

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



**OFFICIAL COMMISSION MEETING**

January 9, 2019  
One Judiciary Square, 441 Fourth Street, NW, Room 1117S

**ATTENDEES**

**Commissioners**

Earl D. Fowlkes, Jr., Chairman  
Ali Muhammad, Vice Chairman  
Motoko Aizawa, Secretary  
Wynter Allen  
Eleanor Collinson

Clifton Lewis  
Karen Mulhauser  
John Robinson  
Anika Simpson  
Timothy Thomas

**Office of Human Rights Staff**

Mónica Palacio, Director  
Rosa Carrillo, Interim Language Access Director

**Commission on Human Rights Staff**

David C. Simmons, Chief ALJ  
Dianne S. Harris, ALJ  
Toya Carmichael, ALJ  
Laura Higbee, Law Clerk

**Members of the Public**

J.P. Howard, ALJ, Office of Administrative Hearings  
Folasade Pyne  
Michael Sindram

**MEETING**

**I. CALL TO ORDER**

Chairman Fowlkes called the Commission's Official Meeting to order at 6:30 pm.

**II. ROLL CALL**

Secretary Aizawa conducted the roll call. A total of 9 commissioners were present, constituting a quorum. Commissioner Allen was there but had stepped out for a moment. Subsequently, one additional commissioner arrived and participated in the meeting.

### **III. ADOPTION OF THE AGENDA**

Commissioner Mulhauser moved to adopt the proposed agenda, and Commissioner Collinson seconded the motion. The proposed agenda was adopted by acclamation.

### **IV. ADOPTION OF THE MINUTES**

Commissioner Mulhauser moved to adopt the November 14, 2018 meeting minutes, and Commissioner Aizawa seconded the motion. The minutes were adopted by acclamation.

### **V. REPORT OF THE DIRECTOR OF OHR**

OHR Director Mónica Palacio, gave the report, highlighting the following:

- Director Palacio congratulated everyone on a successful gala last month and thanked everyone who attended and assisted.
- Director Palacio introduced Rosa Carrillo, OHR's interim Language Access Director. She started at OHR in December. Ms. Carrillo was previously the Language Access Program Director at Multicultural Community Service. The hiring process for a permanent Language Access Director is underway.
- OHR has chosen its new Street Harassment Prevention Program Analyst, who will be officially onboarded in February
- OHR's Spring EEO Certification Training begins January 29 and runs through April 24. This training helps EEO counselors across agencies assist DC government employees with discrimination complaints.
- In FY19 Q1, OHR conducted 183 intake interviews; mediated 85 cases; resolved 64 of those cases through mediation; and has approximately 586 pending cases. Director Palacio noted that these numbers are comparable to past FY Q1 numbers.
- On Monday, January 21, 2019, OHR will march with Mayor Bowser in the 38<sup>th</sup> annual MLK Parade and table at the Community Fair. Commissioners are invited to join.
  - o One commissioner asked about whether the Commission could have a banner for future parades, or alternatively, whether OHR could use a bigger banner than its current one, to increase OHR/Commission visibility across the District and especially in Wards 7 and 8. Director Palacio responded that Ajan Brown, Community Engagement Specialist, is working on OHR's visibility east of the Anacostia River. The issue of the banner will be explored.
  - o Another commissioner proposed having OHR/Commission posters or fliers in DC public libraries. Director Palacio liked this idea and said she would talk with her staff about implementing it.
- The next FY19 Human Rights Liaison Workshop will be Wednesday, February 6. It's intended for community members who interact with the public and may be contacted regarding HR issues. The workshop helps attendees better understand discrimination and how to help victims of discrimination navigate the complaint process. Director

- Palacio asked anyone interested in attending to email her for further details.
- OHR is working on miscellaneous reports such as the 2018 Annual Report and the reports required by such Acts as the Bullying Prevention Act and the Fair Criminal Records Screening Act.
  - The Language Access for Education Amendment Act, which requires additional entities such as public schools and charter schools to provide language access services, passed the Council on December 4, 2018. It is awaiting Mayor Bowser's signature.
  - The Employment Protections for Victims of Domestic Violence, Sexual Offenses, and Stalking Amendment Act passed the Council on December 4, 2018. It is also awaiting Mayor Bowser's signature. This Act will amend the Human Rights Act to prevent employment discrimination based on being a victim or family member of a victim of domestic violence, a sexual offense, or stalking.

## **VI. REPORT OF CALJ**

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

- The FY19 has been slow, which is not unusual. Thus far, the Commission has received one FCRSA case; one CBX case; and one Office case. The current docket has 18 Commission cases; seven Office cases; two CBX cases; and three FCRSA cases. Closure projections for FY19 are ten Commission cases; seven Office cases; three CBX cases, of which one has already closed; and three FCRSA cases.
- Four matters need tribunal assignments. Chief Judge Simmons emailed applicable commissioners to ask if they would participate in the tribunals. A couple of matters will require action by the Executive Committee. Attorney's fees cases were assigned to the same tribunal members who sat on the merits tribunal. Chief Judge Simmons asked commissioners to review the tribunal assignment sheet and contact him if any corrections are needed.
- Commissioners Collinson and Sanabria, whose terms expired December 31, 2018, have been approved by the Council for new terms. Commissioners Herzog and Robinson have not yet been before the Council. Their hearings are TBD.
- There is one vacancy on the Commission. Commissioner Figueroa-Garcia's term ended December 31, 2018, but he decided not seek reappointment. The ideal replacement candidate would be from Ward 2 or 7, neither of which is currently represented. Wards 3 and 6 are already heavily represented.
- The Office and Commission are no longer overseen by the Council's Judiciary Committee. They are now under the Government Operations Committee, chaired by Councilman Brandon Todd. The assigned deputy mayor for the Office and Commission is Kevin Donahue.

