

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
COMMISSION ON HUMAN RIGHTS**



OFFICIAL COMMISSION MEETING

March 8, 2017
One Judiciary Square, 441 Fourth Street, NW, Room 1117

ATTENDEES

Commissioners:

Commissioner Fowlkes, Chair
Commissioner Figueroa-Garcia
Commissioner Herzog
Commissioner Maier
Commissioner McCollough

Commissioner Muhammad
Commissioner Mulhauser
Commissioner G. Reed
Commissioner Robinson
Commissioner Thomas

Office of Human Rights Staff:

Mónica Palacio, Director
Hnin Khaing, Deputy Director
Ebony Robinson, General Counsel

Commission on Human Rights Staff:

David C. Simmons, Chief ALJ
Dianne S. Harris, ALJ
J.P. Howard, ALJ
Natalie Camastra, Law Clerk
Allanah Wynn, Law Clerk

Members of the Public on the Agenda:

Michael Sindram

MEETING

I. CALL TO ORDER

Chairperson Fowlkes called the Commission's Official Meeting to order at 6:34 pm.

II. ROLL CALL

Chief Judge Simmons conducted the roll call, a total of seven Commissioners were present and an additional three Commissioners arrived shortly thereafter. A quorum was then present for an official meeting.

III. ADOPTION OF THE AGENDA & MINUTES

Initially a quorum was not present. Chairperson Fowlkes tabled these topics and moved

to the Report of the Director of OHR. During the Director's Report a quorum was reached. The Commission then adopted the March Agenda and officially adopted the proposed January Meeting Minutes. Commissioner McCollough moved to adopt the Agenda and Commissioner Mulhauser seconded the motion. Commissioner Robinson moved to adopt the Minutes and Commissioner McCollough seconded the motion. Both motions were approved unanimously.

IV. REPORT OF THE DIRECTOR OF OHR

Mónica Palacio, Director of the Office of Human Rights, gave the report of the Director. Director Palacio highlighted points of the written Director's Report provided to the Commission including:

- The OHR oversight hearing with Councilmember Allen went smoothly;
- A Gender Identity and Expression Policy Template and Factsheet will be released soon by OHR;
- OHR is certifying 38 EEO Counselors from the last round of its training program and the will begin another training series in March;
- The amount of cases at OHR has doubled over the past two years;
- OHR successfully completed a TedX event that was attended by Chairperson Emeritus Nkechi Taifa—the talks will be available online in the future.
- The annual Language Access Report will be released soon, featuring thirty-eight scorecards released for as many agencies;
- A review of recent legislative activity from the City Council and regulatory work at OHR.

The Commission asked questions about the OHR participation in the Mayor's Interagency Council on Homelessness—Tenant Barriers. Discussion also occurred regarding workplace resolutions achieved through EEO counselors in D.C. Government. A Commissioner also inquired whether the Language Access Program reviews the D.C. Courts—Director Palacio clarified that the jurisdiction of OHR's Language Access Program is limited to executive agencies under the Mayor's purview.

V. REPORT OF CALJ

Chief Administrative Law Judge David C. Simmons presented the report of the Chief ALJ.

- The Commission's docket currently has:
 - Seventeen (17) Commission Cases, and has received two (2) new cases and one (1) recertified in FY17;
 - Eleven (11) Office Cases, of which four (4) are new; and
 - Five (5) CBX cases, of which two (2) are new.
 - At this time the Commission has not received any FCRSA cases.
- To date, the Commission has closed:
 - Nine (9) Commission cases,
 - Three (3) Office cases, and
 - One (1) CBX cases.

