exceptional job giving all the documentation required and he presented every single detail and evidence to the City Investigators. During that process, the Commissioners were not able to see that information, he said that was a big injustice, and the Commissioners were supposed to see what the City Investigators overturned and felt the Commissioners should have this information.

Mr. Koriath emphasized that the person who accused his business of discrimination did not have evidence. That person said he was discriminated because he was black; yes he has the right to say that but, he has no right to carry on accusing his staff and persecuting him without evidence or a witness to present.

Mr. Koriath told the Commissioners how bad he felt when they were talking about their discrimination situations that had nothing to do with the procedures. He emphasized he understood their feelings about those situations, but at the same time he wondered where the person who represented him was, to speak about how he felt for being wrongfully accused – no one spoke on his behalf. No one thought about the possibility that the accuser was not telling the truth; what happened if he is not telling the truth? We never examined that avenue, and that was a shame and a miscommunication.

Mr. Koriath told the Commissioners they examined this case wrong. He was concerned about what his staff went through and what they thought about the hearing process. When something like this happens, it is important to recognize that the Commissioners need more communication and training.

Mr. Koriath ended his presentation by saying to the Commissioners that he admires the job the Commissioners do, and asked them to please take his words with kindness. The criticism was intended to make the process a better and fairer one. He told them he would be happy to come back and be part of this process, and he is willing to volunteer.

Commissioner Cortez commented that she was not happy with the process, but the Commissioners will have a training soon to make them better stewards in the process. She added that she felt very inadequate, not knowing all the evidence that the City Investigators had. She added that they had guidance from their attorney, but it was very narrow.

Commissioner Cortez mentioned that she concurred with Mr. Koriath and valued his constructive criticism. She stated this is the first hearing that she participated in her four years serving on the Human Rights Commission. She is looking forward to the hearing process training with Mr. Tony Robertson, who is the Commission's staff representative. She ended her comments by saying that the Commissioners needed to be good stewards of what they do for the Commission.

Commissioner Davis commented that he agreed with Mr. Koriath and valued his criticism and thanked him for his opinions. He said that their lawyers were their clients' worst enemies, that they got in the way more than they allowed the Commission to hear the truth. Commissioner Davis mentioned that they also left the hearing very dissatisfied with the process. He mentioned that the Commissioners told the city staff they needed to know much more detail about the hearing process and the city's expectations of the Commission. He also stated that the Commissioners are looking forward to the training process.

b. Presentation, discussion, and action of proposed resolution to City Council in support of the victims of Japan.

Commissioner Rhea spoke about the terrible natural disaster Tsunami in Japan on March 11, 2011. He is asking City Council and the Austin citizens to support the people in Japan and the families in Austin affected by this tragedy.

Commissioner Rhea stated that this resolution is very timely because today the Greenpeace is holding 160 candle light vigils across the United States, including in Austin at 7:45 pm. He informed the Commissioners that last Sunday, Mayor Lee Leffingwell organized a flashlight vigil in connection with the organizers of South by Southwest, where they raised \$100,000.

Commissioner Rhea read the resolution; the Commissioners discussed, reviewed and added some language before the resolution went to the City Council for approval. Commissioners approved the resolution, Commissioner Cortez motioned, Commissioner Brenner second on a 7-0 vote.

4. OLD BUSINESS

a. Update on the proposal to host the 2011 International Association of Official Human Rights Agency (IAOHRA) - conference in Austin.

Commissioner Cortez mentioned that all Commissioners attended the Annual Work Plan meeting on March 19, 2011 with the exception of Commissioner Meyer, who could not be there. Commissioner Cortez informed everyone that Mr. Mark Washington also attended the meeting, presented some information, and handed out draft documents that can be used for the IAOHRA conference planning.

Commissioner Cortez stated that committees were created for the conference, and explained how they were set up. The Program and Planning committee will be chaired by Commissioners Cortez and Davis; the Budget committee will be chaired by Commissioner Brenner; the Registration committee will be chaired by Commissioner Meyer; the Volunteer committee will be chaired by Commissioner Rhea; the Transportation and Logistics committee will be chaired by Commissioner Davis; the Public Relations chair is to be announced; and the Special Events and Entertainment committee will be chaired by Commissioner Lofton. Commissioners talked about putting together an Advisory Committee to work with the Local Host Committee, to be responsible for a local funds development strategy.

Carla Scales mentioned that the staffs – volunteers of the Human Resources Department – were assigned to the committees. Ms. Scales told the Commissioners to get in touch

with those staff members to assist them so everyone can stay on target. She added that the planning committee will be set up after the conference call on April 6, 2011.