## **VII. OLD BUSINESS**

### **Human Rights Gala 2018**

Judge Harris provided a recap of the 2018 Human Rights Gala. It took place on December 11, 2018. The Neil Alexander Award winner was Paul Smith, who is known for Supreme Court advocacy on voting rights and LGBT rights. Several Street Law students also attended, and two of the mock trial participants gave their closing arguments at the Gala. Approximately 115-130 people attended. Judge Harris thanked everyone who attended and assisted with the event.

### **Youth Human Rights Ambassador Program**

On behalf of the Street Law Program, Chief Judge Simmons thanked everyone who volunteered during the fall 2018 Street Law Program, whether by visiting classrooms or judging/scoring the mock trial competition, and who helped with or attended the Gala. For those interested in volunteering for the spring 2019 Street Law program, which focuses on legal strategy and tactics, the preliminary rounds will be April 1, 3, and 9, 2019, and the final round will be April 11, 2019.

- One commissioner commented that giving the Street Law students opportunities to engage with adults is beneficial to everyone and hoped that more such opportunities could happen in the future.
- Another commissioner asked about the Street Law curricula. Chief Judge Simmons responded that they are flexible. Those who volunteered this semester covered such topics as what being a commissioner is like; what being a lawyer is like; and how to prepare for the mock trial.
- Administrative Law Judge J.P. Howard, a longtime Street Law volunteer, added that the scope of volunteering depended on where in the semester the students were. For example, the school Judge Howard worked with was already preparing for the mock trial when he visited, so he helped students with developing questions and other trial strategies.

### **Neil Alexander Award Discussion**

Chief Judge Simmons thanked the Committee for putting together the luncheon with this year's awardee, Paul Smith. He hopes to have similar events with future winners to provide an opportunity for more substantive discussion of what the winners do on a daily basis. Chief Judge Simmons also remarked that having past award winners at this year's Gala was something he would like to encourage in future years.

Chairman Fowlkes encouraged everyone to start pondering nominations for the 2019 award winner.

## **VIII. NEW BUSINESS**

Chairman Fowlkes took a moment to welcome back Commissioner John D. Robinson, who had been away after surgery and rehabilitation. The Commission expressed its pleasure in having him back.

### **Elections**

Both the vice chairman and secretary positions were available. For vice chairman, Commissioner Robinson nominated Commissioner Muhammad, the current vice chairman. Commissioner Mulhauser seconded. Vice Chairman Muhammad was unanimously reelected.

For Secretary, Commissioner Mulhauser nominated Commissioner Aizawa, current secretary. Commissioner Robinson seconded. Secretary Aizawa was unanimously reelected.

### **Community Comments Discussion**

Chairman Fowlkes proposed a new public input process. Instead of having community comments at every commission meeting, Chairman Fowlkes suggested dedicating the July meeting to public comments. This process would allow for a more formal presentation of community input. Chairman Fowlkes added that members of the public would still be allowed to propose agenda items within 14 days of the bimonthly Commission meetings.

- One commissioner mentioned that commissioners would need to have a stronger presence in the public to encourage people to attend. Chairman Fowlkes responded that OHR is in the field constantly, and they too can increase Commission visibility.
- Administrative Law Judge Toya Carmichael suggested announcing the Commission meeting dates at the upcoming Human Rights Liaison Training on February 6. Chairman Fowlkes liked that idea and agreed to make the announcement.
- Another commissioner suggested having materials at OHR to advertise Commission meetings given that members of the public interact with them in-person. In addition, advertising meetings in the aforementioned public library materials would increase awareness.
- Another commissioner emphasized the Commission's need to think about how to encourage attendance by members of the public. Another consideration is that entry into 441 4<sup>th</sup> Street NW, the Commission's default meeting site, requires photo ID. Chairman Fowlkes suggested having the July meeting somewhere in the community as opposed to the usual location in Judiciary Square.
- Director Palacio added that, based on her experience, the members of the public who do provide input will want to know what the Commission plans to do with that input.

Commissioner Robinson moved to accept Chairman Fowlkes' proposal. Commissioner Collinson seconded. The Commission unanimously adopted the proposal.

Chief Judge Simmons reported that he met with the Office of Open Government earlier in the week to discuss Chairman Fowlkes' proposal. The Office of Open Government approved of the idea of scheduling a special meeting to formally seek community input. He added that the

Commission needs to improve its compliance with other open government requirements, including posting materials such as meeting dates and proposed agendas on the DC Register and the Commission websites in a timely manner. Other information that should be widely distributed includes the process for members of the public to add items to the meeting agenda (within 14 days of the meeting and in writing).

**IX. COMMUNITY COMMENTS**

Michael Sindram gave community comments.

**X. ANNOUNCEMENTS**

There were no announcements.

**XI. ADJOURNMENT**

Commissioner Robinson moved to adjourn, and Commissioner Mulhauser seconded. The Commission's January 2019 public meeting adjourned at 7:30 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.**