- The Chief Judge attended a meeting on March 1 with the Office of Open Meetings. He explained what he learned from the meeting and noted requirements that the Commission must meet going forward with regard to notice of meetings, posting of the agenda, and approval and posting of minutes. An Open Meetings training is being organized for the Commissioners.
- The Chief Judge also addressed the qualified reasons to hold an executive session. He also reported that Office of Open Meetings saw no issue with the Commission's requirement to give seven (7) days' notice to address the Commission nor did it see an issue with the use of Robert's Rules of Order, with regard to *ad hominem* attacks.
- Commissioners Ali Muhammad, Karen Mulhauser, and Denise Reed are being nominated by the Mayor for reappointment to the Commission.
- Commissioner Lisa Bornstein is stepping down from the Commission. She has a high level of responsibility at the Lawyers' Committee for Civil Rights under Law in a new position that she took before the Committee's Director retired. Her workload has significantly increased and she does not want to compromise her service to the Commission.
- The Commission's two law clerks, Ms. Allanah Wynn and Ms. Natalie Camastra, are moving toward the conclusion of their clerkships and both have been outstanding. The Administrative Law Judges have identified Elijah Porter, a 1L from Howard and honors graduate of Fort Valley State, as a law clerk for the summer.

Commissioner Maier moved that the Commission staff be directed to draft meeting minutes for transmission to the Commission by the Friday after each Commission meeting going forward, and that a failure to object to the draft shall be considered tentative approval of the draft pending formal action at the next Commission Meeting. Commissioner Robinson seconded the motion. The motion was carried unanimously. Commissioner G. Reed inquired about updating the Commission website with the names of the Commissioners.

VI. OLD BUSINESS

A debriefing meeting regarding the Youth Human Rights Ambassadors program will occur on March 15, 2017, from 6-8 pm at Georgetown Law. Several topics for discussion at the meeting were addressed as well as the presentation developed by Commissioner Muhammad.

Judge Howard gave a brief update of the progress on the Case Management System.

VII. NEW BUSINESS

Timothy Thomas, a new Commissioner, was introduced. Mr. Thomas gave a self-introduction noting his work with the Office of the Attorney General and membership in the community of Ward 5.

On March 1, 2017, Chief Judge Simmons submitted an email notifying the

Commissioners of their statutory status as persons required to file public financial disclosure statements. The filing is done with the Board of Ethics and Government Accountability (“BEGA”) and must be completed by May 15. BEGA will communicate with the Commissioners electronically to initiate the filing process.

Chairperson Fowlkes announced to the Commission that he suggested that the Commission hold its meetings in the different Wards. Discussion was held on the suggestion and adding additional educational content to such meetings. Commissioner G. Reed moved that the Commission accept the suggestion of the Chairperson and periodically move the Commission’s bi-monthly meeting to the District’s various wards. Several Commissioners seconded the motion. The motion was approved unanimously. The Commission’s May meeting will be held east of the Anacostia River, at a location to be announced.

Commissioner Muhammad asked if OHR would be commemorating Ramadan again this year. Director Palacio said that an event has not been planned yet, but that OHR is looking to hold a broader event covering antisemitism, islamophobia, and other religious discrimination.

VIII. COMMUNITY COMMENTS

Community comments were provided by Mr. Michael Sindram. Mr. Sindram noted a public accommodations case of his involving a liquor store and complained of dismissal and a sustained dismissal at reconsideration. He stated his belief in the need for an intermediate level of appellate review between OHR and the Commission. Mr. Sindram also complained of procedural concerns and mediation scheduling.

IX. ANNOUNCEMENTS

The WBA Judicial Council will hold a Spring Symposium on March 30, 2017 the topic is “Justice, Power, and Politics: a Celebration of Women Leaders.” The panel will include Eleanor Holmes Norton; Elaine Jones; Sherrilyn Ifill; and D.C. Court of Appeals Chief Judge Designee, Anna Blackburne-Rigsby. A special presentation will be made to D.C. Court of Appeals Chief Judge Eric Washington and Chief Judge Designee Anna Blackburne-Rigsby.

X. ADJOURNMENT

The Chairperson asked for a motion to adjourn. Commissioner Muhammad moved to adjourn the meeting, Commissioner Mulhauser seconded the motion. No objection was heard and the Commission’s January 2017 public meeting adjourned at approximately 7:46 pm.

REVIEWED AND TENTATIVELY APPROVED BY A MAJORITY OF THE COMMISSION ON HUMAN RIGHTS, PENDING FINAL ADOPTION AT THE NEXT OFFICIAL MEETING OF THE COMMISSION.