Commissioners suggested involving members of the Commissions from Corpus Christi and Fort Worth to assist with the conference. Commissioner Cortez expressed that this is the first time doing this event and that she is relying on Mr. Robertson in channeling and distributing information and maintaining everybody engaged in this process.

Mr. Robertson told the Commissioners and staff that we all need to meet deadlines because this is a big task and we are all committed to having a successful conference. He emphasized that the conference call of April 6 at 2:00 pm was very important to attend because it was going to have vital information concerning the planning and organizing of the IAOHRA Conference.

Mr. Robertson explained the conference's agenda items and events would need different numbers of volunteers on different days, which is why it is important to get the process up and running.

b. Discuss on the homeless issue in Austin as per our annual work plan and working with the Women's Commission.

Commissioner Cortez asked who wanted to take the Homeless Issues. Commissioner Scheps said that she will find out about the short-term issue of beds, but that the long-term issues were more important. Commissioner Cortez said that the item will remain closed until they have more information.

c. Discussion on the Annual Work Plan

Commissioner Cortez stated that during the work plan meeting, they developed three goals for 2011 and that the Commissioners will work on strategies to meet those goals. The first goal is working on a coherent message to educate and inform the public about the purpose, vision, and commitment of the Human Rights Commission; the second goal is creating a marketing plan for the Commission; and the third goal is to plan, develop, track progress, implement, and evaluate the IAOHRA convention for August 2011 to insure a successful event.

Commissioner Brenner and Mr. Robertson mentioned that some components of the goals were going to be addressed during the Hearing Process Training in April 2011. Ms. Scales emphasized that this training will have clarification on how the hearing process is done, with a representative of the Law Department present to explain the terms.

Mr. Robertson listed three issues he is going to discuss during the training. First, he will discuss the role of the Commissioners, the basics of the hearing process, dealing with evidence, and understanding the investigative process. Second, he will give an update of the Equal Employment Opportunity Commission (EEOC) and Fair Housing laws, specifically dealing with sexual orientation and gender identity. Third, he will explain how the Equal Employment Opportunity/Fair Housing (EEO/FH) Office deals with that information.

Mr. Robertson explained that the EEO/FH office offers good customer service, quality, and fairness, but it remains a neutral third party – an impartial fact finding entity. He

explained the training is going to be based on Civil Rights issues not on Human Rights issues.

Commissioners expressed frustration on how the hearing process was handled, and hoped that this training would be beneficial and helpful for future hearings. Mr. Robertson communicated that the case Mr. Marshal v. Six Lounge was successfully mediated with benefits to the complainant, and that the case is now closed.

Mr. Robertson and the Commissioners discussed the training date – either Thursday, April 21, or Tuesday, April 26, from 6:00 pm to 8:30 pm; the exact date and location would be announced.

5. STAFF BRIEFINGS

- Commissioner Cortez announced the Fair Housing Fair and invited Mr. Tony Robertson, the Administrator of the Equal Employment Fair Housing Office, to inform the Commission about the event. Mr. Robertson mentioned that the month of April is National Fair Housing month and is celebrated nationally. Mr. Robertson stated that 43 years ago, in 1968, the Fair Housing Law was passed under the Civil the Rights Act, Title VIII.
- Mr. Robertson invited the Commissioners to attend the event on April 12, 2011 at the Mexican American Cultural Center from 8:30 am to 1:30 pm. He informed them that there would be great speakers from the Department of Housing and Urban Development (HUD) presenting interesting and updated information, and that there would be good food. He said that the theme for the event was “Dare to Be Fair.”
- Commissioner Cortez announced with great regret that Commissioner Scheps, the Commission’s Vice Chair, had presented her resignation. Commissioner Cortez read the Commissioner’s resignation letter and thanked her for her service to the Commission. Commissioner Davis said that we would all miss her and wished her good luck.
- Commissioner Meyer talked about the 2011 Anti-Death Penalty Alternative Spring Break function. Five individuals who had been exonerated presented information on the abolition of the death penalty.

6. FUTURE AGENDA ITEMS

- Presentation of Mr. Wayne Krause, Attorney, who appeared before the Commission during the September 27, 2010, meeting will speak to the Commission regarding his feedback on the hearing process.
- Discussion on the Vice Chair election.

ADJOURN

Chair Judy Cortez adjourned the meeting at 7:06 pm without objection.